

The Malay Community Local Wisdom of Shame Culture in Legal Perspective to Prevent Corruption in North Sumatera

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Research Article

The Malay Community Local Wisdom of Shame Culture in Legal Perspective to Prevent Corruption in North Sumatera

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ABSTRACT: Head of North Sumatera High Prosecutor Office stated that in 2016, there was 147 cases of corruption which reached the investigation stage, 72 cases was in ongoing investigation stage, 27 cases was at the stage of prosecution in the police and investigation to prosecutor and 41 cases to be processed and when completed will be delegated to the court. The large number of corruption cases in North Sumatera also made it the second most corrupt province in Indonesia based on the investigation of corruption cases handled by the North Sumatera High Prosecutor. Japan in 2012 was ranked 17th with a score of 74 on a scale of 0 to 100 in the corruption perception index (IPK) based on Transparency International Japan. The soul of samurai has become the most basic value in the context of the famous Japanese culture. The principle of samurai is teaching the values of honesty in life as well as to one self. This is originated from the soul of the samurai which is inherent in the soul of Japanese society. Japan is also known for the culture of shame as one of the prominent elements in raising the nation integrity and dignity to become an excellent nation. This study is an empirical legal research, using primary data and secondary data. The results of the study were analyzed qualitatively. The research found that shame culture of the Malay society is contained in *pantun* (poetry), poems, phrases and so forth that contain advices and *amanah* (mandate) to be passed down from generation to generation. The contents are the philosophy of life for the Malay. The contents, among other advice and the mandate include "Obedience to the Law of Shame." The whole advice and the *amanah* (mandate) are also part of "*Tunjuk Ajar*" (traditional virtues and teachings) which basically exists in all areas of origin of Puak Melayu in North Sumatera. This can be used as a basis for the prevention of corruption so that this shame culture becomes the foundation in behaving in daily activities.

Key words: Malay, Poems, Poetry, Shame Culture, Tunjuk Ajar

1. Introduction

For hundreds of years, the proverbs and phrases of Malay reflecting the values, norms and local wisdom are stored for generations in the community especially about the collective way of life. It was not until the mid-19th century that there were attempts by prominent figures or colonial civil servants to inventory and record the vocabulary of proverbs and oral teachings.

The first attempt to collect and record the Malay proverb was done by M. Klinkert in 1863. Klinkert's expertise was on Malay traditional values particularly for conducting small studies and interviewing traditional Malay traditional figures in a cross-textual fashion. Although only a small study, Klinkert's efforts (see Iwan, 2015) recorded 183 Malay proverbs.

The attempt to trace the richness of Malay values using the proverb is also done by Shellabear printed in Jawi (Malay Arabic term) published in 1906 entitled Book of *Kiliran Budi*. Shellabear uses the word "*budi*" on the grounds that the essence of the book is about the good behavior of human being which he thinks is reflected in the word of "*budi*" or good deeds

In 1934, Edward Shaw Hose published a Malay Proverbs book entitled "Malay Proverbs". Hose collected successfully Malay phrases in the data of 1600 entries. In 1995, a prominent

Malay cultural figure, Tenas Effendy also recorded the "*Tunjuk Ajar Melayu*" related to the values of divinity, honesty, kinship and so forth.

Tenas Effendy is credited for successfully composing the Malay world view and the values of life with the Malays which derived from the phrase "*Tunjuk Ajar*". Later research by Kim Lim Hui (Malaysian researchers / observers) who succeeded in researching forensic culture and the concept of *budi* language as the primary value of Malays in managing the common life among them and determining how the Malay view *budi* as a basic value for the Malays in reflecting himself in society, nation and state level.

Based on data reported by Indonesia Transparency Forum for Budget (Fitra) of North Sumatera region as well as from audit result of Supreme Audit Board (BPK) in summary of inspection result (IHP) Semester II of 2012, North Sumatera is ranked as the most corrupt province in Indonesia. North Sumatera province occupied the first rank and followed by Aceh Province, West Papua and DKI Jakarta ranked fourth

1ers Mahasiswa Teropong, Edition XIV December 2013)
Head of North Sumatera High Prosecutor Office stated that in 2016, there was 147 cases of corruption which reached the investigation stage, 72 cases was in the ongoing investigation stage, 27 cases was at the stage of prosecution in the police

and investigation to prosecutor and 41 cases to be processed and when completed will be delegated to the court. The large number of corruption cases in North Sumatera also made it the second most corrupt province in Indonesia based on the investigation of corruption cases handled by the North Sumatera High Prosecutor. KPK Chairman Agus Rahardjo stated that despite the fact that many state officials have been imprisoned for corruption but dilapidated systems and morals has led corruption to become a culture (Journal of Government, April 2017 Edition)

Japan in 2012 was ranked 17th with a score of 74 on a scale of 0 to 100 in the corruption perception index (IPK) based on Transparency International Japan. The soul of samurai has become the most basic value in the context of the famous Japanese culture. The principle of samurai is teaching the values of honesty in life as well as to one self. This is originated from the soul of the samurai which is inherent in the soul of Japanese society. Japan is also known for the culture of shame as one of the prominent elements in a way of raising the nation integrity and dignity to become an excellent nation. The shame culture in Japan is different from the shame or embarrassment culture in Indonesia, the Japanese will feel ashamed, for examples, if violates existing moral norms, feel a shame for being relaxed and not working hard, shame for being dishonest or even committing corruption, shame when taking other people belongings (<https://hiunmu/14.wordpress.com/2016>).

Various efforts have been made in order to prevent and eliminate the practice of corruption, but the corruption is still mushrooming. In fact, the corruption is spreading in various local areas in North Sumatera.

Prevention efforts of this culture of corruption in the community can first be done by preventing the development of mental corruption in Indonesian children through education. It is realized that the eradication of corruption is also not separated from the preventive movement which puts a stop to the emergence of mental corruption in the generation of Indonesian young generation. Prevention efforts not only can be done in one generation, but two or three generations later, (Utamijaya Kusumah, Anti Corruption Education Papers)

One of the strategies undertaken to combat corruption is the design of Anti-Corruption Education for students and it has already been implemented for the academic year of 2013/2014 and lecturers are also trained by the Minister of Research and Technology by referring to the Anti-Corruption Books for Higher Education. In 2016, one of the learning concepts created is to incorporate local characteristics that contain the value of anti-corruption values contained in the regional culture to a course of Anti-Corruption Education taught in universities (Kemenristekdikti; 2016: 6). Model of Anti-Corruption Values can be derived from exploring local wisdom of Malay Community which a typical race and is popularly known as Malay Deli in North Sumatera.

The collaborative multidisciplinary in developing an anti corruption education model can be first started by doing revitalization of local wisdom in Malay teachings for

prevention of corruption in general and especially for student in North Sumatera. This is surely deemed as a simplistic effort for formal education sector in Indonesia particularly in playing a role for corruption prevention.

The campaign in fighting against the corruption is generally a government program in Indonesia and also North Sumatera in particular. This needs to be constantly maintained and struggled for the Indonesian nation to be free from both material and moral deficiency. Society is usually always reminded of the customs and morals that have been passed down through generations in the phrases and proverbs from the past. As the Malay phrase says: "Sand-fenced Sea/Tradition-fenced Land /Law-fenced Sky / Faith-fenced Man.

The beautiful phrase in the sentence above has a meaningful message in the family system, neighboring, community, and state. The sea, sky and land component as three aspects of Malay cosmology are fences that guard and fortify Malay people from various temptations, threats, and challenges in maintaining honesty, justice and truth.

2. Research Problems

Based on the background, the research problems are then drawn into two formulations: 1. How is the way of creating model of Malay shame culture in legal perspective in North Sumatera?

2. How is the way to implement shame cultural model of Malay in legal perspective for students in order to prevent corruption in North Sumatera?

3. Research Methods

This research is a sociological law research (empirical legal research). The approach used in this research was qualitative descriptive approach. Data types used in this research were both primary and secondary data. The data collecting technique was Interview which was conducted to Malay customary and cultural figures and also lecturers who are competent in the field studied by the researcher. There were five locations of the research which were all situated in North Sumatera namely: Medan, Langkat, Serdang Bedagai, Tanjung Balai and Sibolga which are coastal areas where Malay tribes mostly reside. The analysis used in this research was qualitative.

This method is directly related to the collection and assessment of data in this paper. The use of this method aims to describe systematically, factually and accurately through observations realized through words or sentences, and carried out in accordance with existing realities and observations found in the field (Bogdan & Taylor, 1993: 5)

4. Result and Analysis

4.1 Malay Shame Culture Model in the Legal Perspective in North Sumatera

Malay Community in North Sumatera, namely: Deli Sultanate, Langkat Sultanate, Asahan, Malay Coastal and Malay Serdang Bedagai and other Malay Kingdoms have embedded the

concept of Shame Culture in their daily life. The shame culture has been embodied in the tribal teachings in the form of messages of order and messages of prohibition that have been used as guidelines and laws for people to avoid punishment and sanctions. (Chainur Arrasyid et al, USU Press, 3)

The Malay tribe communicates in expressive language particularly in conveying arguments. However, they use expressive language in polished and polite allusions. Based on the results of interviews with Malay figures in North Sumatera, they suggested that the way Malay Community producing the shame culture was by containing the messages in *pantun* (a Malay form of repetitive poetry), poems, phrases and so forth that contain advices and *amanah* (moral responsibility of ¹filling one's obligations) and are derived down from generation to generation whose contents are the philosophy of life for the Malays. Among other advices and the mandate ¹cludes "Obedience to the Law Containing Shame Culture" The whole advice and the *amanah* is part of "*Tunjuk Ajar*" which is basically found in all areas of Puak Malay origin in this world, but because the area of origin is quite extensive area, especially in the past where transportation and communication tools were not as sophisticated as in the present, thus resulting in the presence of different vocabulary or dialect such as: *Melayu Deli* dialect, Malay Dialect, Asahan Dialect and so forth.

Legal obedience appears to be clearly visible either expressed or implied from the many *Tunjuk Ajar* found among the Malay tribe, from the first to the present. It is because people from early on or young age have always been conveyed the messages by the elderly or the mother-father at least during certain ceremonies in the family. Thus, advice and *amanah* can be specific particularly on where the address is directed.

The Malay philosophy of obeying the law and being brave to uphold the law is seen in its *Tunjuk Ajar* (traditional teachings) from the a long time ago;

- Custom- jointed Syara'
- Holy-book jointed Syara'
- Aware of being monitored by public
- Aware of the possibility of being reported
- War sign in the upper side
- Unsheathed kris embedded on the earth

One of the elements that must be fulfilled is said that Malay in daily activities must hold on the teachings of religion such as; Al-Quran and *Hadith*. The Malay character and his attitude strive not to violate the prevailing law provisions in the community as well as being firm to the Qur'an and Prophet's *Sunnah* (teachings). Malay nature and its attitude seek not to violate the prevailing law provisions in the community.

The fact that most Malay people are Muslims, thus, realizing and understanding that all bad and good qualities are created by God Almighty is quite a daily acceptance. They also know that every action in the world must be accounted in the Hereafter. If he is bad, then he will get a bad place in the hereafter.

With the conviction ¹ and firmness of the teachings of religion,

the customs and customary laws are still reflected in Islamic law and the *sunnah* of the Prophet so that one can live happily in the world and in the Hereafter. Obedience to the law causes one to be aware of what unfavorable things are and for the Book of Allah and the *Hadith* should be upheld.

Malay is a source of literary inspiration. Malay people are limited by both their customs and religions for the realization of ethics. The virtue of language is spoken by the polite manner which causes the words to be strung together with all subtleties. This is the forerunner of the Malay natural poetry's world. The expressive expressions in *pantun* which are colored by tradition and religion are the language of the Malay tribe to give the color of aesthetics. Therefore, the Malay tribe must master his language completely before he plays the language notes full of beauty. Songs from literature stretched from fairy tales, saga, and epic to poems, proverbs and hymn. For Malays, shame is a cultural concept that plays an important role in the daily social interaction. This concept is different from that of other cultural advocates. It is not only in its lexical form but also in its meaning. The adaptation of the concept of shame from one language into another will not produce the equal meaning even though the languages are intertwined geographically, genetically and culturally.

For example, the concept of shame in Malay would be different from the shame concept in English, *whakamaa* in Maori, *ha'amaa* in Tahiti, or *haji* in Japanese. In a more limited scope, this concept is also not the same as the concept of *elek* in Balinese, *isin* in Javanese, *mai* in Biak, *todus* in Madurese, or *maila* in Angkola.

In the view of the Malay tribe, to avoid the shame (for oneself as well as others) is a major force in social relations. Two other social concepts related to *maruah*, which means "personal dignity" and self-esteem. Social value system of the Malay may be said to be based on these two concepts. In other words, one social behavior is arranged in such a way as to maintain personal dignity and not to offend the dignity of others.

The unique feature of the concept of "Shame Culture" in Malay society is related to the concept of public visibility. Malay people will feel embarrassed if their embarrassing behavior is known by many people. This concept is cross-culturally different from Aboriginal people in Australia, as Harkins (1990) puts it in "Linguistic and Cultural Differences in the Concepts of Shame", that Aboriginal people feel embarrassed when they pass by the ceremony or when they see photographs of sacred objects in the book found at the library although no one else is nearby.

Thus, it can be argued that the concept of embarrassment for ⁵ Malay can be expressed in the proverb: "'*Daripada hidup ⁵menanggung Malu, elok mati kena palu, kalau aib sudah menimpa, hidup di dunia ini berguna*" (Instead of living with bearing the shame, beautifully dying by the knock of a hammer is much better, if a disgrace has been fallen, life in this world is no more useful)

One of the norms of Malay in communicating behavior is to speak in a polite way. In everyday communication, there is

impression that Malays always think before speaking, as reflected in the phrase "*Kalau cakap pikirlah dulu sedikit*" (If you want to speak, think a little first). The desire to avoid offending and make the other person feels bad or even gets embarrassed is motivated by the belief that the other person does not think bad about the speaker.

The shame is like a fortress in preventing social behavior that is perceived defiant in society and in particular to prevent corruption. People will realize that his behavior can cause him a shame, thus, they will try to avoid unpleasant situations. Expressions of shame are related to social relationships, such as the level of familiar and unfamiliar intimacy. This relationship level even has far-reaching implications.

4.2 Application of Malay Shame Culture Concept in Legal Perspective for Corruption Prevention for Students in Higher Education.

The concept of local wisdom of shame culture is a foundation for the prevention of corruption for the younger generation because the shame culture is indeed a characteristic of eastern culture which has been part of implementation in life and daily activities. The application of character education which is derived from local wisdom of the ancestors' cultural heritage will produce successful younger generation in academic, economic and other fields. This is indeed a way of preparing civilized and prosperous human resources in the future. Three countries (China, the United States and Japan) are the countries that give priority to the formation of the character of the nation which based on the national culture in order to prepare the future of the next generation. It is undeniable that the reality of this shame culture has gradually begun to fade among the younger generation. This might have been influenced by the changes and progress of the era. Shame culture is a reflection of morality particularly the shame concept for the Malays is a trait that must be upheld.

In Malay's *tunjuk ajar* (traditional virtues and teachings), the nature of shame is a reflection of the moral as to not commit misconduct, be ashamed to speak harshly, be embarrassed to boast, be embarrassed to cheat, be embarrassed to betray, be embarrassed to deprive other people's rights, be ashamed of doing things arbitrarily, be ashamed to let go of obligations and responsibilities, be ashamed of exposing one's flaw, be ashamed of exposing the ugliness of people etc.

On the other hand, shame is also embodied in good things. For example, one is expected not to feel ashamed in pursuing education or not to feel ashamed in admitting mistakes and self ignorance, not to be ashamed of being frank, not to be ashamed of upholding responsibilities, not to be ashamed of doing to a rough work, not to feel embarrassed to seek advice and *amanah* etc.

The elders often say: "*If you are embarrassed to do religious worship, the world of astray is guaranteed. If embarrassed to work hard, miserable life is a assurance, if embarrassed to seek advice, the unfortunate world and hereafter life is infinite. If embarrassed of doing charity is like deceased without any arms (good deeds)*". Based on the things mentioned above, the Malays forbade having shame on

the path of goodness. The person who has no shame in the life of the Malays is often said as dishonorable. The person is considered low and of humble rank, contemptible and can be equated with the animals' quality of having no shame. Therefore, Malays people try to maintain the nature of shame throughout his life. The Malays look at the nature of shame from the following *Tunjuk Ajar* expression:

What is the true Malay sign?

Feeling embarrassed to do the untruthful

What is the true Malay sign?

Maintaining the culture of shame wholeheartedly

The Malay circle also recognizes the nature of shame that is prohibited on certain things or in other words there are things that are told to be embarrassed, and there are things that also prohibited feeling shame about. For example, one is not supposed to be shame of upholding the truth, upholding the law of right and one is also aimed on the good and justified things.

Tunjuk ajar which include the principle of having shame to be betraying on oath in life, shame to break a loyal promise, shame to take what is not his right, shame to take what is not hers, shame to disobey God's command, shame to be defiant of the *sunnah*, be ashamed to violate the institution's customs, be ashamed to infringe trust, embarrassed by customs norms, considering by legal law, scaling things right, count before the stump, thinking before the words trigger injury (conflict).

From the above point of view, the Malay teaching practices put forward the notion of "Shame" is not about low self-esteem but a great soul for truth and justice in order to obey the law and enforce the justice and order. The cowardly nature does not exist in the Malay but the nature of patience and respect. The silent nature of Malays is not apathetic but to think when it is appropriate to move forward and act on something. The Malay tribe communicates in expressive language in order to convey arguments. They use expressive language in polished and polite allusions. Malays and the nature are unity in literature and sources of literary inspiration. Malay people are limited by both their customs and religions for the realization of ethics. The virtue of language is spoken by the polite manner which causes the words to be strung together with all subtleties. This is the forerunner of the Malay's world of natural poetry. The expressive expressions in *pantun* which are colored by custom and religion are the language of the Malay tribe to give the color of aesthetics.. Songs from literature stretched from the tales, saga, and epic to the poems, proverbs and incantations.

For Malays, shame is a cultural concept that plays an important role in the daily social interaction. This concept is different from that of other cultural advocates. It is not only in its lexical form but also in its meaning. The adaptation of the concept of shame from one language into another will not produce the same meaning even though the languages are intertwined geographically, genetically and culturally.

Preserving the shame culture means that it must be implemented in the Institute of Education as Emile Durkheim suggests that educational institutions have the duty and

function to instill values that are useful to maintain the social system. As one of the socialization agencies, education institution has a central role that is to change and produce various value systems, culture from one generation to the next generation. Besides, the shame culture is also obliged to grow in the world of politics, government and life of the nation. If this shame culture is not cultivated, the nation is failed to create better circumstances to the people.

5. Conclusion

1. The shame culture of Malays are written in *pantun* (poetry), poems, phrases and so forth that contains advice and *amanah* (mandate) to be passed down from generation to generation. The contents are the philosophy of life for the Malay. The contents, among other advice and the mandate include "Obedience to the Law of Shame." The whole advice and the *amanah* (mandate) are also part of "*Tunjuk Ajar*" (traditional virtues and teachings) which basically exists in all areas of origin of Puak Melayu in North Sumatra

2. The concept of local wisdom for the shame culture is a foundation for the prevention of corruption for the younger generation because the shame culture is actually a characteristic of eastern culture which has been in the implementation of daily life and activities. However, in today's reality, the shame culture is gradually started to fade among the younger generation. This might have been influenced by the changes and progress of the era. The shame culture is a reflection of moral particularly for the Malays who consider it as a trait that must be upheld.

3. In the Malay's *Tunjuk Ajar*, the nature of shame is a reflection of the moral and an embarrassment of doing evil. Thus, the concept of "shame culture" should be more instilled to the students especially in learning Anti-Corruption Education.

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