

root level (van Klinken & Aspinall 2011; Agustino 2019). It seems that this political shift has been like two opposite sides of a coin so far.

Corruption in Indonesia does not only occur in the Reformation era but has occurred long before that (Juwono 2016). This article focuses on the discussion of corruption in the Indonesian Reformation era (up to the era of President Joko Widodo). One that is very worrying about corruption cases in Indonesia, according to Agustino dan Fitriani (2017), is the spread of corruption starting from the central government level to the regional level (it even occurs at the village level). In the past, the Indonesian people never thought that corruption would occur in areas considered taboo, such as in the religious, education and health sectors. But now, it is precisely in these areas that the epicenter of corruption occurs. The question now, how is the eradication of corruption in Indonesia? What is the role of the Corruption Eradication Commission (*Komisi Pemberantasan Korupsi*, KPK) so far? Is there any resistance against the KPK in combating corruption in Indonesia? Some of these questions are discussed in this article.

Methods

The issue of corruption is not a central issue that was widely discussed by scholars in the last five decades. The reason is that the focus of the era was on the issue of security and competition between the two major blocs (between the United States in the West and the Soviet Union in the East). However, after the Cold War era, the issue of corruption began to be part of scientific debates in

line with the demands (*zeitgeist*) of democratization. The impact of this shift is now the issue of corruption is receiving the attention of academics, policymakers, and others. Rose-Ackerman (1999) in his classic book explains that bribery or corruption will not produce an efficient bureaucracy as Huntington (1968) had written decades earlier. Leff (1964) once wrote that corruption can be used to improve welfare. But now, referring to Gupta *et al.* (2001) for example - who supports Rose-Ackerman's (1999) argument - explains that in countries with high levels of corruption, health and education services are running ineffectively and inefficiently.

Although the issue of corruption is the center of attention of scholars until now there is no consensus on the definition of corruption. United Nations Development Programme (UNDP) (1999: 7) for instance, defines corruption as follows, “... *the misuse of public power, office or authority for private benefit — through bribery, extortion, influence peddling, nepotism, fraud, speed money or embezzlement.*” Rose-Ackerman (2008) defines corruption into two categories: (i) small corruption and (ii) big corruption.

Minor corruption leads to exclusive and unfair profit sharing and to officials' efforts to complicate the bureaucracy. While major corruption causes state failure because it may be that certain sectors of government function as “bribery machines” (Rose-Ackerman 2008: 331). But the definition of Rose-Ackerman (2008) is too broad and complicated to be used as a foothold in discussing corruption as a multidimensional problem (political,

economic and sociocultural). Meanwhile, Jakob (2005) defines corruption as an abuse of public power for personal or private interests which harms the public in ways that are contrary to applicable legal provisions. This definition is quite helpful in limiting the discussion about corruption, but the weakness of this definition lies in the bias that tends to discredit the public sector, as well as a definition that does not cover acts of corruption by the private party even though it is equally detrimental to the public.

So how to deal with the problem of corruption in Indonesia before the Reformation era? Not an easy question to answer. According to several sources, at least the illustration is as follows. Corruption is not a new problem in Indonesia. It is inherited since the era of kingdoms (Carey 2017). Then, it is continued during the Dutch occupation. Back then, at the beginning of the 18th Century, the VOC (*Vereenigde Oostindische Compagnie*, the Dutch East India Company) went bankrupt due to the rampant corruption in its body (Margana 2009). After the proclamation of independence, many Dutch officials returned to their homeland, and the vacant positions were then filled by native formerly worked for the Dutch (*ambtenaar*) who grew up in a corrupt environment. It is this corrupt culture that continues in post-independence Indonesia. Nevertheless, according to King (2000), corruption at the beginning of independence barely existed. This is the implication of the idealism of the nation's founders, including their political elites. But when Sukarno

imposed *Demokrasi Terpimpin* (the Guided Democracy) in 1959, *Demokrasi Parlementer* (the Parliamentary Democracy) system was dissolved, the press was restrained, foreign companies were nationalized, and monopolies were created, then opportunities for rent-seeking (King 2000: 607) were wide opened. Mackie (1970) explained that corruption became endemic under Guided Democracy when financial accountability almost collapsed because of ugly administrative management in the era of Sukarno's leadership. Unfortunately, this weakness was not corrected during the Suharto New Order era. By using his power, Suharto participated and "was enjoying" bribes, gratuities, and other unlawful personal benefits (Robison 1986; Winters 2011; Juwono 2016). The inability of Soeharto's New Order regime to deal with the problem of corruption is not without cause. According to Liddle (1996: 88), the cause was that corruption was used as a means of gaining resources and supports in such a way that corruption became commonplace in decision making and its implementation in the Soeharto New Order era (Liddle 1996: 88).

Does this show that the New Order does not care about corruption? Not really. Because from an institutional perspective, there had been many anti-corruption institutions formed by Soeharto. In 1968, based on Presidential Decree Number 228 of 1967, President Soeharto formed a team aimed at eradicating corruption (Agustino and Fitriani 2017: 5). This team is called the *Tim Pemberantasan Korupsi* (TPK, the Corruption Eradication Team). Shortly

after the formation of the TPK, President Soeharto strengthened efforts to eradicate corruption by forming a the *Komisi 4* (the Commission 4) whose main tasks were: (i) conducting research and evaluating the policies and results achieved in eradicating corruption and (ii) considering the Government regarding policies that were still needed in combating corruption (Agustino and Fitriani 2017: 6). Based on these authorities, *Komisi 4* moves to eradicate corruption in the Ministry of Religion, the Agency for Logistics (*Badan Urusan Logistik, Bulog*), Telkom (the state-owned telecommunication enterprise), and Pertamina (*Perusahaan Tambang dan Minyak Negara*, the state-owned mining and oil company) which at that time were considered as the most corrupt government institutions. However, the results and findings of the studies by the commission in the field were never heeded by the government. In the end, the Soeharto's New Order regime was uprooted by the people power movement that demanded, among other things, to prosecute the criminal act of corruption committed by Soeharto and his family (Ali 2001; O'Rourke 2002; Aspinal 2005).

Result and Discussion

The Corruption Eradication Commission (KPK): The Birth and Authorities

The Corruption Eradication Commission (*Komisi Pemberantasan Korupsi*, KPK) is a State Institution formed under Law Number 31 of 1999 concerning Eradication of Corruption. In Article 43 of the law, it is stated that the KPK must be formed within no later than

two years. Due to this time constraints, the government at that time sent several top leaders in the Ministry of Law and Human Rights (*Kementerian Hukum dan Hak Asasi Manusia, KemenkumHAM*) to conduct a comparative study to the Hong Kong Independent Commission Against Corruption (ICAC) in Hong Kong (Juwono 2016: 228). Not only the ICAC, but the KPK also conducted correspondence (to strengthen its role and function) with anti-bribery institutions from many countries, such as the Malaysian Anti-Corruption Commission (MACC), the Brunei Anti-Corruption Bureau (ACB), the Thai National Counter Corruption Commission (NCCC), the Philippine Ombudsman, the New South Wales Independent Commission Against Corruption (ICAC), and the Singapore Corrupt Practices Investigation Bureau (CPIB). Despite learning a lot from the ICAC and other anti-corruption organizations, the KPK did not fully replicate the ICAC, which only handles investigations on corruption cases. Rather, the KPK handles investigations and prosecutions of corruption cases, and it is even granted authority to search, tap, and arrest (Article 6 of Law No. 30/2002). Therefore, the authority of the KPK is greater than the ICAC.

These humongous righteous authorities of the KPK's triggered most parties in the House rejected the formation of this commission (*Tempo* 24-30 December 2012: 74). As a result, the International Monetary Fund (IMF) "forced" the Indonesian government to establish the KPK; otherwise, foreign assistance loan from the IMF would not be disbursed (Kuris 2012: 5). The "coercion" from the IMF appeared in the

determine gratification status, conduct anti-corruption education, conduct socialization and campaigns fighting corruption, and do bilateral or multilateral cooperation. When it comes to monitoring government administration, the KPK had the authority to conduct an assessment of the administrative management system in all state and government institutions, advising the leadership of state and government institutions to make changes if the administrative management system has the potential to be corrupt.

In addition to the great authority of the KPK, this commission was also given the authority to coordinate investigations and prosecutions of corruption, establish a reporting system in the eradication of corruption, request information about corruption eradication activities from the relevant agencies, conduct hearings or meetings with related agencies regarding the prevention of corruption. Whereas in terms of supervision, the KPK had the authority to conduct surveillance, research on agencies that fight against corruption and agencies that provide public services, as well as take over investigations/prosecutions of corrupt officials who are being carried out by the police or prosecutors.

KPK's Role During The Indonesian Reformation Era

Post-Soeharto Indonesia is known as the "Reformation" era. In this era, five presidents have led the island nation, they are: Burhanuddin Jusuf Habibie, Abdurrahman Wahid (also known as Gus Dur), Megawati Sukarnoputri (daughter

of Indonesia's first president, Sukarno), Susilo Bambang Yudhoyono (often called SBY)), and finally Joko Widodo (also known as Jokowi). Unlike in the Soeharto New Order era which placed the President as the sole actor in Indonesian politics, in the Reformation era, other actors had to be taken into account in the Indonesian political landscape, namely: Parliament and the general public. Even though technically Indonesia is more democratic, actually Indonesia's political landscape is very complex and diverse because most political elites want to play in the new Indonesian political arena.

During the Habibie period, Indonesia made many breakthroughs towards a democratic country. Some of the steps he took include: changing regulations and electoral systems so that they did not produce authoritarian political elites, encouraging the birth of participatory civil society, professionalizing the army, and ensuring press freedom (O'Rourke 2002; Crouch 2010). Even so, the Habibie administration was tainted by the allegation of corruption by the presidential campaign team related to Bank of Indonesia Liquidity Assistance (*Bantuan Likuiditas Bank Indonesia*, BLBI) for Bank of Bali (Juwono 2016: 197). Also, his administration was considered problematic because Habibie was too protective (not to say "not brave") in exposing the corruption cases of Suharto and his family. Although some of Soeharto's wealth was scrutinized by *Time* (1999).

Meanwhile, in the era of President Gus Dur, the handling of corruption did not appear to have progressed despite the formation of the Joint Team for

In his second term (2009-2014), SBY appeared to be more moderate because he was too careful in “maintaining political stability” by securing supports from the House and its political coalition at the expense of substantial-good governance reforms (McBeth 2016). As a result, the pace of governance reforms was not as progressive as in his first term. This is affecting directly the eradication of corruption agenda. This was seen when SBY was reluctant to intervene in the lengthy conflict between the police and the KPK commissioners. Although in the end, due to public pressure, SBY took popular measures to end the friction by supporting the KPK. Despite pressure from the police and SBY’s neglect, the KPK under Abraham Samad leadership reached the peak of its influence as it accelerated the judicial process of cases already in the KPK’s list including those involving “close people” (one party with) of SBY, such as Minister of Youth and Sports (Andi Mallarangeng, elite Democratic Party), Minister of Energy and Mineral Resources (Jero Wacik, Democratic Party elite), Anas Urbaningrum (Democratic Party Chairperson), and others (Agustino and Fitriani 2017). Since these cases affected the SBY’s last term, the results of the 2014 General Election, unfortunately, hit the Democratic Party hard.

Jokowi succeeded SBY in 2014, but the KPK was no better. First, Jokowi’s decision to promote the Police Commissioner General Firli Bahuri (former Deputy for the Prevention of the Corruption Eradication Commission and also former Chief of the South Sumatera Regional Police) as Chair of the KPK for

2019-2023 let down anti-corruption activists (including the Indonesian Corruption Watch (ICW)). concerned activists believed that Firli had violated ethics because he met with a litigant, namely Tuanku Guru Bajang as a witness in the Newmont divestment investigation (cnnindonesia.com, 2020). Second, Jokowi was perceived as breaking his promise by approving the revision of the KPK Law which was considered to weaken the roles and functions of the KPK. The President did not make any move to lobby the leaders of parties in order to stop the revision of the KPK Law. President Jokowi also failed to issue a Government Regulation in Lieu of Law (*Peraturan Pemerintah Pengganti Undang-undang, Perppu*) of the KPK to address the anti-corruption activists’ concerns over the weakening of the KPK. And thirdly, President Jokowi is considered to be unwilling to firmly settle the acid attack case against one of KPK’s experienced senior investigators, Novel Baswedan - who succeeded in uncovering major corruption cases in Indonesia. The Baswedan case has never been completed even though the investigation has been conducted since 2017.

Challenges and Constraints: Corruption Resistance Against KPK

An important question to ask is whether the corruption felons do not fight back (those who have not been caught) or retaliate (for those who have been arrested) against the KPK? It is not an easy question to answer. However, based on past events, we can infer that as long as the KPK exists, there would be

state-owned enterprises), the judiciary, and other law enforcers. The results of KPK's top performance encourages corrupt-minded officials - who are in state institutions - to always push this idea. For example, in 2011, in a consultation meeting between the House, the police, the prosecutor's office, and the KPK, the idea of dissolving the KPK came up. The reason was that the anti-corruption institution is considered under-performed in dealing with the corruption eradication agenda. It was perceived that the KPK in was only succeeded in the prosecution stage, but was failed in the precaution stage so that overall it was failed as an anti-corruption institution. The idea of the dissolution of the KPK (as an *ad-hoc* institution) reappeared in August 2015, at the Constitutional Seminar at the Parliament Building when Megawati said that ad-hoc institutions could be dissolved because of their temporary design, including (Nasional Tempo, 2020).

Third, legislation was also targeted by those who benefited from a weak anti-corruption agency. To achieve this, they proposed to revise Law Number 30 of 2002 about the Corruption Eradication Commission and change it into Law Number 19 of 2019 about the Second Amendment to Law Number 30 of 2002 about the Corruption Eradication Commission. Some observers said that the new Corruption Eradication Commission Law reduces the KPK's role and power. This is because the KPK has the right to issue an Order to Cease Investigations Letter (also known as SP3 (*Surat Perintah Penghentian Penyidikan*)) which has never happened before; the next thing they propose is to

limit the recruitment of independent investigators so that all investigators must be from the police (which may be an easy mode for senior police officers to control the investigators); The last thing they seek to accomplish through legislation is to make the wiretapping illegal unless permitted by the Supervisory Board (a new structure within the KPK that determines the steps and movements of the new KPK).

In addition, those orchestrated attempts, the House of Representative is also trying to weaken the KPK through the revision of the Book of Criminal Code (*Kitab Undang-undang Hukum Pidana, KUHP*) by including corruption offenses into the draft (at the time of this writing was completed, March 2020, the draft was not passed yet). If this proposal is passed, then corruption will no longer be considered as an extra-ordinary crime, but merely an ordinary crime. In fact, in the draft, cumulative penalties do not apply and there is also charge reduction by a third of the maximum sentence for probation, co-administration, and conspiracy of corruption. And some of the things mentioned above are different from the corruption eradication laws that were previously in force. This weakening through legislation will certainly hamper KPK's efforts to eradicate corruption in Indonesia - as like the dream of the general public at the beginning of the Reformation Era about Indonesia free of corruption, collusion, and nepotism (*Korupsi, Kolusi, and Nepotisme*, KKN).

Conclusion

The presence of the KPK is an important milestone in Indonesia's

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