COMPARISON OF ERADICATION CONCEPTS CORRUPTION CRIMINAL ACTS IN INDONESIA AND JAPAN

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ABSTRACT

Purpose: Abuse of authority is one of the constituents of article 3 of the Regulation for the Abolition of Depravity Offences; It is a rule of administrative law that includes criminal penalties, so there are many interpretations and criminal penalties for abuse of authority are lighter, since the crimes committed do not necessarily have purpose or intention and lack jurisdiction. Cases of corruption generally begin with the abuse of authority by those in power.

Method: The penalty imposed in the Law to punish criminal acts of corruption does not yet have a sense of justice for the accused, so the Law does not function according to the objectives, benefits and ideals of the Indonesian Law.

Results: This font of study is regulating. Descriptive and prescribed environment of this research. The method of vision is made from the statutory point of view, since in addition to describing and explaining the same policy of the public officials who were convicted, these are analyzed, through a process, through the Law of Government Administration and the provisions of the Law for the Extermination of Crimes of Exploitation.

Conclusions: The eradication of corrupt crime is a crime that is considered extraordinary. However, in modern Japan, corruption cases are lower than in Indonesia. Therefore, the comparison of the concept of eradication of dishonesty in Indonesia and Japan must be discussed.

Keywords: comparison of eradication, corruption crimes, penalties, regulation.

COMPARAÇÃO DE CONCEITOS DE ERRADICAÇÃO CORRUPÇÃO CRIMINOSA NA INDONÉSIA E NO JAPÃO

RESUMO

Objetivo: O abuso de autoridade é um dos constituintes do artigo 3 do Regulamento para a Abolição de Delitos de Depravação; É uma regra de direito administrativo que inclui sanções penais, por isso há muitas interpretações e sanções penais para abuso de autoridade são mais leves, uma vez que os crimes cometidos não têm necessariamente finalidade ou intenção e
falta de jurisdição. Os casos de corrupção começam geralmente com o abuso de autoridade por parte dos detentores do poder.

Método: A pena imposta pela Lei para punir atos criminosos de corrupção ainda não tem um senso de justiça para os acusados, por isso a Lei não funciona de acordo com os objetivos, benefícios e ideais da Lei Indonésia.

Resultados: Esta fonte de estudo é reguladora. Ambiente descritivo e prescrito desta pesquisa. O método de visão é feito do ponto de vista estatutário, uma vez que, além de descrever e explicar a mesma política dos funcionários públicos condenados, estes são analisados, através de um processo, através da Lei de Administração do Governo e das disposições da Lei para o Exterminação de Crimes de Exploração.

Conclusões: A erradicação da corrupção é um crime considerado extraordinário. No entanto, no Japão moderno, os casos de corrupção são menores do que na Indonésia. Por conseguinte, a comparação do conceito de erradicação da desonestidade na Indonésia e no Japão tem de ser discutida.

Palavras-chave: comparação de erradicação, crimes de corrupção, penalidades, regulamentação.

1 INTRODUCTION

At this time, Indonesia is trying to progress development, especially in Law (E. R. Itasari et al., 2020) Law enforcement is a way of creating order, security, and peace in order to prevent, eradicate, or prosecute violations of the law. Supervision/control of state power is the legal dimension of criminal law; It is not about regulating society, but about the authorities. (M. A. Nugmanovna et al., 2022). the rules cannot determine which criminal acts and criminal acts are the law applied will gain the legitimacy of the Community when the law is applied on the basis of the principle of equality as a reflection of justice.

It dishonors one of the criminal acts of the enemies of the entire Republic, which has been a convention to pay tribute to those who have not yet ruled, that is, those who are in power. Corruption is a global difficulty, a transnational crime, with negative effects of economic losses for the State as an exceptional crime (E. R. Itasari et al., 2020). The abolition of degradation is a priority of the Government, which must be done seriously and urgently, as well as part of the program to renovate the confidence of the country and the international public in economic development.

Corruption is, in general, corruption committed by the upper middle classes, or a white-collar crime, that is, crimes committed by men with excess wealth, who later appear respectable, have a fundamental position both in leadership and in society. World economy. The rules cannot determine which criminal acts and criminal acts are
considered criminal acts; the law applied will gain the legitimacy of the Community when the law is applied on the basis of the principle of equality as a reflection of justice (Livson M et al., 2021).

It dishonors one of the criminal acts of the enemies of the whole Republic, which has been a convention to pay homage to those who have not yet governed, that is, to those in power. Corruption is a global difficulty, a transnational crime, with negative effects of financial losses of the State as an exceptional crime. The abolition of degradation is a priority of the Government, which must be done seriously and urgently, as well as part of the programme to renovate the self-confidence of the country and the international public in economic development.

Corruption is, in general, corruption committed by high middle classes, or a white-collar crime, that is, crimes committed by men with excessive wealth, who then seem respectable, have a fundamental position both in leadership and in the world economy. (M. F. Dold and P. A. Lewis, 2022). Even offenders of debasement are not indiscriminate persons since they have admission to corruption, by ill-treating the expert, chance or middles obtainable to the corruption is the abuse of community organization for special profit using bribes or banned commissions (I. D. M. Suartha et al., 2020).

2 METHOD

Regarding the intricacy of the corruption difficult, ethical and psychological attitudes, routine and social needs and public ecosystem, financial requirements/requires and social welfare, financial assembly/systems, dogmatic systems/nation, progress machines and bureaucratic weakness and administrative measures (inspection), finances, and public services.

Recognizing the problem of corruption and the actual danger, that is, the influence of crime as an exceptional crime. To eliminate corruption, the Government of Indonesia takes seriously anti-corruption policies in the form of TAP MPR No. XI/MPR/1998; Law No. 28 of 19; Act 31 of 19 and Act No. 20 of 2001; Act No. 30 of 2002; Act No. 7 of 2006; High-Level Decree No. 11 of 2005; Presidential Order No. 5 of 2004 also issued regulations that are not directly in the context of the elimination of degradation, such as Act No. 15 of 2002 (G. Davis and R. Rhodes, 2020) as edited Law Number 25 of 2003; and the Mutual Assistance Act. It must be considered a national problem over a stability of stable and perfect phases connecting all of society's possible (D. Spade et al., 2020).
Taking into account the anti-corruption law, illegal abuse of experts and positions or the activities of state and remote officials that injury state money are considered acts of corruption mentioned in Article 2, Article 2, Article (1) and Article (3). Anti-Corruption Crimes Elimination Act No. 20 of 2001.

Article 2 of Law Number 20 of 2001:

(1) Any person who illegally performs an act of enrichment or of another being or corporation that may harm the finances of the State or the economy of the country shall be disciplined with life imprisonment or for up to 4 (four) years and up to 20 (twenty) years, and a minimum of 200,000,000,000 (two hundred million rupees) and a fine of up to 1,000,000,000.00 (one billion rupees).

(2) If the criminal act of corruption mentioned in article (1) is committed, the death penalty can be imposed under certain conditions. Based on paragraph 2 above, there are two types of criminal acts of corruption mentioned in article (1) and paragraph (2), namely: if article (1) details the preparation for the criminal act of corruption, it contains the following elements:

1. His deeds
   a) Enrich me.
   b) Enrich others.
   c) Enriching a concern.
2. By way of breach the Law.
3. Which can be harmful to state-run moneys or the nation's budget.

Furthermore, in Article 3, the formulation is as follows:

Anyone who, for their own benefit or that of another person or persons, swearwords the skills, opportunities or middles obtainable to them in situations or circumstances that may harm the economy or the state budget, shall be punished with captivity. One year and not more than twenty (twenty) years, or a fine of not more than fifty (twenty) 000 (fifty million). Rs) and maximum fine. 1,0,000,000.00 rupees (one billion rupees).

4. The formulation of Article 3 contains the following elements: Unsur-unsure Objektif:
   a. his deeds
   1) Abuse of authority.
   2) Abusing the opportunity.
3) Abusing the means.
b. What he has
1) Because of the position.
2) Because of position.
c. Which can be detrimental
1) State funds.
2) The country's economy.
5. Subjective element, with the aim of:
   a. Profit yourself.
   b. Benefit others.
   c. Profit a corporation.

The definition of unlawful in Law Number 31 of 1999 Jo. Law Number 20 of 2001 is contained in the explanation of Article 2 paragraph (1), which states (I. Gunawan Purba and A. Syahrin, 2019):

What is understood "illegally" in this article are actions contrary to the Law, both in the proper logic and in the quantifiable mind; That is, when these movements are not regulated by laws and regulations, these actions are considered shameful, because they are not for a sense of justice or for the rules of social life, so can these actions be punished?

The definition contrary to the law is contained in the general instruction of Law No. 31 of 1999; They say that, in order to achieve increasingly sophisticated and complex operational forms in the moneys of the State or in the budget of the nation, the illegal acts regulated in this law are framed in such a way that one or extra individual or another company implies illicit enrichment in a proper and factual sense. The definition of illegal corruption may also include shameful acts to be prosecuted and punished, depending on the importance of justice in society.

The legitimacy of the misuse of expert and the act against the laws of state officials and individuals that harm state finances is an attempt to prevent and eradicate corruption in Indonesia, de facto dominated by state officials and threatened by the articulation of the country's economy. The facts show that the main cases are goods, services and budgetary abuse, so that acts of corruption are abuse of authority and office, one of the elements of tutelages 2 and 3 of the Law to eradicate corruption (A. Dwi et al., 2023).

The formulation of Article 2 passage (1) and Article 3 of Law Number 31 of 1999 in combination with Law Number 20 of 2001 regulates explicitly acts of exploitation
against perpetrators with status as Regional Heads, Civil Servants, and Private who was charged with using money from the Income and Expenses Reasonable Areas for personal interests or those that are not by their designation.

In law enforcement, Articles 2 and 3 of the Law on the Abolition of Corruption Corruptions raise several problems in the application at the justice level; there are regularly different explanations and rebel opinions about essentials compared to the Law and misuse of expert or condition which result in other crimes and convictions of corruptors who are alleged of violating the Law. Object 2 and Article 3 said (S. Hindes and B. Fileborn, 2019).

Related to the notion of abuse of authority according to Jean Rivero and Waline, which is understood in 3 (three) forms, namely: (A. Sikora et al., 2021)

1. Misuse of expert to obligate acts contrary to the community awareness or profit private interests, group groups.
2. Swearwords of authority means that officials' actions are appropriately aimed at the populace notice but diverge from the resolution of the professional granted by laws or other laws.
3. Misuse of expert means misusing it to accomplish specific goal line but has used other events to get it done.

An illegal action is an act prohibited by law. Abuse of authority is an act dedicated by a individual or official authorized by law in a position. He uses it for personal and collective interests, to enrich himself and certain groups and to harm the interest or public interest of many people.

The element of financial detellification of the State is used as an preliminary argument to denounce an authorized, short of mentioning the form of the crime. Backwards thinking. The element to damage the finances of the State is that of an official who violates the law. An official who uses the finances of the State may not be classified as prejudicial to the finances of the State if he acts in accord with the valid law (R. Zulyadi et al., 2020). The problem of abuse of power and corruption is not an understanding of politics, but of the relationship between power and bribery. The source of the policy of public officials, both of the obligated authority and of freedom, is not the framework of criminal law, so in many cases there have been cases of corruption in Indonesia arising from allegations of abuses of power and acts against the law, which implies a criminalization of policies. (A. Bigenwald and V. Chambon, 2019).
Concept of abuse of authority in the gray zone. Connection among criminal law rules and governmental law rules. Within the legal framework of state government, the parameters (discretionary power) that limit the free campaign of the professional of the status machinery are memory (intentional action) and will power (willful action). Wederrechtelijkheid. The problem is that the state apparatus has abused its authority and performs an act that is considered contrary to the law, which means that it will be used as evidence for deviations from this state apparatus, for the governmental law of the state or for criminal law, especially in cases of corruption. Understanding of the determination of jurisdiction remains narrow in the life of judicial drill.

The increase in officials encountering corruption is a worrying phenomenon that creates problems for government. In addition to accusations of personal enrichment, rewards and bribes, they were also attributed the status of corruption suspects, as their policies were suspected of causing losses to the state. In the eyes of the public, many public officials have been declared suspected of corruption. This can be interpreted as a success of the anti-riswah organization in the fight against crime. Meanwhile, for government officials, it is considered a scourge, because there are no guarantees that the same thing will occur and become a prisoner, because they are included in the criminal law of corruption.

In addition to dragging in ministry officials, some regional leaders have been caught up in corruption cases because they gave policy. (O. O. Usubovich and Z. D. Ne'matillaevna, 2022). On the one hand, public officials are representatives of the State whose decisions form part of the protected legal products; In addition, the absence or absence of standardized administrations in government actions or activities leaves them trapped when faced with a gray policy zone. At the same time, abuse of authority falls within the competence of criminal law, so that the absence or absence of elements of abuse of power can be examined before the general courts. Other groups consider that state administrators must demonstrate that the abuse of authority according to the principle of speciality (the speciality begins) is that deviation from that principle is an abuse of power. In this context, allegations of abuse of authority fall within the competence of administrative law and, therefore, of the competent authority of institutional justice to examine the existence or not of elements of abuse of power (The State Administrative Court).
The application of this mechanism must be in line with the application of illegal law to the ultimum remedium principle; The existence of provisions for criminal sanctions is the latest sanction after civil and administrative sanctions, so far complaints of abuse of authority have been immediately incorporated into the realm of criminal law, although a policy cannot be punished. According to Hans Kelsen, legal responsibility is the perception of legal liability. A person is legally responsible for a particular act or has legal responsibility (G. Nazarova, et. al., 2021). Legal liability theory explains the relationship between policymakers and policies that cause financial losses to the State. Financial losses of the State connected to a criminal act of corruption. Policymakers have the capacity to act, and are therefore criminally accountable.

Criminal threats are a logical consequence of criminal acts against the law, related to mistakes and committed by persons capable of being responsible. Corruption is also considered immeasurable in law enforcement. This has to do with the criminalization of law enforcement officials against officials of the countries concerned. Many corruption cases are poorly managed, even if it is the beginning of corruption. The application of the law becomes prudent. If state officials are afraid to make policies, it can be said that negligence or omission becomes a dilemma for policyholders.

All actions must be seen from an internal attitude (the human head), the presence of an component of guilt or responsibility in the person, the connection among cause and action (oscillation/crime) and the lack of causes for apologizing. This is an element of error in the Indonesian Penal Code, as it is a psychological element in the existence of a crime. If a decision is made without malicious intent, it is not punishable because there is no crime without error (G. Strap Xander Schuldt).

Based on the previous description, the researcher needs to investigate the legal reformation of abuse of power in the crime of corruption based on the values of dignified justice so that the state administration considers that legal justice is the justice that humanizes people. Pancol respects justice based on the second standard of justice. As human beings, we need a fair trial even if we are convicted. Dignified justice is justice that strikes a balance among rights and duties. Justice, not only material, but also spiritual, is automatically maintained and places man as God's creation, whose claim is confirmed.

2.1 FORMULATION OF THE PROBLEM

The formulation of the difficult to be discussed in this research is as follows:
1. What is the concept of removing corruption in Indonesia?
2. What is the concept of eradicating corruption in Japan?

2.2 RESEARCH PURPOSES

Based on the formulation of the difficult, the objective of this analysis is to:
1. Study and discover the concept of eradicating corruption in Indonesia.
2. To analyze and discover the concept of eradicating corruption in Japan.

2.3 RESEARCH PURPOSES

Research is a scientific activity based on the method (A. Biloshchytzkyi et al., 2021), systematic, and which aim to analyze some or several phenomena of Law and society through study. For scientific research to work properly, it is necessary to use a reasonable and adequate research method. Methodology is an element that must fully exist in scientific research and development. The research method can be said as an overview of the phenomena selected by the researcher to investigate or a guide to conduct the research.

The research paradigm is a fundamental way of perceiving, thinking, judging, and doing something about reality. In this study, the constructivist paradigm sees the social sciences as a systematic analysis of social work, directly observing social agents in natural environments to understand and interpret how social agents create and maintain the social world.

This investigation is a legal violation (D. T. H. Hutabarat et al., 2022). Rigor the sociological legal analysis. Legal norms, analyzing the problems and research on legal principles and referring to the legal norms of the legal norms.

Since this study is based on secondary data, data collection was carried out through library and document studies. Library research, i.e. the collection of data upon review of library resources or secondary information, first-order legal resources, secondary legal materials, and third-order legal materials related to the problem being studied. The first legal material as law and regulation related to the discussion of the topics of this research. Meanwhile, second-degree legal materials obtained from literary studies are in the form of books, magazines, and opinions of scholars. Third-rate legal materials protect second-rate legal materials such as dictionaries and encyclopedias.
Data analysis can be done qualitatively or quantitatively (S. U. Wicaksana Prakasa et al., 2019). This qualitative analysis is performed in a descriptive and prescriptive way, since this research not only aims to explain or describe the reality of statutory (legislative) policies as expected.

3 RESULTS AND DISCUSSION

3.1 DISCUSSION COMPARISON OF CORRUPTION ERADICATION CONCEPTS IN INDONESIA AND JAPAN

3.1.1 The Concept of Eradication of Criminal Acts in Indonesia

Government efforts to deal with cases of corruption are implemented through various policies, such as laws and regulations, from the 1945 Constitution to the Anti-Corruption Act. In further, the administration has founded commands to prosecute and eliminate criminal activities of corruption, such as the Commission for the Analysis of the Assets of State Administrators (CGPJ) and the Anti-Corruption Commission (CGPJ). Also, it houses the offices of the Attorney General of the Democracy of Indonesia and the police. (S. Ramadani, 2021).

One of the factors considered to satisfy public justice is poverty of the corrupt. Law No. 8N of 2010, Joe Susilo and Fuad Amin (DPRD Bankulla, Maduro) and Law No. 20 of 2001 can impoverish corrupt people. Impoverishment penalties for corrupt persons are likely to include financial penalties. The monetary penalty combines the value of the penalty, the replacement penalty, and the amount of proof or asset forfeiture. Non-monetary assets are not involved in court judgments due to lack of appraised value (S. N. Hidayat et al., 2020).

As of April 2016, the Estimated Value of Corruption Cases (FEB) for the period 2001-2015 were not included in court judgments of non-monetary assets for loss to LMU and the state. On the other hand, the authorization manual is IDR 21.3 billion based on the court decision. This elevations the query of why there is a distinction among state damages and financial liability imposed on the corrupt. One reason is that the prosecutor's demands for these monetary penalties are less than the importance of the state's damages, so the magistrate's judgement to inflict a fine is a loss of contract rather than a significant payment. (A. Biloshchytksyi et al., 2020).

Corruption of government officials is an example. (PNS) between 2001-2015, which resulted in 1,115 convictions. State losses due to crime amounted to IDR 21.27
billion. In this case, the state party had only one claim. IDR was IDR 1.04 trillion and monetary penalty was lone IDR 844 billion.

One more sample is corruption. 480 convicted members of the legislature. State losses are estimated at IDR 1.63 trillion. However, Only the prosecutor's requests were up to the PR. 537 billion, and there was no conviction imposed by the judge in court 402 billion State.

The above two examples show that financial penalties imposed on individuals guilty of corruption are more or less favorable than state damages. Similarly, the Anti-Corruption Commission (CNMC) found that the lightest economic sanction is the IDR. 50 million. Aqeel Mokhtari was fined $1 billion, with a maximum fine of IDR 10. In the case of Joko Susilo, a penalty of IDR 1 billion was inflicted and the state paid IDR 32 billion in compensation. Similarly, Anas Urbaningram received compensation of Rs.500 crore and Rs.57,592,330,580.00 and Rs.5,261,070 respectively.

In addition, the government has established commissions to prosecute and eliminate criminal activities of corruption, such as the Commission for the Analysis of the Assets of State Administrators (CGPJ) and the Anti-Corruption Commission (CGPJ). Also, it houses the offices of the Lawyer General of the Democracy of Indonesia and the police. (T. A. T. Nugroho and H. D. Surjono, 2019). In addition, the government established commissions to prevent and eliminate criminal activities of corruption, such as the Asset Analysis Commission of State Administrators (CGPJ) and the Corruption Eradication Commission (CGPJ). In further, it has the Offices of the Lawyer General and Police of the Indonesian Republic. (H. J. Miller et al., 2021).

At present, various law enforcement officers have the power to root out corruption in Indonesia. The National Police of Indonesia, the Office of the Lawyer General of the Democracy of Indonesia, and the Anti-Corruption Commission play an important role in the struggle against corruption (Teixeira, T. C et al., 2021).

Regarding the Anti-Corruption Commission Bill, the DPR and the government decided that the Vigilance Commission would be headed by VAP. The provisions relating to the members of the Board of Control, their functions, position and method of election are established in Articles 37A to 37G. The Supervisory Commission represents KPC Advisors. One of the functions of the Control Council that has received attention is the approval of telephone hearings, consultations and terminations. In section 37B (1) insert letter B.
Other responsibilities of the supervisory board included in the draft amendment include overseeing the work of the KPC, founding an ethics code, annual evaluation of the responsibilities of the head and members of the KPC, and submitting an evaluation report to the president and DPR.

The Supervisory Board consists of five members, one of whom serves as Chairman. They are appointed and appointed by the President during Committee Elections. The president also constituted a committee for the selection of council members. IPC does not elect leaders that way. The names of DPR presidential candidates should not be submitted to the Supervisory Board for consultation only. Furthermore, the new KPC law revoked the mandate of KPC representatives as investigators and prosecutors. This can weaken the PCs as commissioners' powers are increasingly limited.

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3.1.2 The Concept Of Eradication Of Corruption in Japan

A civilization of shame and integrity that successfully eradicates corruption in Japan. Because public officials are not willing to sin in absolute mercy; The perpetrators often resign when these corruption cases are exposed. (A. HAREFA et al., 2020).

Japan does not have specific anti-corruption laws as corruption is grouped as a common crime, not uncommon as in Indonesia. Japanese laws, which govern corruption-related criminal activities, include:

1. The Unfair Competition Prevention Act (Act no. 47 of 1993);
2. The Penal Code (Act no. 45 of 1907);
3. National Public Service Ethics Act (Act No. 129 of 1999) (Ethics Act);
4. National Public Service Ethics Code (Gov. Ordinance No. 101 of 2000);
5. The Act on Prevention of Transfer of Criminal Proceeds (Act no. 22 of 2007);

As mentioned above, laws and rules connected to the criminal activity of corruption in Japan do not have clear legislation to eliminate corruption. Includes Japanese rules and regulations regulating crime-related criminal activity (D. Ginting et al., 2020):
   b. Penal Code relating to the criminal act of bribing regional civil servants (Act No. 45 of 1907).
   c. The National Public Service Ethics Law (Law 129 of 19) (Ethics Law) is the main regulation for the Japanese civil service. One is the obligation to receive gifts or favors from government employees; One of the restrictions is that public officials cannot accept bribes from bureaucrats in their area.
   d. The Code of Ethics for the National Public Service (Government Decree No. 101 of 2020) is a model derived from the Ethics Act; This rule governs the prohibition against public servants accepting gifts or favors from people in connection with their work.
   e. The Law prohibiting the taking of benefits for mediation by persons appointed in community facility (Law No. 130 of 20) (The Profit Act for Mediation) regulates bids made by diet or kokkai or the Japanese parliament.
   f. Criminal Money Transfer Prevention Act relating to money laundering offences (Act No. 22 of 2007).
   g. The Whistleblowing Act (Act No. 122 of 2004) protects a person who becomes a whistleblower.

The protection provided includes:
   a. protection against dismissal,
   b. Protection for cancellation of work contracts,
   c. Protection from unpleasant treatment, such as demotion, salary deductions, etc.

Corruption in the secretive zone is not subject to the overhead rules, but they are regulated by the Companies Act and must be punished and prosecuted. As said by the law, a person who accepts a bribe, who cooperates with, proposes or orders bribes in the performance of their duties, is run by government officials or government officials.
Therefore, it can be explained that trying to give gifts or hospitality can be interpreted as bribery. Bribery offenders are those who take action or offer, and officials who accept bribes, who can be convicted. In further, if a supervisor or other employee is known to have encouraged bribery, you can as well receive criminal penalties. Also, the Unfair Competition Prevention Act (UCPA) prohibits Japanese nationals from purchasing foreign government officials other than the Japanese government. This also involves government executives working foreign.

Agencies to eliminate corruption in Japan have the power to capture, investigate, seize, and litigate corruption cases in the prosecution, in addition to other criminal activities conducted by the Japanese police (National Police Agency) or the Populace Prosecutor's Office of Japan (Public State Prosecutor's Office). In further to police and prosecutors, there are extra agencies connected to the preclusion and removal of corruption in Japan, namely:

a. The Japan Financial Intelligence Center (JAFIC)

JAFIC is responsible for countering money laundering and terrorist financing in Japan. All public and private organizations or institutions are requested to submit reports to JAFIC. If JAFIC finds suspicious activity, JAFIC must report it to the relevant law enforcement agency, such as the police, the prosecutor's office, or the Securities and Exchange Surveillance Commission, which may inflict governmental consents or smooth criminal investigation.

b. The Japan Fair Trade Commission (JFTC)

The JFTC has enacted legislation to prohibit Japan's private monopoly and to maintain fair trade (anti-monopoly laws) to maintain fair and accessible market competition. The latest amendment to the Antitrust Act empowers the JFTC to conduct criminal investigations. Once the investigation has begun, the JFTC can initiate criminal proceedings with the Lawyer General's Office under the provisions of the Antitrust Act. Obstruction of justice is punishable by administrative order, with a greatest sentence of one year in lockup or a penalty of up to 3 million Japanese pounds.

c. The National Public Service Ethics Board (Ethics Board)

This Board ensures that the Government properly implements the National Public Service Ethics Act (the "Ethics Act"). The Council may independently investigate or work with a person appointed by a public official if it believes its findings are materially related to the officer's responsibilities, conducting studies on-site to clarify alleged violations. In
further, this assembly may summon witnesses, and witnesses are asked to submit necessary details or materials that are relevant and deemed necessary to maintain public trust. Inconsistencies with investigations (such as falsifying reports or concealing information) will result in disciplinal authorizations for example dismissal, pay cuts, or reprimands from office.

The powers and tasks of the National Public Service Ethics Board include:
1. Cabinet views on enactment, amendment and repeal of The National Public Service Ethics Act;
2. Prepare and revise the standard of disciplinary action applicable to violations of the National Public Service Ethics Act;
3. Study, analysis, and plan ethical problems of government officials;
4. Comprehensive planning and coordination of training programs on ethics for government officials;
5. Advice and instruction to ministries and agencies to implement the National Public Service Ethics Act;
6. View reports on gifts, stock transactions and earnings;
7. Questioning a government official on suspicion of violating the National Public Service Ethics Act;
8. Conduct investigations on site to clarify alleged violations, summon witnesses, and urge witnesses to submit necessary reports or relevant materials;
9. Conduct investigations if necessary, request the head of each ministry or agency to take necessary measures to supervise his officials, and
10. Investigate, if necessary, take disciplinal action against a government official if he violates it.

National Public Service Ethics Law, the Audit Board of Japan (Audit Board), the Audit Board, is responsible for auditing the state accounts and accounts of a company if the Government of Japan owns 50% or more of the company's shares. If there is any indication of corruption in such an audit, the Audit Commission will send it to the Attorney General's Office for further investigation.

The fight against corruption in the private sector. Bribery in the private sector is not a criminal offence under the Penal Code (KUHP). However, there is a provision for punishment in the Companies Act:

a. Bribery or bribery by directors, auditors and others;
b. Paying or accepting bribes for shareholder rights and other uses;
c. Provision for the benefit of directors, auditors and others at the expense of the company or its subsidiaries in exercising shareholder rights.

Cultural factors supporting the success of eradicating corruption in Japan. There is a wide culture of shame in Japanese society if you know they didn't do their homework well. They are more likely to commit suicide than to live in shame. Therefore, although there is no specific law to eliminate corruption in Japan, and although the maximum punishment for corrupt people is only 7 (seven) years in prison, the punishment for carrying shame is the harshest punishment. It is supported by the media, which is active in condemning an act of corruption. As a result, there has been a big embarrassment for the corrupt.

Even Toshikatsu Matsuoka committed suicide when several officials, including the Minister of Agriculture, Forestry and Fisheries, were charged with corruption after he failed to explain the use of the $240.0 fund, which "won free water for one species, but was a signal". Yoichi Otsuki and Shokei Arai also committed suicide due to corruption. So they do. Also, officials who say they have committed no crime immediately resign their positions, even if the public doesn't want it (especially if the community says cultural shaming has had a negative impact, as the report notes) in which the system works. Informing peers or elders can embarrass the institution, so the reporter can be ostracized. Accordingly, the Whistleblowing Legislation Act (122 of 2004. A law was created that gives confidentiality and protection to someone who becomes a whistleblower.

In addition to the culture of shame, honesty has a value attached to Japanese society. Japanese lawyers are rarely seen distorting facts and making mistakes; If clients know they are guilty, they will be willing to accept the crimes and return the consequences of the corruption.

In Japanese legal practice, a suspect who does not confess is forced to be arrested. On the contrary.

Suspect will not be arrested if he is not classified for crimes of 300 million yen or more. Examples of corruption in Japan. Despite a good ranking in the Perception of Corruption Index, Japan has not completely escaped the corruption scandal. They are also very famous in corruption scandals, for example:
Corruption cases in Japan. Despite being in a good position on the Perception of Corruption Index, Japan has not completely escaped the corruption scandal. They are also very famous in corruption scandals, for example:

Prime Minister Kakui Tanaka was forced to resign after the case was exposed in 1974.

The hiring scandal began when Recruit Cosmos Co gave them shares to list on the Tokyo Stock Exchange, so lawmakers could later use the authority of lawmakers to help Recruit Cosmos Co. develop its business. Prime Minister Noboru Takeshita also had to resign over his involvement in the recruitment case. Cuba's Sagawa Kubin scandal as a parcel service turned the "support" of these politicians into a large company that received a national license for parcel services, paying LDP politicians large sums of money at the expense of the transportation sector.

A study of corruption in Japan on legal rules, ethics, and rules. Structure of legal rules on bribery in Japan based on the following criminal code (Law No. 45 of April 24, 1907):

3.1.3 Chapter xxv Crime of Corruption

3.1.3.1 Abuse of Authority by Public Officers

Article 193: When a public official abuses his authority and compels another person to do something that that person has no obligation to do or prevents another person from practicing for more than two years, that person's right, imprisonment or imprisonment.

3.1.3.2 Abuse of Authority by Notable Public Officials

Article 194: When a person performs or assists in judicial, prosecution or police duties, abuses his power and illegally arrests or locks up another person, he shall be punished with imprisonment for not more than six months or not more than ten years.

3.1.3.3 Assault and Cruelty by Notable Public Officials

Article 195(1): Any person performing or assisting in the duties of the judiciary shall be punished with imprisonment for a term not exceeding seven years for assault or physical or mental cruelty on the accused, suspect or any other person. (2): This applies when a person who cares for or protects another person is detained or imprisoned in
according to laws and regulations and commits acts of physical or psychological assault or cruelty toward that person.

3.1.3.4 Abuse of authority resulting in death or injury by notable public officials

Article 196: If a person commits the offence referred to under the previous two paragraphs and causes death or injury to any other person, he shall deal with the offence of injury or the punishment prescribed for the preceding two paragraphs, whichever is higher.

3.1.3.5 Acceptance of Bribes; Acceptance on Request; Acceptance in Advance with the Assumption of Office

Article 197 (1): If any public official accepts, requests or accepts bribe in the performance of his duties, he shall be punished with imprisonment for not more than five years and if he agrees to perform the said act on the basis of that request, the term of imprisonment shall not exceed seven years. (2): When a person appointed to a public official commits to accepting, requesting, or accepting a bribe related to any duty taken by the contract to take action in response to a request, that person will be punished with imprisonment for up to five years.

3.1.3.6 Delivering Bribes to Third Parties

Article 197-2: When a public official agrees to take action in response to a request, the third party is promised to bribe or bribe the third party in the performance of the officer's duties.

3.1.3.7 Aggravated Acceptance; Acceptance After Resignation

Article 197-3 (1): If a public official commits an offence under the previous two articles and acts illegally or leaves office, then there is a provision of imprisonment up to one year. (2): This applies when a government official orders, requests, or accepts, or when he gives a solution to a third party or asks for or buys a bribe from a third party related to an illegal act. It does not perform the duties of the officer. (3): If a person renounces the status of a public official, accepts bribes through illegal acts, requests or orders, or refuses to perform his duties, he will be sentenced to five years in prison.
3.1.3.8 Acceptance for the Use of Influence

Article 197-4: Any public official who accepts, requests or promises in exchange for the influence of the officer, or surrenders to any other public official, behaves unlawfully or resigns from the performance of his official duties, shall be punished with imprisonment for a term which may extend to five years.

3.1.3.9 Confiscation and Collection of Amount of Equivalent Value

Article 197-5: Bribes received from criminals or third parties shall be confiscated. When the whole or part of the bribe cannot be confiscated, an equal amount will be collected.

3.1.3.10 Giving a Bribe

Article 198: If a person pays, offers, or promises any bribe mentioned in Sections 197 to 197-4, he shall be imprisoned for up to three years or fined 2,500,000 yen.

<table>
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<tr>
<th>YEAR</th>
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<th>INFORMATION</th>
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Source: Prepared by the Author, (2023)

4 CONCLUSIONS AND SUGGESTION

From the 1945 Constitution to the Anti-Corruption Commission Act, the government's efforts to deal with corruption cases have been made through various policies. Additionally, the government has established commissions directly to prevent and eliminate criminal corruption activities, such as the Commission for Examination of Assets of State Administrators (KPKPN) and the Commission for the Elimination of Corruption (KPK). There are also offices of the Attorney General and the Police of the Republic of Indonesia. The impoverishment of the corrupt is a speech intended to satisfy the public's sense of justice. Act No. 8 of 2010 and Prevention and Eradication of Money Laundering Act of 2001 imposed on Joko Susilo and Fuad Amin (DPRD Bangkalah,
Maduran) can free them from corruption. Punishment for impoverishing corrupt officials includes the possibility of fines. Monetary penalties combine the value of fines, replacement fines, and the amount of evidence or asset forfeiture. Non-monetary assets are not involved for there is no estimated value for that value in court decisions.

As mentioned above, rules and protocols connected to the criminal action of corruption in Japan do not have clear legislation to eliminate corruption. Japanese laws and regulations regulating crime-related criminal activity include:

The Prevention of Unfair Competition Act (Act No. 47 of 1993) deals with the criminal act of bribing foreign government employees. Penal Code relating to the criminal act of bribing regional civil servants (Act No. 45 of 1907).

The National Public Service Ethics Act (Act No. 129 of 19) (Ethics Act) is the primary regulation of the Japanese Civil Service. One of the themes is the obligation of government employees to receive gifts or compensation; One of the restrictions is that government employees cannot accept bribes from officials in their area. The National Public Service Ethics Code (Government Ordinance No. 101 of 2020) is a derivative regulation of ethics law; This regulation regulates the prohibition on receiving gifts or entertainment from parties related to the responsibilities of public servants.

The Law prohibiting the taking of profits for mediation by persons engaged in public service (Law No. 130 of 20) (The Profit Act for Mediation) regulates bids made by diet or kokkai or the Japanese parliament. The Prevention of Criminal Money Transfer Act relating to money laundering offences (Act No. 22 of 2007). The Whistleblowing Act (Act No. 122 of 2004) protects a person who becomes a whistleblower.
REFERENCES


A. Bigenwald and V. Chambon, (2019), "Criminal responsibility and neuroscience: No


