

Laporan
Tahunan
Indonesia
Corruption
Watch
2009

**Bersama Rakyat
Memberantas
Korupsi**



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Visi

Menguatnya posisi tawar rakyat yang terorganisir dalam mengontrol negara dan turut serta dalam pengambilan keputusan serta mewujudkan tata kelola pemerintahan yang demokratis, bebas korupsi, berkeadilan ekonomi, sosial, dan jender.

Misi

Mengintegrasikan agenda antikorupsi untuk memperkuat partisipasi rakyat yang terorganisir dalam proses pengambilan dan pengawasan kebijakan publik.

Memberdayakan aktor-aktor potensial untuk mewujudkan sistem politik, hukum, ekonomi dan birokrasi yang bersih dari korupsi dan berlandaskan keadilan sosial dan jender.

Peran

- Memfasilitasi dan menguatkan gerakan rakyat (terorganisir) untuk memberantas korupsi dan memperjuangkan hak-hak warga negara dalam mendapatkan pelayanan publik yang lebih berkualitas
- Memfasilitasi penguatan kapasitas kelompok-kelompok strategis dalam proses pengambilan dan pengawasan kebijakan publik.
- Meningkatkan inisiatif dan kualitas partisipasi masyarakat serta mitra jaringan dalam mengungkap, melaporkan kasus korupsi dan memantau penegakan hukum.
- Menggalang kampanye publik guna mendesak reformasi hukum, politik dan birokrasi yang kondusif bagi pemberantasan korupsi
- Mempromosikan kebijakan yang mendukung pemberantasan korupsi
- Menyebarkan gagasan dan instrumen antikorupsi kepada kelompok rakyat yang terorganisir diberbagai sektor untuk meningkatkan efektivitas pemberantasan korupsi.
- Mendorong aktor-aktor potensial di pemerintahan, parlemen dan penegak hukum untuk membuka ruang partisipasi publik dalam mengubah kebijakan.
- Melakukan upaya hukum publik untuk mendorong reformasi hukum, membela hak-hak korban korupsi dan perubahan kebijakan yang berpihak kepada rakyat.
- Mendorong konsolidasi dalam meningkatkan dan memperbaiki mobilisasi sumber daya dalam gerakan antikorupsi.

Sambutan dari Ketua Dewan Etik OPTIMISME DARI BAWAH



Dadang Trisasongko
Ketua Dewan Etik

Para pembaca yang budiman, laporan tahunan ini disusun ketika itikad negara dalam pemberantasan korupsi tengah dengan lantang dipertanyakan publik. Publik terus bertanya karena para penyelenggara negara selalu kedodoran dalam menampilkan dirinya sebagai sosok yang memiliki komitmen memberantas korupsi.

Setelah skandal politik dan hukum pelemahan KPK terbongkar oleh kekuatan publik, negara tampak menjadi semakin kikuk, konservatif dan bahkan defensif.

Presiden SBY seolah kalah telak dengan skor 2 – 0 melawan kekuatan kontrol publik. Kekalahan pertama adalah ketika Presiden Susilo Bambang Yudhoyono (SBY) ketinggalan langkah oleh gerakan moral Cicak lawan Buaya dan *facebookers* yang telah meluas melampaui batas kelas sosial dan batasan geografi. Cicak telah merayap kemana-mana, bahkan hingga ke ruang-ruang kelas sekolah dasar di berbagai pelosok negeri. SBY kalah gesit dibanding gerakan Cicak. Cicak dan *facebookers* telah lama mengendus aroma skandal kriminalisasi pimpinan KPK itu, sementara SBY masih membiarkan jajaran Polri terus menjalankan proses kriminalisasi pimpinan KPK.

Presiden juga kalah telak di pertandingan berikutnya. Ketika SBY baru bisa berpidato tentang pernyataan perangnya melawan mafia hukum melalui pembukaan kotak pos, sekelompok ibu yang peduli pada nasib Prita telah bekerja secara nyata membangkitkan dukungan politik yang begitu luas kepada perjuangan Prita untuk melawan apa yang diyakini publik sebagai mafia peradilan. Ini adalah ekspresi ketidakpercayaan rakyat terhadap kemampuan pemerintah dalam memerangi mafia peradilan.

Sekarang pertandingan lain sedang berlangsung. Setelah terbongkarnya hasil penyadapan pembicaraan telepon tentang pelemahan KPK melalui kriminalisasi dua pimpinannya, SBY kembali “membiarkan” Departemen Komunikasi dan Informatika menyiapkan Rancangan Peraturan Pemerintah (RPP) tentang Penyadapan. RPP Penyadapan yang sangat intrusif dan melemahkan kemandirian KPK ini, sesungguhnya bertabrakan dengan pernyataan SBY tentang keinginannya memerangi mafia peradilan. Bagaimana mungkin KPK bisa menjalankan fungsinya sebagai katalisator reformasi sitem peradilan kalau mereka tidak bisa secara independen menjangkau komunikasi para aktor busuk mafia peradilan? Sekali lagi pemerintah melawan arus kehendak rakyat untuk memberantas korupsi.

Kalau SBY tetap akan memasing independensi KPK dalam menjangkau mafia peradilan, maka SBY secara tidak langsung akan membiarkan berlangsungnya proses pembusukan lembaga-lembaga penegak hukum di bawah jajarannya oleh aparat penegak hukum yang korup. Secara sosiologis, runtuhnya kredibilitas lembaga penegak hukum akan selalu dimaknai sebagai “pengembalian mandat” penegakan hukum kepada masyarakat. Saya pikir pasti bukan situasi ini yang kita inginkan.

Inilah konteks sosial-politik kerja ICW. Sebagaimana telah diyakini selama ini oleh para pegiat anti korupsi di ICW, pengalaman di Indonesia dan di negara-negara lain membuktikan, bahwa kehendak perubahan tidak akan tumbuh dengan baik di dalam Negara. Sebagaimana telah terbukti selama sepuluh tahun terakhir, aktor-aktor perubahan justru tumbuh subur di tengah masyarakat. Gerakan melawan ketidakadilan dan penyalahgunaan kekuasaan tumbuh bukan karena diinstruksikan dan dipimpin oleh presiden yang konon memiliki komitmen memerangi korupsi. Kekuatan-kekuatan itu tumbuh dan terus berkembang di tengah masyarakat, di antara mereka yang setiap hari merasakan pahit-getirnya ketidakadilan.

Laporan ini memotret babak akhir akhir periode pertama dan babak awal periode kedua pemerintahan SBY. Oleh karena itu, laporan ini juga akan menjadi semacam pembelajaran bagi pemerintah agar lebih menunjukkan kerja nyata dalam pemberantasan korupsi. Kita bisa saksikan bagaimana pemerintahan SBY, dalam periode 2004 – 2009, bekerja terlalu lambat dan tak terarah dalam memberantas korupsi. Tidak ada kepemimpinan politik yang kuat dan visioner di jajaran pemerintahan. Semoga saja tidak terulang pada lima tahun ke depan. Selama periode lima tahunlalu, komitmen para wakil rakyat di DPR juga dipertanyakan publik. Bahkan, sebagian anggota DPR terlibat dalam praktik kotor pencurian uang rakyat..

Bagaimanapun, ICW tetap optimis dalam menghadapi masalah tersebut, sebab ICW yakin bahwa publik yang makin kritis dan kuat lah yang menjadi penjaga utama jalannya pemerintahan.

Semoga laporan ini bermanfaat, baik untuk masyarakat luas maupun bagi para penyelenggara negara.

Dadang Trisasongko
Ketua Dewan Etik

Sambutan dari Koordinator ICW MENGEMBALIKAN GERAKAN ANTI KORUPSI KEPADA MASYARAKAT



J. Danang Widoyoko
Koordinator Badan Pekerja

Tahun 2009 merupakan tahun ujian bagi gerakan anti korupsi.

Terutama karena pada tahun 2009 terjadi sejumlah peristiwa yang berpotensi mengancam kelangsungan pemberantasan korupsi, terutama dengan pelemahan terhadap KPK.

Pertama, pembahasan RUU Pengadilan Tindak Pidana Korupsi (Tipikor) yang berlarut-larut. Alih-alih mempercepat, proses pembahasan malah memunculkan ide untuk memangkas kewenangan penuntutan KPK. Usulan yang kontroversial akhirnya ditolak akan tetapi substansi RUU Pengadilan Tipikor tetap mengecewakan karena dengan pembentukan pengadilan di semua propinsi akan menurunkan kredibilitas dan integritas pengadilan Tipikor. Apalagi komposisi majelis hakim akan ditentukan oleh Ketua Pengadilan Tipikor dan pada saat yang sama sesungguhnya menempatkan pengadilan Tipikor di bawah pengadilan umum.

Peristiwa kedua adalah kriminalisasi terhadap pimpinan Komisi Pemberantasan Korupsi. Bibit Samad Rianto dan Chandra M. Hamzah dijadikan tersangka oleh Kepolisian dengan pasal yang berubah-ubah. Mulai dari penyalahgunaan wewenang, kemudian penyuaipan, lalu diubah menjadi pemerasan. Demikian juga bukti dan fakta yang disampaikan oleh Kepolisian juga berubah-ubah. Proses itu tentu saja menimbulkan kecurigaan, apalagi pada saat yang sama Kareskrim Polri Susno Doadji tengah diselidiki KPK dalam skandal Bank Century. Rekrutasi dalam kasus Chandra semakin terkuak ketika Mahkamah Konstitusi memerintahkan untuk memutar rekaman penyadapan terhadap Anggodo, saudara Anggoro yang menjadi tersangka kasus korupsi di Departemen Kehutanan yang tengah diusut KPK. Kriminalisasi ini kemudian mendorong munculnya gerakan Cicak vs Buaya yang turut dimotori oleh ICW. Setelah melalui proses yang panjang, akhirnya Kejaksaan Agung menerbitkan Surat Keputusan Penghentian Penuntutan (SKP2).

Dalam dua peristiwa tersebut, keterlibatan dan dukungan publik sangat besar. Bahkan tanpa dukungan publik, barangkali KPK tidak akan memiliki lagi kewenangan penuntutan dan sebagian pimpinannya harus mendekam dalam penjara karena kasus yang direkrutasi. Kuatnya partisipasi dan dukungan publik merupakan petunjuk bahwa kini gerakan anti korupsi di Indonesia telah memasuki fase yang baru. Isu anti korupsi menjadi isu

yang mendapatkan publik di Indonesia. Masyarakat akan turut bergerak memberikan dukungan dalam pemberantasan korupsi.

Di sisi lain, perkembangan ini juga menunjukkan bahwa isu anti korupsi bukan lagi isu elit yang hanya diusung oleh elit politik ketika mereka berkompetisi.

Gencarnya upaya pelemahan terhadap KPK terutama oleh lembaga-lembaga negara dan kekuatan politik, justru menjadi *blessing in disguise* karena situasi ini menempatkan ICW dan elemen gerakan anti korupsi untuk menggalang dukungan dari masyarakat secara langsung. Serangan terhadap KPK justru membangunkan semangat perlawanan masyarakat untuk membela KPK dan mempertahankan agenda pemberantasan korupsi.

Pada tahun 2009 isu anti korupsi justru kembali kepada masyarakat. Ketika elit politik tidak memberikan dukungan dan ketika lembaga negara sudah enggan memberantas korupsi, maka kemudian masyarakat yang mengambil peran untuk mendorong pemberantasan korupsi. Tantangan bagi ICW ke depan adalah bagaimana mengelola semangat pemberantasan korupsi yang telah menggelora di masyarakat, terutama agar pemberantasan korupsi dapat memberikan manfaat yang bisa dirasakan langsung oleh masyarakat.

J. Danang Widoyoko

Koordinator Badan Pekerja



Fenomena Korupsi 2009

Mafia hukum sebagai salah satu cara melemahkan Komisi Pemberantasan Korupsi (KPK) merupakan satu catatan paling krusial dalam pemberantasan korupsi Indonesia tahun 2009. Disisi lain, menonjolnya advokasi dan keterlibatan kolektif masyarakat dalam mengkritik dan mengawasi perilaku kekuasaan, dan penegak hukum yang korup merupakan catatan positif yang bisa diapresiasi tahun ini.

PELEMAHAN KPK DAN MAFIA HUKUM

Pelemahan KPK terjadi justru saat institusi independen ini mulai menyentuh lingkaran inti jejaring mafia bisnis dan politisi busuk. Sejumlah kasus dan aktor yang berhasil dijerat KPK hingga tahun 2009 semakin memposisikan lembaga ini sebagai ancaman bagi praktek koruptif di Indonesia. Pasca itulah, berbagai serangan balik mengarah pada lembaga yang dibentuk berdasarkan Undang-undang Nomor 30 tahun 2002 tentang Komisi Pemberantasan Tindak Pidana Korupsi tersebut.

Suap merupakan modus korupsi yang paling banyak terungkap sebelum dua pimpinan KPK dikriminalisasi. Jika tipologi ini dibaca dari konsep oligarki politik-bisnis sebagai akar korupsi, maka untuk sementara kita bisa simpulkan bahwa penindakan yang dilakukan KPK mulai memangkas akar korupsi tersebut. Atau, tidak berlebihan dikatakan, KPK menjadi mimpi buruk para mafia politik dan bisnis. Apalagi selama ini, Kepolisian dan Kejaksaan dinilai gagal menyentuh kasus-kasus sensitif dan punya latar belakang politik. Kita bisa membaca fenomena tersebut dari tipologi aktor yang berhasil dijerat oleh KPK.

Hal itulah yang kemudian memicu perlawanan balik yang tidak pernah berhenti pada KPK. Ditambah, komitmen politik pemerintahan Susilo Bambang Yudhoyono tidak terlihat kuat memproteksi dan menjaga independensi KPK. Hal ini terbaca dari pernyataan-pernyataan politik Yudhoyono yang cenderung menempatkan KPK seolah sebagai lembaga yang superpower dan cenderung tidak terkontrol (*unchecked*). Dalam sebuah kunjungan ke redaksi KOMPAS, Yudhoyono mengatakan, "Terkait KPK, saya wanti-wanti benar. *Power must not go*



Foto Dok. Persdanetwork / Bian Hanansa



Foto Dok. Persdanetwork / Bian Hanansa

Tabel 1

Modus Kasus Korupsi yang Ditangani KPK Januari 2008- Agustus 2009

No	Modus	Jumlah	%
1	Penyalahgunaan Anggaran	15	15,79%
2	Suap	34	35,79%
3	Penunjukan Langsung	8	8,42%
4	Mark Up	19	20,00%
5	Pemerasan	1	1,05%
6	Penggelapan/ Pungutan	18	18,95%
	JUMLAH	95	100%

Sumber: Dokumen ICW, 2009

unchecked. KPK ini sudah *powerholder* yang luar biasa. Pertanggungjawabannya hanya kepada Allah. Hati-hati" (25/6/2009). Selain pernyataan, sejumlah regulasi yang disusun oleh pemerintah pun berpotensi membuat pemberantasan korupsi mundur, relatif menguntungkan kelompok koruptif dan bahkan mengancam KPK. Sebut saja revisi Undang-undang No. 31 tahun 1999 jo 20 tahun 2001 tentang Pemberantasan Tindak Pidana Korupsi. RUU Tindak Pidana Korupsi justru tidak mempersempit ruang gerak perilaku korupsi, dan bahkan mengandung norma yang mengkriminalisasi pelapor kasus korupsi. Demikian juga dengan penyusunan Rancangan Peraturan Pemerintah (RPP) tentang Penyadapan yang sangat berbahaya bagi kerja pemberantasan korupsi KPK. Tipologi kasus korupsi yang ditangani KPK jilid II hingga Agustus 2009 menunjukkan satu catatan penting bagi kita, bahwa sektor politik yang selama ini tidak tersentuh mulai dijerat satu persatu.

Meskipun kasus korupsi besan presiden sempat mengemuka, kami menilai ada sejumlah kasus sentral lainnya yang kemudian menjadi pemicu serangan balik terhadap KPK. Dari tipologi aktor kasus korupsi yang ditangani KPK jilid II hingga Agustus 2009 terlihat, aktor terbanyak yang dijerat adalah anggota DPR dan swasta. Dihubungkan dengan tabel 1, dapat dibaca hubungan kalangan politisi dan swasta/bisnis yang dijerat KPK pada umumnya merupakan hubungan mafia politik dan mafia bisnis yang melakukan transaksi suap.

Pasca Agustus 2009, terjadilah kegoncangan besar untuk KPK. Dua pimpinan KPK ditetapkan sebagai tersangka (Bibit Samad Rianto dan Chandra M. Hamzah) dengan tuduhan penyalahgunaan wewenang dan pemerasan terhadap Anggoro Widjoyo (15/9/2009). Proses hukum ini dinilai penuh dugaan rekayasa, dan bahkan disebut dengan istilah kriminalisasi KPK. Masyarakat tentu saja sangat gerah, pimpinan lembaga yang selama ini mulai memberi harapan tentang pemberantasan korupsi justru dijerat atas nama hukum dengan tuduhan yang tidak pernah jelas dan bukti yang sumir. Kegelisahan ini diperparah dengan maraknya kasus-kasus yang menjerat masyarakat kecil, ekonomi lemah dan bahkan seorang nenek yang ditahan hanya karena memungut buah kakao di tengah perjalanan pulang.

Tabel 2
Jabatan Aktor Kasus Korupsi di KPK Januari 2008- Agustus 2009

No	Level Jabatan	Jumlah	%
1	Anggota DPR/DPRD	18	18,95%
2	Komisi Negara	2	2,11%
3	Dewan Gubernur/ Pejabat BI	7	7,37%
4	Kepala Daerah (Gubernur, Bupati, Walikota)	12	12,63%
5	Duta Besar, Pejabat Konsulat, Imigrasi	13	13,68%
6	Pejabat Eselon, Pimpro	17	17,89%
7	Pejabat BUMN	5	5,26%
8	Aparat Hukum	1	1,05%
9	Swasta	19	20,00%
10	BPK	1	1,05%
	JUMLAH	95	100%

Sumber: Dokumen ICW, 2009

Sehingga dalam masa inilah tumbuh sebuah gerakan yang menamakan diri "CICAK", sebagai singkatan dari Cinta Indonesia Cinta Anti Korupsi. Gerakan yang dideklarasikan tanggal 12 Juli 2009 menekankan pada konsep advokasi yang cair dan inklusif. Dalam artian, CICAK benar-benar berupaya tidak dilembagakan, bebas digunakan oleh semua jaringan antikorupsi di Indonesia, terbuka dan berharap menyentuh nurani keadilan masyarakat biasa. Dukungan terhadap gerakan ini terus meluas, terutama pasca dua pimpinan KPK ditahan oleh Mabes POLRI hanya karena sering melakukan konferensi pers dan memberikan keterangan pada media massa.

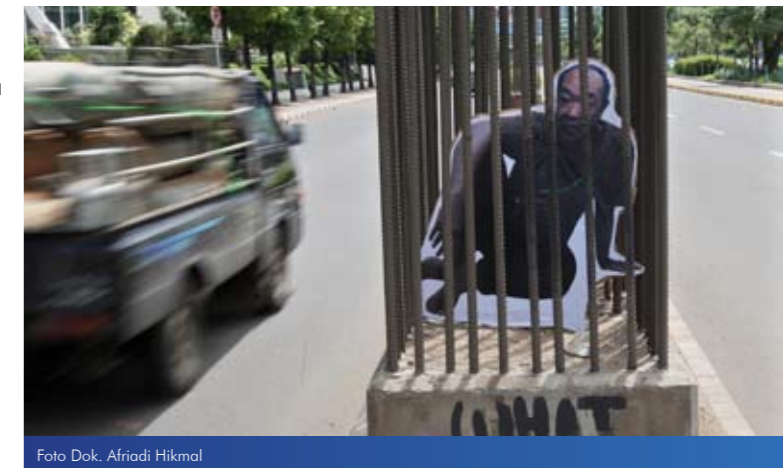
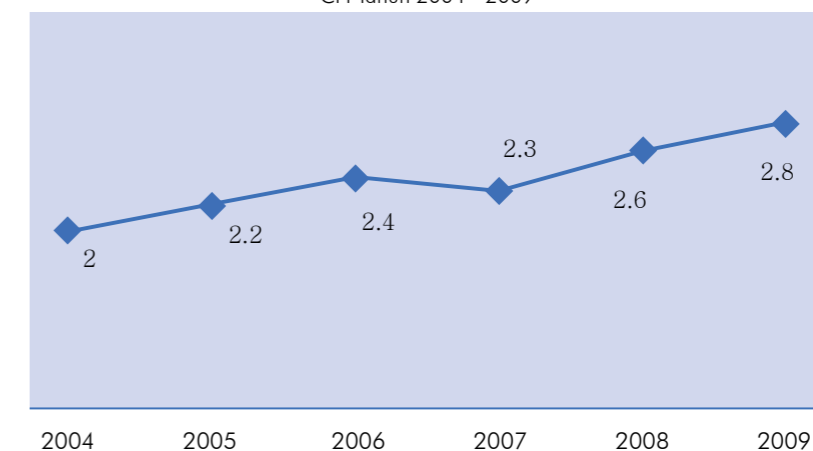


Foto Dok. Afriadi Hikmal

Sekian lama, skandal tersebut akhirnya terungkap dalam sebuah persidangan Mahkamah Konstitusi (3/11/2009). Berdasarkan rekaman pembicaraan Anggodo dengan sejumlah pihak tentang dugaan rekayasa menjerat dua pimpinan KPK, terbaca bahwa praktek mafia hukum ternyata menjadi latar belakang penting dibalik penetapan tersangka dua pimpinan KPK. Hakim konstitusi meyakini rekayasa atau minimal komunikasi yang mengarah pada rekayasa proses hukum terjadi. Hal ini semakin menguatkan desakan publik yang luar biasa dan menyebar di beberapa daerah Indonesia. Presiden akhirnya membentuk sebuah Tim verifikasi atau dikenal dengan Tim 8. Tim ini bekerja 2 minggu, melakukan pemeriksaan sejumlah kalangan. Rekomendasi Tim 8, menyebutkan agar kasus dua pimpinan KPK dihentikan, dilakukan reposisi dan pembersihan di tubuh kepolisian dan kejaksaan, serta pemberantasan praktik mafia hukum. Khusus poin mafia hukum, nama Anggodo dan Ary Muladi disebutkan secara tegas sebagai bagian dari pihak yang untuk pertama kali harus diproses oleh penegak hukum.

Akan tetapi, fenomena Cicak vs Buaya, pelemahan lembaga pemberantasan korupsi (KPK) dan praktik mafia hukum tidak tergambar dalam survey Transparency International Indonesia (TII). Di tahun 2009, Corruption Perception Index (CPI) Indonesia justru meningkat menjadi 2,8. Hal ini tentu saja aneh dan mengundon pertanyaan publik. Ternyata, memang survey TI yang berasal dari beberapa survey lembaga lain dilakukan sebelum eskalasi serangan balik terhadap KPK terjadi. Karena itulah, diperkirakan tahun depan CPI Indonesia akan menurun drastis.

Grafik 1
CPI Tahun 2004 - 2009



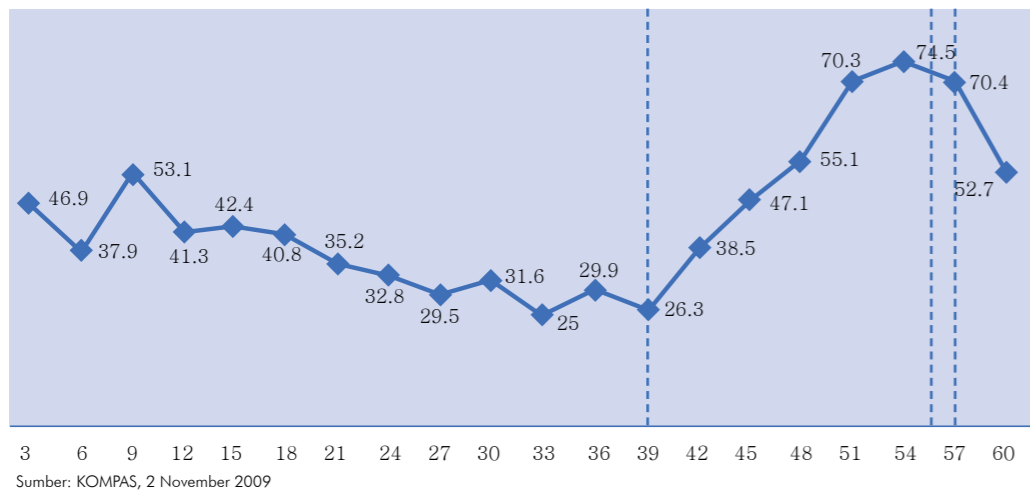
Sumber: Transparency International, 2009

Penurunan Tingkat Kepuasan Publik

Namun, pelemahan pemberantasan korupsi ternyata mempengaruhi tingkat kepuasan publik terhadap pemerintahan SBY selama kurun waktu 2004-2009. Survey atau pengumpulan pendapat yang dilakukan salah satu media masa terbesar di Indonesia ini dilakukan dalam kurun waktu 28-30 Oktober 2009 di sepuluh daerah besar di Indonesia. Dari awal pemerintahan SBY-JK terlihat fluktuasi kepuasan publik yang hanya berkisar di angka 30-40. Akan tetapi peningkatan drastis mulai terjadi sejak bulan ke-39, yaitu sekitar: Januari 2008.

Sejak awal tahun 2008 itulah, terjadi peningkatan drastis tingkat kepuasan publik. Informasi yang tersembunyi dibalik angka tersebut adalah, bahwa sejak Januari 2008 lah, KPK Jilid II dengan sangat tegas memproses sejumlah koruptor kelas kakap di Indonesia. Mulai dari Anggota DPR, Mafia Bisnis, penegak hukum dan bahkan besan Presiden SBY.

Tingkat Kepuasan Publik terhadap Pemberantasan Korupsi dibawah Pemerintahan SBY (Oktober 2004 – Oktober 2009)



Sedangkan, penurunan tingkat kepuasan publik terjadi mulai bulan ke 56-57, yaitu Juni-Juli 2009. Jika dicermati, proses pelemahan terhadap Komisi Pemberantasan Korupsi terjadi saat ini. Dari aspek legislasi Kewenangan KPK untuk melakukan penuntutan hampir saja dipangkas dalam penyusunan RUU Pengadilan Tipikor. Pada rentang waktu itu jugalah, BPKP berencana melakukan audit pada KPK, meskipun lembaga ini tidak berwenang memeriksa. Dengan alasan sudah diperintahkan oleh Presiden, Kepala BPKP bersikeras ingin memeriksa ketentuan keuangan dan penyadapan KPK.

Skandal Bank Century

Jika ada sebuah kasus dugaan korupsi besar yang menarik perhatian banyak kalangan di Indonesia tahun 2009, maka itu adalah skandal Bank Century. Kasus ini dibangun oleh sejumlah dugaan pelanggaran hukum, mulai dari tindak pidana perbankan, pidana umum dan dugaan korupsi. Aktor yang terlibat diperkirakan berada di level atas pemerintahan RI. Berdasarkan Hasil Pemeriksaan Investigatif BPK No.64/LHP/XV/11/2009, persoalan bank Century sebenarnya dimulai sejak proses merger hingga kontroversi dana talangan Rp. 6,7 triliun. Bukan tidak mungkin rentetan pelanggaran tersebut dapat diargumentasikan sebagai rangkaian kejahatan atau minimal rangkaian pelanggaran aturan perbankan. Kasus ini menjadi semakin sensitif ketika dikaitkan dengan aliran dana politik untuk pemenangan salah satu calon presiden pada Pemilu Presiden 2009. Banyak kalangan meyakini, skandal Bank Century menjadi salah satu latar belakang pelemahan dan serangan balik terhadap KPK. Karena saat itu, KPK sedang intens melakukan penyelidikan mega skandal perbankan dan politik tersebut.

Dengan kata lain, persinggungan antara berbagai kepentingan anti KPK, penyelamatan skandal Century, kepentingan mafia hukum, dan ketidaksenangan sejumlah petinggi institusi penegak hukum lain membuat fenomena pelemahan KPK menjadi sangat kuat. Dan, semua ini terjadi di era pemerintahan Yudhoyono, terutama ketika komitmen politik pemerintah sangat memudar untuk pemberantasan korupsi.



Foto Dok. Media Indonesia / Ginof Hadi



Sekilas ICW

Indonesia Corruption Watch (ICW) lahir pada tanggal 21 Juni 1998 di tengah-tengah gerakan reformasi untuk mewujudkan pemerintahan yang demokratis dan bersih dari korupsi guna mencapai kemakmuran masyarakat.

Ide pembentukan lembaga ini diprakarsai oleh beberapa tokoh masyarakat yang risau dan prihatin atas masalah-masalah sosial ekonomi dan politik yang ditimbulkan oleh Kleptokrasi Orde Baru, yang mengancam kelangsungan hidup masyarakat Indonesia. Krisis ekonomi pada tahun 1997 yang nyaris melumpuhkan kehidupan masyarakat Indonesia adalah pelajaran berharga bagi bangsa Indonesia dari meluasnya praktek korupsi di semua tingkatan pemerintahan dan bisnis.

Kleptokrasi Orde Baru bertumpu pada sentralisasi kekuasaan politik dan ekonomi di tangan presiden, tanpa adanya transparansi dan akuntabilitas publik. Persekongkolan elit politik dan bisnis, dan ditopang oleh kekuatan militer yang setia menjadikan Kleptokrasi Orde Baru bertahan 32 tahun lamanya. Kekuasaan Soeharto nyaris tidak terkontrol, karena DPR telah disubordinasi dan kekuatan *civil society* menjadi tidak berdaya karena mendapat regimentasi yang begitu dahsyat. Praktis pembagian kekuasaan tidak terjadi dan karenanya *checks and balances* dalam hubungan antara negara dan masyarakat sipil menjadi macet.

Kendati Presiden Soeharto tidak berkuasa lagi sejak Mei 1998, dan Indonesia memasuki era pemerintahan demokrasi, tidak dengan sendirinya korupsi akan menyusut. Persekongkolan bisnis dan politik yang cukup lama telah berhasil menguasai hampir seluruh sumberdaya ekonomi dan politik nasional, mereka akan senantiasa mencari pola hubungan-hubungan baru yang pas dalam situasi fragmentasi kekuasaan politik pasca Pemilu 1999.

Akar utama korupsi di Indonesia yang menancap dalam hubungan patronase politik dan bisnis, meskipun hubungan itu sudah tidak permanen dan telah terfragmentasi dengan hebat pasca Soeharto, tidak cukup memadai diatasi dengan melakukan perubahan kelembagaan dalam kerangka *good governance* yang didorong oleh lembaga-lembaga donor multilateral. Tetapi lebih dari itu diperlukan perubahan mendasar relasi antara negara, warga masyarakat dan pasar, yang lebih seimbang.

Karena aktor utama korupsi adalah pemerintah dan sektor swasta, dan rakyat banyak adalah korban utamanya, maka ICW percaya bahwa gerakan anti korupsi harus bertumpu pada pemberdayaan rakyat untuk mengimbangi persekongkolan elite politik dan bisnis. Dalam hal ini misi kami adalah pemberdayaan partisipasi masyarakat dalam pengawasan pemerintahan dan pembuatan kebijakan publik guna memperjuangkan terwujudnya sistem politik, hukum, ekonomi dan birokrasi yang bersih dari korupsi dan berlandaskan keadilan sosial.

Pada tahun 2009, ICW bersama dengan sejumlah elemen masyarakat di beberapa daerah mendorong lahirnya Gerakan Nasional Tidak Pilih Politisi Busuk (GNTPB) menjelang Pemilihan Umum (Pemilu) Legislatif tahun 2009. Gerakan ini dimaksudkan sebagai pendidikan politik bagi masyarakat untuk memilih politisi yang berkualitas, berkomitmen pada rakyat dan tidak bermasalah dalam pemilu 2009 lalu.

Ketika Komisi Pemberantasan Korupsi (KPK) mulai dilemahkan dengan berbagai cara dan terjadi kriminalisasi terhadap pimpinan KPK, kami bersama dengan beberapa elemen masyarakat juga mendorong lahirnya gerakan social "CINTA INDONESIA DAN CINTA KPK" (CICAK). Gerakan ini pada akhirnya menyebar ke sejumlah daerah di Indonesia sekaligus memberikan dukungan moril untuk melawan upaya pelemahan

“ICW telah sangat berhasil dalam menyingkap skandal-skandal korupsi tingkat tinggi, termasuk kasus Bank Bali dan Texmaco, serta berperan dalam menjatuhkan Jaksa Agung Andi Ghalib. Fokus ICW adalah aktivisme. Menjalinkan kerja sama erat dengan media, ICW bekerja bagaikan detektif yang tidak pernah kehabisan energi. Dari semua LSM hukum, ICW-lah yang paling punya pengaruh langsung pada masyarakat”.

Tim Lindsey, Guru Besar Fakultas Hukum University of Melbourne (dikutip dari tulisan “Antikorupsi dan Lembaga Swadaya Masyarakat, Buku 4 Mencuri Uang Rakyat, Mencari Paradigma Baru, penerbit Aksara, Jakarta, tahun 2002)

terhadap KPK dan “mengembalikan” Bibit Samad Riyanto dan Chandra Hamzah sebagai pimpinan KPK.

ICW merupakan salah satu wakil civil society di Indonesia dalam pertemuan negara-negara peserta Konvensi PBB tentang Pemberantasan Tindak Pidana Korupsi yang dilaksanakan di Doha Qatar pada November 2009. Independent report dari masyarakat sipil yang disampaikan dalam konvensi tersebut adalah berkaitan dengan kondisi pemberantasan korupsi di Indonesia khususnya upaya pelemahan terhadap KPK.

Dengan seluruh sumber daya yang dimiliki, ICW juga secara rutin aktif melakukan pemantauan, analisis dan pelaporan terhadap praktek korupsi yang terjadi di lingkungan eksekutif, legislative, yudikatif, maupun lembaga eksternal lainnya. ICW turut bersikap kritis terhadap kinerja dan kebijakan yang dinilai tidak mendukung upaya pemberantasan korupsi serta aktif mengawal sejumlah pemilihan pejabat publik seperti calon anggota legislative dan calon presiden dan wakil presiden, calon hakim agung dan hakim adhoc Pengadilan Tipikor serta calon anggota Badan Pemeriksa Keuangan.

Kerja-kerja tersebut dilaksanakan oleh 5 (lima) Divisi yang ada di ICW. Kelima Divisi tersebut adalah Divisi Hukum dan Monitorong Peradilan, Divisi Monitoring Pelayanan Publik, Divisi Monitoring dan Analisis Anggaran, Divisi Korupsi Politik, dan Divisi Investigasi dan Publikasi. Kerja dari Divisi juga didukung penuh dari bagian kesekretariatan dan keuangan.

Tahun 2009 juga diwarnai dengan pergantian kepengurusan baru di ICW. Koordinator Badan Pekerja ICW berganti dari Teten Masduki kepada Danang Widoyoko. Untuk memperluas dukungan dan kepemilikan, ICW juga berganti status badan hukum dari Yayasan ICW menjadi Perkumpulan ICW. Pergantian ini diharapkan bisa menjawab berbagai tantangan dalam upaya pemberantasan korupsi di masa mendatang yang diprediksikan akan semakin berat dan kompleks.



Foto Dok. Media Indonesia / Gino F. Hadi

Kegiatan ICW 2009

Kegiatan ICW pada tahun 2009 dilaksanakan oleh Divisi Korupsi Politik, Divisi Monitoring Pelayanan Publik, Divisi Hukum dan Monitoring Peradilan, Divisi Investigasi dan Publikasi serta Divisi Monitoring dan Analisis Anggaran.

DIVISI KORUPSI POLITIK



Di tahun 2009 Divisi Korupsi Politik lebih memfokuskan diri pada berbagai agenda terkait transisi kepemimpinan politik. Secara kontekstual hal ini terkait dengan;

1. Berakhirnya masa tugas DPR RI dan DPRD di Indonesia
2. Persiapan dan Pelaksanaan Pemilu nasional Legislatif dan Pilpres 2009
3. Penyambutan kepengurusan politik baru hasil Pemilu 2009.
4. Persiapan Pemilihan Kepala Daerah 2010.

Terkait dengan agenda transisi politik di atas, beberapa kegiatan dilakukan baik yang bersifat programatik, maupun penyikapan isu menjadi agenda-agenda advokasi yang didorong bersama koalisi masyarakat sipil. Berikut ringkasan advokasi tematik yang dilakukan divisi korupsi Politik selama tahun 2009.

No.	Konteks Isu	Program/Advokasi	Output
1	Transparansi dan Akuntabilitas Dana Politik	<ul style="list-style-type: none"> • Pemantauan Dana Kampanye Pemilu • Training peliputan dan investigasi pemilu. • Kerja sama pengawasan Korupsi Pemilu dengan Bawaslu. • Pembuatan Position Paper Dana Politik. 	<ul style="list-style-type: none"> • Hasil investigasi manipulasi dana kampanye Pemilu. • Pembentukan jaringan jurnalis kritis di Jakarta, Semarang, Yogyakarta, Medan, Surabaya dan Makassar. • Pembuatan modul pengawasan dan training Pengawas Pemilu di Seluruh Indonesia. • Paper hasil evaluasi dana kampanye dan Rekomendasi Perubahan Kebijakan.
2	Peningkatan Kinerja Parlemen	<ul style="list-style-type: none"> • Mendorong Penguatan Badan Kehormatan DPR RI. • Mendorong Caleg DPR/DPRD Berintegritas. • Mendorong Standar Kinerja Reses DPR RI. • Penguatan Efektifitas Pengawasan Anggaran DPR lewat analisa hasil Audit Semesteran BPK 	<ul style="list-style-type: none"> • Position paper terkait BK DPR RI • Standar laporan dana kampanye dan laporan kekayaan kandidat. • Kampanye tidak pilih politisi bermasalah. • Format pengawasan dan evaluasi kinerja Reses DPR RI. • Kertas kerja penguatan fungsi pengawasan anggaran di DPR.
3	Akuntabilitas Anggaran Publik untuk Kepentingan Politik	<ul style="list-style-type: none"> • Kajian Peningkatan Dana Bantuan Sosial di dalam Pemilu. • Kajian Penggunaan fasilitas negara dan jabatan untuk kepentingan Pemilu. • Kajian celah hukum untuk penguatan Oligarkhi. 	<ul style="list-style-type: none"> • Hasil kajian peningkatan alokasi bantuan sosial dan penggunaan fasilitas jabatan/ fasilitas negara untuk kepentingan pemilu. • Kajian celah hukum untuk penguatan oligarkhi.

Dengan dukungan DRSP, ICW melakukan tiga program berkaitan dengan pemilu. *Pertama*, Mendorong Peraturan Komisi Pemilihan Umum (KPU) tentang dana kampanye yang transparan dan akuntabel. Upaya yang didorong ICW adalah memberikan rumusan kerangka Peraturan KPU tentang Pedoman pencatatan dan pelaporan dana kampanye pada pemilu 2009. Dalam advokasinya ICW bersinergi dengan IAI (Ikatan Akuntan Indonesia) dan IAPI (Ikatan Akuntan Publik Indonesia). *Kedua*, Mendorong Kandidat Berintegritas. Bentuk komitmen integritas yang ditawarkan adalah Deklarasi daftar kekayaan kandidat dan pelaporan dana kampanye kandidat sebagai bagian dari indikator kandidat berkualitas dan semangat anti-korupsi.



Training Jurnalis soal Peliputan Korupsi Pilkada di Makassar, Juni 2009

Kegiatan ini mendapat respon cukup baik dari kandidat anggota legislatif peserta pemilu lalu. Hal ini dibuktikan dengan banyaknya calon legislatif (caleg) yang turut serta dalam deklarasi di empat kota yaitu, Jakarta, Surabaya, Makasar dan Jogjakarta.

Ketiga, Evaluasi Dana Kampanye Pemilu 2009. Evaluasi dilakukan untuk menilai sejauh mana implementasi dana kampanye dijalankan selama pemilu. Evaluasi ini diharapkan dapat menjadi bahan masukan dalam perumusan regulasi pemilu yang akan datang, khususnya menyangkut pengaturan dana kampanye. Masih berkaitan dengan pemilu, Divisi Korupsi Politik ICW dengan dukungan dari TIFA juga melakukan beberapa kegiatan untuk mengawal proses pemilihan yang lebih demokratis. *Pertama*, Training Pemantau Korupsi Pemilu. Terkait dengan pengawasan pemilu, ICW melakukan training pemantauan korupsi pemilu pada kelompok pemantau di daerah sebagai objek pemantauan korupsi pemilu. *Training* ini dilakukan di empat kota yaitu Jakarta, Yogyakarta, Semarang dan Surabaya. *Training* korupsi pemilu yang dilakukan sangat membantu kelompok pemantau di daerah dalam melakukan pemantauan dan investigasi tindak pidana korupsi dalam pemilu lalu.

Kedua, Pemantauan Korupsi Pemilu. Setelah *training* dilakukan, kegiatan dilanjutkan dengan pemantauan terhadap praktek korupsi dalam pemilu legislatif maupun presiden. Dari hasil pemantauan yang ICW lakukan bersama mitra kerja di daerah tercatat banyak pelanggaran yang dilakukan oleh peserta pemilu baik pelanggaran administratif maupun pelanggaran pidana. Dalam menindaklanjuti temuan pelanggaran tersebut, ICW dan jaringan pemantau di daerah melaporkan temuan-temuan pelanggaran ke badan pengawas pemilu (Bawaslu) untuk tingkat pusat dan panitia pengawas pemilu (panwaslu) di tingkat daerah. Pemantauan ini dilakukan selama pemilu legislatif dan pemilu presiden.

ICW melalui Divisi Korupsi Politik juga mendapatkan dukungan dari lembaga donor IFES untuk kegiatan yang berkaitan pemilihan umum. Kegiatan ini antara lain berupa *Training* Peliputan Kritis bagi Media. Mengingat pentingnya peran media dalam membangun kualitas demokrasi maka ICW juga membangun sinergi dengan kelompok media dalam menjadikan isu korupsi pemilu sebagai salah satu aspek penting pengawasan pemilu. Upaya yang ICW lakukan adalah dengan memberikan *training* peliputan kritis pemilu khususnya terkait dengan korupsi pemilu.

Training jurnalis dengan melibatkan beberapa jurnalis ditingkat lokal dilakukan di lima kota yaitu, Jakarta, Medan, Semarang, Jogjakarta, Surabaya dan Makasar. Hasil dari *training* ini memberikan dampak positif dengan munculnya bentuk pengawasan kritis media, khususnya pemberitaan media terkait dengan isu korupsi pemilu di beberapa daerah.

Program yang didukung IFES lainnya adalah evaluasi penegakan hukum dana kampanye pada Pemilu 2009. Potret pelanggaran dana kampanye yang terjadi selama pemilu 2009 tentunya menimbulkan pertanyaan, sejauh mana upaya penegakan hukum atas pelanggaran tersebut. Dalam konteks inilah, ICW memfasilitasi kegiatan evaluasi atas penegakan hukum dana kampanye saat pemilu, baik legislatif maupun presiden. Evaluasi ini juga dilakukan di lima kota yaitu Jakarta, Medan, Semarang, Yogyakarta, Surabaya dan Makasar. Hasil evaluasi di lima kota ini menunjukkan belum maksimalnya penegakan hukum terhadap pelanggaran dana kampanye selama pemilu 2009.

Selain program kegiatan yang didukung oleh lembaga donor, sepanjang tahun 2009 terdapat beberapa kegiatan non program (tanpa dukungan donor atau secara *volunteer*) yang dilakukan oleh Divisi Korpil bersama dengan sejumlah Lembaga Swadaya Masyarakat yang tergabung dalam Koalisi.

Evaluasi Kinerja DPR

Dalam lingkup kerja Divisi Korupsi Politik ICW, maka kegiatan yang dilakukan adalah evaluasi kinerja DPR diakhir jabatan. Evaluasi ini dilakukan bersama dengan koalisi penegak citra DPR yang beranggotakan dari beberapa kelompok NGO, antara lain yaitu PSHK, Formappi, IBC, IPC dan The Inisiatif Institute. Evaluasi ini menghasilkan beberapa catatan penting yaitu bahwa DPR merupakan lembaga yang sangat rentan terjadinya korupsi politik, ini dibuktikan dengan banyaknya kasus yang melibatkan anggota DPR selama periode 2004-2009. misalnya kasus aliran dana BI, kasus alih fungsi hutan beberapa kasus korupsi lainnya.

Kampanye Gerakan Nasional Tidak Pilih Politikus Busuk (Ganti-Polbus)

Ganti-polbus merupakan agenda bersama dari jaringan NGO saat pemilu 2009. Gerakan ini dimaksudkan untuk membangun kesadaran politik dari pemilih untuk tidak memilih politisi bermasalah. Indikator politikus bermasalah tidak korupsi, bukan Koruptor, Perusak Lingkungan, Pelanggaran HAM, Kekerasan Terhadap Perempuan/Asusila, Pelayanan Publik/ Kebijakan Distributif. Gerakan Ganti-Polbus juga dilakukan sedikitnya di 14 kota yang tersebar di beberapa wilayah Indonesia.

Selain dua kegiatan non program tersebut, Divisi Korupsi Politik ICW bersama dengan Koalisi Penegak Citra DPR juga melaporkan sejumlah kasus yang melibatkan anggota DPR pada Badan Kehormatan. ICW bersama IBC dan TII yang tergabung dalam Independent Monitoring Organization (IMO) juga telah melaporkan kasus dugaan korupsi pengadaan Informasi Teknologi KPU kepada KPK. Terakhir, Divisi Korupsi Politik juga melakukan sejumlah kegiatan advokasi dalam kasus Skandal Bank Century.

Capain Kegiatan :

Transparansi dan Akuntabilitas Dana Politik

Beberapa hal positif dari dorongan ICW terkait dengan isu transparansi dan akuntabilitas dana politik pemilu 2009 antara lain, Adanya pemantauan korupsi pemilu di beberapa daerah selama pemilu legislatif dan pilpres. Proses pemantauan diawali dengan training dengan pemantauan pemilu oleh ICW ke beberapa mitra jaringan ICW di beberapa daerah. Pemantauan dana politik pemilu 2009 dilakukan bersama dengan mitra jaringan ICW di lima daerah yaitu : Jakarta, Semarang, Jogjakarta dan Surabaya. Hasil pemantauan menemukan sejumlah pelanggaran dana kampanye peserta pemilu yang telah dilaporkan ke Panwaslu dan Bawalu.

Selain pemantauan di beberapa daerah, ICW juga membangun sinergi dengan kelompok media dengan membentuk jaringan jurnalis kritis di Jakarta, Semarang, Yogyakarta, Medan, Surabaya dan Makassar. Jaringan ini dibangun sebagai upaya untuk mendorong peliputan kritis dalam pemilu. Sinergi ICW dalam mendorong peliputan kritis pemilu dilakukan dalam bentuk memberikan training kepada beberapa kelompok media. Kegiatan ini memberikan dampak adanya liputan kritis tentang pemilu khususnya menyangkut tentang korupsi pemilu di beberapa daerah. Peliputan oleh media ini dilakukan di lima daerah yaitu : Jakarta, Medan, Surabaya, Semarang, Jogjakarta dan Makassar.

Hal lain yang dicapai ICW adalah melakukan sinergi dengan Bawaslu dalam mendorong pengawasan korupsi pemilu. Bentuk sinergi yang dilakukan adalah sinergi dalam melakukan pengawasan korupsi pemilu. beberapa agenda sinergi yang dilakukan, antara lain adalah penyusunan modul pemantauan korupsi pemilu. Panduan/modul pemantauan korupsi pemilu ini digunakan oleh Bawaslu dan Panwaslu sebagai instrumen dalam melakukan kerja pengawasan khususnya pemantauan korupsi pemilu. Sinergi ICW dan Bawaslu dilakukan dalam menindaklanjuti beberapa temuan pelanggaran korupsi pemilu.

Terkait dengan pelaksanaan pemilu 2009 khususnya menyangkut tentang implementasi pendanaan politik dalam pemilu, ICW merumuskan catatan evaluasi dan memberikan rekomendasi atas pelaksanaan pendanaan politik dalam pemilu lalu. Position paper ini menggambarkan tentang beberapa catatan kritis ICW atas implementasi dana politik dalam pemilu, mulai dari aspek regulasi, penyelenggara, aspek kepatuhan peserta dan aspek penegakan hukum atas isu pendanaan kampanye dalam pemilu. Position paper juga memberikan beberapa rekomendasi untuk perbaikan regulasi dan penyelenggaraan pemilu khususnya menyangkut isu pendanaan politik dalam pemilu.

Peningkatan Kerja Parlemen

Sebagai upaya mendorong peningkatan kerja parlemen, ICW mendorong beberapa hal, antara lain, pertama, Mendorong Penguatan Badan Kehormatan DPR RI. Upaya yang dilakukan ICW adalah dengan memberikan masukan dalam bentuk penguatan kewenangan kelembagaan Badan Kehormatan (BK) DPR RI. Penguatan BK DPR RI merupakan hal penting dengan mengingat peran startegis kelembagaan ini sebagai elemen kontrol atas Etika anggota DPR, khususnya dalam membangun parlemen yang bersih dan berintegritas. Kedua, saat proses pemilu, ICW memandang penting untuk mendorong komitmen para Caleg DPR/DPRD yang berintegritas. Dalam hal ini ICW menawarkan kepada para Caleg untuk mendeklarasikan laporan kekayaan dan laporan dana kampanye saat pemilu. kegiatan ini di apresiasi di beberapa daerah antara lain, Jakarta, Jogja, Semarang, suarabaya, Malang dan Makasar. Dalam momentum pemilu, sebagai agenda pendidikan politik bagi pemilih, ICW juga terlibat aktif dalam jaringan gerakan nasional tidak pilih politisi busuk (GANTI-POLBUS). Ketiga, sebagai upaya untuk membangun semangat akuntabilitas kinerja DPR maka ICW lakukan adalah memberikan format pengawasan dan evaluasi kinerja reses DPR RI. Format pengawasan dan evaluasi ini merupakan instrumen yang lebih terukur untuk menilai aspek kinerja anggota DPR khususnya ketika sedang menjalankan reses.

Akuntabilitas Anggaran Publik untuk Kepentingan Politik

Masih terkait dengan momentum pemilu, untuk mendorong transparansi dan akuntabilitas anggaran publik yang potensial digunakan untuk kepentingan pemangan pemilu, maka ICW melakukan pengkritisan atas potensi penyalahgunaan kebijakan dan fasilitas negara. Hal ini dilakukan sebagai upaya dalam mewaspadai penyalahgunaan kewenangan oleh pejabat negara untuk kepentingan pemilu. Kajian kritis ini meliputi kajian tentang peningkatan dana bantuan sosial dalam di dalam pemilu. Objek kajian dana bansos dalam APBN dilakukan, dikarenakan pada pos ini terdapat program-program populis yang rentan digunakan untuk menggalang dukungan pemilih. Hasil kajian ini selain sebagai Public Accountability Review juga disampaikan kepada Bawaslu sebagai bahan pengawasan dalam mewaspaai penyalahgunaan fasilitas negara untuk kepentingan pemenangan pemilu. Selain itu, ICW juga melakukan kajian tentang celah hukum penguatan oligarkhi

DIVISI MONITORING PELAYANAN PUBLIK

Mendorong Pendidikan Berkualitas

Untuk memastikan anggaran pendidikan digunakan secara maksimal bagi kepentingan pendidikan, sesuai dengan mandatnya, strategi ICW pada 2009 difokuskan pada tiga hal, *pertama*, melakukan kajian mendalam atas anggaran pendidikan dan program Dana Alokasi Khusus sektor Pendidikan; *kedua*, mendorong penyusunan anggaran sekolah (Anggaran Pendapatan dan Belanja Sekolah) secara partisipatif dan berperspektif gender; *Ketiga*, memperkuat jaringan pengawas anggaran pendidikan dan melakukan advokasi terkait dengan isu pendidikan.

Riset Anggaran Pendidikan

Hasil kajian ICW atas kebijakan anggaran pendidikan nasional memperlihatkan Pemerintah ternyata hanya 'mengotak-atik' penghitungan anggaran dengan memasukan komponen gaji pendidik dan pendidikan kedinasan untuk mengakali amanat konstitusi khususnya tentang alokasi anggaran 20 persen. Selain itu, alokasi anggaran yang dikelola Depdiknas juga tidak dimaksimalkan untuk kepentingan pelayanan kepada publik. Pada sisi lain, mekanisme distribusi dan penggunaan anggaran masih didasarkan pada sistem proyek sehingga mudah diselewengkan.

Sedangkan riset soal DAK pendidikan berhasil menggambarkan pola korupsi dalam program rehabilitasi gedung dan penyediaan sarana belajar mengajar di sekolah. Mulai dari pejabat di Depdiknas, Bupati, dinas pendidikan, hingga kepala sekolah diduga kuat berjamaah mengorupsi dana DAK pendidikan. Modusnya beragam, mulai dari 'tender' beraroma suap, penahanan anggaran, mark up dan mark down, hingga penggelapan. Akibatnya, walau total alokasi DAK dalam beberapa tahun terakhir mencapai Rp. 27 triliun, tapi permasalahan berkaitan dengan gedung sekolah dan ketersediaan sarana belajar mengajar masih tetap muncul.



Pendidikan gratis dan bermutu merupakan hak konstitusional setiap warga negara. Sayangnya, berdasarkan riset yang dilakukan Divisi Monitoring Pelayanan Publik Indonesia Corruption Watch pada 2007 dan 2008, biaya pendidikan yang ditanggung orang tua murid nyatanya kian bertambah mahal. Pada sisi lain, kualitas pelayanan makin menurun antara lain ditandai gedung sekolah tidak layak pakai dan minimnya sarana belajar mengajar siswa. Korupsi sistemik di sektor pendidikan turut memberikan kontribusi yang besar atas kondisi pendidikan nasional yang kian memprihatinkan.

APBS Partisipatif, Bersama Mengelola Anggaran Pendidikan

Tujuan penyusunan APBS partisipatif berperspektif gender adalah memperkuat kemampuan stakeholder sekolah, seperti orang tua, komite, dan guru dalam proses penganggaran. Ada dua daerah yang menjadi percontohan ICW, Kabupaten Garut dan Kabupaten Tangerang dengan masing-masing 10 sekolah dasar percontohan. Di Kabupaten Garut, ICW bekerjasama dengan mitra lokal, Garut Governance Watch, sedangkan di Tangerang dengan Serikat Guru Tangerang.

Selain mengadakan pelatihan teknis menyusun APBS bagi stakeholders, ICW pun terus melakukan pendampingan kepada sekolah percontohan. Hasilnya, dari sisi teknis stakeholder sekolah telah memiliki kemampuan dalam menyusun APBS dan mengimplementasikan langsung di sekolah. Dari sisi relasi, posisi orang tua makin kuat, mereka tidak lagi menjadi penonton, tapi menjadi aktor dengan terlibat dalam proses pembuatan kebijakan di sekolah.

Advokasi Pendidikan

Beberapa kegiatan advokasi yang dilakukan ICW selama 2009 adalah turut menggugat Undang-Undang Badan Hukum Pendidikan ke Mahkamah Konstitusi, membuka posko pengaduan penerimaan Murid Baru, melakukan monitoring sertifikasi guru dan Pelaksanaan Ujian Nasional, mengkritisi program Bantuan Operasional Sekolah dan Sekolah Gratis, melakukan kajian mengenai Dana Alokasi Khusus Pendidikan, serta melaporkan beberapa kasus korupsi pendidikan kepada KPK.

ICW bersama Koalisi Pendidikan pun membuat laporan evaluasi lima tahun kondisi pendidikan baik dari sisi pelayanan maupun kecenderungan korupsi. Secara umum hasilnya Depdiknas dinilai gagal menjalankan amanat UUD 1945 maupun mencapai target sesuai rencana strategis pendidikan 2004-2009. Depdiknas juga lahirkan sejumlah kebijakan kontroversial seperti Ujian Nasional dan voucher pendidikan. Selain itu, praktek korupsi masih terjadi di semua tingkatan penyelenggara pendidikan.

Berkaitan dengan peningkatan kapasitas jaringan, ICW bersama Koalisi Pendidikan dan Sekolah Tanpa Batas melakukan pendampingan dan beberapa pelatihan, yaitu pelatihan guru transformatif, teknik menulis artikel, serta analisis APBN dan APBD. Kelompok guru dan orang tua yang menjadi jaringan kerja ini antara lain berada di Lebak, Serang, Cilegon, Tangerang, Kota Tangerang, Banten, Garut, Purwakarta, Brebes, Tegal, dan Medan.

Rakyat Sehat, Rakyat Berdaya

Walaupun konstitusi negara menjamin hak warga untuk mendapat pelayanan kesehatan, tapi setiap tahun jutaan orang membiarkan dirinya digerogeti penyakit karena tidak memiliki uang untuk berobat. Data Ikatan Dokter Indonesia (2009), menyebutkan paling tidak sebanyak 120 juta penduduk Indonesia tidak mampu berobat atau belum mendapat

jaminan kesehatan. Padahal mereka umumnya tidak miskin, tapi jika sakit memiliki kesulitan atau tidak mampu membiayai pengobatan.

Selain anggaran untuk sektor kesehatan yang masih minim, privatisasi rumah sakit dan korupsi merupakan faktor lain yang menyebabkan sulitnya warga, terutama kelompok miskin untuk mendapatkan pelayanan kesehatan dan menyebabkan biaya berobat makin bertambah mahal.

Oleh karena itu, selama tahun 2009 ICW melakukan beberapa kegiatan dalam upaya mendorong pemenuhan hak kesehatan bagi warga. Di antaranya, melakukan Citizen Report Card di rumah sakit di Jakarta, Bogor, Tangerang, Depok, dan Bekasi. Kegiatan ini bertujuan untuk mendorong partisipasi warga dalam menuntut pelayanan kesehatan yang berkualitas dan terjangkau. Warga terutama kelompok miskin dan perempuan penerima Jaminan Kesehatan Masyarakat dan kartu Gakin didorong untuk membuat rapor berkaitan dengan pelayanan rumah sakit.

Paling tidak ada tiga langkah dalam kegiatan CRC rumah sakit. Pertama, pemetaan masalah berkaitan dengan pelayanan rumah sakit yang dilakukan melalui penelitian kualitatif dan kuantitatif. Kedua, penguatan bagi kelompok warga, misalnya dengan sharing informasi. Ketiga, advokasi dengan jalan menyosialisasikan hasil penilaian warga kepada pembuat kebijakan seperti departemen kesehatan, komisi IX DPR RI, dinas kesehatan, dan DPRD di Jabodetabek.

Pada 2009, ICW melaporkan kasus dugaan korupsi pengadaan dalam Program Makanan Pendamping Air Susu Ibu (MP ASI) tahun 2006 kepada Komisi Pemberantasan Korupsi. Total uang yang diduga dikorupsi dari proyek tersebut sebesar Rp. 26 milyar dengan melibatkan sejumlah pejabat di Depkes. KPK sudah mulai menindaklanjuti laporan dari ICW tersebut.

Selain itu, ICW bersama beberapa lembaga seperti LBH APIK turut mengkritisi proses penyusunan Undang-Undang Kesehatan. Bersama Koalisi Anti Korupsi Ayat Rokok (KAKAR) melakukan advokasi atas hilangnya ayat tembakau (pasal 113 ayat 2) dalam UU kesehatan yang telah disahkan dalam rapat paripurna DPR RI. Diduga, hilangnya ayat tersebut bukan karena masalah administratif, tapi disengaja atas lobby perusahaan rokok kepada oknum tertentu di DPR RI.



ICW bersama KAKAR melaporkan hilangnya ayat tembakau kepada beberapa lembaga seperti Badan Kehormatan DPR RI dan Komisi Pemberantasan Korupsi. Atas desakan kuat dari KAKAR dan masyarakat, ayat tembakau yang hilang dikembalikan lagi dalam UU Kesehatan. Tapi KAKAR pun terus berupaya meminta agar aparat menyelidiki faktor yang menyebabkan hilangnya ayat tembakau, termasuk pihak-pihak yang terlibat.

Ibadah Haji Tanpa Korupsi

Selain di sektor pendidikan dan kesehatan, ICW pun turut melakukan pengawasan dan advokasi dalam penyelenggaraan ibadah haji. Walau memiliki nuansa ibadah yang kental, tapi penyelenggaraan haji selalu diwarnai oleh praktek korupsi.

Uang yang melimpah merupakan 'magnet' bagi banyak orang untuk ikut menikmati keuntungan dalam penyelenggaraan ibadah haji. Setiap tahun rata-rata 205 ribu orang menunaikan ibadah haji. Mereka minimal membayar Rp. 30 juta sehingga total uang yang bisa dikumpulkan lebih dari Rp. 6 triliun. Belum termasuk tambahan alokasi dari Anggaran Pendapatan dan Belanja Negara dan Anggaran Pendapatan Belanja Daerah.

Ada dua kegiatan yang dilakukan ICW. Pertama, melaporkan dugaan korupsi; Kedua, mengkritisi penyusunan Biaya Penyelenggaraan Ibadah Haji 2009/1430 H; Ketiga melakukan advokasi untuk mereformasi penyelenggaraan ibadah haji.

Dugaan korupsi dalam penyelenggaraan ibadah haji terdiri atas penggunaan Dana Abad Umat untuk talangan catering dan biaya penerbangan senilai USD 8,8 juta, tidak disetor USD 2 juta, digunakan untuk kepentingan pribadi Menteri Agama Muhammad Maftuch Basyuni Rp. 807 juta, perjalanan dinas anggota komisi VIII DPR. Selain itu, juga ditemukan dugaan gratifikasi yang berasal dari BPIH 2005 kepada panja DPR dan Depag sebesar Rp. 1,2 milyar.

Selain itu, ICW pun mengkritisi BPIH 2009/1430 H baik proses maupun jumlah yang ditetapkan oleh DPR dan Depag. Pada 15 Juni 2009 Depg dan Komisi VIII DPR telah menyepakati besaran (rerata) BPIH 2009 yaitu, kenaikan sebesar US\$.38 (untuk komponen dollar) dari US\$.3.388 (2008) menjadi US\$.3.426, dan penurunan Rp.401.000 (komponen rupiah) dari Rp.501.000 (2008) menjadi Rp.100.000.

Akan tetapi, ICW menemukan kejanggalan dalam penghitungan beberapa komponen ongkos haji (BPIH) yang diklaim naik oleh Depag-DPR, antara lain, pemondokan di Mekkah, pemondokan di Madinah, biaya konsumsi, serta komponen indirect cost (biaya tidak langsung). Apalagi di sisi lain biaya penerbangan yang menjadi komponen terbesar dalam penyelenggaraan haji pun mestinya turun seiring dengan turunnya harga minyak dunia. Karena itu, palam penghitungan ICW, Biaya Penyelenggaraan Ibadah Haji 2009/1430 H semestinya lebih rendah dibanding tahun sebelumnya. Rata-rata penurunan sebesar 17,18 persen atau sebanyak US\$ 584 atau Rp.5,8 juta dengan kurs Rp. 10.000.

Selain memantau dan melaporkan penyimpangan, ICW bersama Forum Reformasi Haji pun mengkampanyekan reformasi dalam penyelenggaraan haji dengan mendorong peninjauan kembali hak monopoli Depag, memperbaiki tata kelola, dan mengusulkan standar pelayanan minimal haji. Beberapa lembaga didatangi seperti DPR, DPD, maupun dewan pertimbangan presiden.

SEKOLAH ANTI-PUNGLI, MEMULAI DARI GARUT

Sekolah, khususnya pada tingkat dasar di Kabupaten Garut, Jawa Barat kerap menjadi objek pemerasan wartawan 'bodrek', anggota LSM, maupun oknum dinas pendidikan. Terutama sewaktu anggaran kegiatan atau proyek dari pemerintah pusat maupun pemerintah daerah dicairkan seperti Bantuan Operasional Sekolah, Dana Alokasi Khusus, atau bantuan-bantuan lainnya.

Beragam cara mereka gunakan agar mendapat 'jatah' dari sekolah, mulai dari bujukan, unjuk jasa, hingga ancaman. Dalam satu hari sekolah bisa menerima tiga hingga lima orang 'tamu yang tak diundang'. Akibatnya, anggaran banyak digunakan untuk mengongkosi para tamu, kegiatan inti sekolahpun terganggu. Konsekuensinya, sekolah hanya dua pilihan, meminta tambahan anggaran dari orang tua atau membiarkan kegiatan berjalan apa adanya. Namun, bagi sebelas sekolah percontohan pelaksanaan program APBS partisipatif berperspektif gender di Kabupaten Garut, kini mereka tidak lagi dirongrong tamu tidak diundang. Wartawan dan LSM bodrek maupun oknum dinas pendidikan takut memeras karena mengetahui sebelas sekolah tersebut merupakan dampingan dari Indonesia Corruption Watch dan Garut Governance Watch.

Selain itu, adanya proses demokratisasi di sekolah yang didorong melalui program APBS partisipatif berperspektif gender membuat komite dan orang tua lebih memerhatikan sekolah. Mereka pun terlibat dalam penyusunan APBS. Karena itu, ketika ada yang mencoba memeras sekolah, komite dan orang tua murid pun turun tangan membela sekolah. Sekolah tanpa pungli telah dimulai di Garut, daerah lain menunggu ditulari

DIVISI HUKUM DAN MONITORING PERADILAN



Foto Dok. Persdane트워크 / Bian Hanansa

Merujuk pada penegakan hukum kasus korupsi di tahun 2009, kita dihadapkan pada situasi yang ironis. KPK sebagai satu-satunya lembaga yang dapat menjawab harapan besar masyarakat atas pemberantasan korupsi justru mendapat serangan bertubi-tubi dari berbagai arah.

Pelemahan ini terkait kerja KPK menguak mafia hukum, mafia bisnis, dan mafia politik. Poros-poros kekuasaan berupaya melemahkan KPK dengan berbagai cara, mulai dari desain kualitas draft RUU Pengadilan Tipikor dan RUU Tipikor yang buruk, usaha mengebiri kewenangan penuntutan KPK dalam pembahasan RUU Pengadilan Tipikor. Tak luput, Kepolisian juga melakukan kriminalisasi terhadap dua pimpinan KPK, Bibit Samad Riyanto dan Chandra M Hamzah. Penetapan tersangka terhadap keduanya, tidak bisa dipandang sebagai serangan terhadap dua individu itu semata, tapi serangan terhadap institusi KPK.

Monitoring Kinerja Kejaksaan Agung

Pada 2009, kinerja Kejaksaan Agung belum menunjukkan perbaikan signifikan. Divisi HMP secara khusus memberikan angka merah, baik kepada Institusi Kejaksaan Agung maupun Jaksa Agung. Karena itu, ICW beberapa kali menuntut Pencopotan Jaksa Agung. Desakan pencopotan Jaksa Agung, Hendarman Supandji menguat dan meluas hingga ke daerah setelah terkuak skandal rekaman Anggodo dengan petinggi Kejaksaan Agung dan Polri. Sayangnya, Presiden SBY masih mempertahankannya. Rapor merah Evaluasi HMP didasarkan pada hal-hal sebagai berikut:

a. Program reformasi birokrasi

Prioritas reformasi yang berjalan sejak Juli 2005 tidak berjalan. Kendala utama gagalnya reformasi adalah faktor minimnya komitmen internal kejaksaan, pengawasan atas implementasi program reformasi yang lemah, rendahnya transparansi dan bahkan pemahaman menyeluruh tentang reformasi cenderung disimplifikasi sebatas "kenaikan gaji".

b. Dalam penanganan jaksa 'nakal'

Selama kurun 2009, sejumlah penyimpangan terkuak misalnya beberapa petinggi jaksa aktif terkait skandal besar, menggelapkan barang bukti, menjual narkoba,

MELAWAN PELEMAHAN KPK

Sejak KPK berdiri, upaya melemahkan KPK terus dilakukan. Bahkan pada periode 2009, upaya pelemahan itu kian gencar, salah satunya dengan menyusun skenario dan rekayasa proses hukum terhadap dua pimpinan KPK, Bibit Samad Riyanto dan Chandra M Hamzah.

Semula berawal dari pernyataan Kabareskrim Susno Duadji yang mengistilahkan KPK adalah Cicak dan Polisi adalah buaya. Metafor inilah yang kemudian memunculkan gerakan Cicak lawan Buaya sebagai simbol atas perlawanan terhadap kriminalisasi Pimpinan KPK oleh Mabes Polri. CICAQ kemudian diartikan sebagai Cinta Indonesia Cinta KPK.

Paska dideklarasikan pada 12 Juli 2009, dimana ICW menjadi bagian dari inisiator, muncul gerakan CICAQ di berbagai daerah. Gelombang protes CICAQ telah membuat Istana gerah. Presiden pun turun tangan dengan membentuk Tim 8 untuk mengevaluasi proses hukum atas dua Pimpinan KPK. Hasilnya, Tim 8 merekomendasikan agar kasus Bibit dan Chandra dihentikan. Kejaksaan Agung pada akhirnya menerbitkan SKP2 (Surat Keputusan Penghentian Penuntutan).

Namun pelemahan terhadap KPK tidak serta merta berhenti. Setelah kandas menyeret Pimpinan KPK, Pemerintah menggagas Rancangan Peraturan Pemerintah (RPP) tentang Penyadapan. Ditilik dari semangatnya, RPP ini sangat kontroversial karena mengancam independensi KPK sekaligus melanggar UU Nomor 30 tahun 2002, dan bahkan bertentangan dengan dua Putusan Mahkamah Konstitusi (tahun 2003 dan 2006). Dari sisi substansial, RPP Penyadapan merupakan bentuk intervensi Eksekutif terhadap KPK karena penyadapan oleh KPK dipaksa harus melalui sebuah proses birokrasi. Hingga saat ini, ICW masih mengadvokasi supaya RPP Penyadapan dibatalkan Pemerintah.



Foto Dok. Raka Deny



Foto Dok. Afriadi Hikmal

dsb. Akan tetapi sanksi yang keras tak jua diberikan sehingga memicu munculnya kasus serupa.

c. Penanganan Perkara Korupsi

Secara kuantitas dan kualitas, penanganan perkara korupsi oleh Kejaksaan bisa dikatakan jauh dari memuaskan. ICW mencatat, hingga tahun 2009 ini setidaknya ada 40 kasus korupsi kelas kakap yang belum dituntaskan Kejaksaan Agung. Bahkan delapan diantaranya sudah ditangani sejak tahun 1998/1999. Kebiasaan menangani kasus korupsi berlarut-larut diatas jelas mengancam makna penegakan hukum, dan seringkali menimbulkan potensi korupsi baru.

Belum lagi, faktanya ada kecenderungan penghentian (SP3) sejumlah kasus korupsi besar seperti: BLBI, Kredit Likuiditas untuk BPPC, skandal super tanker VLCC, dan kasus dana asuransi sosial ABRI senilai USD 13 juta.

d. Buruknya pengelolaan keuangan negara

Dari aspek tertib pengelolaan keuangan negara, BPK masih belum berhenti memberikan opini "disclaimer". Pada Audit BPK tahun 2004 hingga 2008, tercatat uang pengganti Rp. 5,64 triliun dan USD 207 dinilai masih belum diselesaikan pada kas negara. Laporan BPK pada Kejaksaan atas 33 temuan pemeriksaan yang diduga mengandung unsur pidana korupsi senilai Rp. 13,16 triliun pun belum jelas penanganannya.

Monitoring Kinerja Mahkamah Agung

a. Penempatan Hakim Karir di Pengadilan Tipikor

ICW berhasil mengadvokasi pembatalan atas penunjukan 9 hakim karir untuk Pengadilan Tipikor yang melanggar ketentuan perundang-undangan. Pada 18 Maret 2009, Ketua MA mengeluarkan SK No 041/KMA/K/III/2009 yang menunjuk 9 (sembilan) hakim karir Pengadilan Tipikor.

ICW menolak penunjukan 9 hakim itu karena terdapat sejumlah kejanggalan dan persoalan antara lain:

- Proses seleksi hakim karir tipikor tidak sesuai dengan UU No 30 Tahun 2002 tentang KPK, yaitu tidak memenuhi asas transparan dan partisipatif.
- Enam dari sembilan hakim diragukan integritas dan komitmennya karena pernah membebaskan terdakwa kasus korupsi dalam jumlah besar.
- Motif penggantian hakim patut dipertanyakan, akrena dilakuakn mendadak
- Potensi Kuat Melemahkan Pengadilan Tipikor dan juga KPK

Ketua MA pada akhirnya mencabut SK diatas dan membatalkan penunjukan 9 hakim itu atas desakan ICW.

b. Penanganan Perkara Korupsi

Dalam pandangan ICW, Pengadilan Umum masih terus menjadi 'surga' vonis ringan bagi terdakwa kasus korupsi.

Berdasarkan pemantauan Indonesia Corruption Watch selama tahun 2009 dari 199 perkara korupsi dengan 378 orang terdakwa yang diperiksa dan divonis oleh pengadilan diseluruh Indonesia, sebanyak 224 terdakwa (59,26 %) divonis bebas/lepas oleh pengadilan. Hanya 154 terdakwa (40,74 %) yang akhirnya divonis bersalah.

Meski diputuskan bersalah tersebut, dapat dikatakan belum memberikan efek jera bagi para pelaku korupsi. Terdakwa yang divonis dibawah 1 tahun penjara adalah sebanyak 82 terdakwa (21,69 %). Diatas 1,1 tahun hingga 2 tahun sebanyak 23 terdakwa (6,08 %), divonis 2,1 tahun hingga 5 tahun sebanyak 26 terdakwa (6,88 %) dan divonis 5,1 tahun hingga 10 tahun yaitu sebanyak 6 terdakwa (1,59). Hanya ada 1 terdakwa yang divonis diatas 10 tahun (0,26 %). Hal yang memprihatinkan terdapat 16 terdakwa perkara korupsi yang divonis percobaan (4,23%).

Perkara Korupsi yang diputus di Pengadilan Umum Tahun 2009

	Jumlah Terdakwa	Vonis Bebas/ Lepas	Vonis -1 tahun	Vonis 1,1 -2 tahun	Vonis 2,1-5 tahun	Vonis 5,1-10 tahun	Vonis Diatas 10	Vonis Percobaan
Terdakwa	378	224	82	23	26	6	1	16
%	100	59,26	21,69	6,08	6,88	1,59	0,26	4,23

Terdapat beberapa hal yang perlu dicermati dari sejumlah perkara korupsi yang diadili oleh Pengadilan Umum selama tahun 2009. *Pertama*, jumlah vonis bebas/lepas bagi terdakwa masih dominan dan mengalami kenaikan dari tahun-tahun sebelumnya. Dengan demikian sejak 2005 hingga 2009 sedikitnya ada 883 terdakwa korupsi yang divonis bebas/lepas oleh Pengadilan Umum.

Kedua, fenomena hukuman percobaan bagi koruptor makin marak terjadi. Hingga akhir 2009 ditemukan sedikitnya 16 koruptor yang divonis dengan hukuman percobaan. Umumnya mereka dijatuhi vonis 1 tahun penjara dengan masa percobaan 2 tahun. Jumlah ini lebih banyak dari tahun 2008 lalu yang hanya berjumlah 10 koruptor. Dengan kondisi ini maka dapat dipastikan terdakwa tidak perlu menjalani hukuman meskipun dinyatakan bersalah. Terkesan ada upaya “pensiasatan” hukum yang dilakukan oleh hakim pengadilan dalam penjatuhan vonis percobaan ini.

Advokasi Proses Seleksi Calon Hakim Agung Oleh Komisi Yudisial

Proses seleksi calon hakim agung merupakan tahapan krusial untuk menjamin apakah MA kedepan akan diisi oleh orang-orang yang cakap dan bersih ataukah tidak. Pada proses seleksi CHA di tahun 2009, ICW bersama koalisi memberikan catatan khusus terhadap 35 Calon yang menjalani seleksi tahap akhir di KY dan selanjutnya diajukan ke DPR untuk mengikuti fit and proper test. Dari 35 nama tersebut, koalisi memasukkan 25 nama (71,43%) dalam kategori bermasalah. Hanya 3 yang relatif menonjol komitmen dan kiprahnya di dunia hukum. Dan sisanya 7 calon masih dipertanyakan. Hasil penelusuran rekam jejak telah diserahkan koalisi kepada Komisi Yudisial sebagai pertimbangan dalam pengambilan keputusan.

Advokasi Legislasi UU Pengadilan Tipikor

Dalam pandangan ICW, pembahasan RUU Pengadilan Tipikor sepanjang 2008-2009 berjalan sangat lambat, tidak transparan dan tidak partisipatif. Bahkan, pembahasan dilakukan diluar gedung DPR hingga memboroskan anggaran negara. Demikian halnya dengan substansi RUU yang sangat bermasalah karena tidak memperkuat pengadilan Tipikor, akan tetapi cenderung melemahkan.

Pada saat mendekati masa akhir jabatan anggota DPR periode 2004 – 2009, justru dimunculkan pasal untuk mengebiri kewenangan penuntutan KPK dan mengembalikan kewenangan penuntutan hanya di tangan Kejaksaan. ICW menilai isu strategisnya ada pada rencana pencabutan wewenang menuntut dan birokratisasi penyadapan KPK. Dari advokasi yang dilakukan ICW, DPR akhirnya tetap memberikan wewenang penuntutan kepada KPK.

DIVISI INVESTIGASI DAN PUBLIKASI

Selama tahun 2009, ICW telah menerima laporan masyarakat sebanyak 470 laporan. Dari jumlah tersebut 12 kasus sudah diolah dan diadvokasi/dilaporkan keinstitusi penegak hukum. 47 kasus tidak ada unsur korupsi dan 411 kasus yang masih dalam telaah tim investigasi.



Divisi Investigasi dan Publikasi (INPUB) merupakan divisi yang dibentuk untuk melaksanakan fungsi dasar ICW sebagai komisi masyarakat untuk penyelidikan korupsi. Sehingga dalam pelaksanaan perannya, divisi ini lebih terfokus untuk menerima pengaduan masyarakat kemudian mengkoordinasikan penanganan laporan masyarakat tersebut (advokasi) bersama seluruh anggota ICW

Berikut daftar kasus yang terindikasi korupsi baik ditingkat nasional maupun daerah yang telah diadvokasi selama tahun 2009.

No	Dugaan Kasus Korupsi	Advokasi		Perkembangan
		Litigasi	Non Litigasi	
1.	PT Kereta Api Indonesia	Lapor ke Kejaksaan Agung	Kampanye Media	Masih dalam Pendalaman Kejangung
2.	PT Angkasa Pura I	Lapor ke KPK	Kampanye Media	Belum bisa ditindaklanjuti, karena belum ditemukan data perhitungan kerugian negaranya
3.	Sismiop di Dirjen Pajak	Lapor ke KPK	Kampanye Media	Sudah disampaikan ke Bidang Penindakan
4.	MP- ASI	Lapor ke KPK	Kampanye Media	Sudah disampaikan ke Bidang Penindakan
5.	Bus Trans Jakarta	Lapor ke KPK	Kampanye Media	Sudah disampaikan ke Bidang Penindakan
6.	Pengadaan IT KPU	Lapor ke KPK	Kampanye Media	Masih dalam Pendalaman KPK
7.	Upah Pungut PBB	Lapor ke KPK	Kampanye Media	Sudah disampaikan ke Bidang Penindakan
8.	Penyelenggara Ibadah Haji	Lapor ke KPK	Kampanye Media, Lapor ke Badan Kehormatan DPR	Sudah disampaikan ke Bidang Penindakan
9.	Dana Alokasi Khusus Pendidikan di Tasikmalaya	Lapor ke Kejaksaan Negeri Tasikmalaya	Kampanye Media, Lapor ke KOMNAS HAM dan LPSK	Kadis Pendidikan di Vonis Bersalah
10.	Upah Pungut di Kabupaten Subang	Lapor ke KPK	Kampanye Media, Lapor ke KOMNAS HAM	Kadis Pendapatan Daerah di Vonis Bersalah
11.	Dana Alokasi Khusus Pendidikan	-	Kampanye Media	-
12.	Bailout Bank Century	-	Kampanye Media	-

Lomba Investigasi Bagi Anak Muda

Sebagai upaya untuk membangun gerakan sosial antikorupsi, divisi ini juga berupaya melakukan pemberdayaan kepada anak muda khususnya mahasiswa agar memiliki kepedulian dan semangat antikorupsi. Atas dukungan Ramon Magsaysay Foundation dari Filipina dan Jaringan Advokasi Tambang (JATAM), ICW mengadakan lomba investigasi dengan tema "Anak Muda Berantas Korupsi". Kegiatan ini cukup mendapat respon positif karena setidaknya 40 kelompok mahasiswa dari berbagai perguruan tinggi di Indonesia turut berpartisipasi dalam kegiatan ini.

Sebagai rangkaian kegiatan lomba tersebut para mahasiswa diberikan pelatihan tentang teknik investigasi, teknik penulisan laporan ke penegak hukum dan metode advokasi. Para peserta juga diberikan kesempatan untuk mengunjungi media nasional (majalah Tempo) serta Komisi Pemberantasan Korupsi (KPK) untuk mendapatkan pengalaman nyata dalam hal pendekatan hukum dalam pemberantasan korupsi. Sebagai pemenang pertama, kedua dan ketiga dalam kegiatan ini adalah Universitas Padjajaran, Universitas Indonesia dan Universitas Bojonegoro

MENGEMBANGKAN PENGAWASAN KINERJA KEJAKSAAN

Dengan dukungan dari Humanistic Institute for Development Cooperation (HIVOS) pada tahun 2009, ICW bersama dengan mitra kerja di daerah melakukan monitoring kinerja kejaksaan di 9 daerah diantaranya; DKI Jakarta, Banten, Jawa Barat, Jawa Tengah, Jawa Timur, Sumatera Barat, Kalimantan Timur, Nusa Tenggara Barat dan Sulawesi Tengah.

Berdasarkan hasil pemantauan, setidaknya ditemukan beberapa masalah dalam penanganan kasus korupsi daerah, diantaranya upaya penegak hukum yang lebih mengutamakan kuantitas daripada kualitas, tidak transparan dalam penanganan kasus, masih banyaknya kasus yang belum tuntas dan dihentikan. Dari kegiatan monitoring yang dilakukan dan desakan ICW atas hasil pemantauan tersebut, Kejaksaan Agung pada akhirnya melakukan evaluasi dan perbaikan, khususnya dalam penanganan kasus korupsi di daerah.

Sedangkan untuk kegiatan yang diadvokasi mitra ICW di daerah terdapat beberapa catatan keberhasilan, diantaranya *pertama*, Hasil monitoring terhadap kinerja penegak hukum di daerah meningkatkan partisipasi masyarakat untuk memberikan data/dokumen terkait kasus korupsi kepada mitra ICW di daerah bersangkutan.

Kedua, Ada penggantian personal kejaksaan yang dianggap kinerjanya lemah dalam penanganan kasus korupsi. Tekanan Mitra ICW di Sulteng (PBHR) bersama kelompok antikorupsi terkait lemahnya kinerja Kejari Toli-toli, Bangkep dan Parigi Moutong menyebabkan Kejaksaan Tinggi Sulteng mencopot Kejari Toli-toli dan memberi peringatan keras kepada Kejari Bangkep dan Parigi Moutong.

Ketiga, Keberhasilan mengadvokasi kasus korupsi yang dilaporkan ke Kejaksaan. Mitra ICW di NTB yaitu Somasi berhasil mengadvokasi kasus dugaan korupsi dalam penyaluran dana PSK (Peduli Sosial Kemasyarakatan) di Bank NTB kerekening khusus kepala daerah se-NTB. Salah satu rekomendasi Somasi untuk mencopot direksi Bank NTB dalam RUPS dilaksanakan Gubernur NTB, dan belakangan 4 direksi Bank NTB ditetapkan tersangka oleh Kejaksaan Tinggi NTB.



Selama tahun 2009, Divisi INPUB ICW setidaknya melakukan 2 (dua) kegiatan advokasi bersama dengan koalisi LSM. *Pertama*, Mengawal Pembentukan Komisi Informasi Pusat. Sesuai mandat UU Keterbukaan Informasi Publik, Komisi Informasi memiliki peran strategis untuk menjamin pelaksanaan transparansi informasi di setiap badan-badan publik kepada masyarakat.

Dalam pembentukan Komisi Informasi, ICW bersama koalisi mengawal proses seleksi calon anggota Komisi Informasi Pusat melalui penelusuran rekam jejak (*tracking*) calon anggota, memberikan masukan atas proses seleksi, kampanye dan hearing dengan panitia seleksi. Upaya yang dilakukan berhasil mendorong masuknya beberapa wakil masyarakat sipil dalam komposisi keanggotaan Komisi Informasi Pusat.

Kedua, Mengagalkan Pembahasan RUU Rahasia Negara. ICW juga berupaya menolak kehadiran berbagai regulasi yang kontraproduktif dengan pemberantasan korupsi. Salah satu regulasi tersebut adalah RUU tentang Rahasia Negara. Regulasi ini ditolak karena disusun secara tidak partisipatif, bertentangan dengan Kemerdekaan Pers, HAM, *Good Governance*, pemberantasan korupsi dan menghambat pelaksanaan UU Keterbukaan Informasi Publik.

Berbagai upaya telah dilakukan untuk menghentikan pembahasan RUU mulai menyusun draft RUU tandingan, Kampanye penolakan, membuat petisi penolakan hingga melakukan lobby dengan tokoh nasional, Dewan Pers, Komnas HAM, Dewan Pertimbangan Presiden. Setelah melakukan tekanan terus menerus akhirnya Pemerintah melalui Menteri Pertahanan menarik kembali draft RUU Rahasia Negara dalam pembahasan dengan Komisi I DPR.

Pengembangan website antikorupsi.org

Pada tahun 2009 ICW melakukan sejumlah pembenahan, pengembangan dan optimalisasi website ICW (www.antikorupsi.org) menjadi media alternatif institusi dalam menyebarkan gagasan pemberantasan korupsi bersama seluruh kelompok pro demokrasi. Website yang ada menampilkan beragam berita dan informasi mengenai korupsi dan berbagai advokasi antikorupsi yang dilakukan

oleh ICW. Jumlah pengunjung Website ICW adalah sebanyak 19.206 per hari. Para pengunjung tidak hanya dari Indonesia, namun juga dari 24 negara lain.

Tidak hanya itu, ICW kemudian juga telah memanfaatkan situs jejaring sosial seperti facebook dan jejaring sosial lainnya untuk menyebarkan informasi advokasi dan menjadi alat komunikasi masyarakat dan ICW.

Kerjasama Magang dengan Universitas

Hampir setiap tahun ICW membuka peluang magang bagi anggota mitra ICW didaerah termasuk mahasiswa (Indonesia dan Asing) yang menaruh perhatian pada studi antikorupsi.

Pada tahun 2009 ini, Divisi investigasi dan Publikasi menerima dua pengajuan magang dari Universitas Indonesia, yaitu dari jurusan Kriminologi dan jurusan Sosiologi. Pelaksanaan magang dilakukan masing-masing selama tiga bulan. Kegiatan yang dilakukan oleh dua mahasiswa ini adalah selain melakukan riset tentang kinerja penegak hukum juga membantu dalam pengelolaan website antikorupsi.org dan administrasi pengaduan masyarakat.



MONITORING DAN ANALISIS ANGGARAN



Sektor energi sumber daya mineral (ekstraktif) tidak dapat dipungkiri masih menjadi sektor andalan sebagai penyumbang bagi penerimaan Negara, dimana 35% dari total penerimaan negara berasal dari sektor ini. Tetapi disisi lain masyarakat sebagai pemilik kekayaan alam tidak banyak tahu dan belum dilibatkan dalam pengelolaannya.

Dalam prakteknya pengelolaan sektor ekstraktif disinyalir banyak terjadi penyimpangan, baik yang terkait dengan kerugian keuangan negara (dugaan korupsi), maupun dampak kerusakan lingkungan dan kerugian sosial ekonomi bagi masyarakat sekitarnya.

Dari segi kontribusi terhadap penerimaan negara dan daerah, hasil audit Badan Pemeriksa Keuangan negara menunjukkan belum optimalnya subangsih sektor ini pada kas negara. Paling tidak dari temuan yang terkait dengan pengelembungan penggantian biaya (cost recovery) pada kontraktor minyak dan gas (migas) serta bagi hasil migas yang merugikan negara. Kondisi yang sama juga terjadi pada pertambangan mineral dan batubara, dimana bocornya penerimaan negara dari royalti mineral dan batubara.

Rendahnya Transparansi dan Akuntabilitas Sektor Ekstraktif

Rendahnya transparansi dan akuntabilitas dalam pengelolaan sektor ekstraktif bukanlah cerita baru di Indonesia. Berdasarkan hasil audit Pricewaterhouse Coopers (PWC) pada PT. Pertamina untuk tahun 1996 – 1998 ditemukan indikasi pemborosan yang berakibat pada kerugian negara senilai US\$ 4,6 miliar. Disamping itu ditemukan indikasi dugaan praktek korupsi pada 159 proyek di Pertamina.

Dari hasil penelitian yang dilakukan oleh ICW didapati beberapa fakta yang cukup mengejutkan. Pertama, tidak transparan dan akuntabelnya pengelolaan penerimaan negara dari sektor ekstraktif. Dimana berdasarkan perhitungan ICW, selama tahun 2000-2008 terjadi kekurangan penerimaan negara dari dari migas dan 6 komoditas mineral sebesar Rp.345,996 triliun. Atau rata-rata pertahun negara mengalami kerugian penerimaan dari sektor ini sebesar Rp.38,444 triliun. Kedua, tidak adanya dukungan dan konsistensi pemerintah dalam menjamin kebutuhan energi nasional berupa Domestic Market Obligation (DMO).

Kondisi ini mengakibatkan tingginya belanja subsidi BBM dan LPG serta tingginya biaya pokok produksi listrik.

Sebagai gambaran selama tahun 2002 – 2008 nilai pemborosan / inefisiensi dalam biaya pokok produksi listrik mencapai mencapai Rp.158,557 triliun, atau rata-rata pertahun sebesar Rp.22,651 triliun. Angka ini hampir setara dengan nilai subsidi listrik yang dikeluarkan oleh negara selama tahun 2002 sampai 2008 sebesar Rp.171,278 triliun.

Advokasi Perlunya Transparansi Sektor Ekstraktif

Kesadaran akan perlunya transparansi dan akuntabilitas di sektor ekstraktif di Indonesia sudah menjadi keharusan dan tuntutan masyarakat luas. Untuk itu sangat diperlukan pembenahan dan sinkronisasi aturan termasuk didalamnya kontrak-kontrak ekstraktif yang memungkinkan pengawasan publik yang pada akhirnya akan berdampak tata kelola yang baik serta optimalisasi penerimaan negara dan daerah.

Lemahnya pengawasan pemerintah terhadap pengelolaan ekstraktif (ESDM, BPMigas dan Depkeu). Masih adanya keterbatasan Dewan Perwakilan Rakyat baik pusat maupun daerah terkait legislasi sektor ini sehingga tidak muncul keseimbangan dalam pengambilan kebijakan. Serta yang tidak kalah penting adalah masih minimnya penanganan kasus-kasus dugaan korupsi yang terjadi disektor ekstraktif membuat sektor ini menjadi “bisnis yang kebal hukum”.

Untuk mendorong munculnya kesadaran publik serta meningkatkan pertanggungjawaban pengelolaan dalam sektor ekstraktif, maka ICW melakukan beberapa pendekatan, yaitu. Pertama, secara rutin melakukan media briefing terhadap teman-teman pers terkait hasil temuan atau analisis icw disektor ekstraktif. Kedua, melakukan audiensi atau diskusi dengan KPK, BPK, DPR dan DPD. Hal ini dilakukan untuk mendorong agar negara (eksekutif dan legislatif) memiliki kesamaan isu dan diharapkan akan lahir kebijakan dan pengawasan yang lebih transparan dan akuntabel terhadap sektor ini. Ketiga, melakukan diskusi dengan ahli dan pemerhati ekstraktif (pengamat ekstraktif, LSM, akademisi kampus).

Dari hasil analisis dan kajian mendalam ICW yang juga dibarengi dengan kampanye dan advokasi rutin. Baik kepada media (pers) ataupun kelompok-kelompok yang berkepentingan (KPK, BPK, DPR, DPD). Sebagai bagian



Foto Dok. Afriadi Hikmal

dari hasil kampanye dan advokasi yang dilakukan oleh ICW setidaknya ada beberapa hal yang bisa dijadikan catatan kemajuan, diantaranya:

- a) Pemerintah dan DPR kembali melakukan kajian terhadap kontrak-kontrak industri migas di Indonesia, baik yang terkait dengan "cost recovery" maupun kontribusi penerimaannya bagi negara. Sebagai catatan, untuk APBN tahun 2009 pemerintah (Depkeu) sudah mengakomodasi temuan icw khususnya dalam basis penghitungan penerimaan negara dari migas. Selain itu Pemerintah akan berencana menerbitkan Peraturan Pemerintah tentang Cost Recovery dan Peraturan Pemerintah tentang Lifting Migas Indonesia.
- b) Badan Pemeriksa Keuangan Negara (BPK), melakukan audit khusus terhadap sektor migas, terutama yang terkait dengan isu *cost recovery* dan penerimaan negara. Dan BPK akan membentuk Desk Audit khusus yang terkait dengan penerimaan negara.
- c) Komisi Pemberantasan Korupsi (KPK) membentuk satuan tugas khusus yang berfungsi mengawasi dan memataui produksi dan penjualan migas Indonesia. Sebagai tidak lanjut dari desk ini misalnya, penertiban terhadap dana-dana restorasi KKS (ASR) dan sudah mulai disimpan pada rekening bank dalam negeri.
- d) Dewan Perwakilan Rakyat (DPR) membentuk Panitia Khusus (Pansus) untuk menyelidiki praktek-praktek penyimpangan dalam industri migas dan faktor kenaikan harga BBM. Walaupun pada akhirnya Pansus ini belum mengeluarkan hasil penyelidikan dan temuan mereka terkait penyimpangan di industri migas.



Foto Dok. Media Indonesia / Ginof Hadi

Profil

PERANG PANJANG MELAWAN KORUPSI

Profil Teten Masduki Tokoh Muda Inspiratif Kompas



Teten Masduki

Korupsi adalah bagian tak terpisahkan dari sejarah bangsa. Kongsi dagang Vereenigde Oostindische Compagnie runtuh karena korupsi. Raja-raja Nusantara juga demikian, selain karena perebutan takhta. Korupsi yang dibumbui ketidakadilan pula yang meruntuhkan Orde Baru pada 1998.

Berbarengan dengan munculnya zaman baru, Teten Masduki dan sejumlah nama lain mendirikan Indonesia Corruption Watch (ICW). Nama Teten mencuat ketika ICW, yang dipimpinnya, membongkar kasus suap yang diduga melibatkan Jaksa Agung (saat itu) Andi M Ghalib pada era pemerintahan BJ Habibie. Untuk pertama kalinya dalam sejarah, lembaga seperti ICW bisa mendorong jatuhnya pejabat tinggi negara. Akan tetapi, itu ternyata hanya kemenangan kecil. Hingga 11 tahun kemudian, korupsi masih menjadi penyakit berat yang membusukkan birokrasi negeri ini. Menurut Teten, perlawanan terhadap korupsi adalah peperangan yang panjang dan kita masih pada tahap awal. Ketika ICW mulai dikenal sebagai lembaga yang gigih melawan korupsi, Teten justru "meninggalkannya" secara kelembagaan. Teten bergabung dengan Transparansi Internasional Indonesia dan menjadi sekretaris jenderal di lembaga itu.

Kenapa meninggalkan ICW?

Saya tak pernah benar-benar pergi dari ICW (Teten masih menjadi Dewan Penasihat ICW). Tetapi, generasi baru harus tumbuh. Di ICW sekarang sudah banyak anak muda. Sudah saatnya mereka tampil ke depan. Perang melawan korupsi ini adalah perang panjang. Belum ada komitmen kuat dari birokrasi dan bisnis untuk melawan korupsi. Bahkan, sekarang mereka melakukan perlawanan balik. Karena itu, kita harus melembagakan gerakan ini. Itu kenapa saya dulu membangun ICW. Jika tidak, kita tak akan mampu melawan koruptor yang meregenerasi diri secara sistematis. Selama ini lembaga swadaya masyarakat (LSM) identik dengan pendirinya. Apa tidak takut ICW akan memudar? Kebanyakan LSM mengkritik oligarki, tapi sering kali melanggarnya sendiri. Pemilik yayasan atau pendiri seolah-olah menjadi pemiliknya. Mereka hanya mau merekrut "jongos" atau pelayan. Tak ada regenerasi. Akibatnya, banyak lembaga yang mati ketika generasi pertama tak ada lagi. Ini keliru.

Saya bangun demokrasi total di ICW. Saya melimpahkan kekuasaan secara merata. Saya percaya, jika LSM hanya dimiliki pemilik yayasan, tidak akan pernah jadi fondasi gerakan sosial.

Selama ini banyak yang berpikir, LSM hanya tempat singgah sebelum beranjak ke sektor bisnis atau publik di negara. Pandangan itu tidak sepenuhnya salah karena infrastruktur LSM belum kuat, belum bisa memberikan kehidupan jangka panjang. Ke depan, perspektif ini harus diubah. Aktivistik tidak harus memandang puncak karier ada di jabatan publik negara. Bahkan, di banyak tempat, negara kalah dibandingkan institusi masyarakat. Misalnya, Grameen Bank di Bangladesh. Apa hebatnya bank pemerintah Bangladesh menghadapi Grameen Bank.

Apa kuncinya agar LSM tidak hanya jadi tempat pelarian?

LSM harus profesional. Harus kuat di metodologi, selain ideologi. Kita jangan asal-asalan. ICW, kalau metodologinya lemah, dari dulu kita sudah masuk penjara semua karena kita bersinggungan dengan wilayah yang sangat rawan. Saat menerima orang yang melamar kerja di ICW, selalu saya katakan, kalau Anda mencari kerja di sini, saya tolak. Namun, jika Anda punya gagasan, mau melakukan apa, ayo gabung. Pendanaan bisa kita cari, gagasan kita sempurnakan.

Di masa depan institusi sosial ini harus sama kuatnya dengan institusi negara. Ada kecenderungan peran negara yang semakin kecil mengurus urusan publik. Lalu, kenapa kita semua berorientasi ke negara?

Saya pikir dalam sistem demokrasi mana pun, kalau pilar masyarakat tidak kuat, sistem itu akan roboh. Akan mengarah pada otoritarianisme dan pasti akan korup.

Apa karena itu Anda menolak bergabung dengan tim bentukan Presiden untuk memverifikasi kasus Bibit Samad Rianto dan Chandra M Hamzah?

Kalau itu masalah lain. Lebih ke masalah teknis dan strategis. Saya pikir, anggota tim sudah cukup kuat. Selain itu, saya lebih cocok bermain di kiri luar, he-he-he. Intinya, tetap harus ada orang di luar sistem untuk terus mengkritisi sistem kekuasaan. Itu peran yang saya pilih.

Lalu, mengapa memilih lembaga antikorupsi?

Saya pernah terlibat di isu perburuan ketika aktif di Yayasan Lembaga Bantuan Hukum Indonesia (YLBHI). Waktu itu buruh ditindas penguasa. Tak boleh berorganisasi, diperas, tetapi upahnya rendah. Itulah titik kesadaran pertama tentang korupsi. Saya berpikir, korupsi yang menyebabkan kemiskinan buruh. Saya melihatnya sederhana, upah buruh itu waktu itu hanya 4 persen dari ongkos produksi industri, tetapi sogokan untuk pejabat bisa mencapai 30 persen. Kita bangun industri tak bisa bangun kemakmuran rakyat karena korupsi. Sumber daya alam kaya juga tak menyejahterakan karena hanya dinikmati elite yang korup dan

demokrasi pun ternyata tidak jalan karena korupsi. Hukum nggak jalan, pemilu nggak jujur karena politik uang sehingga kita salah memilih orang. Sekali lagi, ini peperangan yang panjang.

Anda optimistis bisa menang melawan korupsi ini?

Secara global, dunia sedang memerangi korupsi. Dari segi bisnis saja, tak mungkin perusahaan multinasional menanggung untung di tengah korupsi yang marak. Dulu mereka bisa dapatkan kontrak di negara dunia ketiga dengan bekerja sama dengan rezim otoriter, tetapi sekarang tidak bisa. Mereka harus berkompetisi. Ada norma baru di dunia bisnis. Sekarang fungsi suap juga mulai kehilangan kegunaannya. Dulu suap berjaya ketika kekuasaan politik sangat dominan, patronase politik cukup efektif menopang praktik bisnis kotor. Cukup kerja sama dengan istana atau partai besar bisa dapatkan konsensi jangka panjang. Sekarang nggak ada kekuatan politik besar dan pergantian politik terjadi dengan cepat.

Di kalangan bisnis mulai ragu, untuk apa menyuap jika tak ada perlindungan atau kalau ada hanya sementara. Saya optimistis karena ruang hidup bagi korupsi sekarang sedang mengalami desakan walau mereka kini mulai mereproduksi model korupsi baru dalam model keuangan baru. Misalnya, kasus Bank Century itu tak jauh beda dengan cecis Bank Bali dan kasus Bantuan Likuiditas Bank Indonesia (BLBI), yaitu menggunakan banknya untuk mengalirkan dana publik.

Bagaimana menuju optimisme tadi?

Regenerasi memang buntu di mana-mana. Seperti di DPR, banyak orang muda, tetapi belum tentu. Bagaimana, yang masuk anak Presiden, anak menteri, bupati, saya kira mereka tumbuh karena perlindungan, bukan kesadaran dan kekuatan sendiri. Namun, virus perubahan harus terus disebarkan. Saya melihat usaha kecil bisa menjadi kancan membangun kader-kader bangsa ini, misalnya usaha-usaha yang sukses dalam tingkat mikro. Kita butuh figur lokal yang membawa kemakmuran nyata.

Apa hal bisa menggagalkan optimisme Anda?

Lembaga demokrasi kita belum bekerja untuk masyarakat. Saya melihat komitmen moral itu tidak kuat di dalam lembaga pengambil kebijakan, apakah di DPR, partai politik, atau pemerintahan. Sekarang juga terjadi tren pemusatan kekuasaan. Ini seperti kembali ke model lama. Argumen yang dibangun, berilah saya kekuatan untuk membangun kekuasaan. Tetapi, kita tak boleh menyerah.

(tulisan merupakan karya wartawan Kompas Ahmad Arif, dimuat di Harian Kompas Selasa, 10 November 2009)

DUNIA AKTIVIS YANG MUDA, KRITIS, DAN TERSANGKA

"Berikan aku sepuluh pemuda, akan aku guncang dunia," demikian kata-kata terkenal dari Bung Karno, presiden pertama Republik Indonesia.

Di sebuah bangunan di Jalan Kalibata Timur IV/D Nomor 6, Jakarta Selatan, lebih dari 10 anak muda berkumpul. Mereka belum mengguncangkan dunia, tetapi, setidaknya Indonesia, atau paling tidak mereka "mengguncangkan" hati jaksa agung, kepolisian, dan beberapa pejabat negara yang selama ini menjadi sasaran suara kritis mereka.

Siang itu mereka bergosip tentang orang-orang yang dag-dig-dug menunggu telepon dari Cikeas. "Di Facebook, kawan kita itu minta didoakan agar terpilih," kata Febri Diansyah, penggiat kantor itu, ICW (dengan kepanjangan yang betul: Indonesian Corruption Watch), mengomentari status Facebook mantan dosennya yang kini merapat di Istana. Mereka pun tertawa. Seolah tak ada yang berubah dari kantor itu, kecuali tulisan di depan kantor itu, "Maaf, Di Sini Bukan Kantor International Coroption Word (ICW)". Febri secara bercanda mengatakan, "Itu petunjuk untuk pak pos. Biar kalau ada lagi surat untuk lembaga tersebut (Indonesia Coroption Word) enggak usah diantar ke dalam."

Senin (12/10), dua penggiat ICW, Emerson Yuntho dan Illian Deta Arta Sari, mendapat surat panggilan dari kepolisian sebagai tersangka dalam kasus dugaan pencemaran nama baik Kejaksaan Agung. Illian dan Emerson dijadikan tersangka pencemaran nama baik karena mempertanyakan pengelolaan uang pengganti senilai Rp 7 triliun oleh Kejaksaan Agung. Data itu bersumber dari hasil Laporan Pemeriksaan Badan Pemeriksa Keuangan.

"Saat kami merilis adanya dugaan korupsi di suatu instansi, kami menggunakan data resmi atau data dari sumber lain yang sudah diverifikasi. Sebelum dikeluarkan pun, kami sudah membicarakan secara internal kelembagaan. Kami memiliki standar analisis," kilah Illian. Tetapi, risiko tentu tetap ada. Illian mengaku siap dengan segala risiko itu ketika



Foto Dok. Kompas / Totok Wijayanto

Sebuah tulisan koreksi di depan kantor Indonesian Corruption Watch (ICW), Jakarta, Jumat (16/10), yang dalam surat pemanggilan polisi disebut dengan International Coroption Word.

memilih bekerja di ICW tiga tahun lalu. Namun, lulusan Fakultas Hukum Universitas Gadjah Mada (UGM) tahun 2003 ini tak bisa memungkiri kegundahan hatinya, kegundahan hati seorang ibu ketika melihat anak-anaknya yang masih kecil.

Risiko Pekerjaan

"Malam itu tidak seperti biasanya. Anak bungsu saya tidak bisa tidur nyenyak. Dan tiba-tiba yang sulung terbangun dan berteriak... 'Mama...' Apakah ini tanda-tanda?" Illian mengungkapkan kegundahan hatinya.

"Untuk kasus ini, ya... apes-apesnya ditahan. Saya bilang ke suami, titip anak-anak ya. Kalau saya ditahan, itu bukan karena kejahatan, tapi memperjuangkan kebenaran," ujar Illian, yang memiliki dua anak ini, masing-masing berusia dua tahun dan lima bulan.

"Kalaupun saya ditahan, saya berharap masih bisa mengirim ASI (air susu ibu)," katanya. Di tengah gundah, Illian terlihat tegar dan bekerja seperti biasa. Demikian juga Emerson, masih tetap penuh canda. "Masih aman, Bos," kata Emerson.

"Bekerja itu tidak cuma masalah uang, karena uang itu bukan segalanya," kata Illian yang sebelum bekerja di ICW menjadi wartawan di media cetak nasional. Lalu, demi apa Illian? "Demi Indonesia yang adil bebas korupsi...." dan sederet mimpi lainnya. Mimpi itu yang menyangga anak-anak muda itu betah bergelut dengan angka, data, dan sesekali turun ke jalan untuk mengkritik polah petinggi negeri dan wakil rakyat. Hal itu pula yang menggerakkan Fahmi Badoh (31), lulusan Fakultas Teknik Mesin UGM tahun 2002. Beberapa pekerjaan kantoran yang mapan ditampiknya demi memilih ICW sejak 2001. Pekerjaan yang tak banyak memberi uang, tetapi berisiko.

"Kalau dibandingkan teman-teman lain seangkatan di kampus, penghasilan saya di ICW tak ada apa-apanya," kata Fahmi. Di ICW, sebanyak 22 penggiatnya, yang rata-rata lulusan UGM, ITB, UNS, Undip, dan UNJ ini dibayar Rp 1,5 juta-Rp 5,5 juta per bulan. Tahun 2005, Fahmi dan beberapa kawan dipanggil polisi atas laporan pencemaran nama baik anggota DPR, AM Fatwa. Tahun berikutnya, Fahmi kembali dipanggil polisi, kali ini atas tuduhan pencemaran nama baik terhadap Akil Mochtar, anggota DPR lainnya. "Kasusnya mandek begitu saja. Demikian juga dugaan korupsi yang kami wacanakan. Tak diproses," katanya.

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Kanker Demokrasi

Fahmi, Illian, Emerson, hanya sebagian kecil dari penggiat antikorupsi dan pembela hak asasi manusia yang terancam Pasal 311, 316 Kitab Undang-undang Hukum Pidana tentang pencemaran nama baik. Pasal yang menjadi kanker demokrasi.

Menurut catatan Lembaga Bantuan Hukum (LBH) Jakarta, dalam lima tahun terakhir jumlah aktivis yang dituntut hukum dengan pasal pencemaran nama baik mencapai 23 orang. "Sebanyak 11 di antaranya berkasus tahun 2009.

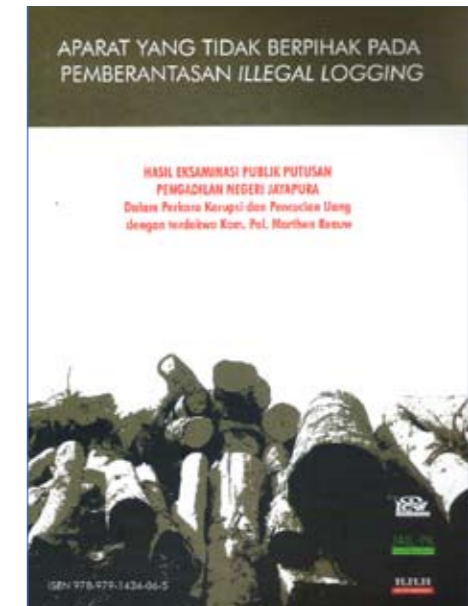
Itu artinya, risiko yang akan dihadapi penggiat HAM dan antikorupsi kian tinggi. Illian sadar sepenuhnya hal itu. Meski tetap tebersit rasa khawatir, Illian tetap bersemangat. "Tugas terberat sesungguhnya meyakinkan suami (yang PNS) dan keluarga besarnya," kata Illian.

(tulisan merupakan karya wartawan Kompas Ahmad Arif dan Susana Rita, dimuat di Harian Kompas Sabtu, 17 Oktober 2009)

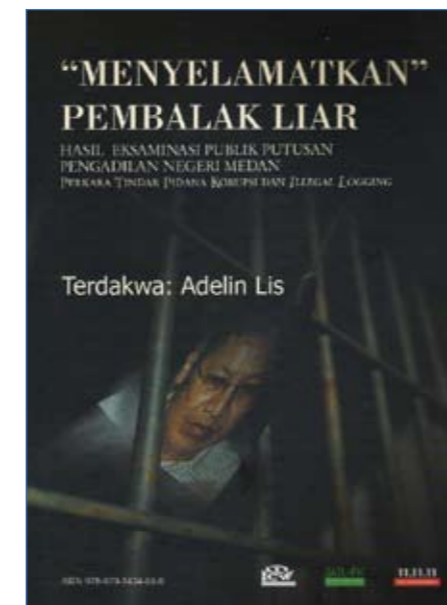
PUBLIKASI ICW 2009



Korupsi dalam Pemberantasan Illegal Logging



Aparat yang Tidak Berpihak pada Pemberantasan Illegal logging



Menyelamatkan Pembalok Liar



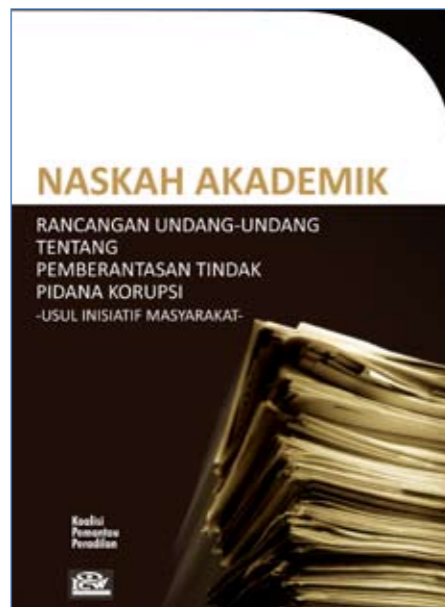
Modul Memantau Korupsi Pemilu



Independent Report 2009



Anak Muda Bicara Korupsi : Martabat seharga Rp 5000



Naskah Akademik RUU Tipikor usul Inisiatif Masyarakat



Rancangan Undang-Undang Pemberantasan Korupsi usul Inisiatif Masyarakat

PENGHARGAAN

Indonesia Corruption Watch (ICW) pada 11 Agustus 2009 lalu mendapat anugerah Civil Society 2009 untuk kategori hukum dari Majalah Forum Keadilan. Dewan juri menyatakan ICW dinilai telah berjasa dalam membangun kultur baru demokrasi di Indonesia. Lembaga ini juga dinilai sebagai salah satu elemen masyarakat yang cukup intens dan konsisten memkampanyekan perang melawan korupsi dengan gerakannya yang konkret baik melalui temuan praktik korupsi yang langsung dilaporkan kepada instansi terkait maupun pengawasannya yang tak pernah berhenti terhadap berbagai bentuk celah korupsi.

ICW juga menjadi salah satu IKON 2009 untuk Bidang Hukum versi Majalah Gatra. ICW dinilai Majalah Gatra sebagai lembaga yang "TAK JEMU MENYOROTI KORUPSI" dan menjadi garda depan pemberantasan korupsi di Indonesia.



PENGGALANGAN DANA PUBLIK

Pada tahun 2009, ICW bekerja sama dengan DOMPET DHUFAFA REPUBLIKA dan YAPPIKA mulai mendorong dukungan pendanaan dari masyarakat melalui program "Donasi Gerakan Antikorupsi Agar Sekolahmu Gratis". Hingga per 31 Desember 2009, donasi yang terkumpul mencapai Rp 60.000.000,- (enam puluh juta rupiah).

Perkumpulan**Dewan Etik**

Dadang Trisasongko, Teten Masduki,
Kamala Chandrakirana

Anggota

Luky Djuniardi Djani, Bivitri Susanti, Ani
Soetjipto, Lodewijk F Paat, Yanuar Rizky

Badan Pekerja**Koordinator**

Danang Widoyoko

Wakil Koordinator

Adnan Topan Husodo, Emerson Yuntho

Divisi Korupsi Politik

I.Z. Fahmy Badoh, Abdullah Dahlan

Divisi Monitoring Pelayanan Publik

Ade Irawan, Febri Hendri, Ratna
Kusumaningsih

Divisi Investigasi dan Publikasi

Agus Sunaryanto, Tama Satria Langkun,
Laits Abid

Divisi Monitoring dan Analisis**Anggaran**

Firdaus Ilyas, Anggita Tampubolon

Divisi Hukum dan Monitoring**Peradilan**

Illian Deta Artasari, Febri Diansyah

Sekretariat dan Keuangan

Srigati Hayuning Budi, Nurhayati, Dunita, Siti
Nurjanah, Maya Fatmawati, Dede, Eko
Pamuji Widodo

AUDIT KEUANGAN ICW

AKTIVA	
Aktiva Lancar	
Kas dan Setara Kas	3.960.307.728
Piutang Karyawan	106.643.782
Uang Muka & Beban Dibayar Dimuka	482.479.288
Jumlah Aktiva Lancar	4.549.430.798
Aktiva Tetap	
Harga Perolehan	455.333.525
Akumulasi Penyusutan	(363.121.160)
Jumlah Aktiva Tidak Lancar	92.212.365
TOTAL AKTIVA	4.641.643.163

KEWAJIBAN DAN AKTIVA BERSIH	
Kewajiban	
Kewajiban Lancar	640.698.401
Total Kewajiban	640.698.401
Aktiva Bersih	
Tidak Terikat	858.035.616
Terikat Temporer	3.142.909.146
Total Aktiva Bersih	4.000.944.762
TOTAL KEWAJIBAN DAN AKTIVA BERSIH	4.641.643.163

PENERIMAAN	
Dana dari Grantor	6.478.307.670
Non Program	956.581.919
Total Penerimaan	7.434.889.589
PENGELUARAN	
Program	4.120.021.721
Pengembalian Dana	249.520.549
Pengeluaran Non Program	476.751.751
Total Pengeluaran	4.846.294.021
Kenaikan/(Penurunan) Aktiva Bersih	2.588.595.568

(Data diatas merupakan Laporan Posisi Keuangan dan Laporan Aktivitas Yayasan Indonesia Corruption Watch hingga 31 Desember 2008 berdasarkan hasil Laporan Audit Independen. Lebih lengkap dapat dilihat di www.antikorupsi.org)

IKTIHAR KEUANGAN 2009

DONOR	PROGRAM	PERIODE	JUMLAH (Rp)
HIVOS	Public participation in budgeting for educational sector and enforcing anti-corruption law in Indonesia	01 Jan – 31 Des 2009	1,499,000,000.00
11.11.11	Transparency on extractive Industry	01 Jan – 31 Des 2009	527,000,000.00
TIFA	Peningkatan Partisipasi Masyarakat dalam Memantau Dana Pemilu 2009	22 Des 2008 - 31 Des 2009	433,999,000.00
IFES	Endorsing media Participation on monitoring campaign finance	24 Feb -24 Okt 2009	474,200,000.00
IFES (Post election)	Evaluation for Campaign Finance Monitoring	Agst – Sept 2009	191,750,000.00
IA LDF	Review of Corruption Court Legislation	Sept 2008 – Mar 2009	439,900,000.00
DRSP	Evaluation for Campaign Finance Monitoring	27 Mar 2008 - July 2009	439,200,000.00
MAGSAYSAY	Empowering Civil Society, particularly student, in Combating Corruption	Sept–Nov 2009	92,000,000.00
RWI	Initiating Monitoring and Advocacy for Indonesia Oil, Gas and Mining Revenue Transparency	01 Sept 2008 - 30 Juni 2009	423,500,000.00
			4,520,549,000.00

Annual
Report
Indonesia
Corruption
Watch
2009

**Together with
the People
Eradicating Corruption**



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Vision

The strengthening of the people's bargaining position in an organized way to control the state and be involved during decision making process, as well as the creation of a democratic, corruption-free governance that is based on economic, social, and gender justice.

Mission

Integrating anti-corruption agenda to strengthen people's participation in an organized way in the process of decision-making and of monitoring public policy.

Empowering potential actors in order to foster political, legal, economic, and bureaucratic systems that are free from corruption and that are based on social and gender justice.

Role

- Facilitates and strengthens people's movement (in an organized way) in order to eradicate corruption and struggle for the rights of citizens to a more quality public service
- Facilitates the strengthening of the capacity of strategic groups during the process of decision-making and of monitoring of public policies.
- Increases the amount of public initiatives, as well as the quality of public participation and network partners in exposing and reporting corruption cases, as well as monitoring law enforcement
- Organizes public campaigns in order to push for legal, political, and bureaucratic reforms that are conducive to the eradication of corruption
- Promotes policies that support the eradication of corruption
- Distributes recommendations and anti-corruption instruments to organized people's groups in various sectors in order to increase the effectiveness of corruption eradication
- Encourages potential actors in the government, parliament, and law enforcement to allow public participation during policy revision process
- Conducts public legal efforts to push for law reform, fight for the rights of victims of corruption, and to push for policy reform that sided with the people
- Encourages consolidation in the intensification and improvement of mobilization resources for anti-corruption movement.

Greeting from the Chairman of the Board of Ethics OPTIMISM FROM THE BOTTOM



Dadang Trisasongko
Chairman of the Board of Ethics

Dear readers, this annual report was drafted amidst vocal public uncertainty regarding state intention to eradicate corruption. The public continually doubts state administrators, who are sluggish in portraying itself as a figure with strong commitments to eradicate corruption.

Since the revelation of a political and legal scandal which sought to weaken the KPK by public force, the state becomes more awkward, conservative, and even defensive.

President SBY was seemingly defeated 2-0 by the power of public control. The first defeat occurred when President Susilo Bambang Yudhoyono (SBY) was unable to outrun the moral movement of Lizards against Crocodiles (Cicak lawan Buaya) and the facebookers movement that had expanded greatly and crossed over social barriers and geographic limitation. Lizards have crawled everywhere, reaching even elementary classrooms in various areas in the country. SBY was not fast enough compared to the movement of the Lizards. For a long time, Lizards and facebookers have sensed a scandal in the criminalization of KPK leadership, while SBY continued to allow the national police leadership to move forward with the criminalization process of KPK leadership.

The President was also wholly defeated in the next round. While SBY had just ended a speech on the war to fight legal mafia through opening a post box, a group of mothers concerned with the fate of Prita worked to build a wide political support to struggle for Prita. A fight against, what the public believed to be, the judicial mafia. This represented an expression of public distrust against government's capability to combat judicial mafia.

Another contest is currently taking place. After revelation of the result of the wiretapping of phone conversations, which discussed the weakening of the KPK through criminalization of its two leaders, SBY once again "allowed" the Ministry of Communication and Information to prepare a Draft Government Regulation (RPP) on Wiretapping. This intrusive Draft Government Regulation on Wiretapping undermines the independence of the KPK, and in reality contradicted SBY statement regarding his desire to combat judicial mafia. How is it possible for KPK to implement its function as a catalyst for reformation in the judicial system if they are not allowed, in an independent manner, to access the communication of corrupt actors in the circle of the judicial mafia? Once again, the government fought against the desire of the people to eradicate corruption.

If SBY continues trying to curtail KPK independence from reaching judicial mafia, then SBY indirectly permits the despoiling of law enforcement agencies by corrupt law enforcer. Sociologically, the collapse in the credibility of law enforcement agencies will also be interpreted as "the return of the mandate" of law enforcement to the people. I should think that this situation is not what any of us want.

This is the social-political context of ICW area of work. As have been understood all this time by anti-corruption activists in ICW, the experiences in Indonesia and other countries demonstrate that desire for change will not emerge effectively within the State. As proven for the last ten years, actors of change emerge from within the people. The movement to fight injustice and abuse of power emerge not due to the instruction and leadership of the President, who is said to have a commitment to combat corruption. The desire to fight emerge and continually breed and grow from among the people, among those who taste the bitterness of injustice everyday.

This report records the last round of the first period and the first round of the second period of SBY administration. Thus, this report can serve as lesson-learned for the Government to demonstrate real efforts to eradicate corruption. We can witness how the SBY administration, during the 2004-2009 period, worked sluggishly and without direction with regards corruption eradication. There was no political leadership from within the Government with strong visions. Hopefully, there will not be a repeat of this for the next five years. During the last five-year period, the commitment of the people's representatives in the DPR was also questioned by the public. Several DPR members were even involved in the dirty practice of stealing the people's money.

Nevertheless, ICW continues to be optimistic in facing those problems, as ICW strongly believe that a more critical and stronger public will be the main guard in the course of governance.

Hopefully, this report will be useful, both for the general public as well as for state administrator.

Dadang Trisasongko
Chairman of the Board of Ethics

Greeting from the Coordinator of ICW RETURNING THE ANTI-CORRUPTION MOVEMENT TO THE PEOPLE



J. Danang Widoyoko
Coordinator of the Working Committee

The year 2009 has put the anti-corruption movement to the test.

This is particularly true since several events in 2009 potentially threatened the continuity of corruption eradication, particularly which relates to the weakening of the KPK.

The first was prolonged deliberation of the Bill on Corruption Court (Tipikor). Using excuse of speeding up the deliberation process, an idea emerged to slash KPK prosecution authority. In the end, the controversial idea was dropped, though the substance of the Bill on the Corruption Court was still disappointing since the establishment of courts in all provinces will lower the credibility and integrity of the Tipikor court. Particularly since the Head of the Tipikor Court will determine the composition of the council of judges, which in reality means placing the Tipikor court under the general court.

The second event was the criminalization of the leadership of the Corruption Eradication Commission. Bibit Samad Rianto dan Chandra M. Hamzah was named as suspects by the Police, though the clauses used by the police to charge the two KPK leaders kept changing. This process naturally aroused suspicion, particularly since at the same time Susno Duadji of the Criminal Investigation Department (Kareskrim) of the National Police was being investigated by the KPK with regards to the Bank Century scandal. The engineering of the Bibit Chandra case was further revealed when the Constitutional Court ordered the wiretapping of Anggodo, the brother of Anggoro, a suspect in the corruption case of the Department of Forestry under investigation by KPK, to be played. The criminalization led the emergence of the Lizards vs Crocodiles movement, which was also initiated by ICW. After a long process, the Attorney General Office issued a Letter of Decision to Stop Prosecution (SKP2).

In both of those events, the involvement and the support from the public was significant. Without the support from the public, it is possible that KPK may lose the authority to prosecute and will see some of its leaders in prison due to a case engineering. The force of the public support and participation demonstrated that the anti-corruption movement in Indonesia has entered a new phase. Anti-corruption issue has become an issue close to the heart of the public in Indonesia. The people will be involved in the movement to give support in the eradication of corruption. Furthermore, this development demonstrated that anti-

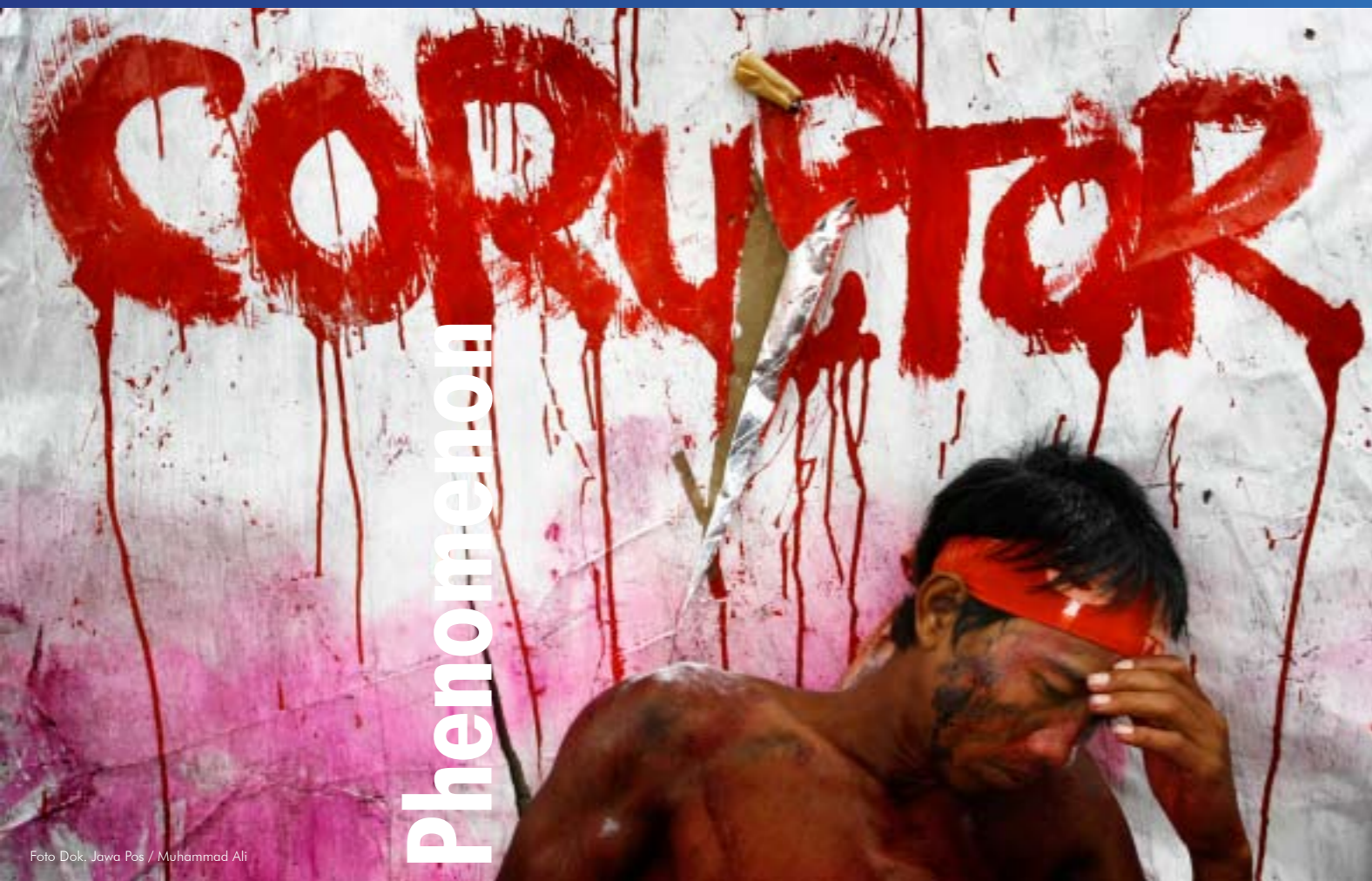
corruption issue was no longer an elite issue, to be used by political elites when they are competing against each other.

The vigorous effort to weaken the KPK, particularly by state agencies and political power, was in fact a blessing in disguise since the situation places ICW and other elements of the anti-corruption movement to raise support directly from the people. The attack on KPK awakened the fighting spirit of the people to defend the KPK and the agenda of eradicating corruption.

In 2009, the issue of anti-corruption returned back to the people. When political elites no longer provided support and when state agencies refused to eradicate corruption, then the people took over the role to push for eradication of corruption. The challenge for ICW in the future is how to manage the thriving spirit of eradicating corruption within the people, particularly in a way which would ensure that eradication of corruption can deliver benefits directly felt by the people.

J. Danang Widoyoko

Coordinator of the Working Committee



Phenomenon

2009 Corruption

Judicial mafia as one way to weaken the Corruption Eradication Commission (KPK) represents the most crucial phase in the eradication of corruption in Indonesia in 2009. On the other hand, the prominence of advocacy and collective involvement of the people in criticizing and monitoring the behavior of those in power and corrupt law enforcer represents a positif point that can be appreciated for this year.

WEAKENING OF THE KPK AND THE JUDICIAL MAFIA

Judicial mafia as one way to weaken the Corruption Eradication Commission (KPK) represents the most crucial phase in the eradication of corruption in Indonesia in 2009. On the other hand, the prominence of advocacy and collective involvement of the people in criticizing and monitoring the behavior of those in power and corrupt law enforcer represents a positif point that can be appreciated for this year.

The weakening of KPK occurred right when the independent institution came into contact with main circle of mafia network and corrupt politicians. A number of cases and actors successfully apprehended by KPK until year 2009 positioned this institution as a threat to corruptive practices in Indonesia. Since then, a number of counterattacks were directed to this institution which was established by Law Number 30 Year 2002 on the Eradication of Corruption Commission.

Bribery represented the most revealed modus of corruption before the two leaders of the KPK were criminalized. If this typology is viewed from the concept of business-politics as the source of corruption, then for now we can conclude that KPK's actions has begun to slash away on some of the source of corruption. Or, it is not too extreme to say that KPK has become the nightmare of political and business mafia. Particularly since so far, the Police and the Attorney General Office have been seen as failing to touch on sensitive issues and issues with political background. This phenomenon is evident from the typology of the actors successfully apprehended by the KPK.

Tabel 1
The Modus of the Corruption Cases Handled by KPK
January 2008 – August 2009

No	Modus	Amount	%
1	Misuse of Budget	15	15,79%
2	Bribery	34	35,79%
3	Direct Appointment	8	8,42%
4	Mark Up	19	20,00%
5	Extortion	1	1,05%
6	Embezzlement / Illegal levies	18	18,95%
	Total	95	100%

Source: ICW Document, 2009



Foto Dok. Persdanetwork / Bian Hanansa



Foto Dok. Persdanetwork / Bian Hanansa

This was what triggered the never-ending counterattacks towards the KPK. Furthermore, the political commitment of the administration of Susilo Bambang Yudhoyono was not seen as particularly strong enough to protect and maintain the independence of the KPK. This was evident from the political statements of Yudhoyono which tended to position the KPK as a superpower body that is uncheck. In a visit to Kompas, Yudhoyono stated that "in regards to the KPK, I really caution. Power must not go uncheck. KPK is already a significant superholder. It is responsible only to Allah. Be careful" (25/6/2009). In addition to that statement, several regulations drafted by the Government could potentially move the eradication of corruption backward, while at the same time benefiting corruptive groups and threaten the function of the KPK. Namely in the form of the revision to Law No. 31 Year 1999 jo 20 year 2001 on Eradication of Corruption. The Bill did not deign to constrict the movement of corrupters, and even contain norms that criminalized whistle blowers of corruption cases. This is similar to the Draft Government Regulation (RPP) on Wiretapping, which represented a significant threat to the work of the KPK in eradicating corruption.

The typology of corruption cases handled by KPK chapter II, up to August 2009, point to one important note for all of us, that the political sector that has never been touched before has now, one by one, been roped in.

Although the corruption case of the in-law of the President has been revealed, we viewed that several other central cases triggered the counterattacks against the KPK. From the typology of the actors of corruption cases handled by KPK chapter II, up to August 2008, it is evident that many of those caught were members of the DPR and from the private sector. When connected to table 1, it becomes evident that the politicians and private/business caught by KPK were, in general, related to political and business mafia caught doing bribery transaction.

It began post August 2009 when a big shock jarred the KPK. Two of KPK leaders were named as suspects (Bibit Samad Rianto dan Chandra M. Hamzah) for abuse of power and extortion against Anggoro Widjoyo (15/9/2009). The legal process was seen by many as allegedly been engineered, and was even given the term as criminalization of the KPK. The people were naturally upset as the leaders of an institution that has started to give hope of eradicating corruption were now apprehended in the name of law and accused with

Tabel 2
Official Position of Actors involved in the Corruption Cases handled by the KPK
January 2008- August 2009

No	Level of Position	Amount	%
1	Member DPR/DPRD	18	18,95%
2	State Commission	2	2,11%
3	Board of Governor of Bank Indonesia	7	7,37%
4	Regional Heads (Governor, Regent, Mayor)	12	12,63%
5	Ambassador, Consulate Officials, Immigration	13	13,68%
6	Echelon Official, Heads of Projects	17	17,89%
7	BUMN Officials	5	5,26%
8	Law Enforcer	1	1,05%
9	Private	19	20,00%
10	BPK	1	1,05%
	Total	95	100%

Source: ICW Document, 2009

something unclear and based on doubtful evidences. Public anxiety was made even more severe with the emergence of several dubious cases that befell the small people, the weak, and even an old woman who was apprehended for picking up cacao fruits on her way home.

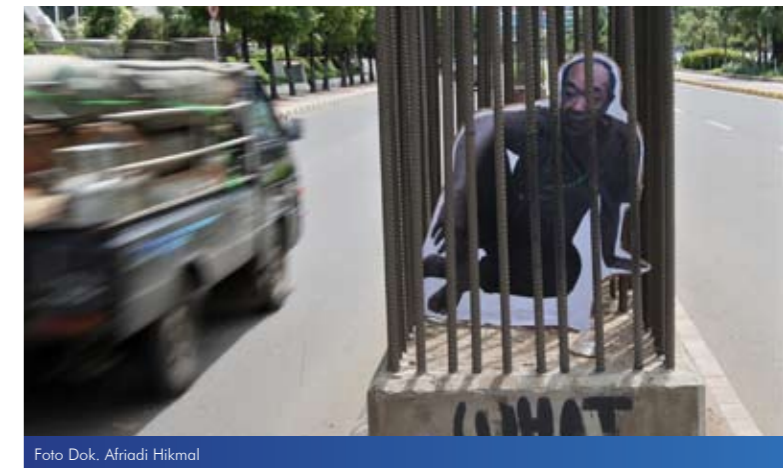
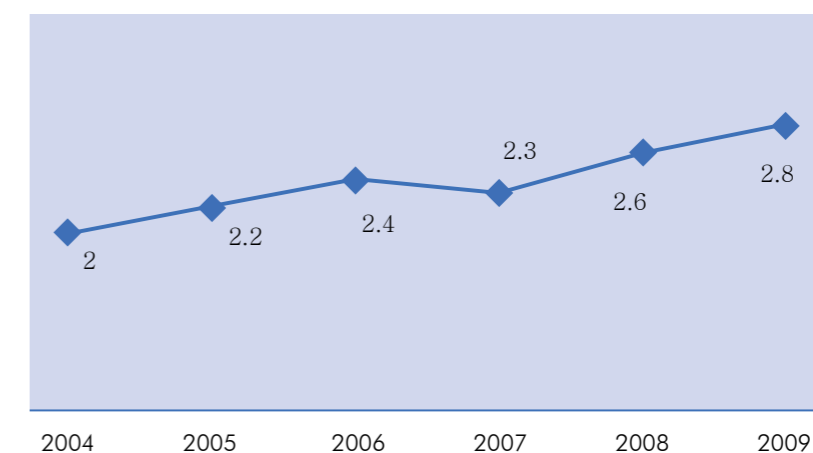


Foto Dok. Afriadi Hikmal

Thus, it was during this period that a movement emerged naming itself "CICAK" as an abbreviation to Love Indonesia Love Anti-Corruption. This movement was declared on July 12, 2009, and emphasized the concept of a flowing and inclusive advocacy. The concept meant that CICAK will not be institutionalized and will be free for usage by all anti-corruption networks in Indonesia, will be open and filled with the hope that it will touch the justice conscience of the general people. Support for this movement continually spread, particularly since the two KPK leaders were apprehended by the National Police Headquarter only because they held a press conference and provided statements to the mass media.

After a time, a scandal was finally revealed in a Constitutional Court proceeding (3/11/2009). Based on the wiretapping of the phone conversations between Anggodo and several parties to engineer a case against the two KPK leaders, it was evident that the judicial mafia served as an important background to the naming of the two KPK leaders as suspects. The Constitutional Court justices believed that the engineering or, at a minimum, the communication led towards the engineering of judicial process. This further strengthened public pressure, which was spread throughout several regions in Indonesia. The President finally established a Verification Team, or better known as Team 8. The Team worked for 2 weeks and examined several parties. The Recommendation of Team 8 stated that the case against the two KPK leaders need to be stop, that there needs to be reposition and cleansing in the body of the police force and the Attorney General Office, as well as an eradication of judicial mafia practice. Particularly with regards to judicial mafia, the name Anggodo and Ary Muladi was clearly stated as the first party that must be processed by law enforcer.

Graphic: CPI Year 2004 - 2009



Source: Transparency International, 2009

However, the phenomenon of Lizards vs Crocodiles, the weakening of the Corruption Eradication Commission (KPK), and judicial mafia practices were not illustrated in the survey conducted by the Transparency International Indonesia (TII). In 2009, Corruption Perception Index (CPI) of Indonesia actually increased to 2.8. This was, of course, seen as strange and invited public doubts. Apparently, TII survey, which was based on the surveys of several other institutions, was conducted before the escalation of the counterattacks efforts against the KPK. This was why, there is the expectation that, next year, CPI Indonesia will decreased dramatically.

Decrease in the Level of Public Satisfaction

Apparently, the weakening of the Corruption Eradication Commission influenced the level of public satisfaction towards SBY administration for the period of 2004-2009. The survey or the accumulation of opinions conducted by one of the largest mass media in Indonesia was held during the period of 28-30 October 2009 in ten of the largest regions in Indonesia. At the beginning of the SBY-JK administration, public satisfaction fluctuated between 30-40. However, drastic increase emerged since month 39, which was around January 2008.

Since the beginning of 2008, there was a drastic increase in the level of public satisfaction. The hidden information behind the number was actually that since 2008, KPK Chapter II has resolutely processed several cases involving high-ranking corrupters in Indonesia, beginning from DPR members, Business Mafia, law enforcer, and even the in-law of President SBY.

Level of Public Satisfaction towards the Eradication of Corruption under the SBY Administration (October 2004 – October 2009)



Meanwhile, a decrease in the level of public satisfaction began from month 56-57, which was June-July of 2009. When reviewed closely, the process of weakening the Corruption Eradication Commission began around this time. From the legislation aspect, the authority of the KPK to conduct prosecution was almost curtailed during the deliberation process of the draft Bill on Anti-Corruption Court. During this period, BPKP also planned to audit the KPK, even though this particular agency did not possess the authority for this particularly investigation. Reasoning that the President had given instruction, the head of BPKP insist on investigating the financial aspect and wiretapping activities of the KPK.

Bank Century Scandal

If ever there was a corruption case that attracted the interest of many parties in Indonesia in 2009, then it was the Bank Century scandal. This case was built upon several allegations of judicial violations, starting from bank-related criminal offense, general criminal offense, and alleged corruption. The actors involved were thought to be high-ranking government officials. Based on the Result of BPK Investigation No. 64/LHP/XV/11/2009, the problem of Bank Century actually began since the beginning, from the merging process to the controversial bailout funds in the amount of Rp. 6.7 trillion. It is not impossible that the series of violations can be argued as a series of crimes, or at a minimum, a series of violations against banking regulations. This case became more sensitive when connected to a flow of campaign funds for ensuring the victory of a certain presidential candidate during the 2009 Presidential Election. Many parties were of the opinion that the Bank Century scandal served as one contributor to the relentless efforts to weaken and to attack the KPK. At the time, KPK was investigating that mega banking and political scandal.

In other words, the interconnection between various anti-KPK interests, Century bailout scandal, judicial mafia interest, and the dislike of a number of law enforcement institutions leaders have made the phenomenon of weakening the KPK stronger. And, all of this occurred during the era of Yudhoyono administration, particularly during the period when the political commitment of the Government to eradicate corruption was fast fading.



Foto Dok. Media Indonesia / Gino F. Hadi



ICW 2009: At a Glance

The Indonesia Corruption Watch (ICW) was established in June 21, 1998, in the midst of the reformation movement to create a post-Soeharto Government that is democratic and free from corruption, in order to achieve public prosperity.

The idea to establish this institution was initiated by several public figures who were distressed and concerned with the various social economic and political problems created by the kleptocracy of the New Order regime, which threatened the livelihood of the Indonesian people. The 1997 economic crisis, which very nearly paralyzed the livelihood of the Indonesian people, served as an important lesson for the Indonesian nation about the pervasive corruption practices at all levels of the Government and the business sector.

The kleptocracy of the New Order rested on the centralization of political and economic power in the hands of the president, without the presence of transparency as well as public accountability. Political elites and business conspiracies, supported by loyal military power, have made the Kleptocracy of the New Order able to maintain its power for 32 years. Soeharto's power was practically untouchable, since the DPR has been subordinated and the civil society was powerless due to powerful regimentation. There was practically no division of power, and thus the checks and balances governing state and civil society relations were interfered.

Although President Soeharto is no longer in power since May 1998, and despite the fact that Indonesia has entered an era of democratic governance, does not necessary result in the lowering of corruptive practices. Political and business conspiracies, which for a long time have successfully dominated almost all economic and national politics resources, will constantly try to find new pattern of relations that fits the political power fragmentation situation post 1999 Election.

The main source of corruption that is prevalent in Indonesia comes in the form of political and business patronage. Even though the relation is no longer permanent and has been greatly fragmented post Soeharto, the problem cannot merely be resolved by building institutional reform in the framework of good governance, as encouraged by multilateral donor agencies. More than that, what is needed is a basic reform in the relation between the state, the people, and the market, hence creating a more balance relation.

Since the main actors of corruption are Government and the private sector, with the people representing the main victim, ICW believes that the anti-corruption movement must rest upon empowerment of the people to serve as a balance to the conspiracies between political elites and business. In this regard, our mission is to empower public participation in monitoring the government and the monitoring the process of public policies development, as part of the struggle to build political, legal, economic, and bureaucratic systems that are free from corruption and are based on social justice.

Around the period of the 2009 Legislative Election, ICW collaborated with several elements of the public from several regions to push for the establishment of the National Movement to Not Vote for Corrupt Politicians (GNTPB). The movement was intended to serve as a political education for the people to vote for politicians with more quality, and more committed to the people and with no problems during the last election.

When the Corruption Eradication Commission (KPK) began to be weakened through various efforts and means, and suffered criminalization through its leadership in KPK, we, together with several public elements, pushed for the birth of a social movement "LOVE INDONESIA AND LOVE KPK" (CICAK). This movement eventually spread to several

“ICW was successful in exposing high-level corruption scandals, including the Bank Bali and Texmaco cases, as well as played a significant role in bringing down Attorney General Andi Ghalib. The focus of ICW was activism. Establishing close relations with the media, ICW worked like a detective with an undepleted energy. Out of all the legal NGOs, ICW has been the most with direct influence on the people.”

- Tim Lindsey, Professor of Law Faculty, University of Melbourne (quoted from the article “Anti-corruption and Civil Society,” Book 4 Stealing the People’s Money, Finding New Paradigm, publisher Aksara, Jakarta, year 2002)

regions in Indonesia, and at the same time provided moral support to fight against efforts seeking to weaken the KPK and to “return” Bibit Samad Riyanto and Chandra Hamzah as members of the KPK leadership.

ICW was one of the representatives of civil society in Indonesia during the United Nations Convention on Eradicating Corruption that was held in Doha, Qatar, in November 2009. The independent report from civil society that was delivered during the convention was related to the condition of the eradication of corruption in Indonesia, particularly the effort to weaken the KPK.

Using all of its resources, ICW routinely conduct active monitoring, analysis, and reporting of corruptive practices that occur in the executive, legislative, and judicative environment, as well as in other external agencies. ICW is also critical to Government performances and policies which it viewed as not supportive to the effort to combat corruption, as well as active in monitoring a number elections for public officials, such as candidates for members of parliament, president and vice president, as well as candidates for supreme court justices and ad hoc justices of the Anti-Corruption Court, and candidates for members of the State Audit Board.

Those tasks are implemented by 5 (five) divisions in ICW. The five divisions included the Legal Division and Judicial Monitoring, Monitoring Public Service Division, Budget Monitoring and Analysis Division, Political Corruption Division, and the Investigation and Publication Division. The works of these Divisions are fully supported by the secretariat and the financial department.

The year 2009 was also filled with changes in ICW management. The position of Coordinator of ICW Working Committee changed hands from Teten Masduki to Danang Widoyoko. To widen its support and ownership, ICW also changed its legal status from ICW Foundation to ICW Association. These changes are expected to be able to response to various challenges in the effort to eradicate corruption in the future, which is predicted to become more difficult and complex.



Foto Dok. Media Indonesia / Gino F. Hadi

ACTIVITIES ICW 2009

ICW’ activity on 2009, conducted by Political Corruption Division, Public Service Monitoring Division, Law and Judicial Monitoring Division, Investigation and Publication Division, and Budget Monitoring and Analysis Division

POLITICAL CORRUPTION DIVISION



In 2009, the Political Corruption Division concentrated on various agendas that relate to the transition of political leadership. Contextually, this was related to;

1. The conclusion of the term for members of DPR RI and DPRD in Indonesia
2. Preparation and Administration of the national 2009 Legislative Election and the President and Vice President Election
3. New political leadership based on the result of the 2009 Election
4. Preparation of the 2010 Elections of Regional Heads

With regards to the agenda of political transition as stated above, several implemented activities, both of a programmatic nature as well as responding to an issue, became advocacy agendas that was conducted in collaboration with a coalition of civil society groups. Below is a summary of the thematic advocacy conducted by the political corruption division throughout 2009.

No.	Context of Issue	Program/Advocacy	Output
1	Transparency and Accountability of Political Finance	<ul style="list-style-type: none"> • Monitoring Campaign Finance Funds • Training on covering and investigating election • Collaboration to monitor Electoral Corruption with Bawaslu • Development of a Position Paper on Campaign Funds 	<ul style="list-style-type: none"> • Result of the investigation of the manipulation of Electoral campaign finance • Establishment of a network of critical journalists in Jakarta, Semarang, Yogyakarta, Meda, Surabaya, and Makassar • Development of a module on monitoring and training Election Supervisor in Indonesia • A paper on the result of the evaluation of campaign finance and Recommendation for Reforming Policies
2	Improvement in the Performance of Parliament	<ul style="list-style-type: none"> • Encourage the Strengthening of DPR RI Board of Ethics • Encourage DPR and DPRD candidates with Integrity • Push for a Performance Standard during DPR RI Recess period • Strengthening the Effectiveness of Monitoring DPR Budget through analysis of the result of BPK semester Audit 	<ul style="list-style-type: none"> • Position paper relating to DPR RI Board of Ethics • Campaign finance reporting standard and candidates wealth reporting standard • Campaign to not vote problematic politicians • Monitoring and evaluation format of DPR RI Recess • Workign paper on the strengthening of the budgeting monitoring function of DPR
3	Public Budget Accountability for Political Interest	<ul style="list-style-type: none"> • Study on the Increase of Funds for Social Aid during Election • Study on Usage of State and official facilities for Electoral interests • Study on legal gaps that strengthen Oligarchy 	<ul style="list-style-type: none"> • Result of the study on the increase in allocation of funds for social aid and usage of state and official facilities for electoral-related interests • Study on legal gaps that strengthen oligarchy

Through support from DRSP, ICW conducted three programs relating to election. First, to push for a National Election Commission (KPU) Regulation on campaign finance that is transparent and accountable. ICW sought to formulate a framework for KPU Regulation on guidelines for recording and reporting campaign funds during the 2009 election. In its advocacy, ICW synergized with the IAI (Association of Accountant in Indonesia) and IAPI (Association of Public Accountant in Indonesia). Second, encourage Candidates with Integrity. The form of integrity commitment offered was the Declaration of candidates' wealth and candidates' campaign funds report, as part of an indicator that points to a candidate with quality and with the spirit of anti-corruption. This



Training Jurnalis soal Peliputan Korupsi Pilkada di Makassar, Juni 2009

activity received a positive response from contesting legislative candidates, as evident from the number of legislative candidates that participated in the declaration event in four cities, including Jakarta, Surabaya, Makassar and Jogja. Third, Evaluating 2009 Electoral Campaign Funds, which was conducted to review how far were the campaign finance activities during the election period were in accordance to the relevant regulation. This evaluation was expected to serve as an input during the drafting of future electoral regulations, particularly which relates to regulation on campaign finance. Still relating to Election, the Political Corruption Division of ICW received funding support from TIFA to also conduct several activities that sought to ensure a more democratic voting process. The first was the Training on Monitoring Electoral Corruption. With regards to electoral monitoring, ICW conducted trainings on monitoring electoral corruption to electoral observer groups in regions that serve as electoral corruption monitoring objects. The trainings were held in four cities, including Jakarta, Jogja, Semarang, and Surabaya. The electoral corruption trainings significantly helped observer groups in those regions in their effort to monitor and investigate corruption practices during the election.

Second, Monitoring Electoral Corruption. After the trainings were conducted, the activities were followed by monitoring corruptive practices during the legislative and presidential election. Based on the result of the monitoring conducted by ICW with its regional working partners, there seemed to be many occurrences of violations by electoral contestants, including administrative violations as well as criminal offense violations. As a follow-up to the findings, ICW and its network of electoral observers in the region reported its violation findings to the Electoral Supervisory Body (Bawaslu) at the national level as well as to the Electoral Supervisory Committee (Panwaslu) at the regional level. The observation activities were conducted during the period of the legislative and presidential election. ICW, through its Political Corruption Division, also received funding support from donor agency IFES for activities relating to the general election. Activities conducted

included Training on Critical News Coverage for the Media. Bearing in mind the important role of the media to build a more quality democracy, ICW established synergy with media groups to make electoral corruption issues as one important aspect of electoral monitoring. The efforts by ICW to support this was by providing trainings on critical electoral coverage, particularly which relates to electoral corruption.

The journalist trainings involving several journalists at the local level were held in five cities, including Jakarta, Medan, Semarang, Jogja, Surabaya, and Makassar. The result of the trainings provided positive benefits, as evident in the form of critical media monitoring, particularly in media coverage of issues that relate to electoral corruption in several regions.

Other program supported by IFES was evaluating the law enforcement of campaign funds during the 2009 Election. The portrait of campaign finance violations that occurred during the 2009 election naturally led to questions, how far has the law been enforced with regards to these violations. It is in this context that ICW facilitated the evaluation activity on the law enforcement regarding campaign funds during both the legislative as well as the presidential election. The evaluation was also held in five cities, including Jakarta, Medan, Semarang, Jogja, Surabaya, and Makassar. The result of the evaluation in those cities demonstrated that the enforcement of the law towards violations of campaign funds regulation during the 2009 election has not been maximal.

In addition to the activities supported by donor agencies, throughout 2009 there were several non-program activities (without donor support or through volunteering mechanism), which was conducted by the Political Corruption Division in collaboration with several Civil Society Organizations that formed a Coalition.

Evaluation of DPR Performance

Within the scope of work of the Political Corruption Division of ICW, the activity conducted was the evaluation of DPR Performance at the end of its term. The evaluation was conducted in collaboration with the Coalition to Improve DPR Image, which consisted of several NGO groups including PSHK, Formappi, IBC, IPC, the Initiative Institute, and others. This evaluation resulted in several important findings; one of them was that DPR represented an institution vulnerable to political corruption, as evidenced by the number of DPR members during the 2004-2009 involved in corruption cases, such as the BI fund flow case, the conversion of forest function case, and other corruption cases.

National Campaign Movement to Not Vote for Corrupt Politicians (Ganti-Polbus)

Ganti-polbus represented a joint agenda with NGO networks during the 2009 election. The movement was intended to build the political awareness of voters not to vote for questionable politicians. The indicator for questionable politicians included not practicing corruption, not a corruptor, destroyer of the environment, human rights violators, violence against women/immorality, public service/distributive policy. The Ganti-Polbus movement was also organized in at least 14 cities distributed around several regions in Indonesia.

In addition to the non-program activities stated above, the Political Corruption Division of ICW, together with the Coalition to Improve the Image of DPR, also reported a number of cases involving DPR members to the Board of Ethics. ICW, together with IBC and TII as members of the Independent Monitoring Organization (IMO), also reported a case on alleged corruption in the KPU procurement of Information Technology to the KPK. Lastly, the Political Corruption Division also conducted several advocacy activities in relation to the Bank Century Scandal case.

Activity Achievement:

Transparency and Accountability of Political Funds

Several positive results as a result of ICW efforts with regards to the issue of transparency and accountability in the 2009 election political funds included establishing electoral corruption monitoring in several regions during the legislative and presidential election. The monitoring process began with trainings on electoral monitoring by ICW to several ICW network partners in the regions. The 2009 electoral political funds monitoring was conducted together with ICW network partners in five regions, including Jakarta, Semarang, Jogja, and Surabaya. The result of the monitoring found a number of violations regarding the campaign funds of electoral contestants, which was duly reported to the Panwaslu and the Bawaslu.

In addition to conducting monitoring activities in various regions, ICW also built synergies with media groups by establishing critical journalists' network in Jakarta, Semarang, Jogja, Medan, Surabaya, and Makassar. This network was built as part of an effort to encourage critical news coverage on election. ICW synergy efforts to encourage critical electoral coverage took the form of providing trainings to several media groups. These activities resulted in several critical electoral coverage, particularly which relates to electoral corruption in a number of regions. The media coverage was around the following regions: Jakarta, Medan, Surabaya, Semarang, Jogja, and Makassar.

Other achievement by ICW was synergizing with Bawaslu to encourage electoral corruption monitoring. The form of synergy included synergy in conducting electoral corruption monitoring. Some of the synergy agenda that was implemented included drafting a module on electoral corruption monitoring. The guideline/module to monitoring electoral corruption was used by the Bawaslu and the Panwaslu as an instrument to conduct monitoring activities, particularly activities to monitor electoral corruption. The synergy between ICW and Bawaslu was used to follow-up several findings of electoral corruption violations.

With regards to the implementation of the 2009 election, particularly which relates to the implementation of political financing in election, ICW drafted an evaluation paper and provided a recommendation on the implementation of political financing during the election period. This position paper described several critical points noted by ICW on the implementation of campaign funds during the election, starting from the regulation aspect, administrator, electoral contestant compliance, as well as law enforcement aspect or the issue of campaign financing during election. The position paper also provided several recommendation regarding improvement in the regulation and in electoral administration, particularly which relates to the issue of political financing in election.

Improving the Performance of Parliament

As part of an effort to improve the performance of parliament, ICW conducted the following activities: first, pushing for the Strengthening of DPR RI Board of Ethics. Activities conducted included providing input in the form of strengthening the institutional authority of the DPR RI Board of Ethics (BK). A strong DPR RI Board of Ethics is important due to its institutional strategic role as an element of control on the Ethics of DPR members, particularly which relates to building a clean parliament with integrity. Second, during the election process, ICW viewed it important to encourage the commitment of DPR/DPRD candidates with integrity. In this regard, ICW offered the candidates the chance to declare their wealth and report their campaign funds for the election. These activities were appreciated in several regions, including Jakarta, Jogja, Semarang, Surabaya, Malang, and Makassar. During the election momentum, as part of a political education agenda for voters, ICW was also actively involved in the national movement network to not vote for corrupt politicians (GANTI-POLBUS). Third, as part of an effort to build the spirit of accountability in the performance of DPR, ICW provided a format for monitoring and evaluating the performance of DPR RI during the recess period. This monitoring and evaluation format provided a more measurable instrument to review the performance aspect of DPR members, particularly during the recess period.

Accountability in Public Budget for Political Interest

Still related to the momentum of election, in order to encourage transparency and accountability in public budget that is potentially vulnerable to misuse seeking to ensure electoral victory, ICW criticized the potentials for exploitation of policies and state facilities. This was conducted as part of an effort to guard against abuse of authority by public officials for electoral interest. This critical study included a study on the increase of social aid funds during the election period. The object of the study was to review social aid funds in APBN, since there were several populist programs that were vulnerable to exploitation in order to gain voters support. The result of the study, in addition to being a Public Accountability Review, was also presented to Bawaslu as a material to caution against the misuse of state facilities in the interest of gaining electoral victory. In addition, ICW also conducted a study on legal gaps that strengthen oligarchy.

PUBLIC SERVICE MONITORING

Pushing Towards Quality Education

To ensure that the budget for education is used maximally for the interest of education, in accordance to its mandate, ICW 2009 strategy focuses on three issues: first, conduct in-depth study on education budget and on Special Allocation Fund program for the Education sector; second, encourage a participative and gender-perspective drafting of educational budget (Budget Revenue and Expenditure for Schools); third, strengthen the network of educational budget observers and conduct advocacies that relate to educational issues.

Research on Education Budget

The result of ICW study on national education budget policy demonstrated that the government only “tinker” with budget calculation by inserting a component for educators’ salary and educational offices in order to get around the constitutional mandate, particularly regarding the 20 percent budget allocation. In addition, the budget allocation managed by the Department of National Education was not used maximally for the interest of public service. At the same time, the mechanism of budget distribution and usage is still based on a project system, which makes it vulnerable to exploitation.

Meanwhile, the research on the Special Allocation Fund for education successfully illustrated corruptive patterns within the programs on rehabilitating school buildings and supplying learning tools for schools. Beginning from officials of the Department of National Education, educational offices in the regencies, to principals, there is a strong tendency of misusing the Special Allocation Funds for education. Various modus exists, including from opening “tender” that leans towards bribery, holding up budget, mark up and mark down, as well as embezzlement. As a result, even though the total allocation for DAK for the last couple of years reached Rp. 27 trillion, problems relating to schools’ buildings and availability of learning tools continue to emerge.



A free and quality education is the constitutional rights of each citizens of this country. Unfortunately, based on the research conducted by the Public Service Monitoring Division of ICW on 2007 and 2008, the cost of education borne by parents is increasingly on the rise. Meanwhile, the quality of education increasingly dropped, as demonstrated by the condition of school buildings and the minimal infrastructure to support learning activities. Systematic corruption in the education sector contributed significantly to the pitiful condition of the national education.

Participative APBS (Educational Budget and Expenditure for Schools), Together Managed Educational Budget

The objective of drafting a participative APBS that takes into account gender perspective is to strengthen the ability of school's stakeholders, such as parents, committees, and teachers during the budgeting process. Two regions served ICW pilots: Kabupaten Garut and Kabupaten Tangerang, with 10 elementary schools from each Kabupaten serving as pilots. In Kabupaten Garut, ICW collaborated with a local partner, Garut Governance Watch, while in Tangerang ICW collaborated with the Association of Teachers in Tangerang.

In addition to holding technical trainings on developing APBS for stakeholders, ICW continued to conduct assistance to principals from pilot schools. The result, from a technical perspective, was that the stakeholders of the schools now possessed the ability to develop APBS and implemented it directly in schools. From a relation perspective, the positions of parents became stronger, they will no longer only be observers, but actors involved in the process of developing schools policies.

Advocacy for Education

A number of advocacy activities conducted by ICW during 2009 included filing a judicial review against the Law on Educational Institution to the Constitutional Court, opening up complaint posts regarding new students, conducting monitoring of teachers' certification and implementation of National Examination, criticizing the School Operational Assistance and Free School programs, conducting a study on Special Allocation Funds for Education, as well as reporting several corruption cases on education to the KPK.

ICW collaborated with the Coalition on Education to develop a five-year evaluation report on the condition of education, both from the service perspective as well as from the corruptive practices tendencies. In general, the result demonstrated that the Department of National Education failed to carry out the mandate of the 1945 Constitution as well as failed to reach the target as stated in the 2004-2009 educational strategic plan. The Department of National Education also produced several controversial policies, such as the National Examination and educational voucher. In addition, corruptive practices continued to exist at all levels of education administrators.

In relation to increasing the capacity of its network, ICW collaborated with Coalition for Education and Schools without Boundaries in conducting assistance and several trainings on teachers' transformation, techniques on writing a good article, as well as analysis on APBN and APBD. The group of teachers and parents that is part of the working network were located in Lebak, Serang, Cilegon, Tangerang, City of Tangerang, Banten, Garut, Purwakarta, Brebes, Tegal, and Medan.

The People is Healthy, the People is Empowered

Even though the state constitution guarantees the rights of citizens to obtain medical services, each year millions of people were left to suffer from their disease due to lack of money to get medical treatment. The data from the Indonesian Doctors Association (2009) states that approximately 120 million people in Indonesia was not able to receive medical treatment or have not received health care insurance. Though in general many were not categorized as poor, since they suffered sickness they faced difficulties or were not able to pay for medical treatment.

In addition to minimum budget for the health sector, privatization of hospitals and corruption represent another factor that made it difficult for the people, particularly those who are poor, from obtaining medical services and resulted in the significant increase of medical costs.

Thus, during 2009 ICW conducted several activities as part of an effort to fulfill the rights of the people to get medical treatment. One of the implemented activities included providing Citizen Report Card for hospitals in Jakarta, Bogor, Tangerang, Depok, and Bekasi. This activity was intended to encourage people's participation in demanding quality and affordable medical treatment. The people, particularly those who were poor and women who have health care insurance and Gakin card, were particularly encouraged to report on the medical treatment received from hospitals.

There were at least three steps in the CRC activity in hospitals. First, mapping of problems relating to hospital services through qualitative and quantitative research. Second, public strengthening such as by sharing information. Third, conducting advocacy by socializing the result of the evaluation by the people to policy makers, such as the Ministry of Health, Commission IX of DPR RI, health offices, and DPRD in Jabodetabek.

In 2009, ICW reported a case alleging corruption in the procurement for the Program on Breast Milk Supplement Food (MP ASI) that was conducted in 2006 to the Corruption Eradication Commission. The total amount of money allegedly corrupted from the project amounted to Rp. 26 billion, which involved several officials from the Ministry of Health. KPK has started to follow-up the report from ICW.

In addition, ICW collaborated with several institutions, such as LBH APIK, to criticize the drafting process of the Law on Health. Together with the Coalition of Anti-Corruption on the Clause on Cigarette (KAKAR), ICW conducted advocacy activities relating to the missing clause on tobacco (clause 113 paragraph 2) in the Law on Health, which was promulgated during a DPR RI plenary meeting. Allegedly, the clause went missing not due to administrative problem, but was intentional and as a result of active lobbying by cigarette companies to certain individuals in DPR RI.

ICW, together with KAKAR, reported the missing clause on tobacco to several institutions such as DPR RI Board of Ethics and the Corruption Eradication Commission. Due to strong pressure from KAKAR and the public, the missing tobacco clause was eventually returned to the Law on Health. However, KAKAR continued to demand that relevant apparatus conduct investigation on the factors that resulted in the missing clause, including examining parties that were involved.



Haji Pilgrimage without Corruption

In addition to the sectors on education and health, ICW also conducted monitoring and advocacy activities relating to the administration of haji pilgrimage. Though possessing strong religious nuance, the administration of haji pilgrimage has always been filled with corruptive practices.

Bountiful of money always act as a 'magnet' for many people to enjoy the benefits unlawfully obtained from administering the haji pilgrimage. Each year, approximately 205 thousands of people carry out haji pilgrimage. At a minimum, each must pay Rp. 30 million, so that the total amount accumulated reached more than Rp. 6 trillion. This number has yet to include additional allocation from the State Budget Revenue and Expenditure, and Regional Budget Revenue and Expenditure.

Two activities were implemented by ICW. The first was reporting on alleged corruption; second, criticizing the drafting of the Cost for Administering Haji Pilgrimage 2009/1430 H; third, conducting advocacy to reform the administration of the haji pilgrimage.

The alleged corruption in the administration of the haji pilgrimage consisted of taking USD 2 million from the USD 8.8 million of funds from the Religious Community Endowment Fund (Dana Abadi Umat) that was needed to pay for catering and flight costs. The money taken was used for the personal interest of the Minister of Religion Muhammad Maftuch Basyuni in the amount of Rp. 807 million, as well as to pay for the official travel of members of Commission VIII of DPR. In addition, there was also a finding of alleged gratification from BPIH 2005 to members of the DPR working committee and the Ministry of Religion in the amount of Rp. 1.2 billion.

In addition, ICW also criticized the Cost for Administering Haji Pilgrimage (BPIH) for the 2009/1430 H period, including the deliberation process as well as the amount of funds agreed by the DPR and the Ministry of Religion. On June 15, 2009, the Ministry of Religion and Commission VIII of DPR reached an agreement on the amount for BPIH 2009, which meant an increase of US\$.38 (for the dollar component), from US\$.3.388 (2008) to US\$.3.426, and a decrease of Rp.401.000 (rupiah component), from Rp.501.000 (2008) to Rp.100.000.

ICW, however, found irregularities in the calculation of several haji expenses (BPIH), in which the Ministry of Religion and DPR both claimed to have increased, including the cost of lodging in Mekkah, lodging in Madinah, consumption, as well as component on indirect cost. This is surprising, and of particular surprise was the agreed cost of flights (the biggest component in the haji administration) which should have decreased along with the decreased cost of world oil. Thus, according to ICW calculation, the Cost of Administering Haji for 2009/1430 H should have been lower than the previous year. Average decrease should be around 17, 18 percent or amounting to US\$584 or Rp.5.8 million, with a rate of exchange of Rp. 10.000.

In addition to monitoring and reporting on irregularities, ICW collaborated with the Forum for Reforming Haji to campaign for reform in the administration of haji by pushing for a review of the monopoly rights of the Ministry of Religion, improving management, and recommending a minimal standard of haji services. A number of institutions were visited, including the DPR, DPD, as well as the Presidential Advisory Council.

SCHOOL FOR ANTI ILLEGAL LEVIES, BEGINNING FROM GARUT

Schools, particularly at the elementary level in Kabupaten Garut, West Java, are frequently the target of extortion by "bodrek" reporters, members of NGOs, as well as bad elements in the office of education. Particularly during the period of allocation of funds for activities or for projects from the national as well as regional government, such as School Operational Assistance, Special Allocation Funds, or other assistance.

Various methods were used so that these unsavory people received a "cut" from the schools, including through persuasion, demonstration, to threatening. In one day, schools can be visited by three to five "uninvited guests." As a result, many of the funds were used to pay for these guests, thus disturbing the main activities of school. As a consequence, schools are left with only two choices, asking for additional money from parents or letting the learning activities run regardless of limitations.

However, for several pilot schools in the participative APBS program with a gender perspective in Kabupaten Garut, they are no longer disturbed by uninvited guests. "Bodret" journalists and NGOs, as well as bad elements in the office of education, were afraid to extort money since they know that those schools were assisted by the Indonesia Corruption Watch and the Garut Governance Watch.

In addition, the presence of a democratization process in schools, which was encouraged by the participative APBS program with a gender perspective, have made the committee and parents more aware and observant of the schools. They were also involved in the development of the APBS. Thus, when someone sought to extort money from the school, the committee and parents will be involved to defend the school. Schools without illegal levies have begun in Garut; other regions are waiting to be infected with the same condition.

LAW AND JUDICIAL MONITORING DIVISION



Foto Dok. Persdanelektronik / Bian Hanansa

In reference to the law enforcement of corruption cases in 2009, we were faced with an ironic situation. KPK, as the only agency that can answer to the hope of the people for eradication of corruption, became the recipient of relentless attacks from various directions.

This weakening effort was in response to the work of the KPK in exposing legal mafia, business mafia, and political mafia. The axis of power struggled to weaken KPK through various means, starting from the poor quality of the draft Bill on the Anti-Corruption Court and the draft Bill on the Corruption Court to the attempt to take away the prosecution authority of KPK, as demonstrated during deliberation on the draft Bill Anti-Corruption Court. The police also endeavored to criminalize two of KPK leaders, Bibit Samad Riyanto and Chandra M Hamzah. The naming as suspects of the two leaders cannot be viewed as merely an attack to two individuals, but an attack to the institution of the KPK.

Monitoring the Performance of the Office of the Attorney General

In 2009, the performance of the Office of the Attorney General has not showed significant improvements. The HMP Division specially gave a red mark, both to the Institution of the Attorney General Office as well as to the Attorney General. Thus, several times ICW demanded the dismissal of the Attorney General. Demands to remove Attorney General Hendarman Supandji strengthened and spread to the regions ever since the revelation of the wiretapping scandal between Anggodo and high-level officials of the Attorney General Office and the National Police. Unfortunately, President SBY persisted in retaining the Attorney General in office. The red mark report of HMP Evaluation was based on the following indicator:

a. Bureaucratic reform program

Reform priorities that have been declared since July 2005 stalled. The main obstacles contributing to the failure of reform was due to the minimal internal commitment from the office of the attorney general, weak monitoring of reform program implementation, low transparency, and even the most omprehensive understanding of reform tended to be simplified and limited to "salary increase."

FIGHTING AGAINST THE WEAKENING OF THE KPK

Since the establishment of the KPK, efforts to weaken the KPK continue to emerge. During the 2009 period, these efforts were particularly intense, and one means was through developing a scenario and engineering a legal process against two KPK leaders, Bibit Samad Riyanto and Chandra M Hamzah.

It began with the statement of Susno Duadji of the Criminal Investigation Department (Kabareskrim), who termed the KPK as lizards and the Police as crocodiles. This metaphor built into a movement of Lizards against Crocodiles, turning it into a symbol of resistance against the criminalization of KPK leaders by the National Police. CICA then became the abbreviation of the term Love Indonesia Love KPK (Cinta Indonesia Cinta KPK).

After the declaration on July 12, 2009, in which ICW was part of the initiation, the CICA movement spread to various regions. The waves of CICA protests aggravated the Presidential House. The President intervened as he formed Team 8 to evaluate the legal process of the two KPK leaders. The result, Team 8 recommended that the case of Bibit and Chandra be stopped. The Attorney General finally issued SKP2 (Letter to Decision to Stop Prosecution).

Nevertheless, the effort to weaken the KPK did not completely stop. Failing to drag KPK leaders to jail, the Government initiated Draft Government Regulation (RPP) on Wiretapping. When viewed from the perspective of its spirit, this draft government regulation was very controversial since it threatened the independence of the KPK, as well as violated Law number 30 year 2002, and even contradicted two Constitutional Court decisions (year 2003 and 2006). From the substantial perspective, the Draft Government Regulation on Wiretapping represented a form of executive intervention against the KPK, since the KPK would be forced to undergo a bureaucratic process before it can conduct wiretapping. To this day, ICW continues to advocate for the cancellation of the draft Government Regulation on Wiretapping by the Government.

b. In managing “naughty” prosecutors

Throughout 2009, several irregular deviations were exposed, such as the active involvement of several high-level prosecutors in big scandals, embezzlement of evidence, selling of drugs, and others. Strong sanctions were not given in all of these cases, thus triggering other similar cases..

c. Management of Corruption Cases

From a quantity and quality perspective, the management of corruption cases by the Office of Attorney General was far from satisfactory. ICW noted that up to 2009, there were 40 high-level corruption cases that have not been concluded by the Attorney General Office. Eight of those cases have been around since 1998/1999. The habit of dragging out corruption cases clearly threatened the meaning of judicial enforcement, and frequently resulted in new corruption potentials.

Moreover, there exist the tendency to stop (SP3) several big corruption cases, such as BLBI, Credit Liquidity for BPPC, VLCC super tank scandal, and ABRI social insurance funds case that amount to USD 13 million.

d. Poor management of state funds

From the aspect of discipline management of state funds, BPK has yet to stop giving a “disclaimer” opinion. BPK Audit for 2004 until 2008 noted that repayment funds amounting to Rp. 5.64 trillion and USD 207 have not been reconciled in the state treasury. BPK report to the Office of the Attorney General stated 33 examination findings, which allegedly contained criminal corruption of Rp. 13.16 trillion. The status of the handling of the case was left unclear.

Monitoring the Performance of the Supreme Court

a. Placing Career Judges in Anti-Corruption Court

ICW successfully advocate for the cancellation of appointing 9 career judges to the Anti-Corruption Court,

as it argued that it violated the stipulations of relevant laws. On Marcy 18, 2009, the Chief Justice of the Supreme Court issued Decree No 041/KMA/K/III/2009, which contained appointment of 9 (nine) career judges for the Anti-Corruption Court.

ICW rejected the appointment of the 9 judges since the appointment itself contained several irregularities and problems, including:

- The selection process of the career judges for the Anti-Corruption Court went against Law No 30 Year 2002 on KPK, which did not fulfill the principles of transparency and participatory.
- The integrity and commitment of six of the nine judges were doubted since they have at one point freed suspects of big corruption cases
- The motive of substituting judges must be questioned, since it was sudden.
- Strong potential to weaken the Anti-Corruption Court and the KPK

The Chief Justice of the Supreme Court eventually retracted the Decree and thus cancelled the appointment of the 9 judges, due to pressures from ICW.

b. Management of Corruption Cases

Based on ICW perspective, the General Court continued to be a “heaven” for light sentencing for defendant of corruption cases.

Based on Indonesia Corruption Watch monitoring throughout 2009, out of 199 corruption cases with 378 defendants that were examined and sentenced by courts throughout Indonesia, 224 defendants (59,26 %) received a not guilty verdict from the courts. Only 154 defendants (40,74%) were pronounced guilty.

Though some received the guilty verdict, it cannot be said that the verdict has a deterrent effect to corruptors. Around 82 defendants (21,69%) were sentenced to less than 1 year of prison time. 23 defendants received 1,1 to 2 years of prison time (6,08%), 26 defendants were sentenced to 2,1 to 5 years of prison time (6,88%), and 6 defendants were sentenced to 5,1 to 10 years of prison time (1,59). Only 1 defendant was sentenced to above 10 years (0,26%). Of significant concern was the fact that 16 of the defendants of the corruption cases received conditional punishment (4,23%).

Corruption Cases decided in a General Court Year 2009

	Number of defendants	Free Verdict	-1 year Verdict	1,1 -2 years Verdict	2,1-5 years Verdict	5,1-10 years Verdict	More than 10 years Verdict	Conditional Punishment
Defendant	378	224	82	23	26	6	1	16
%	100	59,26	21,69	6,08	6,88	1,59	0,26	4,23



Foto Dok. Raka Deny



Foto Dok. Afriadi Hikmal

Several things need to be reviewed based on the number of court cases that were tried in a General Court throughout 2009. First, there was an increase from previous years in the number of verdict that freed defendants, dominating other types of verdicts. Thus, from 2005 until 2009 there were at least 883 corruption defendants who received a not guilty verdict from the General Court.

Second, the phenomenon of conditional punishment for corruptors was widespread. Until the end of 2009, at least 16 corruptors received the verdict of conditional punishment. In general, they were sentenced to 1 year prison time, with conditional time of 2 years. The number of this type of verdict greatly increased compared to the previous year, in which only 10 corruptors received that verdict. With this condition, it can easily be said that defendants need not undergo punishment even though they have been pronounced as guilty. There seemed to be an effort to “go around” the law by court judges when they gave the conditional punishment verdict.

Advocacy on the Selection Process of Candidates for Supreme Court by the Judicial Commission

The selection process of candidates for Supreme Court justices represents a critical stage to ensure that future Supreme Court will be filled with knowledgeable and clean people. During the 2009 selection process, ICW collaborated with a coalition to provide input regarding the 35 candidates undergoing the last selection stage of the Judicial Commission, in which names will be submitted to the DPR to undergo a fit and proper test. Out of the 35 names, the coalition classified 25 names (71,43%) into the problematic category. Only 3 candidates were prominent in their commitment and experience in the legal environment. The qualification of the other 7 candidates was doubtful. The result of the background tracking was submitted by the coalition to the Judicial Commission to serve as consideration in the decision making process.

Advocacy on the Legislation Process of the Anti-Corruption Court Bill

Based on ICW perspective, the deliberation of the draft Bill on Anti-Corruption Court throughout 2008-2009 ran slow, not transparent, and not participative. Some of the deliberation even took place outside of the DPR building, wasting state funds. The substance of the draft was also problematic since it did not strengthen the Anti-Corruption Court, and instead leaned towards weakening the institution.

Approaching the end term of DPR members for the period of 2004 – 2009, what emerged were clauses to curtail the prosecution authority of the KPK and to return the prosecution authority only to the hands of the Office of the Attorney General. ICW viewed that the strategic issue lay at the plan to revoke the prosecution authority and the bureaucratization of wiretapping for KPK. Due to the advocacy activities conducted by ICW, DPR eventually gave prosecution authority to the KPK.

INVESTIGATION AND PUBLICATION DIVISION

Throughout 2009, ICW has received 470 reports from the people. Out of that amount, 12 cases were reviewed and advocated/reported to law enforcement institutions. 47 cases were found to have no elements of corruption, while 411 cases are still under review by the investigation team.



The Investigation and Publication Division (INPUB) is a division that was established to implement the basic function of ICW as the people’s commission to investigate corruption. Thus, in the implementation of its role, this division is more focused on receiving complaints from the people and to then coordinate the handling of the complaints received (advocacy) with the entire ICW members.

The following is a list of cases throughout 2009 with indication of corruption, both at the national level as well as at the local level, which has been advocate upon

No	Alleged Corruption Case i	Advocacy		Development
		Litigation	Non Litigation	
1.	PT Kereta Api Indonesia	Reported to the Office of the Attorney General	Media Campaign	Still reviewed by the Office of the Attorney General
2.	PT Angkasa Pura I	Reported to the KPK	Media Campaign	Cannot be follow-up since calculation data on the exact state loss has not been found
3.	Sismiop at the Directorate General of Tax	Reported to the KPK	Media Campaign	Submitted to the Department of Enforcement
4.	MP- ASI	Reported to the KPK	Media Campaign	Submitted to the Department of Enforcement
5.	Bus Trans Jakarta	Reported to the KPK	Media Campaign	Still reviewed by the KPK
6.	Procurement of KPU IT	Reported to the KPK	Media Campaign	Submitted to the Department of Enforcement
7.	Reward fee for PBB	Reported to the KPK	Media Campaign	Submitted to the Department of Enforcement
8.	Administration of Hajj Pilgrimate	Reported to the KPK	Reported to the DPR Board of Ethics	Not yet follow-up
9.	Special Allocation Funds for Education in Tasikmalaya	Reported to the District Prosecutor Office of Tasikmalaya	Reported to National Human Rights Commission and LPSK	Head of the Education Office received a guilty verdict
10.	Reward fee in Kabupaten Subang	Reported to the KPK	Reported to National Human Rights Commission	Head of the Office of Regional Revenue received a guilty verdict
11.	Special Allocation Funds for Education	-	Media Campaign	-
12.	Bank Century Bailout	-	Media Campaign	-

Investigation Competition for Young People

As part of the effort to build anti-corruption social movement, this division also sought to empower young people, particularly college students, so that they would be more sympathetic and possess anti-corruption spirit. Supported by the Ramon Magsaysay Foundation from Philippines and by Mining Advocacy Network (JATAM), ICW held investigation competition with the theme "Young People Eradicate Corruption." This activity received quite a positive response, with at least 40 groups of college students from an assortment of universities in Indonesia participating.

As part of the series of competition activities, the college students were given trainings on investigation techniques, techniques on writing reports to law enforcement, and on advocacy methods. The participants were also given the opportunity to visit national media organization (Tempo magazine) as well as visit the Corruption Eradication Commission (KPK) in order to obtain real experience on the legal approach to eradication of corruption. The first, second, and third winner of this activity was the University of Padjajaran, University of Indonesia, and University of Bojonegoro, respectively.

MONITORING THE PERFORMANCE OF THE OFFICE OF THE ATTORNEY GENERAL

With support from the Humanistic Institute for Development Cooperation (HIVOS) in 2009, ICW collaborated with working partners in the regions to monitor the performance of districts prosecutor offices in 9 regions, including DKI Jakarta, Banten, West Java, Central Java, North Java, West Sumatera, North Kalimantan, West Nusa Tenggara, and Central Sulawesi.

Based on the result of the monitoring activities, there were at least several problems found in the handling of corruption cases in the regions, including the tendency of law enforcer to prioritize quantity rather than quality, the lack of transparency in the handling of cases, and the amount of cases that were still unresolved. Due to the monitoring activities and pressure by ICW, the Office of the Attorney General conducted evaluation and improvement, particularly with regards to the handling of corruption cases in the regions.

Meanwhile, the activities implemented by ICW partners in the regions achieved some success, including first, that the monitoring activities regarding the performance of law enforcer in the regions increased public participation as they provided data/documents relating to corruption cases to ICW partners in the regions.

Second, the replacement of personnels of district attorney office personnel whose work performance in handling corruption cases were viewed as weak. Pressure from ICW partner in Central Sulawesi (PBHR), together with other anti-corruption groups, criticizing the weak performance of district attorney offices in Toli-toli, Bangkep, and Parigi Moutong, led to the High District Attorney Office in Central Sulawesi removing the head of the district attorney office of Toli-toli and to give warnings to the heads of the district attorney offices in Bangkep and Parigi Moutong.

Third, successful advocacy of corruption cases reported to the district attorney office. ICW partners in NTB, Somasi, conducted successful advocacy regarding an alleged corruption case on the distribution of PSK funds (Caring for Social Community) in Bank NTB to the special accounts of the heads of regions in the entire NTB. One of Somasi recommendation on removing the management of Bank NTB in RUPS was implemented by the Governor of NTB, and recently four management heads of Bank NTB was named as suspects by the High District Attorney Office in NTB.



Throughout 2009, the INPUB Division in ICW implemented at least 2 (two) advocacy activities with a coalition of NGOs. First, Monitoring the Establishment of National Information Commission. In accordance to the mandate of the Law on Public Information Openness, the Information Commission possessed a strategic role to guarantee the execution of transparency in information in all public bodies.

During the process of establishing the Information Commission, ICW collaborated with a coalition to monitor the selection process of candidates for members of the National Information Commission by tracking the background of candidates, providing inputs to the selection process, campaigning, and conducting a hearing with the selection committee. These efforts successfully resulted in several representative of civil society selected as members of the National Information Commission.

Second, Foiling the Deliberation of State Secret Bill. ICW also rejected various regulations that it viewed as counterproductive to the eradication of corruption. One of those regulations was the Bill on State Secret. This regulation was rejected on that ground that the drafting process lacked participation and the substance contradicted the essence of Press Freedom, Human Rights, Good Governance, eradication of corruption, and would hinder the effective implementation of the Law on Public Information Openness.

Several efforts were executed to stop the deliberation of the Bill, starting from drafting a comparable draft bill, conducting rejection campaigns, making petitions expressing rejection, as well as lobbying national figures, the Press Council, Human Rights Commission, and the Presidential Advisory Council. After the unyielding pressure, the President, through the Ministry of Defense, pulled back the draft Bill on State Secret from the deliberation process with Commission I DPR RI.

Developing the antikorupsi.org website

In 2009, ICW conducted several improvement, development, and optimalization to its website (www.antikorupsi.org), and made it an alternative media institution to distribute recommendations on corruption eradication together with all pro-democratic groups.

The website featured various assortments of news and information on corruption and on the various anti-corruption activities conducted by ICW. The amount of visitors to the ICW website amounted to 19.206 visitors per day. Visitors originated not only from Indonesia, but also from 24 other countries.

Not only that, ICW also has taken advantage of social network sites such as facebook and other social networks to widen distribution of its advocacy information, thus making it a communication tool for the people and for ICW.

Collaboration with Universities through Internship

Almost every year ICW provide internship opportunities for members of ICW partners in the regions, including college students (from Indonesia and abroad), who are concern with anti-corruption study.

In 2009, the Investigation and Publication Division accepted two internship requests from the University of Indonesia, which originated from the Criminology major and the Sociology major. Each of the internship lasted for three months. Activities conducted by the two college students included conducting research on the performance of law enforcer as well as helping to manage the antikorupsi.org website and administer complaints for the public.



BUDGET MONITORING AND ANALYSIS DIVISION



Undoubtedly, the mineral energy resources (extractive) still represent a major sector for contribution to the State revenue, in which 35% of the total state revenue originates from this sector. However, the people as owners of rich natural resources lacked knowledge and have yet to be involved in its management.

In its practice, it is largely assumed that there is a strong presence of irregularities in the management of the extractive sector, both in relation to state financial loss (alleged corruption) as well as the negative impact on the environment and the social economic loss to the surrounding communities.

From the perspective of its contribution to state and regional revenues, the result of the audit by the State Audit Board demonstrated that contribution from this sector to state treasury has not been optimal. These findings point to inflation in the recovery cost for oil and gas contractors as well as the practice of sharing the profits from oil and gas, thus contributing to state loss. Similar conditions also befell mineral and coal mining, in which there are leaks in the revenues from mineral and coal royalties.

Low Transparency and Accountability in the Extractive Sector

The low transparency and accountability in the management of the extractive sector is nothing new in Indonesia. Based on the result of the audit by Pricewaterhouse Coopers (PWC) on PT. Pertamina in 1996-1998, indications of loss of funds were found, which resulted in state loss amounting to US\$ 4.6 billion. In addition, indication of alleged corruptive practices was found in 159 Pertamina projects.

Based on the result of ICW research, several surprising factors were uncovered. First, lack of transparency and accountability in the management of state revenues from the extractive sector. Based on the calculation of ICW, from 2000 – 2008 the significant loss of state revenues from oil and gas and from 6 mineral commodities amounted to Rp. 345.66 trillion. Or, in average, the state annually suffered loss of revenues from this sector amounting to Rp. 38.444 trillion. Second, there was no support and consistency from the Government in guaranteeing national energy need, in the form of Domestic Market Obligation (DMO).

This condition resulted in the high expenditure for fuel and LPG, as well as the high cost in the main production of electricity. As an illustration, from 2002 to 2008, the amount of loss / inefficiency in the cost of main production for electricity reached Rp. 158.557 trillion, or in average reached Rp. 22.651 trillion per year. This amount is almost equal to the amount of subsidy for electricity provided by the state from 2002 until 2008, which was Rp. 171.278 trillion.

Advocacy on the Need for Transparency in the Extractive Sector

Awareness on the need for transparency and accountability in the extractive sector in Indonesia has become a necessity and represent the demands of the general public. Thus, improvement and synchronization of regulations, which should include extractive contracts that would allow public monitoring, will result in better management and optimization of state and regional revenues.

The government does not execute strong monitoring towards extractive management (ESDM, BPMigas, and Department of Finance). The national as well as regional DPR are also still limited in its deliberation of the legislations related to this sector, which then created imbalance in decision making. Also important to note is the minimal handling of corruption cases relating to this extractive sector, which made this sector seemingly to be a “business that possesses legal impunity.”

In order to encourage public awareness as well as to increase accountability within the management of the extractive sector, ICW used several approaches, including routinely organizing media briefings for journalists relating to ICW analysis or findings in the extractive sector. Second, conducting discussions with KPK, BPK, DPR, and DPD in order to unite the concern of the state (executive and legislative), which hopefully will create a more transparent and accountable policies and monitoring in this sector. Third, conducting discussion with experts and observers of the extractive sector (extractive observer, NGOs, and university academics).

ICW conducted analysis and in-depth research, combined with campaigns and routine advocacy to the media



Foto Dok. Afriadi Hikmal

(press) or to relevant stakeholders (KPK, BPK, DPR, and DPD). Based on the result of the campaigns and advocacy, ICW noted several progresses as noted below:

- a) The Government and the DPR reviewed the contracts made in the oil and gas industry of Indonesia, both that relates to “cost recovery” as well as to its contribution to state revenue. On a side note, in the 2009 APBN, the Government (Ministry of Finance) had accommodated ICW findings, particularly those relating to the basis of calculating state revenues from oil and gas. In addition, the Government plans to issue a Government Regulation on Cost Recovery and a Government Regulation on Lifting Oil and Gas in Indonesia.
- b) The State Audit Board (BPK) conducted a special audit to the oil and gas sector, particularly which relates to the issue of cost recovery and state revenue. BPK will also establish a special Audit Desk on state revenue.
- c) The Corruption Eradication Commission (KPK) established a working unit that is specially tasked with monitoring the production and selling of Indonesian oil and gas. As a follow-up from this desk, for example, funds for KKS restoration (ASR) have begun to be stored in state bank accounts.
- d) The DPR established a Special Committee (Pansus) to investigate illegal practices in the oil and gas industry and examine the factors that promote the increase in the price of fuel. Though this Pansus has yet to announce the result of their investigation and their findings regarding the illegal practices in the oil and gas industry.



Foto Dok. Media Indonesia / Gino F. Hadi

Profile

The Long Battle to Fight Corruption

Profile of Teten Masduki Kompas Young Inspirative Figure



Teten Masduki

Corruption represents an uninterrupted part of the history of this nation. The collapse of the trade consortium Vereenigde Oostindische Compagnie was due to corruption. This was also true for the kings of the archipelago, and in addition to rivalry and battles for thrones, corruption with injustice also played a role in the collapse of the New Order in 1998.

With the emergence of a new era, Teten Masduki and several other figures established the Indonesia Corruption Watch (ICW). The name Teten became known when ICW, an organization which he headed, exposed the corruption case that allegedly involved Attorney General (at the time) Andi M Ghalib during the administration of BJ Habibie. For the first time in history, organization such as ICW can pressure for the removal of a high-ranking state official. Nevertheless, it was only a small victory. Up to 11 years later, corruption is still the big disease destroying the bureaucracy in this country. According to Teten, the fight against corruption has still a long way to go and we are still in the earlier stage.

When ICW began to be known as an organization relentless in its fight against corruption, Teten institutionally "left" the organization. Teten joined Transparency International Indonesia to become its Secretary General.

Why did he leave ICW?

I have never really left ICW (Teten is still a member of ICW Advisory Council). However, new generation must be build. In ICW right now, there are already many young people there. Its time for them to be in the forefront. The war against corruption is a long war.

There still lacks strong commitment from the bureaucracy and business to fight corruption. Even now, they are counterattacking. Thus, we must institutionalize this movement. This is why I build ICW. If not, we will never be able to fight corruptors who generate themselves systematically.

Today, NGOs have also been identic to its founder. Are you not afraid ICW will fade away?

Many NGOs criticize oligarchy, but often times they violate it themselves. Owners of a foundation or its founder act as if they own it. They only want to recruit "jongos" or attendants. There is no regeneration. As a result, many organizations faded away when the first generation is no longer there. This is wrong.

I build total democracy in ICW. I distribute power equally. I believe that if NGOs only have their owners, it will never be the foundation of a social movement.

To this day, many think that NGOs only serve as a temporary place before leaving to the business and public sector in this country. This view is not completely wrong since the infrastructure of NGOs is still weak, and thus cannot provide long-term livelihood. In the future, this perspective must change. Activists do not have to believe that the peak of a career lies in a public office position. In many countries, non government institutions win over public office positions. For example, Grameen Bank in Bangladesh. How strong is the Bangladesh government bank against Grameen Bank.

What is the key towards ensuring that NGOs do not serve as a temporary ground?

NGOs must be professional. They must be strong in methodology, in addition to ideology. Do not play around. If ICW's methodology is weak, we would all have landed in prison since we worked in vulnerable areas.

When I received job seekers, I always say, if you are looking for a work here, I will reject you. However, if you have ideas, want to do things, then come and join. Funding we can look for, ideas we can refine.

In the future, social institution must be as strong as state institution. There is the tendency of state playing a smaller role in managing public issues. Thus, why are we all orienting to the state?

I think in all democratic system, if the pillar of society is not strong, then the system will collapse. Will lead towards authoritarianism and hence, will definitely be corrupt.

Is that why you refuse to join the team established by the President to verify the case of Bibit Samad Rianto and Chandra M Hamzah?

That is another issue. It was more of a technical and strategic problem. I thought at the time, the members of the team were already quite strong. In addition, I am better playing in the left outside, he-he-he. In essence, there must still be someone outside the system to criticize the system of power. That is the role I choose.

Then why did you choose an anti-corruption organization?

I have been involved in labor issues when I was still active in the Indonesian Legal Aid Foundation (Yayasan Lembaga Bantuan Hukum Indonesia). At the time, laborers were oppressed by those in power. They were not allowed to organize, were extorted, and all the while, their wages were still low. That was the first point of awareness on corruption. I thought, corruption is the cause of the poverty suffered by laborers. I saw it simple, laborers wages at the time was only 4 percent of the cost of production for the industry, but bribery to officials can reach 30 percent.

We build industry but cannot build people's prosperity due to corruption. Rich natural resources cannot bring prosperity since it is enjoyed only by corrupt elites, and democracy

cannot flourish due to corruption. Law does not function, and elections are far from honest due to money politics, hence we vote for wrong people. Once again, this will be a long battle.

Are you optimistic that we will achieve victory against corruption?

Globally, the world over is fighting corruption. Even from the business perspective, it is impossible for multinational companies to reap profits in the midst of widespread corruption. In the past, they can obtain contracts in third world countries by collaborating with authoritarian regime, but not now. They have to compete. There is a new norm in the business world.

Now, the function of bribery has also lost its benefit. In the past, bribery flourished when political power was very dominant. Political patronage was effective in supporting dirty business practices. It was enough to collaborate with government in power or big political parties, and one can get long-term concession. Now, there are no longer big political powers and political changes can happen quickly.

The business sector is starting to have doubts, what is the benefit of bribery if it cannot bring protection or if the benefit is only temporary. I am optimistic that the livelihood of corruption is increasingly being pressured, even though it is starting to produce new models of corruption in a new financial model. For example, the case of Bank Century is not very different from the case of Bank Bali or the case of Bank Indonesia Liquidity Assistance (BLBI), in which case each Bank misuse public funds.

How to achieve that optimism?

Regeneration is stuck everywhere. Just like in the DPR, where there are a lot of young people, but that is not necessarily cause for optimism. Especially, when those who won seats were son of the President, children of Ministers and Regencies; I believe they are there due to protection, not because of their own awareness and strength.

Nevertheless, the virus of change must continue to be disseminated. I see that small businesses can provide the starting place to build the cadres of this nation; for example, successful business at the micro level. We need local figures that can bring real prosperity.

What can frustrate your optimism?

Our democratic institution has not work for the people. I see a lack of strong moral commitments from decision-maker institutions, such as the DPR, political parties, or the Government. Even now, there is a trend towards centralizing power. But we must not give up.

(This article is written by Kompas journalist Ahmad Arif, published on Tuesday, November 10, 2009)

THE WORLD OF ACTIVISTS The Young, the Critical, and the Suspected

"Give me ten young people, and I will shake the world," thus was the famous words from Bung Karno, the first president of the Republic of Indonesia. In a building in Jalan Kalibata Timur IV/D Number 6, South Jakarta, more than 10 young people gathered. They have not shaken the world, but at least, in Indonesia, they have "shaken" the hearts of the attorney general, the police, and several public officials who have been the target of their critical voice. That afternoon they were gossiping about the people who were anxiously waiting for a phone call from Cikeas. "In Facebook, our friend wanted our prayers," said Febri Diansyah, an activist in the office of ICW (an abbreviation from Indonesian Corruption Watch), commenting on the Facebook status of his former college professor who is close to the Government in power. They laughed. As if nothing new has happened in the office, except for the writing in front of the office, "Sorry, This is not the Office of the International Coroption Word." Febri jokingly said that "it was an instruction for the postman. So that if there is a letter for that organization (Indonesia Coroption Word), do not deliver it here." On Monday (12/10), two ICW activists, Emerson Yuntho and Illian Deta Arta Sari, received a notification letter for investigation (surat panggilan) from the police, naming them as suspects in a case of alleged defamation against the Office of the Attorney General. Illian and Emerson were named as suspects for defamation due to their critical questioning of the management of repayment money, which amounted to Rp. 7 trillion, by the Office of the Attorney General. The data was based on the Investigation Report of the State Audit Board. "When we released a statement alleging corruption in an institution, we used official data or data from verified resources. Even before releasing it, we had discussed it internally within the organization. We chose a standard analysis," said Illian. However, the risk is still there. Illian confessed that she was ready to face all risks when she chose to work in ICW three years ago. However, this graduate of the Faculty of Law from the University of Gadjah Mada (UGM) in 2003, cannot deny the worry in her heart, the worry of a mother who has young children.



Foto Dok. Kompas / Totok Wijayanto

A correcting statement in front of the office of Indonesia Corruption Watch (ICW), Jakarta, Friday (16/10), in which a notification letter for investigation referred to ICW as International Coroption Word.

Work-related Risk

"Last night was not like any other night. My youngest could not sleep well. And my eldest woke up suddenly and shouted... 'Mama...'. Are these signs?" said Illian expressing her uneasiness.

"For this case, well... the worst that could happen is that I would be apprehended. I asked my husband to please take care of the children. If I am arrested, it is not due to a crime, but because I fought for the truth" said Illian, who has two children aged two years and five months respectively.

"Even if I am arrested, I hope that I would still be able to send breast milk," said Illian. In the midst of this uneasiness, Illian looked strong and work as usual. Emerson as well, who was still full of jokes. "Still safe, Boss," said Emerson.

"Working is not just about the money, because money is not everything," said Illian, who, before working in ICW, was a journalist in a national print media. So, what does Illian work for? "For Indonesia to be free of corruption..." and other dreams.

It was this dream that sustain these young people to work with numbers, data, and once in a while go to the field to criticize the behaviour of high ranking officials and people's representative. It is also what drove Fahmi Badon (31), graduate of the Faculty of Mechanical Engineering from UGM, 2002.

Several offers of stable office jobs were rejected in order to work in ICW since 2001. A work that does not provide a lot of money, but risk.

"When compared to my campus classmates, my salary in ICW is no comparison," said Fahmi. In ICW, around 22 activists, who are generally graduates of UGM, ITB, UNS, Undip, and UNJ, are paid Rp. 1.5 – Rp. 5.5 million per month.

In 2005, Fahmi and several friends were called to the police station due to a complaint report on defamation against a member of DPR, AM Fatwa. The next year, Fahmi was back in the police station, this time due to accusation of defamation against Akil Mochtar, another member of the DPR. "The case just stop. Just like the alleged corruption case that we have exposed. Not processed," he said.

Cancer in Democracy

Fahmi, Illian, and Emerson represent only a small part of anti-corruption activists and defenders of human rights who are threatened with Article 331 and 316 of the Criminal Code on defamation. Those articles epitomized the cancerous factor in democracy.

According to the notes of the Legal Aid Foundation (LBH) Jakarta, in the last five years, the number of activists tangled in a legal suit due to violation of the defamation clause reached 23 people. "11 of those took place in 2009."

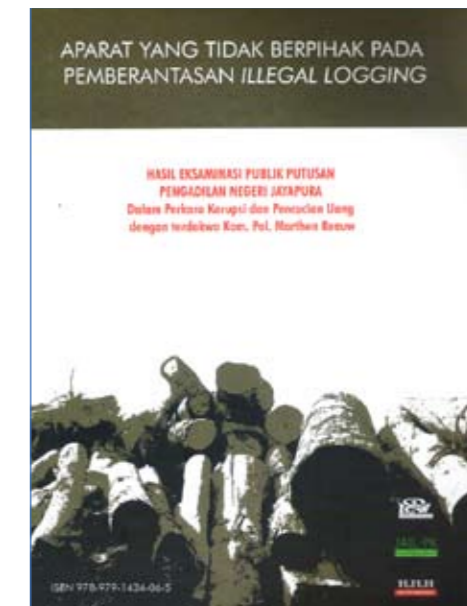
Which means, the risk faced by Human Rights and anti-corruption activists are increasingly higher. Illian was fully aware about this. Although occasionally worry comes across, Illian was still full of spirit. "The real heavy task is convincing my husband (a government employee) and his family and extended family," said Illian.

(the article is written by Kompas journalist Ahmad Arif and Susana Rita, published in Kompas on Saturday, October 17, 2009)

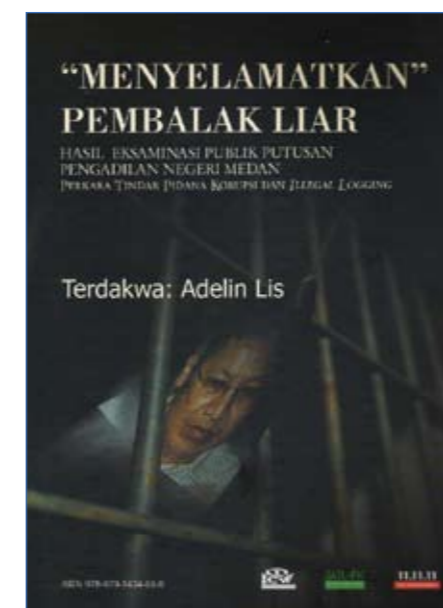
ICW PUBLICATION 2009



Corruption in Elimination of Illegal Logging



Apparatus that does Not Side with Elimination of Illegal Logging



Saving Illegal Logging



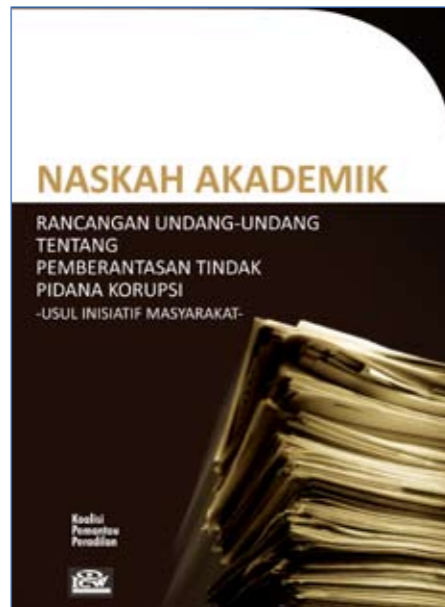
Module on Monitoring Election Corruption



2009 Independent Report



Young People Talks on Corruption: Integrity valued at Rp. 5000



Academic Paper for the draft Bill on Corruption Court, civil society version



Draft Bill on the Law on Eradication of Corruption, civil society version

AWARDS

Indonesia Corruption Watch (ICW), on August 11, 2009, received a 2009 Civil Society Award for the category of law from the Justice Forum Magazine. The council of juries stated that ICW has been indispensable in building a new culture of democracy in Indonesia. This organization has also been viewed as one of society's elements that has been intensely and consistently campaigning for waging a war against corruption using concrete movement, both through reporting corruption findings directly to the relevant institution or through relentless monitoring on various loopholes of corruptions.

ICW is also one of the 2009 ICON for the Legal Field, according to Gatra Magazine. ICW was viewed by the magazine as an organization "UNYIELDING IN DRAWING ATTENTION TO CORRUPTION" and being in the forefront in the movement to eradicate corruption in Indonesia.



PUBLIC FUNDRAISING

In 2009, ICW worked with DOMPET DHUFA REPUBLIKA and YAPPIKA to begin pushing funding support from the community through the program "Anti-corruption Movement Donation For Free-Schooling". Until a December 31, 2009, donations collected up to Rp. 60,000,000 (sixty million rupiahs).

Association

Board of Ethics

Dadang Trisasongko, Teten Masduki,
Kamala Chandrakirana

Members

Luky Djuniardi Djani, Bivitri Susanti, Ani
Soetjipto, Lodewijk F Paat, Yanuar Rizky

Working Committee

Coordinator

Danang Widoyoko

Deputy Coordinator

Adnan Topan Husodo, Emerson Yuntho

Division of Political Corruption

I.Z. Fahmy Badoh, Abdullah Dahlan

Division of Monitoring Public Service

Ade Irawan, Febri Hendri, Ratna
Kusumaningsih

Division of Investigation and Publication

Agus Sunaryanto, Tama Satria Langkun,
Laits Abid

Division of Budget Monitoring and Analysis

Firdaus Ilyas, Anggita Tampubolon

Division of Law and Judicial Monitoring

Illian Deta Artasari, Febri Diansyah

Secretariat and Finance

Srigati Hayuning Budi, Nurhayati, Dunita, Siti
Nurjanah, Maya Fatmawati, Dede, Eko
Pamuji Widodo

ICW FINANCIAL AUDIT

ASSETS	
Current Assets	
Cash and Cash Equivalents	3.960.307.728
Employee receivable	106.643.782
Advances and prepayment	482.479.288
Total Current Assets	4.549.430.798
Fixed Assets	
Acquisition Cost	455.333.525
Accumulated Depreciation	(363.121.160)
Total Fixed Assets	92.212.365
TOTAL ASSETS	4.641.643.163

LIABILITIES AND FUND BALANCES	
Liabilities	
Current Liabilities	640.698.401
Total Liabilities	640.698.401
Fund Balances	
Unrestricted	858.035.616
Temporary Restricted	3.142.909.146
Total Fund Balances	4.000.944.762
TOTAL LIABILITIES AND FUND BALANCES	4.641.643.163

RECEIPT	
Fund from Grantor	6.478.307.670
Non-Program	956.581.919
Total Receipt	7.434.889.589
EXPENDITURE	
Program	4.120.021.721
Refund to Grantor	249.520.549
Non-Program Expenditures	476.751.751
Total Expenditures	4.846.294.021
Increase(Decrease) in Net Assets	2.588.595.568

Data above is the Financial Position Report and Activity Report of Indonesia Corruption Watch Foundation until December 31, 2008 by Independent Audit Report. More can be found at www.antikorupsi.org

2009 FINANCIAL OVERVIEW

DONOR	PROGRAM	PERIOD	AMOUNT (Rp)
HIVOS	Public participation in budgeting for the educational sector and enforcing anti-corruption law in Indonesia	01 Jan – 31 Dec 2009	1,499,000,000.00
11.11.11	Transparency in extractive Industry	01 Jan – 31 Dec 2009	527,000,000.00
TIFA	Increasing public participation in Monitoring 2009 Campaign Funds	22 Dec 2008 - 31 Dec 2009	433,999,000.00
IFES	Endorsing media Participation on monitoring campaign finance	24 Feb -24 Oct 2009	474,200,000.00
IFES (Post election)	Evaluation of Campaign Finance Monitoring	Agst – Sept 2009	191,750,000.00
IA LDF	Review of Corruption Court Legislation	Sept 2008 – Mar 2009	439,900,000.00
DRSP	Evaluation of Campaign Finance Monitoring	27 Mar 2008 - July 2009	439,200,000.00
MAGSAYSAY	Empowering Civil Society, particularly student, in Combating Corruption	Sept–Nov 2009	92,000,000.00
RWI	Initiating Monitoring and Advocacy for Indonesia Oil, Gas and Mining Revenue Transparency	01 Sept 2008 - 30 June 2009	423,500,000.00
			4,520,549,000.00