

## Non-Penal Efforts in Overcoming Crime of Corruption by Building an Anti-corruption Culture for "Didikan Subuh" Participants in Padang

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### Abstract

This study examines the concept of integration of Anti-Corruption Education at "Subuh" Education Program in Padang City. Corruption is an extraordinary crime or extraordinary crime, so it needs extraordinary handling as well. Viewed from the organic theory, the handling of criminal acts of corruption is equipped with a complete structure. Judging from the substance of the law, it has been widely supported by complete laws and regulations. From the aspect of legal culture, several policies have been issued that integrate Anti-Corruption Education into the learning curriculum in schools. However, these efforts have not yielded significant results. The rate of corruption is still said to be high. In Padang City, an average of 39 cases are submitted to the Corruption Court, Padang District Court. The approach that needs to be taken is a religious approach. The Islamic religious approach is carried out by integrating Anti-Corruption Education in the "Subuh" Education Program. "Didikan Subuh" is an Islamic Education Program that was born and developed in Minangkabau. Subuh Education is a functional and practical conception of Islamic Education at dawn with activities centered in the Mosque and Mushalla. Researchers used the Legal System Theory from Laurence M. Friedman and the Functional Structure Theory from Talcott Parsons. This research is normative legal research. The data source consists of secondary data. Data were analyzed qualitatively.

**Keywords:** Non-Penal Efforts; Anti-corruption Culture; *Didikan Subuh*.

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### Introduction

Corruption that occurs in Indonesia is very worrying and has an extraordinary negative impact on almost all aspects of life. Corruption has destroyed the economic system, democratic system, political system, legal system, government system, and social order in this country. On the other hand, efforts to eradicate corruption that have been carried out so far have not shown optimal results. Specifically, in the city of Padang, corruption cases handled by the Padang District Court Corruption Court averaged 39 per year, as shown in Diagram 1. This figure is based on data from the Directory of the Padang District Court for 2016-2020.



Corruption not only violates legal norms but also violates religious norms (Islam in particular). Several verses of the Qur'an indicate that corruption is an act that violates Islamic religious norms.

1. In the letter al-Baqarah verse 188

ولا تأكلوا أموالكم بينكم بالباطل وتدلوا بها إلى الحكام لتأكلوا فريقاً من أموال الناس بالإثم وأنتم تعلمون  
(البقرة : ١٨٨)

Meaning: And do not eat the property of each other in a vanity way and (do not) bring the (business) wealth to the judge, so that you can eat part of the property of other people with (the way of) sin, even though you know (Q 2: 188)

2. In Surah Ali Imran verse 161

وما كان لنبي أن يغفل يأت بما غل يوم القيامة ثم توفى كل نفس ما كسبت وهم لا يظلمون (ال عمران : ١٦١)

Meaning: It is impossible for a prophet to do gulul (betrayal in matters of wealth). Whoever does gulul (betrayal in matters of wealth), then on the Day of Resurrection he will come with what he rolled (betrayed); then each self will be given compensation for what he did with (retribution) in proportion, while they are not harmed [Q. 3:161].

3. In the letter al-Maidah verses 42, 62 and 63

سماعون للكذب أكالون للسحت فإن جاءوك فاحكم بينهم أو أعرض عنهم وإن تعرض عنهم فلن يضروك شيئاً

وإن حكمت فحكم بينهم بالقسط إن الله يحب المقسطين ( المائدة : ٤٢ )

Meaning: They are people who like to hear fake news, eat a lot of what is forbidden. If they (the Jews) come to you (to ask for a decision), then decide (the case) between them, or turn away from them; if you turn away from them they will not give you the slightest harm. And if you decide their case, then decide (the case) between them fairly, verily Allah loves those who are fair. [Q. 5:42]

وترى كثيراً منهم يسارعون في المأثم والعدوان وأكلهم السحت لبئس ما كانوا يعملون • لولا ينهاهم الربانيون والأحبار عن قولهم الإثم وأكلهم السحت لبئس ما كانوا يصنعون ( المائدة : ٦٢ – ٦٣ )

Meaning: And you will see most of them (Jews) hasten to commit sin, hostility and eat what is unclean. Indeed, it is very bad what they have done. Why didn't the pious people and their priests forbid them from speaking lies and eating what was unclean? Indeed, it is very bad what they have done. [Q. 5:62-63]

Corruption at various levels still occurs as if it has become a part of people's lives, which is even considered a normal thing. If this condition is allowed to continue, sooner or later corruption will destroy the country. Corruption must be seen as an extraordinary crime which therefore requires extraordinary efforts to eradicate it. (Nanang T. Puspito: 2012) Efforts to eradicate corruption - two approaches can be used, namely (1) penal (by means of Criminal Law), and (2) non-penalty, by making prevention efforts. Non-penal efforts are not optimal if they are only carried out by the government without involving community participation. Therefore it is not an exaggeration if the alim ulama who are involved in the Subuh Education as one of the elements of the leadership of Tigo Tungku Sajangan in the culture of Minangkabau society apart from pengulu/niniak mamak and intellectuals– are expected to be actively involved in efforts to eradicate corruption in Indonesia. The involvement of religious scholars as teachers of Subuh Education in efforts to eradicate corruption is one of the efforts to develop a legal culture in society from an early age.

Islam is an attribute of Minangkabau society. Adat basandi syara', syara' basandi Kitabullah means customs based on Islamic religious shari'ah where the shari'ah is based on the Al-Qur'an and Hadith. Minangkabau community character education is colored by education based on Islam. In order to shape the character of the younger generation for more than 10 years, Subuh Education has been implemented for elementary school students in the city of Padang. Early morning education is mandatory for elementary school students, and is a requirement for grade promotion. Subuh Education Materials include moral aqeedah, syaari'ah worship, history, as well as the Qur'an and Hadith. Subuh Education is held at the mosque, prayer room, or mushola every Sunday from 06.00-08.00 AM.

#### Total Population by District and Religion in Padang City, 2021

Kecamatan	Jumlah Penduduk Menurut Agama (Jiwa)					
	Other	Budha	Hindu	Katolik	Protestan	Islam
	2021	2021	2021	2021	2021	2021
Bungus Teluk Kabung	0	0	0	7	112	27635
Lubuk Kilangan	0	0	0	41	84	53789
Lubuk Begalung	0	18	0	64	220	93245
Padang Selatan	0	81	115	5037	2853	55469
Padang Timur	0	39	72	110	457	91298
Padang Barat	0	2275	708	6380	1539	73317
Padang Utara	0	73	88	325	417	76924
Nanggalo	0	0	0	28	220	62896
Kuranji	0	17	48	132	95	127715
Pauh	0	23	0	104	153	50523
Koto Tengah	0	41	54	301	399	178158
Padang	0	2567	1085	12529	6549	890969

Source: Ministry of Religion Office, Padang

Source Url: <https://padangkota.bps.go.id/indicator/108/241/1/jumlah-penduduk-menurut-agama.html>

In line with the majority of the population of Padang City adhering to Islam, the most common places of worship are mosques (43.69 percent), prayer rooms (39.81 percent), and langgar (15.70 percent). Meanwhile, each with 0.2 percent is a place of worship, namely a

church and a temple/monastery. The large number of mosques, prayer rooms and violating facilities in the city of Padang have the potential to be used to build a legal culture of anti-corruption through Didikan Subuh. Based on research conducted by Fitra Yadi (2015), Subuh Education material does not mention anti-corruption education.

### **Materials and Methods**

This is normative legal research, because the focus is on studying written law from various aspects, such as theory, history, philosophy, structure and composition, scope and material, article by article and general explanation, formality and binding force of a law and the legal language used (Marzuki, 2010). The legal materials used are primary legal materials, secondary legal materials and tertiary legal materials.

### **Results and Discussion**

Crime is an act that is contrary to social norms. Likewise, with criminal acts of corruption, in addition to violating legal norms, they also violate religious norms. Syamsul Anwar (2008) argues that corruption is contrary to shari'ah. In terms of sharia, people who are caught doing corruption will be punished. In addition, sharia also recognizes a concept called ta'zir; namely, authority given to a person or entity to carry out a criminalization policy in cases where the Al-Qur'an and Sunnah are not clearly regulated. Corruption in the case example. Therefore, the government can have the freedom to determine the type of punishment that is considered in accordance with the conditions of society

Criminal law is not the only way to deal with crime; criminal law actually has several weaknesses or limitations. The reasons for the limited capacity of criminal law in tackling crime are as follows: (Barda Nawawi Arief, 1998: 37).

1. The causes of crimes that are so complex are beyond the reach of criminal law;
2. Criminal law is only a small part (sub-system) of a means of social control which makes it impossible to address the problem of crime as a very complex humanitarian and societal problem (as a socio-psychological, socio-political, socio-economic, socio-cultural problem, etc.);
3. The use of criminal law in tackling crime is only a 'kurieren am symptom', therefore criminal law is only a 'symptomatic treatment' and not a 'causative treatment';
4. Criminal law sanctions constitute a 'remedy' which is contradictory/paradoxical in nature and contains negative elements and side effects;
5. The punishment system is fragmentary and individual/personal, not structural/functional in nature;
6. Limitations on the types of criminal sanctions and the criminal sanction formulating system which is rigid and imperative in nature;
7. The operation/function of criminal law requires more varied supporting facilities and requires more 'high costs'.

The limitations that exist in criminal law require an alternative way of thinking in tackling crime. Basically, crime prevention efforts include penal policies and non-penal policies. Non-penal means include prevention without punishment and the influencing of society on crime and punishment. Criminal policies through non-penal policies are more focused on preventive measures before crimes occur, whereas criminal law policies are repressive efforts.

The handling of criminal acts of corruption in Indonesia has used penal and non-penal means. Non-penal means are carried out by carrying out prevention through anti-corruption education. Anti-corruption education is included in the higher education curriculum, either as a separate subject or as an insertion into other subjects. Anti-corruption education has not yet

reached secondary and basic education, let alone informal education. Islamic law originates from religious norms. Islamic law cannot be used as a repressive tool in dealing with criminal acts of corruption. Islamic law can be used as a non-penal to dealing with crime, including corruption. The substance of Islamic Law can be given through religious education. Religious education has the advantage that it can reach all levels and types of education. Mochamad Ramdhan Pratama and Mas Putra Zenno Januarsyah, in their writings stated that, non-penal means have an intellectual conscience that focuses on improving social conditions, but implicitly has a preventive effect on crime. (Mochamad Ramdhan Pratama & Mas Putra Zenno Januarsyah: 2020)

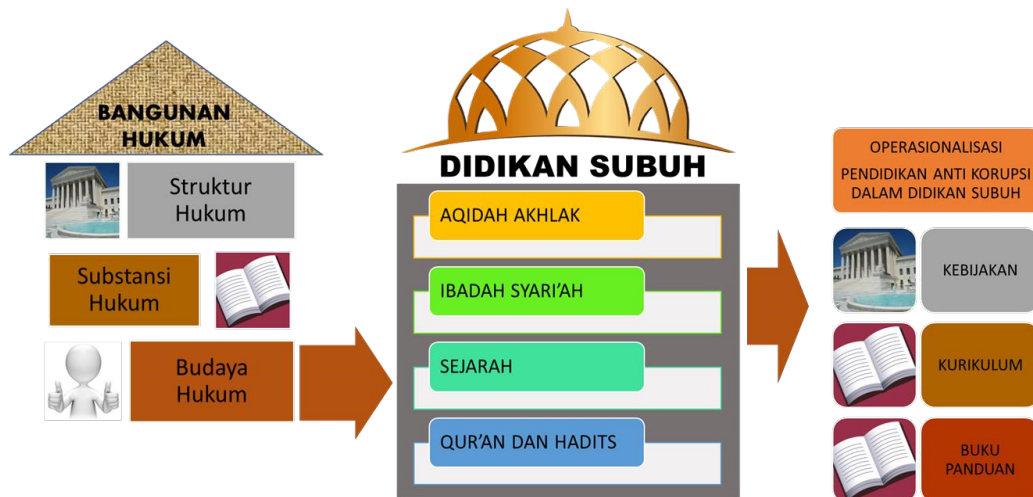
In tertiary institutions, material on Anti-Corruption Education has been given. Students are expected to become agents of change in eradicating corruption. Apart from students, it is no less important to provide anti-corruption education from an early age to elementary school students. Learning for college students and elementary school students is of course, different. One alternative in conducting anti-corruption education for elementary school students is to integrate anti-corruption education material into Subuh Education material. This activity is one of the implementations of community participation in eradicating criminal acts of corruption, in line with research results (Itok Dwi Kurniawan & Vincentius Patria Setyawan: 2021)

David Wijaya stated that there are six methods used in learning anti-corruption education, namely: inquiry, collaborative, joint activities, exemplary, live in, and value clarification. (David Wijaya: 2014) An exemplary approach and value clarification is a suitable method for integrating anti-corruption education in Subuh Education.

As stated in the background, that corruption is an extraordinary crime. When viewed from the perspective of organic theory both in terms of legal structure, legal substance, and legal culture, it has shown a very advanced development compared to other legal structures. The structure for enforcing the law is complete. The product of the laws and regulations related to the prevention of criminal acts of corruption can be said to be complete, although in substance there are still several acts listed in the United Nation Convention against Corruption that have not been criminalized. The fundamental issue for law enforcement against criminal acts of corruption is a matter of legal culture. Building an anti-corruption legal culture is a key issue. The government has carried out the development of a legal culture with various forms of policies, one of which is providing Anti-Corruption Education at various levels of Education.

Non-penal efforts by providing formal Anti-Corruption Education have not yielded significant results. The younger generation and children are faced with the reality of the law enforcement controversy over corruption. To provide a balance in efforts to develop a legal culture, a religious approach is needed. One of the religious approaches in anti-corruption education can be done by integrating it with Subuh Education. Methods of exemplary and clarification of values can be used for the formation of the morals of the younger generation from an early age. Research on how to build an anti-corruption culture through the integration of Dikan Subuh has never been done.

Idea of Operationalization of Anti-Corruption Education in Subuh Education



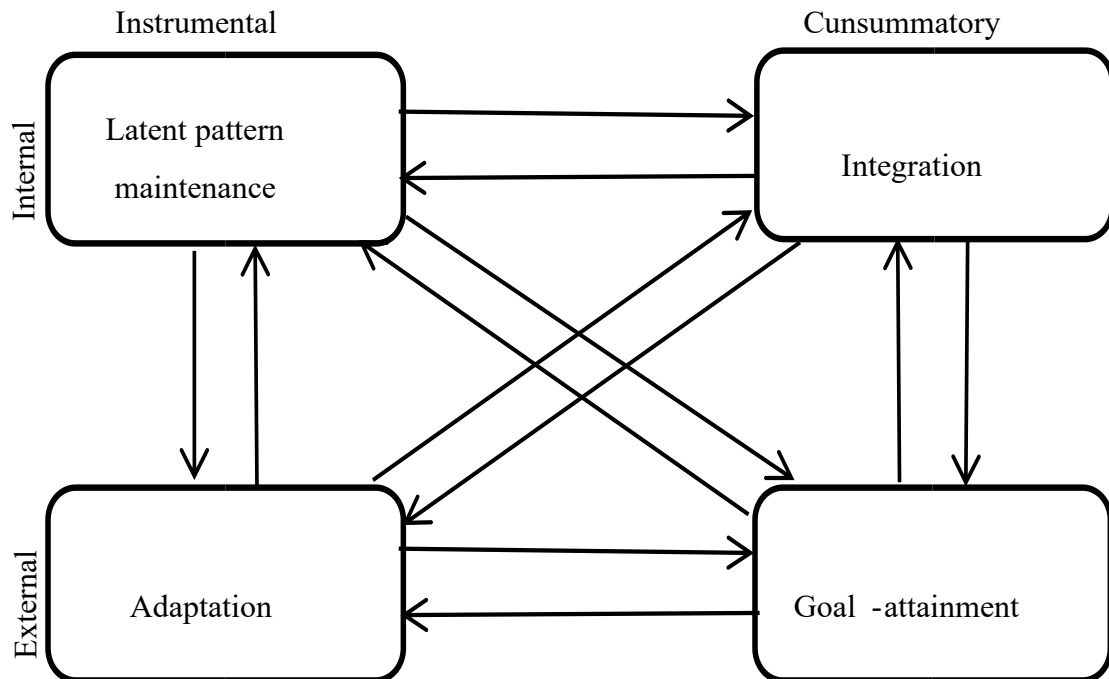
### 1. Legal System Theory

According to the Legal System Theory put forward by Lawrence M. Friedman, the operation of law is supported by three elements of the legal system, namely: legal structure, legal substance, and legal culture. The legal structure is an institutional framework or order, which has a fixed and rigid structure that keeps a process running according to the rules. When talking about a justice system we think about the number of judges, the jurisdiction of the courts, the relationship between higher courts and lower courts, and what is the role of each of them. (Lawrence M. Friedman, 1975: 14) Furthermore, the substance of the law is composed of laws and substantive rules regarding how institutions should behave. The legal system is a unity between the main rules and secondary rules. The main rules are about norms of behavior, while the secondary rules contain what if a basic rule is violated, and how to enforce it. Legal culture refers to that part of culture in general, namely habits, opinions, ways of behaving and thinking, which direct social forces forward or away from law in a certain way.

The functioning of the legal system is basically a very complex issue, where the structure, substance and legal culture interact with each other. (Lawrence M. Friedman, 1975: 16) Law enforcement related to corruption is not a simple matter. The legal structure is manifested by supporting institutions for eradicating criminal acts of corruption, legal substance related to laws and regulations governing the eradication of criminal acts of corruption, and legal culture related to legal ethics and legal education.

### 2. Functional Structure Theory

According to Parsons (Nanang Martono: 2012) for a social system to work properly, there must be at least four functions that must be integrated. Four important functions are needed for all social systems, namely: Adaptation (A), Goalainment (G), Integration (I), and Latent pattern maintenance (L).



First adaptation. In this function, the system must be able to adapt in a way to cope with complex external situations, and the system must be able to adapt the environment to its needs. Second, goal attainment. Functions must be able to define and achieve its main goals. Third, integration. This function regulates and maintains the relationship of the parts that are its components, that is, regulates and manages the three functions. Fourth, latent pattern maintenance. The system must be capable of maintaining and improving individual and cultural motivational patterns. This fourth function is a cultural function (culture).

Parsons argues that religion is part of the cultural system. Religion has a role in making social change. Religious beliefs provide a set of guidelines for human action, and religion evaluates human action. As part of the cultural system, religion gives meaning to life. Furthermore, it is argued that human life in the world is full of contradictions. The role of religion is to provide various experiences and meanings regarding these contradictions. Religion provides various answers to the problems faced by humans. Religion has a strategic role in guiding the process of social change. (Nanang Martono, 2012: 177)

Padang cannot be separated from Minangkabau culture. The prevailing social system is based on Minangkabau custom. Minangkabau society has a very distinctive social system. Minangkabau culture is based on the adat basandi syara', syara' basandi Kitabullah. Islam is one of the attributes or identities of the Minangkabau people. Leadership consists of three elements, namely the Islam scholars, pengulu (*niniak mamak*), and intellectuals. The three elements of leadership are called *tigo tungku sajarangan*. The Islamic religious approach by involving religious scholars in building an anti-corruption culture from an early age is a suitable strategy to be implemented in building an anti-corruption culture.

### 3. Subuh Education Program (*Didikan Subuh*)

Early Morning Education is an Islamic Education Program that was born and developed in Minangkabau. Subuh Education is a functional and practical conception of Islamic Education at dawn with activities centered in the Mosque and Mushalla. Subuh Education is referred to as a conception of Islamic Education; the meaning is that Subuh Education is an opinion, a design, a concept of an ideal regarding the formation of a Muslim personality, in an education system based on Islam which covers all aspects of life. Subuh Education is

functional and practical, meaning that the subject matter of Subuh Education is worship and muamalah which are done in everyday life which are simple and easy to understand.

The Subuh Education Program is held every Sunday morning. However, it is also held at dawn on other days when it is the school holidays. The Fajr Education Program was developed from the dawn teaching of children who took part in congregational prayers at the Muhammadan Pasar Batipuh Padang Selatan mosque in 1964, whose material was verses, hadiths, singing and rhymes. The dawn teaching received the attention of many people, and then the teaching was developed not only at dawn; however, dawn remains its trademark, because dawn is seen as urgent for worship, health, education and the economy.

The typical Subuh Education program is usually carried out for 2 hours, starting before the Fajr prayer until 6:30am with a series of events such as congregational dawn prayers, remembrance, cults, recitation of the holy Qur'an, marches, Subuh Education appointments, call to prayer, iqamah, speeches short, poetry, prayers, nasyid and closed with the advice of the coach and collecting infaq. Another Early Morning Education program is Rihlah (sightseeing), charitable activities such as gymnastics and mutual cooperation, cleaning the mosque/mushalla and the surrounding environment, the Dikan Subuh village with a series of musabaqah (competition) activities.

Early Childhood Education Cadres are children and youth who live around the mosque and mushalla where Subuh Education is held; usually they are TPA/TPSA and MDA students who are called Ula (elementary) level cadres. Wushta (middle) level cadres, namely junior and senior high school level cadres. Ulya (advanced) is a high school-level teenager. Fajr Education Supervisors are people who care about religious education, who live around the mosque/mushalla where Subuh Education is held; usually they are TPA/TPSA and MDA teachers.

The learning methods used are usually demonstration methods, lectures, and presentations. Subuh Education is managed by the Subuh Education Institution, which is tiered from the level of the mosque/mushalla, nagari, sub-district, district to the new central administrator domiciled in the province in West Sumatra. Since its inception, Dikan Subuh has identified itself as a religious movement and regeneration that does not take sides with any Islamic organization or sect.

In its development, Early Morning Education was made a mandatory program for elementary school students to follow. Elementary school students are required to submit a certificate as proof that they have attended Subuh Education. For elementary school students from Islamic-based schools, they are not required to attend Subuh Education because the teaching materials for Subuh Education have been integrated into the curriculum. The time for the implementation of Subuh Disciplinarity has also changed. If at first the Fajr Education started before dawn, now the Fajr Education begins after the Fajr prayer.

## **Conclusion**

Islam is an attribute of Minangkabau society. Adat basandi syara', syara' basandi Kitabullah means customs based on Islamic religious shari'ah where the shari'ah is based on the Al-Qur'an and Hadith. Minangkabau community character education is colored by education based on Islam. Building an anti-corruption culture, one of which can be done through the integration of Subuh Education. Corruption not only violates legal norms but also violates religious norms (Islam in particular).

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