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Corruption and Patron clients (Interpreting The Case of Shadow State in Banten)*Amalia Syauket*

Fakulty of Law, Universitas Bhayangkara Jakarta Raya.

Abstract

The Post New Order period of 1999 until 2010 Indonesia had turned into the political system of democracy, on the other hand it still strived against the legacy of the regimes patrimonialism of new order. One of characteristics of the government administration in the period of democracy transition was the emerging phenomenon of shadow state. The shadow of state in Banten was supported by two main pillars, namely Patronage and kinship, which was transformed into official state political administration. Not surprisingly, power centers within the state organizational structure are dominated by political elites who need patronage and kinship relations. So inevitably, shadow states that rely on patronage and kinship are very easy to slip into corrupt practices. The implementation of local government showed that bureaucracy in Indonesia was still cuffed by politics that is still far from excellent. Among the cuff politics suspected of taking hostage of the bureaucracy is the practice of the shadow of the state. The shadow states practiced by the Governor of Ratu Atut Chosiyah in Banten became a model of acute corruption practices in government institutions and state political institution, where corruption practices operate in a structured and organized manner within the local government system. The main purpose in this paper is to explain the shadow state relied on patronage and kinship tend to slip into corrupt practices. Banten led by the Governor Ratu Atut Chosiyah is a perfect example of the shadow state practice.

Keywords: Corruption, Patron client, Shadow state.

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Corruption & Patron-Client (Understanding Shadow State Case In Banten)

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Abstract

Banten is a relatively new province. It used to be a part of the Province of West Java but then established itself since year 2000 by the Law of the Republic of Indonesia Number 23 Year 2000 dated October 17th, 2000 with their center of government at the city of Serang. Expansion of Banten from West Java was influenced by lots of stakeholders such as politicians, local bureaucrat, the citizens, and businessmen. From the businessmen side there's a local strongman named Kyai Haji Tubagus Chassan Sochib. History of Banten can't be described without the influence of Kyai Haji Tubagus



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Corruption & Patron-Client (Understanding Shadow State Case In Banten)

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Abstract—Banten is a relatively new province. It used to be a part of the Province of West Java but then established itself since year 2000 by the Law of the Republic of Indonesia Number 23 Year 2000 dated October 17th, 2000 with their center of government at the city of Serang. Expansion of Banten from West Java was influenced by lots of stakeholders such as politicians, local bureaucrat, the citizens, and businessmen. From the businessmen side there's a local strongman named Kyai Haji Tubagus Chassan Sochib.

History of Banten can't be described without the influence of Kyai Haji Tubagus Chassan Sochib, a powerful yet charismatic and highly respected cultural leader not just in the society but also in the government. The influence of Haji Chassan (that's how they called him) also really strong towards the village-heads, head of sub districts, regents, and officers with strategic positions because even though they were supported by the society, they won't get their position without approval from the cultural leaders. Haji Chassan's supreme influence made him a very dominant figure in Banten.

Keyword : Chasan Sohib, Banten

I. INTRODUCTION

Haji Chassan was the most influential person in Banten. Eventhough it's informally, his presence influence every aspect of the society in the Province of Banten from the economy to governmental aspects. Haji Chassan is the father of current Governor of Banten, Ratu Atut Chosiyah. Besides a construction businessman, he was a senior politician in the Golkar Party in Banten, head of Indonesian Chamber of Commerce and Industry in Banten, as well as the head of Banten Martial Arts and Art-Culture Association in Indonesia (where all Banten champions gather). The influence of 'Big Names' in the general election and the governmental aspects is very strong.

The Family of Haji Chassan started their governmental journey when Ratu Atut Chosiyah was elected as the Vice Governor of Banten in 2002 to 2007, then she succeeded to rule as Governor in 2007-2012. During her tenure as the Governor, these were the times when her family members went into politics one by one. It is possible that because of her success, her family members were getting into the legislative and executive competitions, as well as other public government positions.

Besides earning position in bureaucracy, Ratu Atut's family also controls private sector and became associate partners for the regional government, as shown in Table 1

Name	Family Relation
Tubagus Chaeri Wardhana	Brother of Ratu Atut & Husband of Airin Rachmy Diani, Mayor of South Tangerang, a businessman, the 'right hand' of Haji Chassan Sochib (Ratu Atut's father)
Ratu Lilis Karyawari Chasan	Ratu Atut's step sister & sister of Serang's Mayor, Haerul Jaman

Province of Banten which was established since year 2000 consists of autonomy regions in a form of districts such as: Lebak, Pandeglang, Serang, Tangerang, and four autonomy city: Cilegon, Serang, Tangerang, South Tangerang. Of those eight districts/cities, four of them are governed by Ratu Atut's family:

1. District of Serang led by Ratu Atut's sister, Ratu Tatu Chasanah
2. District of Pandeglang, led by Ratu Atut's stepmother, Heryani
3. City of Tangerang, led by Ratu Atut's brother, Tubagus Chaerul Jaman
4. City of South Tangerang, led by Ratu Atut's sister-in-law, Airin Rachmi Diany.

Thus, there are only four areas in Banten not ruled by Ratu Atut's family: District of Lebak, District of Tangerang, City of Cilegon, and City of Tangerang. Expansion of Atut's family meets dead end because they have to face another family dynasty in those areas.

Haji Chassan has succeeded to take his family and relatives to earn important positions in Banten. Ratu Atut's family has created political dynasty based on family relation as a key to expand their wealth, and increase their family's influence to control government policy in Banten. This is where the relation between Patron-Client and corruption strongly connected.

II. DISCUSSION

A. Early form of Patron-Client in Banten

The phenomenon of Cultural Patron-Client has been established for a long time and that's not a new thing in a democracy process of a nation. In a regional autonomy era like today, problems like abuse of power may appear without secure supervision. Cases rose from such decentralization wave is Patron-Client relation, as we see in Banten.

James C. Scoot stated that Patron-Client relation involves instrumental friendship where an individual with higher socio-economy status (Patron) use their influence and resources to provide protection and benefits for somebody with lower status (Client). As an exchange, the Client will pay back by offering help in general, support, and private service to the Patron [1].

We can see such relationships already happened in Banten: First, the controlling of development and financial resources has already been managed in a Patron-Client relation in Banten. Second, government decentralization runs in a centralistic way (centered on Ratu Atut). Third, in political dynasty, the existence of people's representation turns to be a representation of the family.

This Patron-Client system in Banten has been under the spotlight due to its dominancy. Cultural leader has a magical and economical power which becomes a basis for their legacy to keep on going, until an oligarchy system can be applied. Such system keeps flourishing due to the support from another cultural leader with patrimonial pattern of interaction where the head of cultural leader become a patron.

The position of the patron is getting stronger due to their monopoly in the aspect of economy and government. We can see from eight district and city in Banten, four of them are ruled by the cultural leader of Banten Kyai Haji Tubagus Chassan Sochib. This goes down to Ratu Atut, his eldest daughter who was supported by other cultural leaders with dominant influence in the society, and this resulted in Ratu Atut was elected as the Governor of Banten. Ratu Atut is a family patron who has a really massive power in Banten. All political and economical resources are monopolized by Ratu Atut's family dynasty.

That form of cultural leader Patronage keeps grasping to some districts/city even villages where at the election times, the winners are the native candidates or candidates with the major support from the village/district/city's cultural leaders. In a simple perspective this is actually not a problem because it's only about winning the election. The problem happens where lots of election winners expands their power, and uses their resources to intervene bureaucracy and social elements and lure the society to elect their family members who competes at the election. Another indication is the use of regional budget to fund the campaign of their family members. A lot of this kind of political scheme resulted in their family members wins the political contest.

B. Patron-Client and Corruption in Banten

The influence of patron (government officials, bureaucracy elites) has created Patron-Client culture. This culture is considered as stumbling block in corruption eradication and justice reform.

Referring to Peter Burke, patron culture is a political system based on personal relationship between uneven parties, the leader (patron) and the follower (client). In this system, each parties has a certain interest to offer to each other [2]. The client offers political support and respect to the Patron. Political support covers lots of aspects: obedience, respect, gifts, and bribe. On the other hand, in exchange of that support, the Patron will offer good deeds, jobs, positions, status, and protection to the clients. At the end, dishonest relationship between Patron and Client will change the wealth and power and they will fight each other to defend what they already gained for the sake of wealth.

The pattern of Patron-Client thrives when the election times, job promotion and mutations of strategic positions in the government. Ratu Atut's family also influence lower structure, including deciding projects in the government agency. This also implicates another matter, Nepotism. Data collected by Indonesian Corruption Watch (ICW) shown and Society for Transparency of Banten (Masyarakat Transparansi Banten) was even more astonishing. Around 2011 to 2013, there are 11 companies ruled by Ratu Atut's big family, along with other 24

companies run by Ratu Atut's close friends who had 175 projects worth of 1.148 trillion rupiahs.

Ratu Atut's succession to expand her power is thanks to the man he trust, Tubagus Chaeri Wardhana, her brother, a.k.a Wawan. After Tubagus Haji Chassan Sochib passed away, Wawan holds a central position that consolidates the political and economical power in Banten. He is also the husband of the Major of City of South Tangerang, Airin Rachmi Diany.

Wawan appeared as intellectual actor and used his position as the head of Indonesian Chamber of Commerce and Industry in Banten to replace his father. Political expert from University of Sultan Ageng Tirtayasa, Gandung Ismanto, said Wawan is the project broker who decides who gets what, who do certain works, and who became what in the government. The cultural leaders loyal to Tubagus Haji Chassan Sochib (when he was still alive), now continue their loyalty to his son, Wawan. "Because they get project fee from each regional government budget project and state budget project in Banten," said Gandung [3].

Gandung continues in Chassan Sochib's big family, Wawan holds a central role in Ratu Atut's leadership dynasty in Banten. When his father still rules Banten, Chassan build a cultural foundation to consolidate all cultural leaders in Banten. That consolidation kept alive until now even though Chassan has passed away. According to Gandung, the consolidation is passed on to Wawan right now. Furthermore, his position as the head of Indonesian Chamber of Commerce and Industry (KADIN) in the province of Banten strengthens Ratu Atut's family position in the government of Banten.

Wawan was a non-state 'actor' that most of the time acts more powerful than the formal ruler in Banten themselves. His power often exceeds any other government officials with formal positions. Mode he used as a mastermind of Ratu Atut's family dynasty were *First*, public policy was made by government officials for the sake of interest and benefit of himself and his group.

1. *Second*, policy wasn't made based on formal regulations.
2. *Third*, policy was agreed based on organized conspiracy between bureaucracy, political, and economy leaders.
3. *Fourth*, this conspiracy network took over roles and state resources from public needs service to fulfill their own wealth.
4. *Fifth*, to sabotage the state, these networks make advantage of formal government civil servants by reassign their job descriptions and functions as well as using non-state institutions.
5. *Sixth*, public obedience established through private apparatus like organized criminals.

Wawan was very feared and respected by all government officials in the Province of Banten since he can intervene their policy in the internal bureaucracy. The placement of government officials from Echelon II, III, and IV in almost all regional work unit (SKPD) in the Province of Banten, he intervened everyone. To put government officials from Echelon II in regional work

units that considered as big and ‘wet’ (i.e. full of money potentials), such as the Community Service and Spatial Planning of Banten (DBMTR Banten), Public Health Service of Banten (Dinkes Banten), Public Education Service of Banten (Dinas Pendidikan Banten), Public Service of Water Resources and Housing (Dinas Sumber Daya Air dan Pemukiman), all of them must have Wawan’s approval. Wawan was authorized by his sister, the Governor of Banten, Ratu Atut Chosiyah to place the ‘right’ people as the head of those 4 public regional work units (Kepala Dinas).

He didn’t operate on his own. He had some trusted people to run his companies and they’re also appointed as general managers there. Some of his companies were registered by his own name, his wife, or even his children. Also, there are some companies registered under other people’s name or his subordinates. Wawan also involved in designing development scheme in the province of Banten. He also cooperate with the members of Regional House of Representative in Banten (anggota DPRD Banten) to secure every projects in his hands.

With such construction, it’s inevitable that Patron-Client will lead to nepotism and make way to a structured and massive corruption. Patron-Client and nepotism system (family system) is a foundation of a dynasty or shadow state, like a classical saying: ‘blood is thicker than water’.

As an effort to flourish political and government dominance in Banten, Ratu Atut’s dynasty went through a economy and politic transaction (such as bribe and corruption) which was extended by their family members as well as involving politicians and government officials in a Party. That way, this shadow state of Banten, becomes a foreground for illicit transaction, bribe in particular. This practice only gives personal benefits to the circle of people around Ratu Atut’s family.

C. *Shadow state in Banten*

According to Max Weber, a formal-modern state has three main attributes: (i) administration of the government is based on the rules of law; (ii) political authority binds the citizens and the area of the state; (iii) monopoly use of power and violence for the sake of national interest [4].

Besides the concept of formal state, in a social-political science studies we can also see the term ‘shadow state’ in a pejorative meaning. Shadow state is informal state governance (also called private government) that operates outside of the formal system, but has a strong power in deciding the political direction of a formal state.

The term ‘shadow state’ was firstly introduced by William Reno in the book “*Corruption and State Politics in Sierra Leone (1995)*”. The book explained that shadow state is a form of personal, collusive, and corruptive power, where policy can be approved by the ruler without consulting to any law or written regulations. Reno added that in a shadow state, capital and economy is dominated by several elite businessmen with manipulating formal politic authority, weakening the bureaucracy, and penetrating social networks [5]. Pablo Querubin from Harvard defined political dynasty as a particular form of

elite persistence in which a single or family groups monopolize political power [6].

Concerning local political cases in Indonesia, study of Syarif Hidayat (2007) in Banten, and Erwiza Erman (2007) in Bangka clearly showed shadow state practice marked by conspiracies between businessmen that leads into corruption. In Banten, a corrupt shadow state practice combined with Ratu Atut’s political dynasty in which they control the executive and legislative positions in the central, province, and district/city [7].

“Banten clearly showed shadow state practice marked by conspiracies between businessmen that encouraged corruption”, said Burhanudin at the office of Indikator, Cikini Street V, Menteng, Central Jakarta, Sunday (1/5/2014) [8]. Businessmen are informal stakeholder with the ability to control the existing formal government.

From definition mentioned above, we can conclude that shadow state phenomenon is a type of private government operates outside the formal government, but have a strong power to control the policy and political direction of a formal state. Shadow state is controlled by combination between bureaucrats and non-state actors with no formal position inside the government, but has a direct relation and closely related to the elites stakeholders of a nation.

They run government matters and control state politics behind the screen and also informally. The non-state actors deliberately misuse the authority of stakeholders with formal positions in the government state structure.

The organizers of the shadow state pretty much dominates decision making and strategic policies inside the organization structure and formal state bodies. The organizers of the shadow state creates broad network with a lot of layers and hierarchy transformed in a shape of a pyramid where the highest hierarchy is by a ruler of a political clan, thus its called dynasty.

The main agenda of shadow state organizers is to monopolize economy and political resources that will be used as a power to expand and maintain their sovereignty. That way, domination of a clan in a state and government politic is expected to keep flourishing from generation to generation.

After eight years of practicing shadow state in the Province of Banten, finally the ‘stink smell’ due to the regional budget corruption that involves various companies belong to Ratu Atut’s dynasty and the affiliated persons are caught red-handed by Corruption Eradication Commission (KPK). That ‘stinky smell’ also drags lots of ‘actors’ at Banten. As an owner of democracy, People of Banten have the biggest loss, where democracy called participation has been changed to mobilization. That’s what happened in Banten, where the society can only be ‘spectators’ when their leaders having ‘big parties.’

This has to be public spotlight, due the fact that political dynasty practices in Indonesia show the tendency of the abuse of power which resulted in Corruption, Collusion, and Nepotism.

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