



INNOVATIONS FOR SUCCESSFUL SOCIETIES

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KURIS: I am here with Pak Erry (Riyana Hardjapamekas) on February 22nd. Why don't you tell me when you were first appointed commissioner on the KPK (*Komisi Pemberantasan Korupsi*, Corruption Eradication Commission) how did you feel? What were your concerns?

HARDJAPAMEKAS: Number one it is a great challenge. There are many supports. At the same time there are many challenges, barriers, obstacles, many. But we positively thought that we use all the positive side, all the supporting parties, the Minister of Finance, the President at that time Megawati (Sukarnoputri) and also SBY (Susilo Bambang Yudhoyono) in the first two years, that's okay. The first thing to do is to how to build an organization and an excellent HR (human resources).

The law says that the investigators should come from the police and the prosecutors. Then we mixed with the civil servants who are already there because we have to merge with a commission who investigates the government officials' wealth as well [referring to the Commission on the Appraisal of Wealth of Government Officials (the KKPN)]. So we have some civil servants from there. Then we hire many professionals from the private sector. So you can imagine we have to combine three groups of people from three different cultures—law enforcement agency officials, common civil servants and private sector professionals.

KURIS: So how did you do that? What policies did you put in place?

HARDJAPAMEKAS: We had many sessions and many forums, many internalization events so that we found the same values and then culture and then a code of conduct also agreed to by all parties all regulations, employee regulations. Then followed up by, with their participation all standard operating procedures, all steps, operational steps and logistic steps that we have to find out. Another important thing is that we set up our own HR (human resources) management system, which was quite different with the civil servant's HR management.

We asked for that as a government regulation, a special government regulation for us. So that drove us in empowering, encouraging our employees to be a good example. We pushed them to be an example, to be a good example for other institutions. I think those were the basic things that we put in place.

KURIS: How did you develop the code of ethics you were talking about?

HARDJAPAMEKAS: That was a participatory process. Not only internal but also stakeholders. We published that to the stakeholders, to NGOs (nongovernment organizations), to private sectors and we got all the input. Then we designed and prepared our code of conduct, our code of ethics. Then again we published that to get some input. But so far it has not yet changed but is still there.

KURIS: Was it hard to get permission for the special civil service?

HARDJAPAMEKAS: Of course because it is a new scheme proposed by a new commission, a new agency. But we have a basis that is the law, law number 30, 2002. That is our basic reference. So we used that basis to ask the agency. Of course there are many challenges but we were very determined to get that license. It takes maybe three or six months. The first year almost all commissioners are not paid

or paid a small amount of money. But the second year then everything was in place and we will pay based on the new regulations.

KURIS: I've heard that in the first year there wasn't very much budgeting. So how did you deal with that obstacle?

HARDJAPAMEKAS: We agreed that we were here not only to seek money. Money is important but it is not number one. Number one is how to build this organization properly. And luckily, fortunately, we were all five to some extent already established. So we agreed that okay, we have to sacrifice. We have to make a struggle in getting approval of everything. I think we have to sacrifice for this first year. That is the basis of our endeavor.

KURIS: Did you and the other four commissioners have any disagreements in the first year? Was there any controversy?

HARDJAPAMEKAS: Yes, of course. The law says that we have to decide every decision collectively. The chairman is the primus inter pares, the first among equals. No special power of the chairman. All decisions must be made collectively. Of course some strategic decisions were debated strongly but mostly we agreed almost any decisions would be unanimous. Only one or two which are strategic, important, strategic, then we came to the position of two vote yes, two vote no, one abstain. So we hold that decision.

KURIS: So you just held off on the decision?

HARDJAPAMEKAS: Only once or twice.

KURIS: Can you tell me at all about those conflicts?

HARDJAPAMEKAS: Not conflicts, just disagreements. We at the time strongly recommend to have our own investigators but if we change the law it would be difficult and a long way to go. So what we have to do is why don't we just try hiring investigators from outside the police. Once the judge decides it is no problem then that becomes the law.

KURIS: So you tried to have outside investigators?

HARDJAPAMEKAS: Of course not alone but the police investigators, prosecutors investigators and then coupled with two non-police and non-prosecutors investigators. Just try. Then the court will be deciding whether it is valid or not. Once the court said valid, ok, then that is the law. So private investigators could be considered as official investigators. But two people said no, it is too risky, blah, blah, blah. The law says this. So one abstained. So we held that.

To me, and it is proven now, it is very important because the most independent one is the private investigator. If the investigators come from the police then they cannot investigate the police. If the investigators come from the prosecutors, they cannot investigate the prosecutors. So what we did at that time if we have the case of the police then prosecutors investigate; if the prosecutors have a problem, then the police investigate. That was the compromise. But still, even up to now, I think that issue is very important. They have to have their own investigators.

Yes, through training—the ex-police can also be hired. Ex-prosecutors can also be hired. Ex-judges who have a talent of investigation could also be hired. That is the point. It is not logical. The police could be investigators of KPK because of their title as police. Once he retires he is still an investigator because investigation expertise is still there.

KURIS: It is still inside of him. It may even be better.

HARDJAPAMEKAS: *Yes, with long experience. So how come we don't, we're not allowed to hire them. They are experienced police investigators. So that is the point.*

KURIS: So it is still an issue.

HARDJAPAMEKAS: *It is still an issue. I think we, NGOs agreed to put pressure on that, to push that to be a law in the next review of the anti-corruption law.*

KURIS: Who did you look to for guidance or for advice when you were first setting up the commission? Did you look to other countries?

HARDJAPAMEKAS: *Of course. Our law is copied maybe about 50%, maybe more than 50% from ICAC (Independent Commission Against Corruption), Hong Kong. The court is copied from the Philippines or one of the east European or African countries. That is a special anti-corruption court.*

KURIS: Oh the Tipikor.

HARDJAPAMEKAS: *Yes, the Tipikor. But it didn't work in the Philippines and those other countries but it does work here, very well, although there is a problem of non-career judges but now it is ok. The problem now is when they open the branches in the regions, that's a problem. They lost two or three cases.*

KURIS: It broke the perfect record.

HARDJAPAMEKAS: *That's bad because of recruitment. The key is the recruitment of the judges. That time it was not properly done. That is why we are focusing very much on our recruitment way back 2003, 2004. No compromise, no nothing. We hired a good professional to make a profiling assessment, to do some interviews, many things, long, long process and we did it ourselves, all commissioners interviewed them one by one. All the deputies, all the directors, all the key personnel, we did it.*

KURIS: What was the hardest challenge in the recruitment?

HARDJAPAMEKAS: *The hardest challenge in the recruitment was how to make sure that one has a good track record. Although there is a methodology of background checking, tracking, but still it remains some doubt. So at the end of the day we have to make a judgment, ok, this one is ok. But later on if we found something then we just investigate, our internal affairs can do that.*

KURIS: How did you set up the internal affairs unit? I think that's a—.

HARDJAPAMEKAS: *The law says—our law is very unique, even the organization structure also is set up in the law. So there is the deputy for public complaints and internal*

affairs, internal audit. Previously they intended to follow up all the public complaints about KPK personnel to be investigated by internal affairs but now it is expanded. The public complaints are complaints and reports on the public about everything, about corruption as well as about employees, attitude. Complaints about employees then go to internal audit. Public complaints about corruption, reports about corruption will go to their own, they set up their internal verification and then if there is indication, strong indication then shifted to pre-investigation directorate and so forth.

KURIS: Was this the online whistle blower complaint system?

HARDJAPAMEKAS: Yes, they just installed that two years ago, three years ago. We planned that in 2006 before we retired. But it was realized after 2007, the on-line. That was copied from one of the African countries, funded by GTZ (Deutsche Gesellschaft für Internationale Zusammenarbeit, German Technical Cooperation), now GIZ (Gesellschaft für Internationale Zusammenarbeit, German Agency for International Cooperation), the German aid agency.

KURIS: So in the first year the commission made a difficult decision to focus on capacity building and not to begin investigations. Was there a lot of public pressure about that?

HARDJAPAMEKAS: Yes. The biggest challenge for us was the high public expectations, very high public expectations. Even when we did investigate high officials, high expectations did not stop and they went higher. We investigated a governor, "Oh, not only governor, only one, how about other governors." then more than one governor, "how about the minister," on and on, with higher and higher expectations. I think that's the biggest challenge, how to manage public expectations.

KURIS: So how did you try to manage it, what did you do?

HARDJAPAMEKAS: We just made it transparent that this is the due process of law. This is the process of the investigation, which we have to be careful. What we make them aware of is that our law says that we don't have any mechanism to stop investigations while the police and the prosecutors have that. So once we plan the investigation, if the investigation reaches 70% certainty, then we go with the investigation and prosecution; otherwise we just drop the case in the pre-investigation.

KURIS: So you can drop the case.

HARDJAPAMEKAS: In the pre-investigation, but once it enters into the investigation process, there is no mechanism to stop that. So that is why we carefully select cases.

KURIS: It seems even harder then that you maintained 100% conviction rate if you couldn't even drop cases.

HARDJAPAMEKAS: I think one of the reasons for the conviction rate is because we are careful, we do carefully on the selection of the case. If the case is not so strong, the evidence is not available yet then we postpone it. I think there are many cases postponed or just put aside for the time being while we are processing the strong cases and we are waiting for additional evidence.

KURIS: Is there any preparation you wish you had done before you started as commissioner, looking back? Are there any skills you wish you had developed or any work you had done ahead of time?

HARDJAPAMEKAS: *My career is rather strange because I was working with a state-owned company, three years with the property, state-owned mining company, a state-owned company and then nine years in a coal mining company, also state-owned mining company. Then the last twelve years in the tin state-owned mining company. Director of Finance four years and then eight years as CEO. But luckily that experience is very useful because then I knew HR management, strategic management system. I knew how to make a strategic session. I knew everything about management. The difference is this is profit-oriented organization; this is non-profit organization, a law enforcement agency. That is the only difference. But basic management, basic leadership, it is the same. So I think that experience makes it easier in handling how to build a good organization. That is why we are focusing on HR and we are focusing on recruitment. We set up all the SOPs (standard operating procedures), we set up all the codes and we set up how the control system could be in place. I think that is—I did not have any preparation except my experience, which is very useful in preparing the organization.*

KURIS: Yes. Often public servants don't have that experience.

HARDJAPAMEKAS: *No.*

KURIS: So the things you brought from the public sector were like the standard operating procedures, the management. What other kinds of management structures or policies did you bring?

HARDJAPAMEKAS: *Well the vision and how to reach a common agreed values. Then turn down into a code of conduct. To develop organizational culture, how to team up the taskforces, the teams and all of the directorates.*

KURIS: Was it ever hard to get the rest of the KPK to go along with your private sector ideas?

HARDJAPAMEKAS: *No, no problem, as long as we can explain it clearly. I think they can accept sincerely. There is a technique to do that and we applied all the techniques to do that.*

KURIS: When you were in the KPK did you try to reach out to the private sector for education?

HARDJAPAMEKAS: *Oh yes, for training, courses.*

KURIS: So you did training with the private sector you were talking about. Did you try to impact the policies of the private sector at all? Did you change the policies for procurement?

HARDJAPAMEKAS: *Oh yes, we made a socialization campaign to all private sectors, to all NGOs and to other government agencies. Of course, it is interactive dialogs with all sectors. We got some input from private sector. We also gave them some input in how to improve their good corporate governance and all that. So there is a complete dialog there, multi-stakeholders dialog. We maintained that.*

KURIS: Was it ever hard to balance the investigation role of the KPK with the education and prevention role?

HARDJAPAMEKAS: That's a very interesting thing. Prevention should be part of the repression. So once we made a repressive action then follow up with preventive measures. No, no problem, as long as they understand that universally there are two main key areas, two main strategies, repressive and preventive, corruption by greed and corruption by need. That's all, the buzzwords of the campaign.

KURIS: It's hard though because the prevention side doesn't make the headlines.

HARDJAPAMEKAS: Yes, that's the problem. So what we have to do is to educate, to train the media people how important are the preventive measures as well as repressive.

KURIS: How did you do that?

HARDJAPAMEKAS: We impressed them. We visited their offices, printed media, electronic media and also online media, as many as we can. We visited them one by one.

KURIS: Indonesia is such a big country and so diverse, was it hard to cover the entire country from Jakarta?

HARDJAPAMEKAS: Sure, but you know combating corruption doesn't mean that we have to go to all other areas. Number one is the commitment of the leaders from the President to all ministers, all parliament members and all judicial branches, state leaders. Number two, deterrent effects should be created but the deterrent effect alone is not enough. It has to be followed up with preventive things. More, tighter control, more solid controls. Then also recruitment from civil servants and also bureaucracy reform. We have to reform the bureaucracy among the executives.

Once the parliament members for example fail to control themselves, then the beginning of more challenges come. That has happened in the last two years when 25 parliament members were investigated and now most of them are already in court. Then the fight backs begin, from parliament members. That's the dangerous one. I think more to come. I think now close to fifty, I don't know. You can get some data from KPK. They are now attempting to weaken KPK through the laws. That's the real challenges for the next year ahead.

KURIS: So that was, there were a lot of attacks during the second term of KPK after you left.

HARDJAPAMEKAS: Yes. We are focusing on the first.

KURIS: I'm learning actually about both. First of all what do you think about the leadership in the second term? How do you think they changed things?

HARDJAPAMEKAS: You know any leadership has their own type, has their own style, that's fine. But once they change the procedures, change the regulations, internal regulations, that is the beginning of the problem. Once the code of ethics, code of conduct is ignored or disobeyed, that's the beginning of the problem.

The second batch of leadership of KPK was started hampering because of the chairman which was—.

KURIS: The first chairman?

HARDJAPAMEKAS: *No, the second, the chairman of the second—Antasari (Azhar).*

KURIS: Yes.

HARDJAPAMEKAS: *Then the acting is (Tumpak Hatorangan) Panggabean. They are the beginning of disaster. If the corruption fights back, the parliament members fight back KPK, to me is okay, we just face it. But if the problem comes from internal, that is a more serious problem. That makes it difficult, more difficult, because then we have to make the organization back to solid to face attacks from enemies. Now I think the third one is, we can expect, although again the chairman is too young. He has what is called media fever.*

KURIS: Yes, he is quoted a lot in the media.

HARDJAPAMEKAS: *The team of the pre-investigation reports to the commissioner saying ok, our pre-investigation is finished. We found this evidence. I think this case is strong so we recommend this case should be lifted up to investigation stage. Then the commissioner makes an analysis. Ok, this all directives, you expand this, you strengthen this, ok, we lift up this to investigation stage. Who is the suspect, what is the evidence?*

KURIS: That makes sense.

HARDJAPAMEKAS: *Now it is the other way around. These leaders tend to be I know everything. It is wrong, they don't know because they are in the top. What you have to do is control, to manage, to lead all the investigations process down here.*

KURIS: Why do you think that during your term the KPK did not suffer these attacks from parliament?

HARDJAPAMEKAS: *The first four years maybe they didn't fear at that time. After parliament members were detained, after more ministers were investigated and after the governor of Bank Indonesia, the central bank, was investigated and convicted, maybe oh, this is serious. We thought it was only a game. Now it is serious. It is serious for us. We also have to fight back seriously. I think that is it.*

KURIS: Was it hard to manage the growth? I can't believe that KPK went from four and five employees to hundreds within four years. Was that hard to manage?

HARDJAPAMEKAS: *Oh yes.*

KURIS: How did you deal with that growth?

HARDJAPAMEKAS: *I think the key is the recruitment process. Number two is regulations, internal regulations and standard operating procedures and then a good induction program. You know that.*

KURIS: What makes a good induction program?

HARDJAPAMEKAS: We invite, we outsource some of the expertise from outsiders, from private sectors. The main thing is to make the same common ground: why we are here. That is number one. Number two, number three is just a normal induction program, values, change, etcetera, culture, do's and don'ts, something like that.

KURIS: Did it become harder to trust the staff once you—you can't know hundreds of people. So once you don't know them face-to-face was it harder to trust the staff?

HARDJAPAMEKAS: That is the control system. IT (information technology) also helps, internal audit and internal whistleblowing system. We have to report if our colleague is doing something wrong, confidentially or publicly, no problem. We empower that. Also we create a climate of egalitarianism. Everyone can talk everything as long as it relates or is relevant to the topics of the discussion. It is to empower them so they are proud of them, they can talk everything, but once the decision is made everyone is ok. I think that is also the key.

KURIS: From the start the KPK was very strong about using its surveillance powers. Was that a hard decision to make? How do you decide to use surveillance, wiretapping powers?

HARDJAPAMEKAS: That's a tough process. There are many obstacles. But this is a good thing because what we have to do is to get buy-in from other stakeholders, from telephone operators we get a good buy-in because they know it is good for the country and good also for their concern, for their interests. We go to the regulators, the Ministry of Telecommunication. We get also their buy-in. So it is a matter of approach, how to make them understand what we are intending to do. We introduced that we want to be controlled by you. That is also the key. So how, we make an agreement, we make an MOU (Memorandum of Understanding) or make whatever, they agree. You control us and then we form an audit team once a year. It consists of operators, regulators and us.

KURIS: Ok.

HARDJAPAMEKAS: So three of us making an audit on who is tapped, what is the result, which one is failed, which one is—something like that. So they did an audit, annual audit, on the wiretap.

KURIS: Did you ever worry that a defendant would challenge this in court?

HARDJAPAMEKAS: No.

KURIS: No?

HARDJAPAMEKAS: Yes, once it was challenged but we won.

KURIS: So it was not difficult to work with telecom companies, the Ministry of Information?

HARDJAPAMEKAS: The first time yes but in stages—it took about a year or two to convince everyone, all operators, and all regulators.

KURIS: Were you ever worried about your physical safety or the staff?

HARDJAPAMEKAS: *Of course. But we had a SOP on how to do that.*

KURIS: Yes?

HARDJAPAMEKAS: *Yes, standard operating procedures on how to protect ourselves. We also were allowed to have a gun. That was one thing. But actually during our term there were no physical threats. But SMS (short messaging service), e-mail, rumor of course, there were many. We had our own safety procedures, how to protect our security.*

KURIS: Do you work together with other law enforcement on that?

HARDJAPAMEKAS: *Sure with the Financial Intelligence Unit, FIU, and also police and also AGO, Attorney General's office.*

KURIS: We're almost done. I know you have to get going.

HARDJAPAMEKAS: *No, take your time.*

KURIS: What do you think the impact of the KPK has been first of all on law enforcement? Do you think it has impacted the other law enforcement agencies?

HARDJAPAMEKAS: *It triggers the police and the prosecutors to do a good job, to do a better job, to be more productive. Also I think the deterrent effect is there although it is not all. As I mentioned earlier our biggest enemy now is the fight back from the parliament members. They have the power to change the law. That's what the civil society and private sectors would be to push that, with government.*

KURIS: How did you build those relationships with civil society?

HARDJAPAMEKAS: *We have periodic, routine, coordination and dialogues and communication with them. Not only with NGOs and civil society but also private sectors.*

KURIS: How about, do you think the KPK has affected Indonesian politics?

HARDJAPAMEKAS: *To some extent yes but not as significant as we expected, not as significant. But for sure yes, there is an effect, a positive effect.*

KURIS: What about in the private sector? Do you think it has impacted the private sector?

HARDJAPAMEKAS: *Oh yes, less and less the private sector gives bribes to the civil servants. Yes. If they do then they do more complicated, a bit complicated than what they did before.*

KURIS: The KPK has mainly pursued politicians and people in the public sector. So you ever think about prosecuting people in the private sector?

HARDJAPAMEKAS: *Oh yes, because the definition of corruption, our law is that there must be a state official as well as someone else who cooperated with them which could be private sector. A mark up in procurement things or private sector bribes for procurement or for other business, to state officials. So those two are corruption, mostly bribes or markups.*

KURIS: So why hasn't the KPK pursued this more?

HARDJAPAMEKAS: *On the private sector? Oh yes.*

KURIS: They have?

HARDJAPAMEKAS: *Yes, they have. Although it is not a big one, it is a medium size, the private sector, yes.*

KURIS: Is it harder to get evidence now that people know how you—?

HARDJAPAMEKAS: *Yes, bribe and cash it is very difficult. They bribe all the complicated things through subcontractors or through principals outside the country. They're a bit complicated—but as long as it is traceable it is easier. The most difficult one is bribes because bribes can be caught red handed, no other way. The evidence is very difficult, there is no evidence, and cash cannot be traced. If you cannot trace it, it is very difficult.*

KURIS: Do you have any general reflections on your time at the KPK? Anything else you want to share with me?

HARDJAPAMEKAS: *Number one is if I could go back to 2003, I think I would push our investigators more. That's number one. Number two we would be more cautious in selection of new commissioners. We have to prepare from internal, we have to prepare leaders from outside which in turn should be registered as candidates to be selected. Number three use the power of the private sector and civil society more effectively, more vigorously, more intensively.*

KURIS: How did you feel in 2009 when the whole country rallied on behalf of the KPK? What was that like for you? Did you expect that? Was that a big surprise to you?

HARDJAPAMEKAS: *No.*

KURIS: Protests about the geckos and the—?

HARDJAPAMEKAS: *We predicted that, but not that bad. So we were surprised but not so surprised. What we have to do, we informed ourselves to be a cecak to be a gecko. Almost all ex-commissioners were involved in the protests. Amien Sunaryadi, you know binding with the World Bank regulations, he couldn't be involved in any action like that, but the ex-chairman Taufiequrachman Ruki and Panggabean, myself, and Sjahrudin Rasul, all the remaining commissioners were involved.*

KURIS: Was it personally hard for you to be in the KPK and then I'm sure you lost a lot of friendships and made some new enemies. Was that hard?

HARDJAPAMEKAS: *The first year yes it was very difficult because previously as a CEO from coffee shop to coffee shop is my routine job, sharing information, meeting business partners, meetings customers, entertaining people. Now suddenly we have to close ourselves, we have to isolate ourselves. Our code of ethics does not allow us to be in a public place like this, in the lobby, in the coffee shop. We cannot do that. So what we have to do is invite them to our office or we go to his office. But the objectives should be clear.*

KURIS: The last question. Do you have any advice for someone in another country trying to build an anti-corruption commission as successful as the KPK?

HARDJAPAMEKAS: I think they have to learn from KPK. There are many success stories, and there are many failures. Success stories they can copy it, failure stories they can use it, how to avoid that.

KURIS: What would be a failure story--?

HARDJAPAMEKAS: Their own investigators, how to treat parliament members, how to extensively do the preventive sides, how to mobilize civil society, how to empower civil society in a good way, in a proper way, how to mobilize the private sector and also how to build the commitment from all, from the top to the lower level leaders in the country.

KURIS: How do you think you could have managed relations with the parliament better?

HARDJAPAMEKAS: Maybe, there must be—one of my regrets, did things. We have to have a serious training or something like a workshop for the candidates before the election. All the candidates to be elected in the election should be going through this workshop. Or this workshop certificate should be one of the requirements to be a candidate for parliament.

KURIS: That's a good idea.

HARDJAPAMEKAS: I regret not to do that at that time. I think we can strongly recommend to the government to make it an additional requirement. All candidates should be having this workshop, not only anti-corruption but also good governance, a policy-making process, how to deal with the executive, what is the limit of the parliament members, just basic things like that.

KURIS: Great, thank you, I'll stop there. Thank you so much.

HARDJAPAMEKAS: No problem Gabriel.