



## INNOVATIONS FOR SUCCESSFUL SOCIETIES

### HOLDING THE HIGH GROUND WITH PUBLIC SUPPORT: INDONESIA'S ANTI-CORRUPTION COMMISSION DIGS IN, 2007 – 2011

#### SYNOPSIS

When they assumed office in December 2007, the second-term members of Indonesia's Corruption Eradication Commission faced high expectations. Established in 2002 in response to domestic and international pressure, the commission had broad responsibilities for combating corruption through investigation, prosecution, prevention and education. The first-term commissioners had built respect and credibility by taking on increasingly prominent cases and maintaining a perfect conviction record. During their first two years, the five second-term commissioners met the public's high expectations with a string of high-profile arrests, including dozens of members of Parliament, high-level officials and a close relative of the president. They also ramped up preventive and educational measures to permanently reshape Indonesia's corruption environment. After the 2009 elections, legislators worked to weaken the commission, and law enforcement leaders pressed criminal charges against the commissioners. Allies in media and civil society rallied the public around the agency, mostly frustrating the detractors. While some of the commissioners suffered personally, they left behind an institution with a strong public reputation. This case study documents the strategy the commissioners pursued to defend the agency against potential spoilers.

*Gabriel Kuris drafted this study based on interviews conducted in Jakarta, Indonesia in February and March 2012. For a look at the establishment, structure and first-term leadership of the commission, see the Innovations for Successful Societies companion case study "[Inviting a Tiger Into Your Home: Indonesia Creates an Anti-Corruption Commission With Teeth, 2002 – 2007.](#)" Note: many Indonesians have only one name, while others prefer to be referred to by their first names rather than their surnames. This study follows the naming conventions used by local media and individuals themselves. Case originally published September 2012.*

#### INTRODUCTION

In the fall of 2008, the University of Paramadina in Jakarta offered Indonesia's first compulsory course in anti-corruption studies, later emulated by universities nationwide. Developed with support from Tiri, a London-based

transparency advocacy group, the course showed how corruption directly affected students and their families. Deputy Rector Wijayanto said the course was created to "change students' attitudes" about corruption by examining the ways business

and government operated in the country of 230 million people, which Wijayanto called the “largest laboratory to study corruption in the world,” adding, “The results of our student investigations show that corruption in Indonesia is from womb to tomb.”

Over a four-year period, Paramadina students uncovered more than 400 examples of corruption in citizens’ lives. One student group visited a traditional market and discovered that sellers systematically overcounted the weights of chilies. Another found that highway toll collectors tricked vehicle sensors in order to pocket a portion of the tolls. Others documented requests for bribes in the provision of police reports, identity documents, licenses and hospital records. One student was stunned to hear a funeral director solicit a bribe to bury the student’s deceased father promptly, in accordance with Muslim tradition.

Years after the 1998 collapse of the Suharto government, the corrupt practices that had characterized the regime’s rule were still deeply embedded in Indonesian society. The justice system was beholden to what critics called a “judicial mafia” of case brokers who manipulated the levers of justice with impunity.

One of the few islands of integrity in Indonesia’s justice system was the Corruption Eradication Commission, the *Komisi Pemberantasan Korupsi*, or KPK. Modeled on Hong Kong’s Independent Commission Against Corruption, the KPK was established in 2002 with a broad mandate that covered investigation, prosecution, prevention, policy coordination, research and education. Starting in 2003, the KPK built a reputation for professionalism and integrity and achieved attention-grabbing results: a 100% conviction rate, the recovery of more than 350 billion rupiah (US\$38.5 million) in state assets and over 40 convictions, including governors, members of Parliament, ministers and the entire election commission.

In 2007, a new leadership team assumed office and took on even higher targets, sending scores of high-profile politicians to jail, including a close relative of the president. The commissioners’ bold strategy won firm public support. When KPK chairman Antasari Azhar opened the first session of Paramadina’s anti-corruption course, which the KPK had helped develop, the students were eager to hear about his frontline experiences in battling corruption.

But the KPK’s forceful approach also made enemies. Months after his lecture at Paramadina, Antasari was arrested on a murder charge and later convicted, based on contentious evidence. Soon, police arrested two more commissioners on clearly flimsy grounds.

Backed by a groundswell of public support culminating in the largest public protests since the fall of Suharto, the KPK persevered through those and other challenges. The commissioners themselves, however, would not all emerge unscathed from the ordeal. Their experiences revealed both the costs and the benefits of an aggressive, enforcement-based anti-corruption strategy and showed how a strong agency defended its powers and autonomy. Their story also illuminated why, ultimately, many Indonesians began to believe the best chance for corruption eradication was through the education of future generations.

## THE CHALLENGE

When Indonesia’s Parliament passed a law creating the KPK in 2002, it was unclear whether the institution would be permanent or merely a stopgap measure until the existing justice system could better handle corruption cases. But by the end of 2007, the KPK’s string of high-profile convictions had earned public support, raising hopes that it would play a continuing role in the country’s development. A survey by the nonpartisan Indonesian Survey Institute in

January 2008 found the KPK to be the most trusted justice-sector institution in the country, with 48.3% of the public saying the commission was “good” or “very good” at investigating corruption, and 48.1% evaluating the KPK’s job performance favorably.<sup>1</sup> The KPK’s investigative powers paralleled those of the police and the attorney general’s office, but KPK staffers were generally better equipped, better trained and better paid than their counterparts in other agencies and they enjoyed a strong reputation at home and abroad. Success boosted KPK morale, motivated top-level recruits, won media and civil society support and tempered political opposition.

There were, however, two major downsides to the KPK’s success: it inflated expectations and it galvanized opposition. First-term commissioner Erry Hardjapamekas said, “The biggest challenge for us was the high expectations. When we investigated big officials, the expectations just went even higher.” And second, old-line politicians and others who opposed reforms and had initially dismissed the KPK as a gimmick or a temporary nuisance had come to see the KPK as a threat. Ary Nugroho, a KPK adviser since 2004, described the challenge confronting new commissioners in 2007: “By the second term, people were aware of how strong the KPK was, and the attacks came stronger.”

Despite the KPK’s early successes, latent opposition remained broadly entrenched in Indonesian society, where deep-seated corruption networks clung to old ways. “Whenever you need the bureaucracy, you pay,” said Nono Makarim, a prominent Jakarta lawyer. “That is the system. ... Now comes the KPK, an agency vested with the power and authority to dismantle the system. Can you imagine how every stakeholder would hate this KPK thing?”

Some of those power brokers responded to the KPK by trying to circumvent enforcement and pursue graft less brazenly. As a result, the commission had to intensify its investigative

efforts while working with other agencies to reduce corruption risks through preventive policies. Other opponents tried to subvert the KPK’s legal standing. By maintaining a strict ethics code and a zero-tolerance policy toward internal infractions, the first-term KPK had maintained a clean public image. But as the staff grew to more than 500 and the commission’s reputation attracted a broader pool of job applicants, internal integrity became harder to monitor.

Two groups of opponents had the power to stymie the KPK’s work: The first included the judicial mafia of case brokers and corrupt members of the justice sector. Despite the structural independence of the commission and the Tipikor—a special anti-corruption court established by the KPK law—police and prosecutors who viewed the commission as antagonistic could undermine it by leaking confidential information or interfering with cases. The first-term commissioners had faced some criticism for not targeting justice-sector corruption more aggressively, although their investigations had sent high-level judges and a prosecutor to jail.

In addition, some members of Parliament had begun searching for quiet means to check the KPK’s power. President Susilo Bambang Yudhoyono, who had won Indonesia’s first direct presidential election in 2004 on an anti-corruption platform, publicly refrained from disparaging the KPK or interfering with its work, even when it arrested top administration officials and allies in Parliament. However, high-level KPK investigations undoubtedly strained the commission’s political support.

Parliament had the authority to alter the KPK’s powers through new laws or amendments to the commission’s enabling legislation. A timely opportunity arose in 2006, when the Constitutional Court invalidated the section of the KPK law that had established the Tipikor and

given Parliament three years to re-establish it independently; in the meantime, the court was “conditionally constitutional.” The Tipikor, seated in Jakarta, was dedicated solely to KPK cases but also intended as a beachhead for judicial reform. Most of its judges were so-called ad hoc justices—legal experts appointed for fixed terms and viewed as less likely to be corrupt than career justices were. Although the Tipikor’s 100% conviction rate and tendency to give out harsher sentences than other courts made the court popular, some legislators saw these as signs of judicial overreach.

Parliament also had two conventional levers of control over the KPK: its purview over the agency’s budget and its role in the selection of commissioners. The five commissioners who led the KPK (one chair and four vice chairs) were appointed by parliamentary vote from a list of 10 nominated by a panel of legal experts convened by the justice ministry. Each commissioner served for four years but could be removed or impeached if subject to a criminal charge.

In December 2007, Parliament appointed Antasari, a former prosecutor, to chair the KPK. The four vice chairs were Bibit Samad Rianto, a university rector and former police inspector general; Mochammad Jasin, the KPK’s research director; Chandra Hamzah, a lawyer who had helped draft the KPK law; and Haryono Umar, planning director of the state audit agency.

Although all of the commissioners held graduate degrees and were distinguished in their fields, many in civil society said—as they had after selection of the first-term commissioners—that Parliament had chosen relatively weak candidates from the nomination list.

“From the beginning we were concerned because we thought the quality of the people was below that of term one. They were not proven,” said Ridaya Laodengkowe, head of Publish What You Pay, an anti-corruption advocacy group.

Danang Widoyoko, chairman of Indonesia Corruption Watch, another nonprofit group, said anti-corruption activists were confident about Chandra, Bibit and Jasin but wary of Antasari. Danang said Antasari’s record as a prosecutor had been controversial. “If you check what he was doing in the past, his performance was very poor,” Danang said. “He had never prosecuted corruption cases. That’s why we were disappointed with the selection committee.” International press reports cited “widespread suspicions” that bribery had eased Antasari’s appointment.<sup>2</sup>

When the five new KPK commissioners began their four-year terms, they encountered a supportive but demanding public as well as emerging threats that would require the commission to carefully manage its operations and build defensive alliances.

#### FRAMING A RESPONSE

The KPK law directed the commissioners to work “collectively.” As in the first term, the five who took office in late 2007 made significant decisions by consensus, including case strategy, staffing choices and policy changes. The commissioners worked well together and generally saw eye to eye. Chandra said decisions were made through *mushawara*, an Indonesian custom of building consensus by deliberation or hashing out.

The newly appointed commissioners found their schedules taxing and unpredictable. Even Chandra, who at 40 years old barely met the minimum age to be a commissioner, was surprised by the “energy and stamina” needed for being on call at all hours. To lighten the load, the commissioners agreed to share responsibility for the KPK’s four focus areas. Jasin and Umar worked on prevention; Chandra and Bibit, on investigation and prosecution; Jasin and Chandra, on information technology; and Bibit and Umar,

on public relations. Jasin said such division of labor allowed for a “very flexible, interchangeable” sharing of responsibilities, which reduced individual burdens and added redundancy in urgent situations.

Chandra said the second-term commissioners “got along well with the first-term commissioners” and agreed to leave the policies and plans of their predecessors largely intact. “I often had discussions with [the first-term commissioners], even before I joined KPK,” he said, “and I knew their expectations about how the KPK should be developed.” As a senior official in the first-term KPK, Jasin also was well positioned to hit the ground running.

The new commissioners decided to continue the KPK’s early strategy of taking on high-impact investigations geared toward triggering broader changes in government and society. The KPK’s preventive and enforcement efforts targeted the state bureaucracy and the justice system. In a 2010 article, Jasin wrote that the KPK had joined “a national effort to clean up two priority institutions in Indonesia...the bureaucracy and the judiciary” in order to “destroy the old system, providing a basis for further, better and faster national reforms.”<sup>3</sup>

In deciding which cases to pursue, the commissioners emphasized crimes that involved high-status subjects or revenue-generating agencies and those that had the potential to return significant assets to the state. Chandra said, “In the second term, we tried to focus on state assets [and] the ministries with the most spending: tax, oil and gas, health, education and infrastructure.” One reason for the focus on state assets was to show that the fight against corruption, and the KPK itself, could “pay for itself,” he said. In his 2010 article, Jasin conveyed the commissioners’ sensitivity to that concern: “During its early days, the KPK was criticized for not being able to recover assets exceeding the cost

of running the KPK. Recently, this situation has changed dramatically.”<sup>4</sup>

As a long-term remedy for corruption, the commissioners planned to ramp up efforts in the areas of prevention and education. Jasin had helped develop many of these policies in the commission’s first term. In the short term, however, the commissioners chose to emphasize enforcement, with aggressive pursuit of high-profile suspects. Chandra said his goal was “to maximize the use of the existing powers and facilities allowed to us and to develop the capacity we had.”

The commission’s approach took advantage of a window of opportunity. Legislative and presidential elections were slated for April and July of 2009, respectively, and corruption was a top campaign issue.<sup>5</sup> Beginning their work in December 2007, the new commissioners had about 18 months during which politicians would be reluctant to oppose the KPK’s anti-corruption efforts. In addition, after four years of capacity building, the commission had the technical assets, trained agents, intelligence networks and international connections necessary to catch and convict high-level criminals. “In the first days, we could run relatively fast,” Chandra said.

The commissioners calculated that a wave of audacious convictions would enable them to meet high expectations and build credibility and popular support. Ultimately, the commissioners saw an appreciative public as their strongest safeguard over the long term as they worked on preventive measures to slowly strengthen integrity nationwide.

## GETTING DOWN TO WORK

The KPK commissioners worked to escalate law enforcement operations while implementing new preventive and educational measures. At the same time, they had to manage a diverse and growing staff.

*Catching suspects—and public attention*

The KPK gathered a wealth of intelligence through whistle-blower tips, referrals from NGOs and other law enforcement agencies, and human and electronic sources. Most of those intelligence networks had been built during the commission's first term by using advanced police tactics learned through foreign technical assistance like asset tracing, sting operations and wiretaps. The agency benefited from its right, under Indonesian law, to monitor telecommunications without prior court approval, although its telecommunications surveillance records were audited annually.

The KPK developed a Rapid Movement Unit that helped to catch suspects red-handed and produce the kind of hard evidence necessary to prove corruption crimes in court. One judge was caught taking a bribe in a public park. A member of Parliament was arrested laundering cash through a money changer. KPK agents scaled a fence to catch a judicial commissioner in an army facility. An anti-monopoly commissioner who accepted a bribe related to the broadcast of international football matches was arrested in a major Jakarta thoroughfare, temporarily blocking traffic. Fugitives were caught in the countryside or even abroad. Such dramatic arrests captured headlines and, in Ridaya's words, "satisfied people's emotions."

High-profile targets of KPK operations included dozens of members of Parliament from all major parties, ministers, directors of state-owned companies and governors. Investigations and prosecutions also targeted the justice sector, including case brokering by high-level prosecutors. Internal monitoring detected a corrupt KPK investigator. Most shocking to the public was the arrest of the father of the president's daughter-in-law. "For us on the outside, it was quite brave," said Ridaya.

Danang of Indonesia Corruption Watch agreed: "People were very happy. They thought

this was the kind of investigation the KPK should do."

Collaboration with civil society provided a unique intelligence source, especially for whistle-blowers in remote areas who felt neglected by the attorney general's office. Umbrella organizations like Indonesia Corruption Watch collected evidence and tips from local activists nationwide and funneled them to the KPK, which won trust by following through on the reports and sharing information in return. "We work closely with selected [nongovernmental organizations] that have good reputations...disclosing with them all the data we have," excluding open cases and personal data, said Sujanarko, director of the KPK's institutional relations. "They know our weaknesses and strengths, those of our investigators even. ... The NGOs have never leaked any background information we have given them." Civil society helped the KPK analyze and improve its investigations.

The KPK also enlisted support abroad, coordinating with law enforcement agencies to locate and apprehend suspects in countries as far-flung as Colombia. "Big corruption is a transnational issue," Chandra said. The KPK led negotiations to create a multilateral partnership with anti-corruption agencies in Malaysia, Hong Kong, Singapore, Brunei and South Korea.

Jasin noted the KPK's willingness to cooperate with diverse nations ranging from the United States to Iran: "International cooperation is a key factor of success." The KPK received financial support and technical assistance from more than 25 foreign organizations, including bilateral and multilateral donors (especially the Australian Agency for International Development) and foreign law enforcement organizations. Such relationships were mutually beneficial. For example, Singapore and Malaysia studied the KPK's management of human resources.

The commissioners also contributed their own diverse insights to intelligence gathering. Chandra, whom attorney Makarim called “really the linchpin of the KPK,” was knowledgeable about such tactics as wiretapping and computer forensics and experienced with international collaboration. Antasari’s prosecutorial background gave him unique insight into case-brokering networks. “I don’t think anyone says he was a really clean prosecutor, but he was very effective,” said Gregory Churchill, an American lawyer in Jakarta for more than 25 years. “He went in there knowing where the bodies lay, certainly in the attorney general’s office. ... He was on a roll.”

The KPK’s reputation encouraged government officials to cooperate with investigations, even within those officials’ own agencies. “When I invited ministers to come to my office, they came immediately,” Jasin said. For example, a KPK investigation in May 2008 uncovered evidence of corruption at the customs office of Tanjung Priok, Jakarta’s main port. Jasin called the customs office’s director general into his office early on a Friday morning, showed him the evidence and secured his cooperation for a search raid. That afternoon, 60 agents swarmed the office and turned up 500 million rupiah (US\$55,000) in bribes that led to multiple arrests and an overhaul of customs office staffing and policies.

The KPK commissioners considered public relations to be an important front in the war on corruption. Chandra explained, “We realized public support is particularly important for the KPK. We do not expect to get support from corrupt government officials or the businesspeople who are their friends. Therefore, we needed allies: the public, the NGOs of the anti-corruption movement and the international community, especially the anti-graft agencies.”

To cultivate media support, the KPK worked hard to accommodate the needs of journalists. “We allow the newsmakers to be close to the

KPK,” said KPK secretary-general Bambang Pratomosunu. “We provide them press rooms within the premises, computers with Internet connections and accurate, up-to-date information. They feel at home.” The KPK allowed journalists and photographers to set up daily on the front steps of the main KPK office. KPK spokesman Johan Budi had been a prominent journalist, which eased his press interactions. Symbolic flourishes also helped the KPK capture media attention. Defendants in court wore distinctive blue-and-yellow uniforms emblazoned with the words *KPK Detainee*.<sup>6</sup>

By building an international reputation and cooperating in cross-border operations, the KPK kept international organizations involved in its efforts, thereby avoiding donor fatigue and raising the political cost for government interference in its operations.<sup>7</sup> To international constituencies including governments, multilateral organizations, civil society and foreign investors, the KPK’s aggressiveness signaled its seriousness.

#### *Working for prevention and education*

The KPK worked with government institutions and state-owned enterprises to strengthen and train internal monitoring units, to inventory state assets and watch for unauthorized use, to identify conflicts of interest among personnel, to streamline operations and thereby reduce opportunities for corruption, to boost transparency and to implement international best practices and treaty obligations.<sup>8</sup> The KPK monitored administrative systems and processes and worked with leaders to develop action plans for improvements. The commissioners focused especially on agencies that had significant budgets, high impact on citizens, and reputations for corruption, such as the office of land registration, state treasury, taxation office and migrant labor office.<sup>9</sup> “The most important thing is to improve the administrative systems of the business process,” Jasin said.

Sometimes top-level officials dragged their feet on internal reforms, motivated by inertia, defensiveness or the desire to maintain position and privileges in the existing order. The KPK reacted to that challenge by annually reviewing the progress of each government agency, with civil society input, and presenting specific recommendations in reports. The offices were ranked by their progress toward reduction of corruption risk. The KPK delivered the reports to the president and released them to the media, highlighting success stories “to encourage bad institutions to follow their model,” said institutional relations director Sujanarko. The KPK also trumpeted locally driven service-delivery reforms in cities like Jogjakarta, Surabaya and Denpasar, which helped counter criticisms that the KPK was too Jakarta-centric.

The KPK’s so-called naming-and-shaming tactics embarrassed the heads of certain agencies that consistently underperformed, including the ministry of forestry, the ministry of religion and the land registry. The KPK offered low-ranked agencies coaching in developing reform action plans. The KPK also looked to the president and the public to pressure underperforming agencies.

Government offices that failed to implement recommendations were targeted for investigation. The KPK supported offices under investigation (such as the Tanjung Priok customs office) in their efforts to reduce corruption risks. In this way, Jasin said, KPK aimed for “synergy” between investigative and preventive staff. By forcing the KPK to serve in both collaborative and adversarial capacities, such synergy required the commission to balance its roles as an adviser, policy supervisor and enforcer. To minimize confusion over expectations and obligations, the KPK negotiated formal agreements with agencies it worked with closely.

Sujanarko said the commission recognized that lower-level public servants often got caught up in corrupt systems orchestrated by their bosses.

As a result, KPK commissioners tried to focus more strongly on the “corruption of greed” of high-level officials rather than the “corruption of need” of low-paid civil servants. Such an orientation fostered cooperation among low-level officials, especially in regard to installation of preventative measures. “Most people would agree to have bureaucratic reform in their institution; they feel discomfort with a corrupt environment,” Sujanarko said. “Fundamentally, they want to get better, but they have a bad system: potentially corrupt processes, small salaries, increasing health expenditures and costs.” Because those public servants didn’t feel targeted by the KPK, Sujanarko said they felt comfortable sharing information about corruption they witnessed. They gave the KPK tips at informal breaks during meetings or through an online whistle-blower complaint system the KPK had developed with German assistance and unveiled in 2010. The system allowed users to maintain anonymity while communicating with the KPK through dedicated online mailboxes.

An important KPK function requiring the cooperation of civil servants was asset disclosure by public officials. In 2001, Indonesia had established an Audit Commission on Officials’ Assets that set up a wealth-reporting system for all public officials. The KPK law abolished the audit agency and folded its operations into the KPK, a move seen at the time as a weakening of wealth reporting by moving responsibility for it to the KPK. “Some of the core authorities of the [audit agency] were not transferred to the KPK,” said Binziad Kadafi, who analyzed wealth reporting for the KPK. Kadafi said government officials sometimes brushed off the KPK’s wealth-reporting staffers because of the latter’s low status within the KPK hierarchy. During the KPK’S first term, wealth reports received had more than doubled to 76,000 in 2007, from roughly 32,000 in 2003, but according to Kadafi, “There had never been any case investigated or prosecuted by

the KPK based on the findings of wealth reporting.”

Because Jasin had come from the audit agency, he had a particular interest in achieving government-wide compliance on wealth reporting. The KPK dispatched advisers to conduct information sessions in government offices, providing individual assistance, training inspectors general to help others and leading to a steady rise in compliance.

The KPK's technology office developed software to identify wealth report discrepancies based on data from government salary schedules. The commission also increased efforts to digitize reports and publish them online and encouraged media and civil society to use them in their investigations. With more data, KPK investigators could use the wealth reports to flag suspected corruption—another instance of synergy between preventive and investigative staff.

At the same time, the KPK worked with the education ministry to introduce corruption learning for students from the elementary to the university level. Chandra said the KPK focused on youth education “with the expectation that children can tell their parents about corruption.” For instance, the KPK encouraged schools to set up student-run “honesty shops,” in which customers paid for goods by putting money in unsupervised boxes to develop norms of trust. The KPK also ran business-ethics workshops to enlist private-sector support against corruption. The KPK raised awareness more directly through corruption-themed films, television programs and commercials, billboards, mobile vans, shopping mall kiosks, music festivals and youth campaigns.

### *Managing a growing staff*

The KPK began its second term with a staff of roughly 500, and the workforce had grown by about 50% to 752 by 2011. Increased numbers

required stronger efforts for budgeting, recruiting and team building.

Although foreign donations gave the KPK some financial flexibility, the commission relied primarily on government funding. Support from the president and the public helped ensure that Parliament consistently granted the commission the funds it requested. The KPK's annual budget more than doubled to 540 billion rupiah (US\$57 million) in 2011 from 233 billion rupiah (US\$25 million) in 2008. However, Parliament curtailed the KPK's growth by repeatedly denying KPK requests for funding to build its own facilities. Lack of physical space kept the commissioners from following through on plans to sharply increase the size of the staff to handle a burgeoning workload. Chandra said it was “terribly hard” to deal with space shortages and that the commissioners responded by “contacting many ministries to get the empty space they were not using ... to beg and beg for these offices.” The KPK divided its staff across three remote buildings, impeding coordination. In 2011, a reorganization of office space helped accommodate the growing numbers of workers, although staffers complained of overcrowding. (In 2012, the commission began a private fundraising campaign to finance construction of a new headquarters.)<sup>10</sup>

Hiring, too, posed challenges during the KPK's second term. A flood of paperwork came from applicants drawn by the prestige of working for the commission and at the KPK's higher, performance-based pay level, a deviation from normal civil service rules that the first-term commissioners had secured through a lengthy bureaucratic battle. The acceptance rate for KPK staff was below 0.5%.<sup>11</sup> Applicants' motivations contrasted with those of the commission's early years, when recruits had been drawn by idealism and a commitment to the KPK's mission. “In the

second group, the passion was different,” said Nugroho, a longtime KPK adviser, explaining that many agents approached working for the KPK as a professional transaction: “You pay me well, I do my job well.”

To maintain the esprit de corps and cohesiveness that the KPK had had during its first term, the commissioners organized team-building exercises, open-floor discussion sessions and social activities like team sports and karaoke nights. Training emphasized the KPK’s values and framed service as a patriotic duty, reinforced on each paycheck with a reminder that the money came from Indonesian taxpayers.

Aiming to create a unified but heterogeneous identity that reflected the self-image of modern Indonesia, the commissioners focused particularly on bringing together staff from different backgrounds. The KPK encouraged individualism through its performance management system and opportunities for specialized training at home or abroad. Staff received their own equipment, including their own smartphones, computers and research materials. The dress code did not require a uniform.

The integration of investigators and prosecutors temporarily seconded from the police and the attorney general’s office (approximately one-fifth of KPK personnel) posed special challenges. “I believe the persons they send us are not always the best they have,” said Sujanarko, the KPK’s director of institutional relations. Sujanarko said that many of the incoming police officers had had little or no investigative experience. “For example, some of our investigators come from the traffic police,” he said. “But after they got here and we trained them and we observed their high integrity, they did very well.”

In addition, the KPK had to deal with the propensity of police and prosecutors to fight turf wars. “Sometimes in Indonesia, the coordination

is not that good between the police and prosecutors,” said Hikmahanto Juwana, a law professor at the University of Indonesia. “So the case can go back and forth, and people can bribe the police or prosecutors.” The KPK commissioners bridged that divide by requiring members of the two groups to collaborate actively, consistently and continuously.

“In any kind of project, I tried to involve both sides so they can understand one another and learn from each other,” Chandra said. Following the KPK law, such collaboration applied throughout the life of a case.

“The investigator and the prosecutor sit together in the room starting at the preinvestigation stage,” Jasin said. “Together they build the case.”

Police and prosecutors integrated into the KPK’s organizational culture with few problems. “When people are put into a different set of circumstances, they behave differently,” said Kevin Evans, an Australian political scientist involved in Indonesian government reforms. “Having joined the KPK, they [the police and prosecutors] ended up joining its culture.” Evans emphasized how the KPK ethics code instructed staffers to “abandon past institutional habits that are negative,” which was interpreted as absolution of staffers previously subject to the sometimes corrupt norms of their prior agencies. (An English translation of relevant articles in the KPK ethics code is appended to the Innovations for Successful Societies case study *“Inviting a Tiger Into Your Home”: Indonesia Creates an Anti-Corruption Commission With Teeth, 2002 – 2007.*)

Integrity was at the center of the KPK’s organizational culture. Waluyo, a substitute commissioner during the KPK’s second term, said the commissioners saw “transparency as a vitamin for integrity.” For example, Jasin invited KPK staff to tap his mobile phone and to record all of his office conversations. That kind of transparency

extended to most communications, and Jasin encouraged “open, egalitarian relations with the staff.”

Kadafi said there was “regular internal discussion among staff members to talk about aspects of the code of ethics and to try to contextualize it into daily situations and discuss it openly.” Commissioners required strict adherence to the ethics code. They even assigned KPK staff to check on each other’s family functions to make sure no suspects were involved. “The KPK tried very hard to apply any obligations related to corruption eradication to its own employees first,” Kadafi said.

## OVERCOMING OBSTACLES

Beginning in 2009, the commissioners encountered hurdles that demonstrated the importance of the KPK’s strong ethics policy as a shield against accusations of impropriety.

As the second-term commissioners had calculated, political opposition to KPK actions was muted in the run-up to the mid-2009 legislative and presidential elections, even as KPK investigations were putting multiple legislators in jail. President Yudhoyono publicly reaffirmed his support for KPK when, weeks before the election, the commission secured the corruption conviction of a close relative of his. That stance bolstered the anti-corruption credentials of the president, who won re-election. His party took the largest share of Parliament.

Trouble began shortly after the elections, when the KPK named 30 politicians, including 26 members of Parliament from various parties, as suspects in a case involving bribes totaling 24 billion rupiah (US\$2.7 million) related to the appointment of a deputy governor of the central bank.<sup>12</sup> Leading legislators began to portray the KPK as out of control and proposed amendments to check its powers. Even Yudhoyono said in an interview that the KPK “has become a huge powerholder, responsible only to God. Power

must not go unchecked.”<sup>13</sup> The state auditor claimed the president had instructed him to audit the KPK, although Yudhoyono denied this, and the audit was dropped under public pressure.<sup>14</sup>

At the same time, a major KPK investigation of the government’s 6.7-trillion-rupiah (US\$524-million) bailout of Bank Century in November 2008 implicated Susno Duadji, the police general who led criminal investigations. In a news interview, Duadji called the KPK a “stupid gecko” trying to take on the “crocodile” of the police.<sup>15</sup>

The commissioners had expected blowback, but they had underestimated its magnitude. “Once you work for the KPK you have to calculate this,” Chandra said. “But what I have experienced and what the KPK experienced is much more serious than I expected.” Ultimately, the international and non-governmental allies that constituted the KPK’s support coalition enabled the commission to survive intact, but the crisis strained institutional relationships and disrupted work. The commissioners themselves also suffered. “At the time,” Chandra said, “we felt like we were alone, and we could not predict how it would end.”

### *Pressure from Parliament*

In November 2009, Parliament passed independent establishing legislation for the Tipikor, as required by the Constitutional Court. Although the commissioners and their civil society allies succeeded in staving off many radical changes, the new law altered the anti-corruption court in three significant ways.

First, Parliament decentralized the court. By the end of 2011, Tipikor courts were operating in seven provinces and were planned for all 33. This posed logistical problems for the KPK, which had decided against opening branch offices.

Second, the law gave the chair of the district court discretion over the number of ad hoc judges used in trial, because there were too few legal experts and retired judges available to serve as ad

hoc judges for this surge of new courts and new cases. (In the original Tipikor, ad hoc judges had always constituted a majority of the judicial panel.) This was a critical change because, as law professor Hikmahanto noted, “Some people say career judges are not as credible.”

And third, to address the Constitutional Court’s concerns about a dual-track justice system, the new law allowed corruption cases brought by the attorney general’s office to be tried in Tipikor courtrooms. The law never mentioned the KPK, in what legal analysts argued was a deliberate omission to pave the way for future legislation stripping the KPK of its power to prosecute.<sup>16</sup>

Although Parliament defended the Tipikor law as strengthening the anti-corruption court, others saw it as detrimental. “With the chronic dearth of experienced and honest judges,” attorney Makarim said, “a Tipikor in every province is bound to dilute current achievements in judicial integrity.”

Danang of Indonesia Corruption Watch saw the new Tipikor branches as tainted by provincialism. “Now a lot of local interests can intervene in the court,” he said, adding that in the provinces, “the civil society is not as strong as in Jakarta.”

Ominously, in October 2011 the KPK lost its first trial in a regional Tipikor branch; the case, in Bandung, was against the mayor of the local city of Bekasi. However, the KPK appealed the ruling to the Supreme Court, as permitted by Indonesian law, and eventually won the case.<sup>17</sup>

Unable to stop Parliament from changing the Tipikor law, the commissioners concentrated their political capital on defeating amendments to the KPK law or the earlier 1999 anti-corruption law. These legislative proposals aimed to create new liabilities for whistle-blowers, allow forgiveness for surrendered bribes, establish a supervisory body over the KPK and curtail KPK powers.<sup>18</sup> Such efforts enjoyed strong parliamentary support.

In its 2011 National Legislative Program, for example, Parliament listed amending the KPK law as its fourth priority.<sup>19</sup>

Both the KPK law and 1999 anti-corruption law remained intact at the end of 2011. The KPK was able to frustrate legislative meddling by rallying both international and domestic support. The KPK and its supporters made a tactical decision to shelve their own legislative wish lists and close ranks to ensure Indonesia’s anti-corruption laws remained intact. That decision served to clarify the legislative battle lines, labeling as anti-KPK the legislators seeking to amend those laws. Danang supported that viewpoint: “The idea to revise the KPK law was decided after 26 members of Parliament were named as suspects in a bribery case, so it [was] really driven by the interests of corrupt politicians.” Thus, when international and domestic pressure groups rallied to defend the KPK beginning in late 2009, Parliament was a top target of protest.

In addition to legislative action, in July 2009 a group of legislators challenged the KPK’s electronic surveillance before Indonesia’s human rights commission.<sup>20</sup> In December 2009, the chief of the Constitutional Court affirmed those powers as legitimate.<sup>21</sup> The human rights commissioner, among several other agency heads, affirmed support for the KPK.<sup>22</sup>

#### *Law enforcement maneuvers*

By mid-2009, several KPK actions had antagonized senior police leaders. First, the commission had secured the conviction of a former police chief in a local corruption case that was the first investigation of a police official, even though it was unrelated to his official police duties. Second, KPK prosecutions of case brokering had uncovered indications of possible police involvement. Third, Duadji and his colleagues discovered the KPK had tapped their telephones during the Bank Century

investigations.

In addition, as the KPK attracted attention with major cases, the police tended to see the commission as an arrogant organization that had superior resources and that cherry-picked cases to create an elite image. Indeed, the KPK's reputation contrasted with that of the police. A 2009 survey by Transparency International found that Indonesians perceived the police as Indonesia's most corrupt institution.<sup>23</sup>

In mid-2009, as later revealed in court proceedings, Duadji and other high-level targets of KPK investigation devised a plan to open criminal investigations of a majority of the KPK commissioners. Because the KPK law required the immediate suspension of any commissioner under investigation and also required the commission to make decisions "collectively," such action would effectively paralyze the commission.

In May, the police named Antasari, the KPK's chairman, as a suspect in the March murder of a prominent businessman. The case involved an alleged affair between Antasari and the businessman's third wife, a caddy at a golf course Antasari had frequented. Yudhoyono suspended Antasari by presidential decree, making Chandra acting chair.

The case drew substantial media attention. Despite the blow to the KPK's credibility, the other commissioners and civil society leaders shied away from defending Antasari. "His background led to questions of his integrity," Ridaya said.

Danang agreed: "When the case came out against [Antasari], we felt like the charge against him could be true...so we did not organize support for him." The commissioners as well remained detached from the Antasari case, seeing it as unrelated to the commission, although they convened an ad hoc committee in September that determined Antasari had flouted the KPK code of ethics.

Antasari was tried in October 2009 and convicted of murder in February 2010 along with

three other defendants; each was sentenced to 18 years in prison. Two years later, the Supreme Court upheld Antasari's conviction and sentence in a 2-to-1 decision. The dissenting judge—along with the Judicial Commission and Human Rights Commission—questioned the conduct of the trial. Simon Butt, an expert in Indonesian law at the University of Sydney, wrote in a 2011 article, "Antasari's trial was highly questionable: no credible evidence was adduced pointing to his guilt. ... The trial smacks of a set-up to remove Antasari, under whom the KPK had become significantly bolder."<sup>24</sup>

In September 2009, while the Antasari case was going on, the police named Bibit and Chandra as suspects in a case of abuse of power and extortion involving a business leader who claimed he had bribed KPK leaders while under investigation. Antasari (under police custody), as well as witnesses who also were KPK suspects, provided supporting testimony.

Unlike the silence that had met Antasari's arrest, these charges were met with public outcry. Bibit and Chandra had clean reputations, and especially after Duadji's "stupid gecko" comment in July, the public questioned the investigators' motives. The extortion charge was based on a document that was later revealed as a forgery, and the abuse-of-power charge was not a criminal offense. "We were shocked," said Danang. "The police replaced the indictment several times. ... It seemed like the case was probably fabricated. The evidence was very weak."

In October, Yudhoyono, reluctant to intervene in the judicial process, appointed three acting commissioners via a temporary emergency measure that bypassed normal replacement procedures.<sup>25</sup> The new three were Tumpak Panggabean, a former commissioner; Mas Achmad Santosa, founder of a legal NGO; and Waluyo, a finalist in the 2007 selection.

As acting chair, Panggabean, a former prosecutor, led the commissioners in working to

repair relations with the attorney general's office and the police. Waluyo said the police and prosecutors were eager to cooperate. "There was no resistance at all," he said. "They were tired also." He said the commissioners told the other agencies, "If Bibit and Chandra are really corrupt, then continue the judicial process, but in front of the public, let's stay focused on moving forward." Waluyo said the replacement commissioners calmed the jittery staff by telling them, "Focus on the job and let people see [the good work] we're doing." The commissioners concentrated on pending cases.

Throughout those months, the KPK worked furiously to tap all of its support constituencies and appealed directly to the public for demonstrations of support. Evans, the Australian political scientist, explained: "Their strategy of building layers of public support around themselves created human shields that protected the institution from the inevitable backlash." Jasim said the commissioners actively defended themselves in the media, proclaiming their integrity had been affirmed by the vetting of the appointment process and was protected by the commission's robust internal controls. Civil society partners planned a campaign of defense.

Danang said, "We used several strategies to create public pressure: lobbying, pressure on the mass media, press conferences, demonstrations [and appeals to] our international networks."

With the KPK's support, Indonesia Corruption Watch and other civil society groups began in July 2009 a protest movement they called *Saya Cicak* (I am a gecko), flipping Duadji's epithet into a symbol of popular defiance of corruption. The campaign was explicitly patriotic and pro-KPK, using the slogan *Cinta Indonesia Cinta KPK* (Love Indonesia, Love the KPK).

In October, the police arrested Bibit and Chandra. "When [they] were brought to jail, many journalists cried," said Sujanarko.

Protests escalated to levels unseen since Suharto's downfall. "We organized a mass movement against these charges," Danang said, with "demonstrations in several cities, all regions. ... We contacted our partners at the local level and said, 'This is the time to support the KPK. Show your support by organizing a demonstration in your city!'" The traffic circle near the KPK's main office in central Jakarta repeatedly filled with tens of thousands of protestors, popular music concerts and street art. Even though some protesters had other partisan motives, support of the KPK remained central to the campaign.

The KPK welcomed that support and even hosted concerts by supportive popular music groups. Other protests arose spontaneously. A university lecturer in Bandung launched a Facebook group seeking to recruit a million online supports of Bibit and Chandra, attracting more than 1.2 million members.

The KPK's international partners pressured Yudhoyono as well. "We did not organize only domestically but also internationally," said Sujanarko. "The president supported the KPK because of pressure from the international community," which included international media, NGOs, foreign governments and business leaders.

"Foreign business follows the KPK with interest as a barometer of reform," said James Castle, head of CastleAsia, which managed Indonesia's largest corporate forum. "By and large there's a favorable view of it, and that's enhanced because they've been attacked by Parliament, which observers take to mean they must be doing a fairly good job."

In November, fearing an escalating national crisis, Yudhoyono assembled a team of legal experts to conduct a two-week investigation of the case against Bibit and Chandra. At the time, the KPK had recordings from electronic surveillance of the Bank Century case that had revealed a plot among Duadji and high-level prosecutors to frame

Bibit and Chandra (and eventually, Jasin) in order to “kill the KPK.”<sup>26</sup> Lacking the legal authority to disclose the recordings, Chandra appealed to the Constitutional Court. The court allowed Chandra’s lawyer to introduce the recordings as evidence, thereby making them public. Both the court and Yudhoyono’s expert panel concluded the case was baseless.<sup>27</sup>

The president ordered the attorney general to terminate the case and reinstate Bibit and Chandra as commissioners. The dismissal was challenged in court but obviated by a Constitutional Court ruling that commissioners could be suspended only if charged with a crime, and removed only if found guilty.<sup>28</sup> In November, Parliament, which had never confirmed the three acting commissioners, appointed a new KPK chair, Busyro Muquoddas, through the normal selection process. The Constitutional Court ruled that he should serve a full four-year term, effectively staggering the future selection of the chair and vice chairs of the KPK.<sup>29</sup>

Hikmahanto, the law professor, said the public “was very disappointed” by the drama, and considered its conclusion “overdue.” The attempted conspiracy to frame the commissioners backfired, and the conspirators behind it were forced to resign. Duadji became a witness for the KPK against justice-sector corruption. Ultimately, the defeat of the charges galvanized public support for the commission and rallied morale among KPK employees.

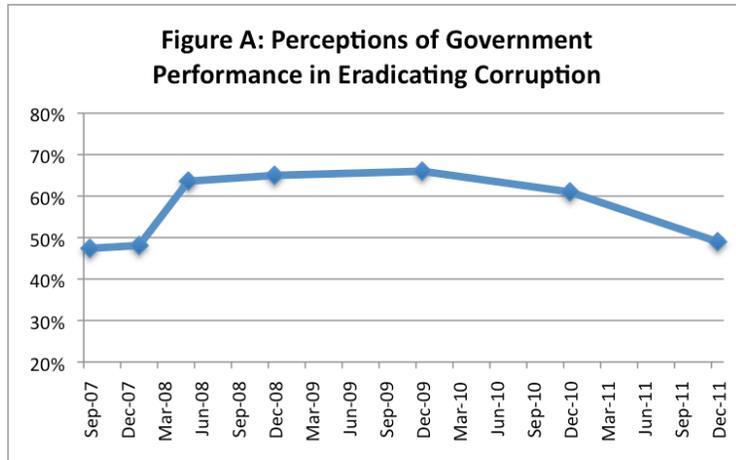
Support for the KPK cooled after July 2011, though, when a high-profile KPK suspect who had been treasurer of the ruling party implicated Chandra and other high-ranking KPK officials in a bribery scheme. While no formal charges were brought, the claims raised questions about whether Chandra had complied with the KPK ethics code in his disclosure of private meetings with the suspect. Chandra said he had disclosed the meetings, which had taken place before the suspect was under investigation.

In response, the KPK convened an ad hoc ethics committee, as it had for Antasari. Originally, the committee had three KPK members and two outsiders, but two more outsiders were added in response to public criticism. Makarim, a senior lawyer who served as one of the independent experts, described the committee as diverse and broad-minded. By a bare majority, the committee ruled that Chandra had violated the code but that the breach was insufficient to warrant further action. Makarim called the close decision “embarrassing to the KPK, as it should be.”

Although some KPK officials called for the creation of a standing ethics committee, Makarim and other committee members opposed the idea. “With permanency, you start to identify with the organization and opt for toleration and leniency in applying codes of ethics and conduct,” Makarim said. “It should be constituted again if necessary, but not necessarily including the same persons.”

## ASSESSING RESULTS

From January 2008 to December 2011, the KPK conducted 269 preliminary investigations and prosecuted 139 cases.<sup>30</sup> Convicted defendants included more than 30 members of Parliament as well as ministers, governors, mayors, ambassadors, consuls, governors, deputy governors of the Central Bank, judges, prosecutors and a chief executive of a state-owned company. The second-term commissioners maintained the KPK’s 100% conviction record despite the changes in the Tipikor anti-corruption court.<sup>31</sup> KPK actions recovered US\$93 million of state assets.<sup>32</sup> Wealth reports received by the KPK doubled to 152,264 in 2011, from 76,114 in 2007.<sup>33</sup> From 2009 to 2011, the online whistle-blower system received 38,000 public complaints. However, KPK cases represented less than 3% of Indonesia’s corruption indictments, most of which came from the attorney general’s office (roughly 74%) or the police (roughly 24%).<sup>34</sup> Those institutions had



Source: Indonesian Survey Institute (LSI)

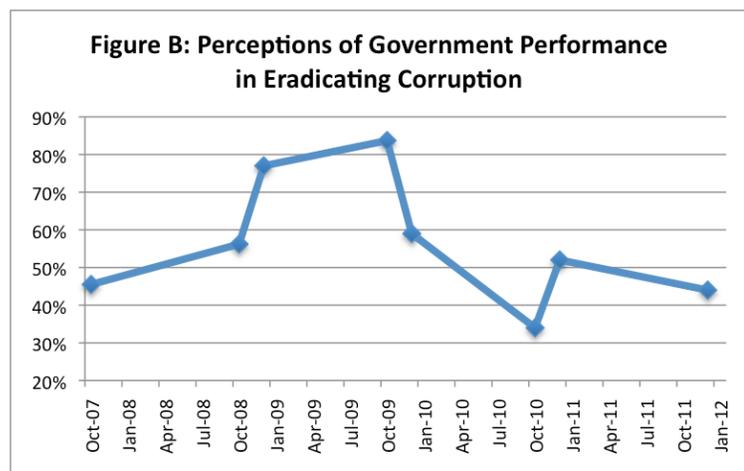
much lower conviction rates, and their defendants tended to receive lighter sentences than those prosecuted by the KPK, even for comparable crimes.<sup>35</sup>

The Indonesian Survey Institute, an academic research organization, conducted several studies of perceptions of the KPK and found that perceptions of the KPK’s job performance at the start and end of the second term were virtually identical, at 48% and 49%, respectively (Figure A). However, from May 2008 to December 2010, the commission’s perceived job performance generally measured in the mid-60% range.<sup>36</sup> The public appeared to view the commissioners highly favorably until its enthusiasm was tempered by the 2011 bribery allegations against Chandra. A May 2008 survey conducted as the second-term commissioners began their wave of arrests recorded that 59.1% of Indonesians had responded that corruption had improved because of the KPK, that the KPK was the most trusted institution in Indonesia (64.5%) besides the presidency and that the KPK was closely followed by more Indonesians (24.9%) than was any other government institution, including the presidency and Parliament.<sup>37</sup> A survey of

perceptions of the integrity of various law enforcement institutions, conducted in October 2010, a year after the Saya Cicak protests, found that positive perceptions of the KPK exceeded negative perceptions by 15 percentage points—the reverse of the 15- to 18-percentage-point deficit in perceptions of the integrity of the courts, the police and the attorney general’s office.

Perceptions of the government’s ability to combat corruption skyrocketed after the commissioners began their anti-corruption sweep in 2008, reaching a record high of 83.9% in October 2009 as the Saya Cicak protests were at their height (Figure B).<sup>38</sup> A year later, as the KPK’s anti-corruption crusade stalled, this number plummeted to 34% before recovering modestly to 44% by December 2011.

Despite setbacks, the KPK and its supporters managed to fend off legislative attempts to weaken Indonesia’s corruption laws. Jimly Asshiddiqie, former chief justice of the Constitutional Court, described Parliament’s tussles with the KPK as “normal and OK” in a new democracy like Indonesia. “The people like any articles [of law] giving great power to the



Source: Indonesian Survey Institute (LSI)

KPK,” he said. “Usually, the politicians in Parliament will be influenced by public opinion.”

Despite the KPK’s high public profile and successful prosecutions, the organization’s impact on Indonesia’s endemic corruption was a subject of debate. “For every case that goes forward, people believe there are five or six similar cases that didn’t get prosecuted for lack of resources,” said Castle of CastleAsia.

Ridaya of Publish What You Pay said of the KPK: “They do something...but in terms of national impact, I doubt it.” He saw the primary achievement of the KPK in its countering of public cynicism. “The big success of the KPK is in keeping our spirits alive,” he said. “They can only catch a couple of cases out of thousands, but at least they prove we can do this.”

Law professor Hikmahanto said that the KPK had ended a culture of impunity in Indonesia, especially of high-status corrupt individuals who had gained popularity by sharing some of their gains with supporters. He said, “The second batch [of KPK commissioners] showed the public that whoever you are, if you do corruption, we are going to prosecute you. That message has come across to the public and the officials.” He added that the message had not reached other law enforcement agencies, however: “This is not something that happens in the police and AGO [attorney general’s office].”

By 2011, it was still too early to tell whether staffers who had left the KPK—especially seconded police and prosecutors—maintained their spirit of reform when they returned to their old positions. Tina Kumala, the KPK’s former human resources director, said, “Most ex-KPK staff, when they go back, get promotions to good positions—not only in former institutions but even into state-owned companies.” She added that many staffers had called her to ask for assistance in importing KPK policies into their new workplaces.

Ridaya, however, was unsure about whether the former staffers could have an impact: “When they come back to their own institutions where the internal controls are not in place, it’s like pouring salt into the ocean.”

According to Castle, the threat of KPK prosecution hurt certain government procedures such as procurement. “It’s made even honest government officials very nervous about making any decisions,” he said. “They fear that they are vulnerable to corruption charges even if a tender is honest and fair, because they aren’t well protected by the law. They fear that anyone who loses a tender can claim corruption and then they will be subjected to a very hostile investigation process with very little legal protection or support from their institution.”

Castle said some vendors gamed the system, knowing that procurement officers judged offers solely on the basis of price, afraid of corruption allegations if they chose a costlier bid. “Decision makers feel they must always take the lowest bid because if they don’t, they will be accused of being bribed to accept a more expensive offer,” he said. “The result then is often that the government is forced to accept shoddy goods or choose well-connected companies who low-ball their tenders, confident they can raise the prices later.”

Hikmahanto blamed corruption concerns for hampering government spending. “Every year, the realization of the state budget is very low, sometimes 90%” because of that fear, he said. The vagueness of the crime of “causing financial loss to the state” contributed to the problem because the charge could be used against public servants who made reasonable decisions that later led to unanticipated costs.

A vocal faction of critics claimed that the KPK lacked accountability and abused its powers. Otto Kaligis, a controversial lawyer who defended many high-level clients prosecuted by the KPK, described the institution as a bully. He described

the KPK's case selection method as "selective logging": by felling some unhealthy trees and leaving other diseased ones standing, the forest remained sick.

According to Kaligis' book *Deponering: Theory and Practice*, "The practice of 'selective logging,' a rampant abuse of power in the KPK, is caused by the uncontrolled concentration of power through the combination of investigators and prosecutors under one roof, preventing the parliament's control of the KPK."<sup>39</sup> In his books, Kaligis complained of unchecked violations of due process by Tipikor judges and KPK commissioners and staff, although none of the claims have held up in court.<sup>40</sup>

Danang of Indonesia Corruption Watch had a barbed response to the claim that the KPK lacked accountability: "Yes, it is not accountable to the politicians. But the politicians are corrupt; that's the problem."

Many local observers said the KPK's second-term leadership showed little partisanship in its case selection. "Generally, you can't say the KPK played political favorites," Castle said.

Danang said the second-term commissioners kept more distance from Yudhoyono: "In the first term, SBY [Yudhoyono] had more control."

Finally, some criticized the KPK as gimmicky and ineffectual. Jimly, the former Constitutional Court justice, said, "Everything done by the KPK only serves the people as theater. It doesn't give guidance on moral behavior to the people and the public servants. ... When anti-corruption becomes theater, it will never give solutions." Jimly added that the KPK was too preoccupied with investigating the "downstream" end results of Indonesian corruption, whereas lasting change required confronting corruption at its source. "The KPK is only a small unit of management to combat corruption downstream and win the battle for the principles of good governance in action," Jimly said. "More than that, we need effective

management in the upstream to reform the administration, install better systems, and institutions to prevent corruption practices." To the KPK, however, enduring anti-corruption efforts required public participation, and investigations were critical to winning public support for the longer struggle.

## REFLECTIONS

When KPK Commissioner Chandra Hamzah despaired about the personal attacks he faced, he took heart from similar cases—from Nigeria to Hong Kong. In Hong Kong, he said, the police had tried to burn down the anti-corruption commission's offices but were stopped by the intervention of the British governor-general. To Chandra, the lesson of the story was the importance of high-level political support as the backstop of an anti-corruption agency. "Hong Kong was successful," he said. "Indonesia is still waiting."

Some observers said the commissioners could have avoided some trouble by adhering more rigorously to the code of ethics, which could inoculate them against charges of ethical violations. For example, Australian political scientist Kevin Evans argued that if Chairman Antasari Azhar had complied with the disclosure requirements in the KPK code, the records he kept might have provided crucial exculpatory evidence. "The code was really a defense mechanism, and [Antasari] didn't see it as such," Evans said. "Perhaps he saw it more as a shackle than as a shield."

Others noted that the KPK could have handled its crises better by communicating more closely with the public. "I have urged the KPK to set up a rapid-response unit at the highest levels of its organization," said Jakarta lawyer Nono Makarim.

James Castle, head of CastleAsia, agreed, saying that in Indonesia, "Everybody lets their enemies tell the story. They respond to the story,

but they don't get ahead of the story before opinions are formed."

Jimly Asshiddiqie, former chief justice of the Constitutional Court, said the KPK exacerbated its publicity problems by turning its defendants into celebrities to whom the media gave a platform. "Be less high profile about the people who are caught," he suggested.

Ultimately, the lesson of the KPK's second term was the importance of establishing strong support. KPK adviser Ary Nugroho said the KPK "must be supported by stakeholders. In Indonesia, those stakeholders are the NGOs and the media. When the KPK is under attack, the NGOs and the media defend it." He added that civil society should offer constructive feedback to the KPK in its work but support it when such help is required. "Most of the [NGOs] know the KPK is the last hope of the country," he said. "If there is no KPK, there is no hope to eradicate corruption."

Hikmahanto Juwana, a law professor at the University of Indonesia, said that public expectations had eased as citizens saw media coverage of the KPK's difficult work. "People in Indonesia now understand corruption cannot be solved in one generation," he said.

Widjayanto, a professor at the University of Paramadina, said the dramatic events of the KPK's second term had helped keep corruption foremost on people's minds. He noted that a 2010 survey by Indonesian newspaper *Kompas* found

that 38.6% of Indonesians identified corruption as Indonesia's biggest problem—worse than the economic crisis, unemployment, terrorism, sectarian conflict and other prominent issues. "In the past, corruption happened, but no one publicized it and people didn't know it existed," he said. "Nowadays, if you open the newspaper, my friend jokingly says, if there are 10 stories, then 11 will be about corruption."

Ultimately, the KPK's turbulent second term showed both the perils and the potential gains for an anti-corruption agency that pursued an aggressive strategy of high-impact enforcement backed by preventive reforms. The KPK commissioners were able to achieve impressive gains with that strategy, although not without steep costs. In doing so, the commissioners took advantage of several assets: the strong powers and structural independence of the KPK; the solid, capacity-building work of their predecessors; high-level political support; a window of political opportunity; the attention of the public; and the receptiveness of the media, civil society, the international community and high-level courts.

Those advantages enabled the commissioners to fight corruption on several fronts, from the courtrooms to the streets, calling upon the public as the ultimate arbiter of state legitimacy. By demonstrating the weight of its support, the KPK proved its staying power.

---

## References

- <sup>1</sup> Lembaga Survei Indonesia, data available at <http://www.lsi.or.id/>, accessed 24 August 2012.
- <sup>2</sup> John McBeth, "When Draconian Powers Are Called For," *Straits Times*, 18 July 2009.
- <sup>3</sup> Mochammad Jasin, "The Indonesian Corruption Eradication Commission," *Article 2*, Asian Human Rights Commission, March 2010, Volume 9, Number 1.2, <http://www.humanrights.asia/resources/journals-magazines/article2/0901>, accessed 24 August 2012.
- <sup>4</sup> Mochammad Jasin, "The Indonesian Corruption Eradication Commission."
- <sup>5</sup> Business-anti-corruption.com, "Anti-Corruption Profile: Indonesia," <http://www.trust.org/trustlaw/country-profiles/good-governance.dot?id=4b0d5883-3b74-481e-a340-6cd449fb408d>, accessed 24 August 2012.
- <sup>6</sup> Lucy Williamson, "Corruption Classes in Indonesia," *BBC News*, 9 February 2009, <http://news.bbc.co.uk/2/hi/7870442.stm>, accessed 24 August 2012.

- <sup>7</sup> Alan Doig, David Watt, and Robert Williams, “Why do developing country anti-corruption commissions fail to deal with corruption?” *Public Administration and Development*, 2007, (27)(3):251–259.
- <sup>8</sup> Mochammad Jasin, “The Indonesian Corruption Eradication Commission.”
- <sup>9</sup> KPK Annual Report 2008, <http://www.kpk.go.id/modules/news/index.php?storytopic=11>, accessed 24 August 2012.
- <sup>10</sup> Rabby Pramudatama, “KPK Looks to Public in House Row,” *Jakarta Post*, 23 June 2012, <http://www.thejakartapost.com/news/2012/06/23/kpk-looks-public-house-row.html>, accessed 24 August 2012.
- <sup>11</sup> Emil Bolongaita, “An exception to the rule? Why Indonesia’s anti-corruption commission succeeds where others don’t—a comparison with the Philippines’ Ombudsman,” 2010, Anti-Corruption Resource Centre U4 Issue.
- <sup>12</sup> Freedom House, “Freedom in the World 2011: Indonesia,” <http://www.freedomhouse.org/report/freedom-world/2011/indonesia>, accessed 13 Sept 2012.
- <sup>13</sup> Nivell Rayda, “SBY Orders BPKP to Drop KPK Audit.” *Jakarta Globe*, 1 July 2009, <http://www.thejakartaglobe.com/indonesia/sby-orders-bpkp-to-drop-kpk-audit/315427>, accessed 13 September 2012.
- <sup>14</sup> Ibid.
- <sup>15</sup> <http://majalah.tempointeraktif.com/id/arsip/2009/07/06/LU/mbm.20090706.LU130792.id.html>, accessed 24 August 2012.
- <sup>16</sup> See, e.g., Simon Butt, “Anti-Corruption Reform in Indonesia: an Obituary?” *Bulletin of Indonesian Economic Studies*, Volume 47, Number 3, 2011.
- <sup>17</sup> Ina Parlina and Arya Dipa, “Bekasi Mayor’s Holiday Ends in Jail,” *Jakarta Post*, 22 March 2012, <http://www.thejakartapost.com/news/2012/03/22/bekasi-mayor-s-holiday-ends-jail.html>, accessed 24 August 2012.
- <sup>18</sup> Anton Apchandra and Ira Guslina Sufa, “Kneecapping the KPK,” *Tempo*, 21 March 2012.
- <sup>19</sup> Simon Butt, “Anti-Corruption Reform in Indonesia: an Obituary?”
- <sup>20</sup> Tom Wright, “Indonesia’s Anticorruption Effort Encounters Resistance,” 28 July 2009, <http://online.wsj.com/article/SB124871970668184497.html>, accessed 24 August 2012.
- <sup>21</sup> Camelia Pasandaran and Farouk Arnaz, “KPK Has Authority to Tap Phones, Constitutional Court Judge Says,” *Jakarta Globe*, 15 December 2009.
- <sup>22</sup> “Mr. Clean’s Battered Broom,” *The Economist*, 8 October 2009, <http://www.economist.com/node/14587280>, accessed 24 August 2012.
- <sup>23</sup> John McBeth, “When Draconian Powers Are Called For.”
- <sup>24</sup> For criticism of the case against Antasari Azhar, see Simon Butt, “Anti-Corruption Reform in Indonesia: an Obituary?”
- <sup>25</sup> Sofie Schütte, “Appointing Top Officials in a Democratic Indonesia: The Corruption Eradication Commission,” *Bulletin of Indonesian Economic Studies*, November 2011, 47 (3), 355–379.
- <sup>26</sup> Hukumonline.com, “Throwing Stones in Glass Houses: The KPK Under Siege,” 28 September 2010.
- <sup>27</sup> Constitutional Court Decision No. 133/PUU-VII/2009.
- <sup>28</sup> Judicial Review of KPK Law (30/2002), 133/PUU-VII/2009, 25 November 2009.
- <sup>29</sup> Sofie Schütte, “Appointing Top Officials in a Democratic Indonesia.”
- <sup>30</sup> Data compiled from KPK Anticorruption Clearing House, <http://acch.kpk.go.id/en/statistik>, accessed 13 September 2012.
- <sup>31</sup> Counting the aforementioned October 2011 case of the mayor of Bekasi, which the KPK lost at the first instance but won on appeal.
- <sup>32</sup> Figures for 2008–2010: Sofie Schütte, “Against the Odds: Anti-Corruption Reform in Indonesia,” *Public Administration and Development*, 2012, 32, 38–48. Figure for 2011: Ina Parlina, “New KPK Chief Pleased with His First Four Months in Office,” *Jakarta Post*, 14 May 2012,

---

<http://www.thejakartapost.com/news/2012/05/14/new-kpk-chief-pleased-with-his-first-four-months-office.html>, accessed 13 September 2012.

<sup>33</sup> Figures compiled from KPK annual reports, available at

<http://www.kpk.go.id/modules/news/index.php?storytopic=11>, accessed 13 September 2012.

<sup>34</sup> Sofie Schütte, “Against the Odds.”

<sup>35</sup> Ibid.

<sup>36</sup> Lembaga Survei Indonesia.

<sup>37</sup> Ibid.

<sup>38</sup> Ibid.

<sup>39</sup> Otto Kaligis, *Deponering: Teori dan Praktik*, 2011, 92. Informal translation by ISS.

<sup>40</sup> Otto Kaligis, *Praktik Tebang Pilih Perkara Korupsi*, 2008. Informal translation by ISS.

Innovations for Successful Societies makes its case studies and other publications available to all at no cost, under the guidelines of the Terms of Use listed below. The ISS Web repository is intended to serve as an idea bank, enabling practitioners and scholars to evaluate the pros and cons of different reform strategies and weigh the effects of context. ISS welcomes readers' feedback, including suggestions of additional topics and questions to be considered, corrections, and how case studies are being used: [iss@princeton.edu](mailto:iss@princeton.edu).

## Terms of Use

In downloading or otherwise employing this information, users indicate that:

- a. They understand that the materials downloaded from the website are protected under United States Copyright Law (Title 17, United States Code). This work is licensed under the [Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International License](http://creativecommons.org/licenses/by-nc-nd/4.0/). To view a copy of this license, visit <http://creativecommons.org/licenses/by-nc-nd/4.0/>.
- b. They will use the material only for educational, scholarly, and other noncommercial purposes.
- c. They will not sell, transfer, assign, license, lease, or otherwise convey any portion of this information to any third party. Republication or display on a third party's website requires the express written permission of the Princeton University Innovations for Successful Societies program or the Princeton University Library.
- d. They understand that the quotes used in the case study reflect the interviewees' personal points of view. Although all efforts have been made to ensure the accuracy of the information collected, Princeton University does not warrant the accuracy, completeness, timeliness, or other characteristics of any material available online.
- e. They acknowledge that the content and/or format of the archive and the site may be revised, updated or otherwise modified from time to time.
- f. They accept that access to and use of the archive are at their own risk. They shall not hold Princeton University liable for any loss or damages resulting from the use of information in the archive. Princeton University assumes no liability for any errors or omissions with respect to the functioning of the archive.
- g. In all publications, presentations or other communications that incorporate or otherwise rely on information from this archive, they will acknowledge that such information was obtained through the Innovations for Successful Societies website. Our status (and that of any identified contributors) as the authors of material must always be acknowledged and a full credit given as follows:

Author(s) or Editor(s) if listed, Full title, Year of publication, Innovations for Successful Societies, Princeton University, <http://successfulsocieties.princeton.edu/>

