

The Idea of Meaning and Regulation of Sexual Gratification as a Crime of Corruption in Indonesia

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Abstract

Strict and aimless law authorization is the key to battling debasement. One thing that requires clear control is the issue of giving sexual favours in cases including people indicted of debasement. The objective of this consideration is to supply an examination concerning the basic concept of sexual favours as an implication of the criminal act of debasement and the thought of the meaning and direction of sexual satisfaction as a shape of the criminal act of debasement. This considers utilizing a subjective strategy employing a literature audit strategy. The approach utilized in this article is one that is carried out by checking on and analyzing the case in conjunction with all important laws and directions. The comes about of this investigation are imperative for characterizing sexual satisfaction and lawful controls in Indonesia. Comparison with respect to sexual satisfaction controls in other nations, the presence of deterrents in law requirements regarding sexual satisfaction in Indonesia and challenges in reporting and demonstrating sexual satisfaction. The suggestion of this investigation is the significance of unequivocally characterizing sexual administrations within the Debasement Law, and they must be carried out socialization and promotion with respect to the concept of sextortion.

Keywords *Sexual Gratification, Corruption, Sextortion, Crime*

INTRODUCTION

Corruption is a very worrying social phenomenon in Indonesia. The number of corruption cases that continue to increase every year has resulted in a decline in public trust in the law and the criminal justice system. As revealed by [Widiyaningrum \(2021\)](#), corruption not only results in financial losses for the state but also damages morals and ethics in people's lives. Transparency International (TI) released its Corruption Perception Index (CPI), which included surveys from hundreds of countries. In 2023, IT surveyed 180 countries, and one of the results showed that Indonesia's CPI score remained at 34, the same as the previous year. However, Indonesia's ranking at the international level dropped from 110 last year to 115 in 2023. This decline shows that efforts to eradicate corruption in Indonesia still face many challenges ([Santoso et al., 2023](#)).

During the period 1995-2022, Indonesia's highest CPI achievement occurred in 2019, with a score of 40. However, since 2022, Indonesia's score has decreased to 34 and remained stagnant. This shows that there is stagnation in efforts to eradicate corruption in Indonesia. In Southeast Asia, Indonesia ranks sixth in the corruption perception index, below countries such as Singapore, Malaysia, Timor Leste, Vietnam, and Thailand. Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Corruption Crimes serves as a legal basis for criminalizing corruption perpetrators. This law defines corruption as acts that harm state finances, bribery, embezzlement, extortion, fraud, conflict of interest in procurement, and gratuities. The term "gratuity" was introduced as a new element in this law, which signifies an

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expansion of the definition and scope of corruption crimes (Tantry, 2021).

The world of law enforcement in Indonesia will certainly not forget the case of alleged bribery and sexual gratuities involving a Judge "S", who is considered to have received gifts or assistance in the form of sex in exchange for the decision he made. This case was decided on December 17, 2013, Judge Setyabudi Tejocahyono from the Bandung Corruption Court was sentenced to 12 years in prison and a fine of Rp. 200,000,000, - with the threat of an additional three months in prison as a subsidiary (Handrawan et al., 2022).

The case shows that sexual services are a small part of the total bribes received by relevant officials. This raises questions about how law enforcement in Indonesia will handle similar cases in the future. In addition, there is a need to distinguish punishment between People who are directly involved in providing, offering, or requesting sexual services, as well as those who are not directly involved but provide and pay sex workers for state officials (Syahputra, 2022). Gratuities and bribes in the form of sexual services cannot be considered solely as criminal acts of sexual harassment. There are elements of abuse of power and transactions that harm the Indonesian people at large, both directly and indirectly. This phenomenon shows the complexity of Indonesia's corruption problem, which requires a holistic approach to handling it (Wirautami & Utar, 2019).

The increase in corruption cases and the emergence of new forms of criminal acts demand deeper reforms in Indonesia's legal and judicial system. Strict and indiscriminate law enforcement is the key to fighting corruption (Daniah & Apriani, 2018). In addition, transparency and accountability in all lines of government need to be improved to reduce the chances of corruption. To achieve this, collaboration is needed between various elements of society, including the government, law enforcement agencies, civil society organizations, and the mass media. Efforts to provide education and increase public awareness about the risk of corruption are also important so that the community can play an active role in monitoring and eradicating corruption (Kristanto & Osmawati, 2022). Based on the previous explanation, the author of this article will analyze two main questions, namely regarding the basic concept of sexual gratuities as a form of corruption and the idea of regulating sexual gratuities as a form of corruption.

LITERATURE REVIEW

Corruption is a latent danger and has become an extraordinary crime (extraordinary crime) because corruption has the potential to be committed by anyone, the losses caused are huge and widespread (snowball or domino effect), and the target and victims can also be anyone (random target/random victim), organized or by an organization and transnational. Therefore, its eradication must also be carried out in extraordinary ways.

Gratuities are an important element in the reward exchange system and mechanism. This condition raises many questions for state administrators, civil servants and the community, such as what is meant by gratuity and whether gratuity is the same as giving gifts that are commonly carried out in society or whether every gratuity received by state administrators or civil servants is an act contrary to the law, then what forms of gratuity are prohibited or allowed. All of these are questions that are often encountered in every issue related to gratuities (Muhardiansyah et al., 2010).

In its current development, the giving of gifts or gratuities is not only limited to giving money or luxury goods, discounts, travel facilities, and others but also the beginning of the provision of sexual services known as hip services or blanket money as a provision or gratuity of sexual services to civil servants or state administrators. The provision of "sexual" services or facilities is the same as other grants or gratuities, namely aimed at facilitating and smoothing various activity projects or influencing policies from State officials or State administrators.

The regulation regarding sexual service gratuities has not been clarified in the explanation of Article 12 B paragraph (1) of Law Number 31 of 1999 in conjunction with Law Number 20 of

2001 concerning the Eradication of Corruption Crimes; of course, this regulation has also not expressly formulated the appropriate sanctions for the perpetrators, both the givers and recipients of the sexual gratuity services and also, in this case, the criminal sanctions for women who provide sexual services.

RESEARCH METHOD

This research is qualitative research using the Literature Study method. The literature study is structured by analyzing journals relevant to this research topic and adopting a normative approach to explore the norms of positive law in Indonesia. The approach used in this study is to analyze relevant cases (case approach) as well as all regulations related to the legal issue being analyzed (legislative approach) (Marzuki, 2005). The legal materials used in this study include primary, secondary, and tertiary legal documents (Nasution, 2008).

The legal materials used in this paper are collected through literature studies relevant to the problem discussed, then compiled through several stages such as editing, classifying, verifying, analyzing, and summarizing (Narbuko & Achmadi, 2005). To overcome these uncertainties, qualitative research adopts a natural approach in each stage of collecting and processing data obtained from information sources. Qualitative research involves collecting data in a natural context, using methods appropriate to the situation, and conducting it by individuals or researchers who have a scientific interest in the topic.

FINDINGS AND DISCUSSION

Regulation of Sexual Gratification as Corruption in Indonesia: Status Quo

Law No. 20 of 2001, as amended by Law No. 31 of 1999, especially in Article 12B paragraph (1), does not explicitly mention sexual services as a form of gratuity. Article 12B, paragraph (1) explains that "gratuity" is defined as a gift that includes various forms such as money, goods, discounts, commissions, interest-free loans, travel tickets, lodging facilities, tourist trips, free medical treatment, and other facilities. The gratuity can be accepted both at home and abroad and can be done with or without using electronic means (Trisia, 2020).

Based on the explanation above, efforts are needed to further explore the phenomenon of sexual gratuities. Sexual gratuities, as part of corruption, are acts that are detrimental and involve abuse of power and exploitation of positions for improper gains. The phenomenon of gratuities occurs not only because of the lack of firm legal provisions but also because of the complexity of interpreting such behaviour (multi-interpretation). This shows the need for a more specific and explicit explanation in the legislation regarding various forms of gratuities, including sexual gratuities, to prevent legal loopholes that can be exploited by corrupt actors.

The Phenomenon of Sexual Gratification Cases for Public Officials in Other Countries

Indonesia's legal situation is different from several other countries that already have legal regulations to criminalize sexual gratuities. For example, in Australia, the issue of sexual gratuities is regulated in the Immigration and Refugee Protection Act as well as in the Criminal Code. In Taiwan, there is an anti-corruption legal framework that specifically considers sexual favouritism as sexual gratuity. In the United Kingdom, Brazil, and Kenya, the anti-corruption laws of each country categorize sexual gratuities as a form of abuse of power by public officials (Bukido et al., 2023).

Comparisons with different countries show that clear and firm regulations on sexual gratification can help reduce ambiguity in law enforcement. Indonesia can learn from these countries in designing and implementing more detailed and comprehensive laws to deal with sexual gratification. The recognition that gratuities are not only material but also sexual services

will provide a more solid legal basis in efforts to eradicate corruption (Yusmad, 2020).

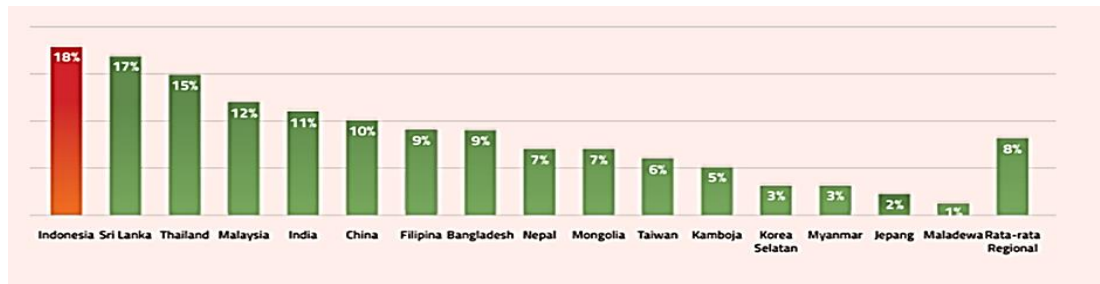


Figure 1. Comparison table of sextortion rates in Asia from the Global Corruption Barometer Indonesia Report 2020

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Indonesia experienced two high-profile cases related to sexual gratuities, such as the 2013 meat import corruption case, which played an important role in overseeing and managing natural resources in a sustainable and environmental manner, and the case of Judge Setyabudi Cahyo in the same year. The two individuals were proven to have committed the crime of corruption by asking for sexual services as a reward received by legal officials in exchange for abusing power (Muliadi, 2020).

Regulations regarding gratuities play an important role in supervising and managing natural resources in a sustainable and environmentally sound manner. Thus, gratuities ensure that mining activities are carried out by paying attention to environmental aspects and conservation of natural resources. The district/city government also has a central role in supervising and managing natural resources in a sustainable and environmentally sound manner. However, the phrase "other facilities" in this law still has varied interpretations and can cause difficulties in handling cases of sexual gratification (Novita, 2016).

Table 1. Characteristics of Sextortion, Sexual Bribery and Sex Gratification

Elements	Sextortion	Bribery	Sex Gratification
Abuse of power for personal gain (sex)		√	√
Sexual activity occurs consensually		√	√
There is a threat to access to public services	√		
Note	The holder of office or power actively asks as a form of threat or extortion	The user of the service or service actively offers to the holder of the position or power, as well as enters into an	The user of the service or service gives to the holder of the position or power without any agreement or

Elements	Sextortion	Bribery	Sex Gratification
		agreement or agreement to facilitate the process of the service or service	agreement related to the service.

Consensual sexual intercourse involving a party with certain power or authority does not fall into the category of sextortion. Consent from all parties involved is the key to the difference between sextortion and sexual bribery or sexual gratuities. Sextortion occurs when a person is the target of an obvious threat to access certain public services, which will be closed if the request from the perpetrator is not met. Sexual bribery in the form of a service or service user actively offering to the holder of a position or power, as well as making an agreement or agreement to facilitate the process of the service or service. Meanwhile, the user of the service or service gives to the holder of the position or power without any agreement or agreement related to the service (Marliana & Marini, 2022).

Based on the explanation above, Indonesia needs to reform the law related to the regulation of sexual gratuities. Sexual services can be included in the category of "other facilities" if accepted, which can affect the authority and integrity of legal workers, as well as affect legal decisions and public trust in the legal system. as a means that can be used to achieve the purpose of corruption crimes (Saefudin, 2022). Providing gratuities that include sexual services plays an important role in overseeing and managing natural resources in a sustainable and environmentally sound manner. Thus, this definition ensures that mining activities are carried out by paying attention to environmental aspects and natural resource conservation and addressing existing problems (Uswatina et al., 2021).

CONCLUSIONS

Regulations regarding gratuities in Indonesia, which are based on Law Number 20 of 2001 and Law Number 31 of 1999, still have loopholes that have not specifically captured sexual gratuities as a form of corruption. This causes ambiguity in law enforcement. Although Article 12B paragraph (1) provides a general definition of gratuity, including various forms of giving, it does not explicitly mention sexual services. To strengthen the legal basis in fighting corruption, legal reforms are needed in Indonesia that accommodate sexual services in the category of gratuities. The implications of this study are in the form of reforms in the form of clearer and explicit definitions in the anti-corruption law, as well as socialization to the public to increase understanding and participation in efforts to eradicate corruption.

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