

PERSPECTIVE

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Corruption Eradication in Indonesia: One Step Forward, Two Steps Back

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The Corruption Eradication Commission (KPK) building in Jakarta. Picture taken on 27 June 2023. (Photo by BAY ISMOYO / AFP).

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EXECUTIVE SUMMARY

- The establishment of the Corruption Eradication Commission (KPK) is arguably one of the most important milestones in Indonesia's anti-corruption drive since the fall of Suharto. Since its establishment, KPK has investigated more than 1,500 corruption cases.
- During President Jokowi's administration, there was a tremendous backlash against KPK's sting operations and its exposure of corruption in powerful state agencies, including the Police. The government and the parliament wanted tighter supervision of the agency, and wanted it to focus on corruption prevention rather than organising operations to catch perpetrators red-handed.
- In late 2019, the passing of a new KPK law led to the creation of a Supervisory Council, which significantly circumscribed the KPK's autonomy to conduct anti-corruption operations. There was a growing perception that the KPK was no longer free from political interference, and instead had become a political tool to undermine political opponents.
- A recent extortion case involving the KPK chief himself indicates that the system for combatting corruption in Indonesia may also be corrupt.
- Public expectations for corruption eradication will never be met unless fundamental reforms are implemented within KPK and other law enforcement agencies, including the National Police and the Attorney General's Office. The KPK itself is under-resourced and under-staffed. It would be difficult to restore the agency's credibility unless it regains its previous status as an independent agency instead of being part of the civil service. More fundamentally, progress in eradicating corruption in Indonesia would require a broader inculcation of integrity and accountability standards across the government, and curbs of the cosy relationships between politicians and big business.

INTRODUCTION

Indonesia's Corruption Eradication Commission or KPK (Komisi Pemberantasan Korupsi) is facing a serious challenge after its Chief, Firli Bahuri, who is also a Police General, was charged with extortion; he had allegedly demanded money from former agriculture minister Syahrul Yasin Limpo. The latter stood indicted for corruption in the procurement of goods and services within the Ministry of Agriculture and for the gifts and gratifications he received from inside and outside the Ministry.¹

In March this year, KPK arrested 15 employees at its detention centres for allegedly extorting detainees between the years 2019 and 2023. The investigation was triggered by a report from the KPK Supervisory Council that 78 detention centre workers were involved in collecting illicit fees from detainees in exchange for illegal services such as the smuggling of cash or communication devices into their cells.² This recent incident shows the massive challenge of fighting corruption in Indonesia. Law enforcement officials who are responsible for upholding the rules and regulations often break the law to enrich themselves.

There have been several corruption cases involving high-ranking state officials during President Joko Widodo's (Jokowi's) administration. Besides Syahrul, five other ministers within Jokowi's cabinet have faced corruption charges since he took office in 2014. These were Social Minister Idrus Marham (Riau power plant case); Youth and Sports Minister Imam Nahrawi (embezzlement of grants from the Indonesian National Sports Committee or KONI); Maritime and Fishery Minister Edhy Prabowo (collision and gratuity in permits to export lobsters and lobster eggs); Social Minister Juliari Batubara (embezzlement of grants and aids for Covid-19 crisis management); and Information Minister Johnny G Plate (embezzlement of funds from the construction of base transceiver stations (BTS) towers).³

Why have there been so many corruption cases involving government officials and even ministers during the Jokowi administration? As of now, there are six ministers in Jokowi's cabinet compared to five ministers in Yudhoyono's cabinet caught in corruption cases.⁴ How should we assess this development? Does this mean the Indonesian Corruption Eradication Commission (KPK) has been ineffective? Or is it because the KPK has become more effective in uncovering corruption? This essay examines the challenges facing Indonesia's corruption eradication efforts. It looks at KPK's unique role in the regulatory and institutional setup of Indonesia's governance system and examines various ways to increase KPK's effectiveness.

THE BEGINNING OF THE CORRUPTION ERADICATION DRIVE

The key milestone of Indonesia's effort to fight corruption began with the enactment of Law No 31/1999 on corruption. The law gave birth to the Corruption Eradication Commission (KPK), an independent agency that deals with corruption cases that are too difficult to handle for the prosecutor's office and the police. Over the years, KPK has been dealing with a number of major corruption cases, such as the Century bailout, electronic ID (e-KTP), and the Bank Indonesia Liquidity Assistance (BLBI), among others (Table 1).⁵ Given its early achievements, public trust in KPK grew strong. A survey conducted in 2008 showed that the agency was ranked as the law enforcement agency most trusted by the public, above the National Police, the Supreme Court and the Attorney General's Office.⁶

Table 1: Select Major Corruption Cases under KPK Investigation

Case	Year	Value	Outcome
Century bank bailout	2008	Estimated state losses of around Rp 6.7 trillion	KPK succeeded in imprisoning several related suspects, including Budi Mulya, former Deputy Governor of Bank Indonesia for Monetary Management, who was sentenced to 10 years in prison.
Construction of the Hambalang National Education, Training and Sports School Center	2010	Estimated state losses of around Rp 464-706 billion	KPK succeeded in imprisoning several related suspects, including former Chairman of the Democratic Party, Anas Urbaningrum, former Minister of Youth and Sports Andi Mallarangeng and former member of the national parliament Angelina Sondakh.
Construction of the SEA Games Athletes' Village in Palembang, Riau Province	2011	Estimated state losses of around Rp 55 billion	KPK succeeded in imprisoning several related suspects, including former General Treasurer of the Democratic Party Muhammad Nazaruddin.
Procurement of electronic ID (e-KTP)	2011	Estimated state losses of around Rp 2.3 trillion.	KPK succeeded in imprisoning several related suspects, including Setya Novanto, former Chairman of the National Parliament, who was sentenced to 15 years in prison.

Bank Indonesia Liquidity Assistance or BLBI	2013	Estimated state losses of around Rp 4.58 trillion.	KPK named businessman Sjamsul Nursalim and his wife as suspects. In 2021, however, KPK announced it had dropped the protracted bailout graft case against Sjamsul Nursalim and his wife. The decision was taken after years of unsuccessful attempts to build a strong case.
Purchase of liquefied natural gas (LNG).	2012	Estimated state losses of around Rp 2.1 trillion.	KPK named former President Director Pertamina Karen Agustiawan as a suspect.
Procurement and maintenance project for quayside container crane (QCC) units at PT Pelindo II	2015	Estimated state losses of around Rp 32 billion	KPK named the President Director of PT Pelindo II Richard Joost Lino as a suspect. Lino was sentenced to 4 years in prison.

Note: US\$ 1 = Rp 16,045 (as of 24 May 2024)

Source: various media reports

Corruption is a complex issue, and many factors, including lack of awareness, integrity, transparency and accountability, make it difficult to fight.⁷ Through various sting operations (Operasi Tangkap Tangan or OTT), KPK has caught many government officials, especially heads of provincial, district/municipal governments, red-handed.⁸ Arguably, the high costs of holding political office/positions were deemed the main factor in explaining why many regional officials were involved in corruption cases.⁹

Despite its achievements in uncovering several high-profile cases, KPK's corruption eradication efforts have not been without controversies. Scandals, internal controversies, and political interference have adversely affected public perceptions about the roles and

effectiveness of the KPK. In some cases, KPK also had to deal with other law enforcement agencies, such as the National Police (POLRI). In 2009, there was a confrontation between the KPK and POLRI, which was dubbed the house lizard vs crocodile (Cicak vs Buaya) case, depicting the KPK as a small house lizard and the national police as a large crocodile. The KPK was accused of wiretapping the Head of Criminal Investigation, Commissioner General Susno Duadji, who was being investigated for receiving a bribe amounting to Rp 10 billion in the Century Bank case.¹⁰ POLRI countered by charging the KPK leaders with legal issues. Two Deputy Chairmen of KPK, Bibit Samad Riyanto and Chandra Martha Hamzah were detained, which then sparked strong reactions from corruption activists and the public.¹¹

More friction between the KPK and the Police happened in 2012 when the KPK investigated allegations of corruption in the acquisition of a driving license (Surat Izin Mengemudi or SIM) simulator involving the former Head of the National Police Traffic Corps, Inspector General Djoko Susilo.¹² Not long after this case was opened, the KPK investigator Novel Baswedan was accused of being involved in the abuse of a detainee in 2004 when he was Head of the Investigation Unit for the Bengkulu Regional Police.¹³

The tensions between the two agencies continued during the administration of President Jokowi in 2015, when KPK named Commissioner General Budi Gunawan as a suspect in cases of alleged receipt of gifts or gratification.¹⁴ This case prevented Budi Gunawan from becoming the National Police Chief. In retaliation, POLRI named KPK Deputy Chairman Bambang Widjojanto as a suspect in providing false information at the Constitutional Court trial in the West Kotawaringin Regional Head Election dispute case in 2010.¹⁵ The KPK leader at that time, Abraham Samad, was also named by the police as a suspect in the document falsification case. The determination of both KPK leaders as suspects triggered strong public reactions against the ‘criminalisation’ of corruption activists, forcing the Attorney General at that time, HM Prasetyo, to dismiss the charges against Samad and Widjojanto.¹⁶

Nevertheless, KPK’s operations have been perceived by the Jokowi government, as revealed by the Coordinating Minister of Maritime and Investment Affairs, as being less effective and of creating a negative image of the country.¹⁷ Minister Luhut Pandjaitan said that KPK should focus on preventive measures and education rather than sting operations.¹⁸ This statement indicates a perception within the government that KPK has gone too far and must somewhat be controlled. Moreover, the contentions between KPK and both the national police and the government have reduced the agency’s efficacy in preventing and eradicating corruption. Establishing complementary roles among the above institutions remains elusive due to the intricacies involved, whereas the politics of corruption prevention and eradication signals the ever-presence of conflicts, disruptions and dissolutions. Given the prevailing political regime, which stipulates transactional politics and coalitional government, KPK’s flexibility is being tested.

POLITICAL EFFORTS TO CONTROL KPK

During President Jokowi’s term, KPK’s power and independence have arguably been reduced through legislative amendments. In 2019, the government tabled the Law No. 19/2019 in the parliament. The new law has some serious implications for the agency’s operations as it imposes political control that diminishes its ability to operate independently.¹⁹ The new law

transforms KPK from an independent agency to a central government body. Critics argue the law has weakened the decision-making structure within the agency.²⁰ KPK's operation is now controlled by the President through a supervisory council (Badan Pengawas KPK). KPK's requests for surveillance must now be approved by the board, which impedes the agency's powers. As a result, KPK has become just another politically controlled auxiliary state agency. Its personnel are to be reclassified from independent staff to state officials. Some of its investigators have faced growing hostility and have been removed from their positions.²¹ Between January and November 2020, 38 personnel left KPK due to disappointment with the new law and organisational changes.²²

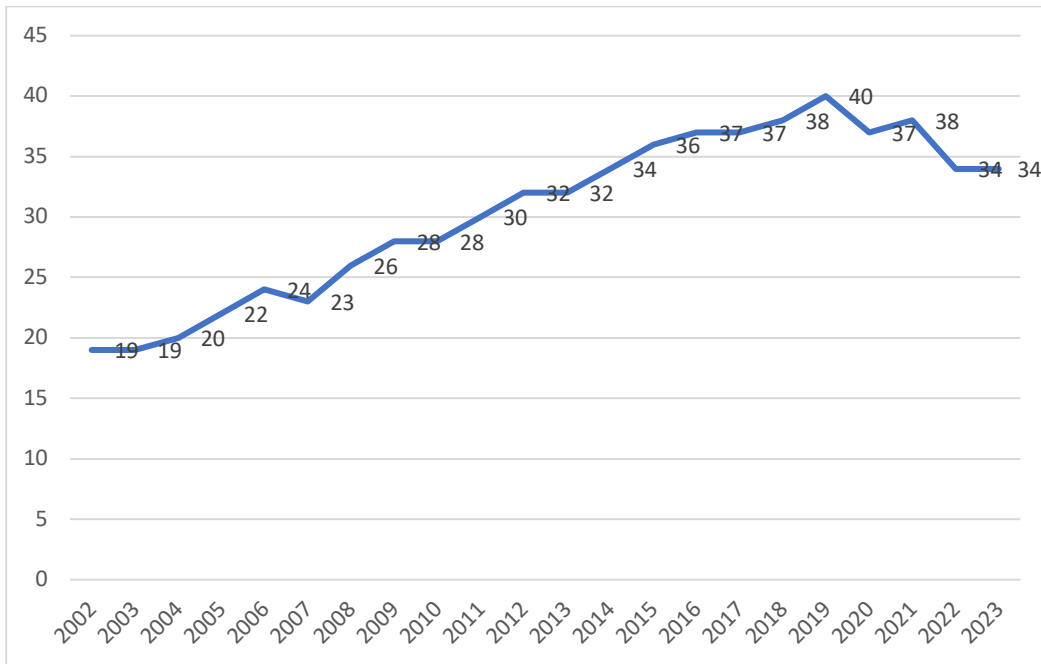
WHY DOES CORRUPTION PERSIST?

A recent report from Transparency International finds that corruption has worsened during President Jokowi's administration. Indonesia's Corruption Perception Index (CPI), which is a composite indicator to measure perceptions of public sector corruption on a scale of zero (very corrupt) to 100 (very clean) in 180 countries, has declined from 40 in 2019 to 34 in 2022.²³ The drastic decline in Indonesia's CPI score in 2022 indicates that corruption eradication in the country has become increasingly ineffective (Figure 1).

According to a recent survey conducted by ISEAS – Yusof Ishak Institute, public perception towards law enforcement agencies is quite low. Particularly, trust in KPK has decreased significantly from 83.1 per cent in 2017 to 72.7 per cent in 2022.²⁴ The decline in public trust in the KPK aligns with their perception of the agency losing its independence after the KPK Law passed in 2019. Persistent weak law enforcement has translated into general distrust in the law itself and in the bureaucratic apparatus in charge of upholding the regulations.

Figure 2 shows that the number of corruption cases fell in 2019 and 2020. This does not mean corruption has improved during that period. On the one hand, the revision of the KPK Law in 2019 affected the ability of the agency to investigate new cases. On the other hand, the Covid-19 pandemic affected the operational ability of KPK. Interestingly, as the pandemic subsided, the number of cases increased, after 2020.

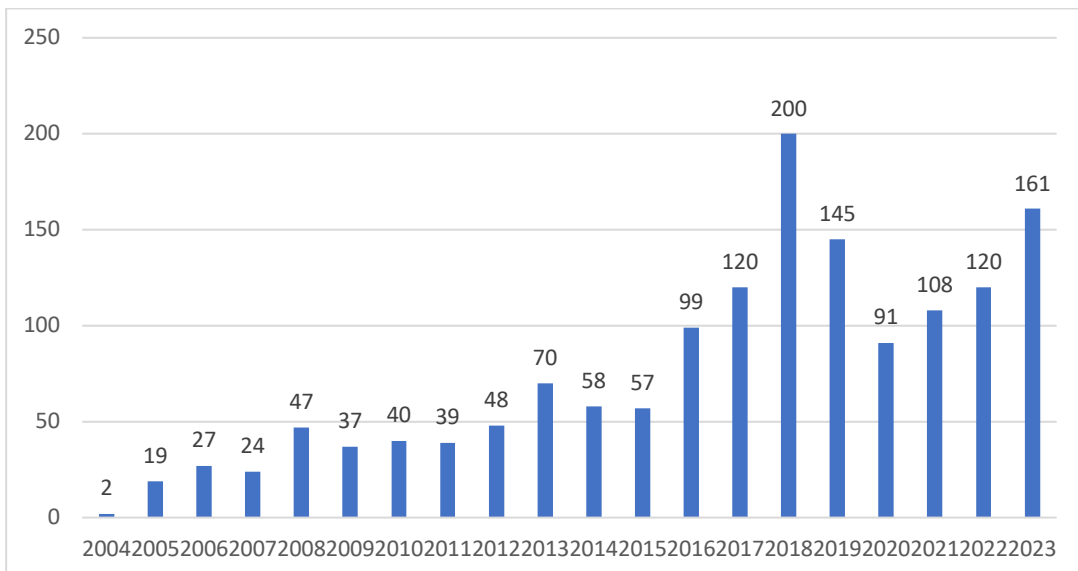
Figure 1: Corruption Perception Index (2002-2023)



Source: Transparency International.

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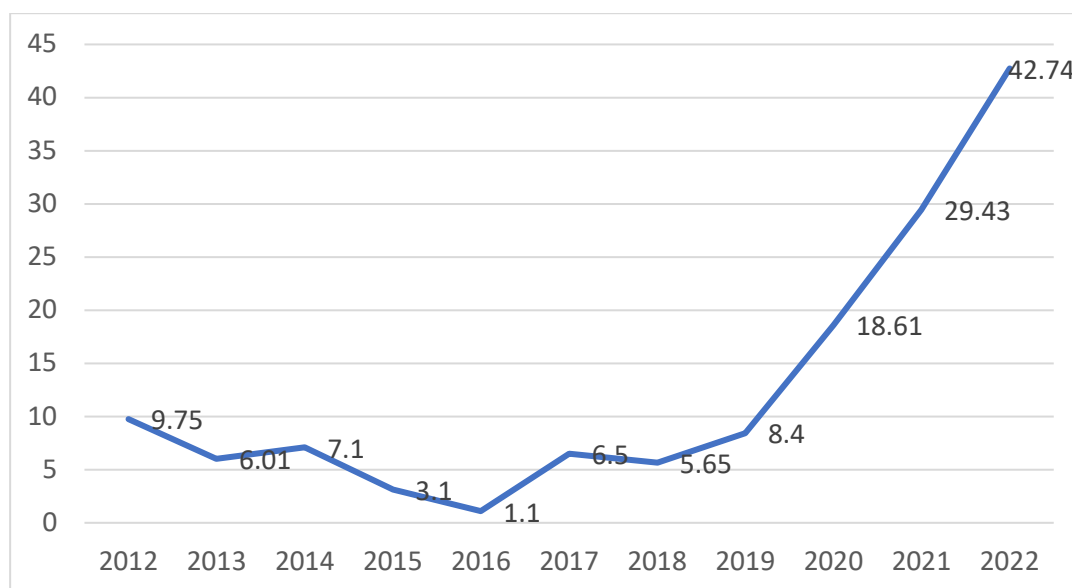
Figure 2: Number of corruption cases investigated by KPK (2004-2023)



Source: Katadata. (<https://databoks.katadata.co.id/datapublish/2024/03/06/kpk-tangani-1500-kasus-korupsi-dalam-dua-dekade>)

Digitalisation of public services is claimed to be a major strategy for eradicating corruption through prevention. Arguably, digitalisation helped in reducing petty corruption, such as what many people faced in the past when they applied for ID Card (KTP) and/or driver’s license (SIM). Nevertheless, state loss due to corruption has continued to increase over the years according to the Indonesia Corruption Watch (ICW). Ganjar Pranowo, the non-elected presidential candidate, cited data from ICW and said that the state had lost Rp 230 trillion over the last ten years to corruption (Figure 3).

Figure 3: Estimated State Losses due to Corruption, 2012-22 (trillion Rp)



Note: ICW does not provide information on how the losses are computed.

Source: ICW (<https://databoks.katadata.co.id/datapublish/2023/12/12/cek-data-ganjar-sebut-kerugian-negara-akibat-korupsi-tembus-rp230-t-dalam-10-tahun-terakhir-benarkah>)

Figure 3 indicates state losses due to corruption which had increased exponentially after revision of the KPK Law. While KPK argued that the analysis carried out by ICW was incorrect,²⁵ the results are in line with the report from Transparency International.²⁶ If the figures are accurate, the effort to combat corruption may have moved backwards in recent years.

So, why does corruption in Indonesia remain persistent? There are several factors driving it. Below we discuss the three most critical ones.

INSTITUTIONAL CONSTRAINTS

Institutions responsible for preventing and combating corruption are often, if not always, underfunded, understaffed, and lacking the necessary resources and capacity. In 2023, KPK received around Rp 1.27 trillion (approx. US\$ 79 million) to support its operation from the state budget. This figure is equal to 0.04 per cent of the total state spending.²⁷ Also, the employment status of KPK’s personnel was changed from contract employees to civil servants through the new KPK Law.²⁸ With only one office in Jakarta, KPK is overwhelmed when

managing cases in the region due to inadequate human resources. Moreover, the non-independent Supervisory Board has further constrained the agency's capability to investigate and prosecute corruption cases.

Institutional constraints have led to cherry-picking of cases to investigate. Given such constraints, the KPK must be more selective, and tend to prioritise cases that impact the institution's survival rather than cases that could strengthen its reputation. Under the control of a strong coalition government, some have argued that the agency may have lost its ability to say 'no' to politicians.²⁹

During Jokowi's administration, there have been signs that anti-graft enforcement has been increasingly targeted at those from the opposition camp and their supporters.³⁰ The KPK has been accused of cherry-picking graft suspects. Even though politicians from the PDIP Party have been indicted for graft by the KPK, these cases usually involved menial and low-profile politicians accepting small bribes at the regional level. These politicians include Damayanti Wisnu Putranti (Komisi V DPR),³¹ Sri Hartini (Bupati Klaten),³² Muhammad Samanhudi Anwar (Walikota Blitar),³³ and Supian Hadi (Bupati Kotawaringin Timur).³⁴ In contrast, there have been cases involving high-profile politicians from opposition parties, such as Johnny G. Plate (Former Minister of Communication and Information Technology, from Nasdem) and Syahrul Yasin Limpo (Former Minister of Agriculture, also from Nasdem). As a result, the public perception is that anti-corruption enforcement has been used to weaken the opposition camp.

How will anti-corruption enforcement change under the new government? The President-elect, Prabowo, has promised to enact new legislation to strengthen corruption prevention and eradication as well as to put in place more stringent criteria for the selection of the KPK head. The proposed Asset Forfeiture Bill initiated by the Jokowi administration needs to be completed urgently.³⁵ Nonetheless, the Indonesian Corruption Watch has opined that the proposed bill is unlikely to be passed. The reason for this is that such a bill will lead to greater scrutiny of funding for political parties and political coalitions. Moreover, a stronger anti-corruption regime would also put greater scrutiny on future deals between foreign investors and government officials and politicians.³⁶ This is why parliament has been reluctant to discuss the bill.³⁷ The investigation and prosecution of powerful politicians and officials for corruption is also not likely to happen in the future as Prabowo has publicly vowed to focus on corruption prevention as opposed to prosecuting the corrupted.³⁸ Given that Prabowo is likely to continue Jokowi's legacy of coalitional government and transactional politics, the prospects of a stronger anti-corruption regime are dim.

TRANSACTIONAL POLITICS AND COALITIONAL GOVERNMENT

Jokowi's cabinet consists of reformist aspirants, parties' supporters and New Order proponents.³⁹ Jokowi developed legitimacy by accommodating the interests of various proponents, including elites, rather than siding exclusively with popular demands.⁴⁰ The mix between politics and business has long been a tradition. It creates a fertile land of conflict of interest and encourages the use of public positions for private gains. This often leads to a collusion between public officers and private firms to influence public policies for their benefits.⁴¹ The elected members of the district, provincial, and national parliaments are

dominated by business people,⁴² and the background of the current regent/mayor, governors and ministers are from the business/private sector. In fact, many political parties are led by or connected to business people, e.g., Nasdem, Surya Paloh; Golkar, Jusuf Kalla and Aburizal Bakrie; Perindo, Harry Tanoesoedibjo; and Gerindra, Hasjim Djojohadikusumo. The only major party that is not lead by a business person is PDIP.

In matters of candidacy, succession and ascendancy, governors and mayors prefer to support candidates who can bring money to the table. This is well known as ‘Mahar Politik’ or political dowry.⁴³ Should this political practice continue, the collusion between public officers and private firms to influence public policies for their benefit will also persist.

WEAK CULTURE OF INTEGRITY

Arguably another factor that contributes to pervasive corruption in a country is its culture. In the context of eradicating corruption, building a culture of integrity is critical. Without creating such a culture, law enforcers themselves are at risk of committing corruption. The results of the Integrity Assessment Survey (SPI) conducted by KPK every year from 2021 to 2023 show a downward trend, indicating the risk of corruption in government institutions is getting higher.⁴⁴ Efforts to improve a culture of integrity are carried out through anti-corruption education at all levels of education and involving collaboration with all stakeholders who have authority in the education sector. However, the Education Integrity Index (IIP) itself has not shown any improvement, and schools have not demonstrated massive and conducive exemplary behaviour.⁴⁵ Ironically, cases of corrupt acts in the education sector are still widespread, such as gratification, illegal levies, collusion between school leaders, nepotism in admitting new students, and plagiarism.⁴⁶

CONCLUSION

Public expectations for corruption eradication will never be met unless there is fundamental reform within KPK and other law enforcement agencies, such as the National Police and the Attorney General Office. There is a need to clean up and improve the integrity of these law enforcement agencies.

The enactment of the 2019 KPK Law has brought serious setbacks in the fight against corruption. The incoming new government will face tremendous challenges in finding effective strategies to deal with persistent corruption. There are several measures that can be implemented to effectively combat corruption. One is to restore KPK’s power by making it a more independent agency. Moreover, the government should consider increasing the funding for the agency, and improving the collaborative framework between KPK and other agencies such as the Police, Attorney General Office, Audit Board (Badan Pemeriksa Keuangan or BPK) and Financial & Development Supervisory Agency (Badan Pengawasan Keuangan & Pembangunan or BPKP). Then, to address transactional politics, there is a need to regulate political financing. This may include transparency and limits on campaign contributions, public financing of political campaigns, and stricter disclosure requirements for political donations. Even within a big coalition government, corruption can be minimised with strict enforcement of transparency and accountability laws requiring politicians and businesses to disclose their financial transactions, assets, and conflicts of interest. Finally, to build a culture of integrity, it

is important to raise public awareness about the negative impacts of corruption on society and to encourage citizen participation in efforts to combat corruption. Public campaigns, educational programmes, and civic initiatives aimed at promoting transparency, accountability, and good governance need to be intensified.

ENDNOTES

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