

ANNUAL REPORT 2019



INDONESIA CORRUPTION WATCH

FAKTA
CORRUPT

JANGAN
MANG
DILEWAT

LAWAN

BANGKIT

KYO
BANGKIT
BUNG!!



ANNUAL REPORT 2019



INDONESIA CORRUPTION WATCH





**RESISTING THE EROSION OF
CORRUPTION ERADICATION**



FOREWORD

2019 was an extremely difficult year for corruption eradication. Although many believed Indonesia had a good person as President and the community was much more hopeful that corruption eradication would be far more thorough under Jokowi, the reality fell short of expectations. The fact was that under Jokowi the fight against corruption was, if anything, under assault. Law No. 19/2019 on the Corruption Eradication Commission (known as KPK), revising the existing Law No. 30/2002, was adopted by acclamation. Claims by the Palace and Parliament that the motivation for the change was to strengthen the law was simply a smokescreen, because fundamentally the new law only served to weaken efforts to eradicate corruption.

Civil society's efforts to thwart plans to revise the KPK law came to nothing, despite the sacrifice of four student lives and the injury (both serious and minor) of hundreds of others in the most wide-

spread student protests since 1998. The government was unmoved and the KPK bill sailed through. The direction of national policies, effectively ignoring reformist agendas, inter alia, on settlement of historic cases of serious human rights abuse, corruption eradication and the rule of law was the opposite of the views of some voters who thought Jokowi was a person of quality. In a reaction to government policies which reflected people's eagerness for reform, a new civil society coalition emerged under the banner #ReformasiDiKorupsi (Reform being Corrupted)



In such a situation, civil society including Indonesia Corruption Watch (ICW) had to start thinking outside the box about how to promote reform agendas without relying any longer on the government or the KPK. Factors contributing to this situation were: the government had already taken the side of the wealthy and investors; the KPK's authority had been whittled away by the new KPK law; and the newly appointed KPK leadership did not exhibit qualities of integrity and professionalism. All of this posed enormous challenges which nonetheless had to be appropriately met.

Although it was becoming ever clearer that the fight against corruption faced a bleak future, the campaign was not entirely without its successes. The Constitutional Court ruled in favour of a referral by ICW and anti-corruption campaign partners seeking to prevent persons formerly convicted of corruption from standing as candidates in local heads of government elections. That meant that, in accordance with the Court's ruling, such persons could no longer contest local heads of government elections without first waiting out five years of ineligibility. This outcome was one small victory in ICW's unrelenting anti-corruption advocacy work.

As for the future, an important step forward will be development of a wider coalition of civil society groups who feel disadvantaged by government policies. Campuses and their academics continue to display sound ways of thinking and are in an ideal position to question government policies they regard as encouraging corruption. Moreover, in the regions, the appearance of a cohort of local government leaders who prioritize their communities' interests and improved public services could develop into a broader network for maintaining optimism about reform.

At the same time educational work aimed at creating a shared public awareness of corruption and its consequences has to be stepped up. The issue is that a mature democracy needs rational voters. Fostering anti-corruption awareness is part and parcel of developing a critical electorate less easily duped by the glib talk of politicians and their sacks of rice, cash hand-outs and instant noodles which are rolled out at every election.

Annual Report ICW 2019



Content : ICW Team

Photos : ICW Documentation

Illustrator : Adi "dhigel" Setiawan

Layout : Daniel Ferryansyah

Translator : Denis Fisher,

NAATI- certified Indonesian
into English translator, Canberra ACT

INDONESIA CORRUPTION WATCH

jl. Kalibata Timur 4D No 6 Kalibata,

Jakarta Selatan

Phone : 0217901885 / 7994015

Fax : 0217994005

w : www.antikorupsi.org

e : sahabaticw@antikorupsi.org

t : @sahabaticw / @antikorupsi

f : Sahabat ICW

Ig : @SahabatICW

TABLE OF CONTENTS

Chapter 1

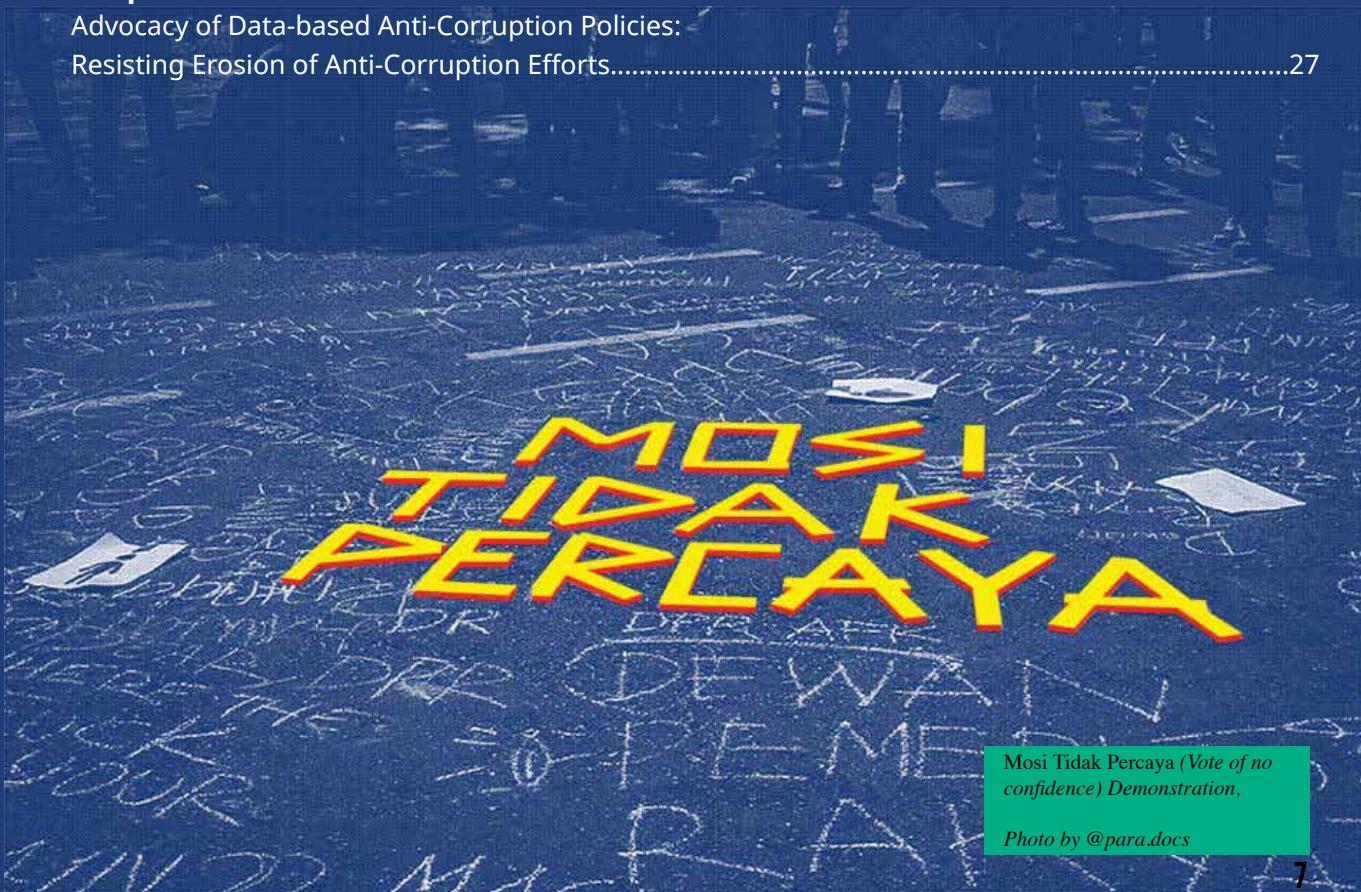
Strengthening Capacity for and Encouraging Sustainability of
Anti-Corruption Advocacy.....09

Chapter 2

Helping to Strengthen Community Groups
and Anti-Corruption Networks.....18

Chapter 3

Advocacy of Data-based Anti-Corruption Policies:
Resisting Erosion of Anti-Corruption Efforts.....27



MOSI
TIDAK
PERCAYA

Mosi Tidak Percaya (*Vote of no
confidence*) Demonstration,

Photo by @para.docs

2 years commemoration of
Novel Baswedan attack,

Photo by ICW's documentation



CHAPTER I

STRENGTHENING CAPACITY FOR AND ENCOURAGING SUSTAINABILITY OF ANTI-CORRUPTION ADVOCACY

ANTI-CORRUPTION ACADEMY (www.akademi.antikorupsi.org)

The Anti-Corruption Academy has been developed by ICW since 2018. It was set up to promote quick, easy and cheap anti-corruption education for all groups, from students to the general public. It offers a range of anti-corruption training which is usually conducted face-to-face.

To enhance the Academy's effectiveness, ICW has cooperated in different ways with seven (7) educational institutions and one (1) government agency. The University of Parahyangan in Bandung, for example, cooperates with ICW in conducting anti-corruption research, while six other educational establishments use the Academy to conduct their teaching and learning activities. The Academy will also be used by the Election Supervisory Agency in West Java Province to promote anti-corruption education and participation in the supervision of elections.

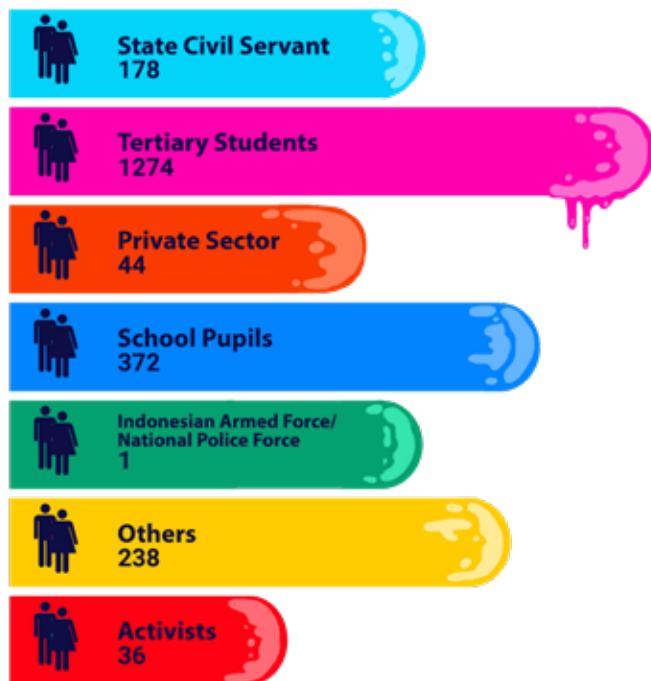


"The Anti-Corruption Academy makes teaching and learning about corruption interesting; it uses the latest available technology; and its materials and teachers are truly deserving of trust. Cooperation between Tirtayasa University's Government Studies Program and the Anti-Corruption Academy promotes integrity among students and is a harbinger of a better Indonesia in the future."

Abdul Hamid PhD (Chair, Government Sciences Program, University of Sultan Ageng Tirtayasa)



In 2018, 1.064 people attended the Anti-Corruption Academy. That number rose to 2.143 in 2019 of whom 970 were males and 1.173 females. This sizable increase resulted from an improved Learning Management System (LMS) which made the Academy easier to access.



Source: Anti-Corruption Academy, January-December 2019



In 2019, 777 participants obtained certificates in the Academy's 6 areas of instruction, viz. Anti-Corruption Introduction for School Pupils; Anti-Corruption Introduction for All; Special Class Anti-Corruption Introduction; Critical Pedagogy and Anti-Corruption Education; Sociology of Corruption; Corruption and Poverty; and Introduction to Anti-Corruption Law.

Source: Anti-Corruption Academy, January-December 2019

"Studying by e-learning increases solidarity and I can share the knowledge I gain with other friends. It helps us become agents of change; although not major ones, we can start in little ways being agents of change at school."

Cika Salsafitria (school girl, State Senior Secondary School N 30 Tangerang)





RUMAH Belajar ANTI KORUPSI

DEVELOPMENT OF A KNOWLEDGE MANAGEMENT SYSTEM

ICW is already a quite long-standing organization. Its accumulation of knowledge is also by now quite extensive; that necessitates development of a strategy for effective management of its store of knowledge. In 2018 ICW began that process by planning for a knowledge management system, encompassing an Anti-Corruption Learning Hub and a library accessible to the public.

In 2019 ICW bench-marked its developing knowledge management system against long established systems in other organizations, in particular the Centre for Strategic and International Studies (CSIS), The Asia Foundation and Kemitraan. A development planning consultant was also appointed to begin designing an Anti-Corruption Learning Hub in accordance with ICW's needs. The objective is to be able to publicly announce the establishment of the Learning Hub on International Anti-Corruption Day on 9 December this year.



DEVELOPMENT OF OPENTENDER.NET version 3

Since 2013 ICW has been working with the National Public Procurement Agency (LKPP) to develop a mechanism called Opentender to make government procurement processes more transparent. This website has been used to monitor public procurement of goods and services and to identify high risk packages susceptible to fraud. Opentender seeks to identify those risks based on analysis of data and a range of indicators often apparent in public procurement corruption cases. All data on public procurement processes in Opentender is obtained from LKPP which manages electronic public procurement processes.

Both civil society and government agencies have made use of Opentender over the 7 years of its existence. In some regions civil society has used it to identify signs of irregularity in public procurement which they then use as bases for public advocacy and community education. Government officials too, especially those working in government inspectorates, use Opentender to

prevent irregularities and identify dubious procedures to be followed up in audits.

Since 2019 ICW has been developing version 3 of Opentender which is equipped with new indicators and data on a general schema for procurement now being provided by LKPP. In this new version civil society can evaluate each procurement package to supplement the analysis of indicators present within Opentender itself and can report their findings via new functions incorporated into LKPP's reporting system. It is hoped that these new functions will enhance public participation in oversight of government spending.

ESTABLISHMENT OF SOCIAL ENTREPRENEURSHIP VENTURE

A key issue for the sustainability of anti-corruption activities is funding. Many NGOs are in a precarious position because of difficulty accessing funding from donor organizations. This situation will persist into the future given that the focus of the world's problems has shifted to new areas including the Middle East and Africa. Even so a community-supported fight against corruption has to be maintained. ICW is aware of this challenge to begin thinking creatively about how to identify its own sources of funding.

As part of a strategy to have more independent funding, ICW and like-minded groups have established a venture, called PT Visi Integritas Nusantara dedicated to the creation of anti-corruption systems within public bodies, state owned enterprises and the private sector. The venture was officially launched at the beginning of 2019 with Ade Irawan and Emerson Yuntho at the helm - both activists who had recently left ICW.



Ventures like Visi Integritas are called “social entrepreneurship”, and this concept underpinned this ICW venture. Its establishment served a dual purpose: first, the reinvigoration of frequently problem-ridden NGOs; and second, making funding more sustainable. When these two senior activists left ICW and joined forces in the Visi Integritas venture, ICW was able to bring on new personnel who could develop into future leaders of the anti-corruption movement and embark on a new phase of greater responsibility for ICW’s management.

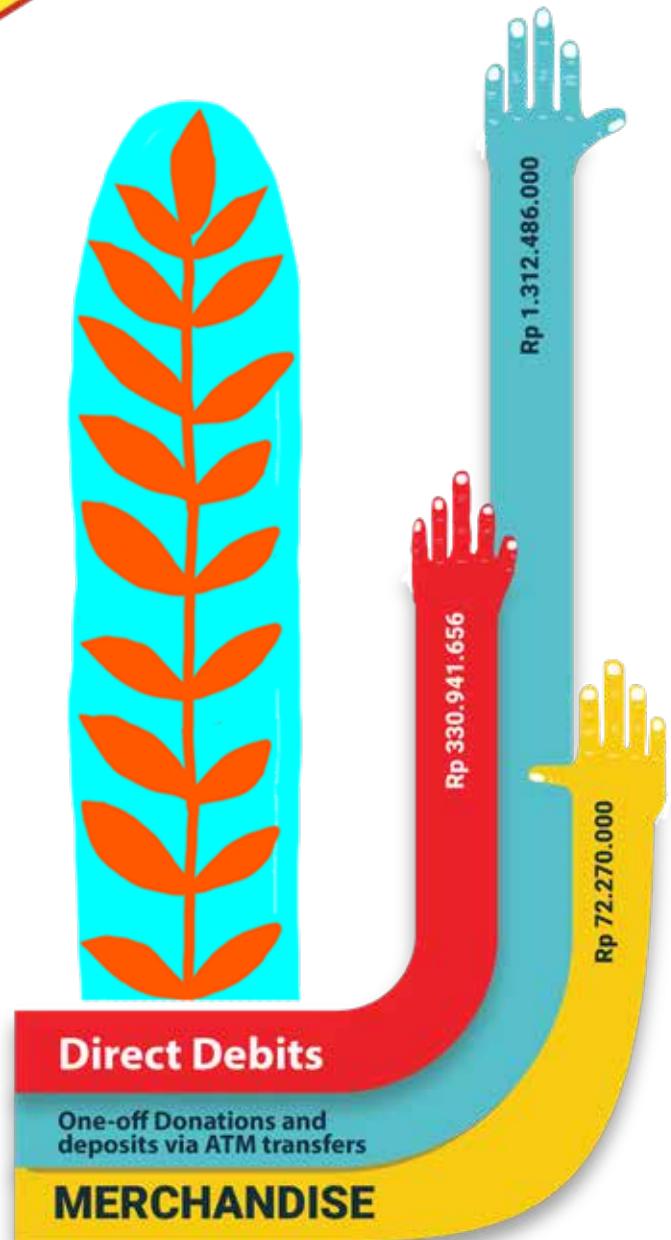
At the same time the investment ICW had made in the competence, dedication and integrity of the two departing activists could continue to reap returns via Visi Integritas which would also, hopefully, contribute to ICW’s funding. Visi Integritas could also add a new dimension to the anti-corruption movement. If ICW’s role is, as it were, to knock on doors from the outside, Visi Integritas is already there directly helping government agencies, state-owned ventures and the private sector to improve their anti-corruption systems.

RESULTS OF EFFORTS TO GARNER PUBLIC FINANCIAL SUPPORT

ICW's motto is "Hand in hand with people to fight against corruption". This means that, if the anti-corruption movement is to grow and spread, public participation in ICW's work is crucial. Contributions of resources, expertise and funding are ways in which the general public can participate in ICW's work.

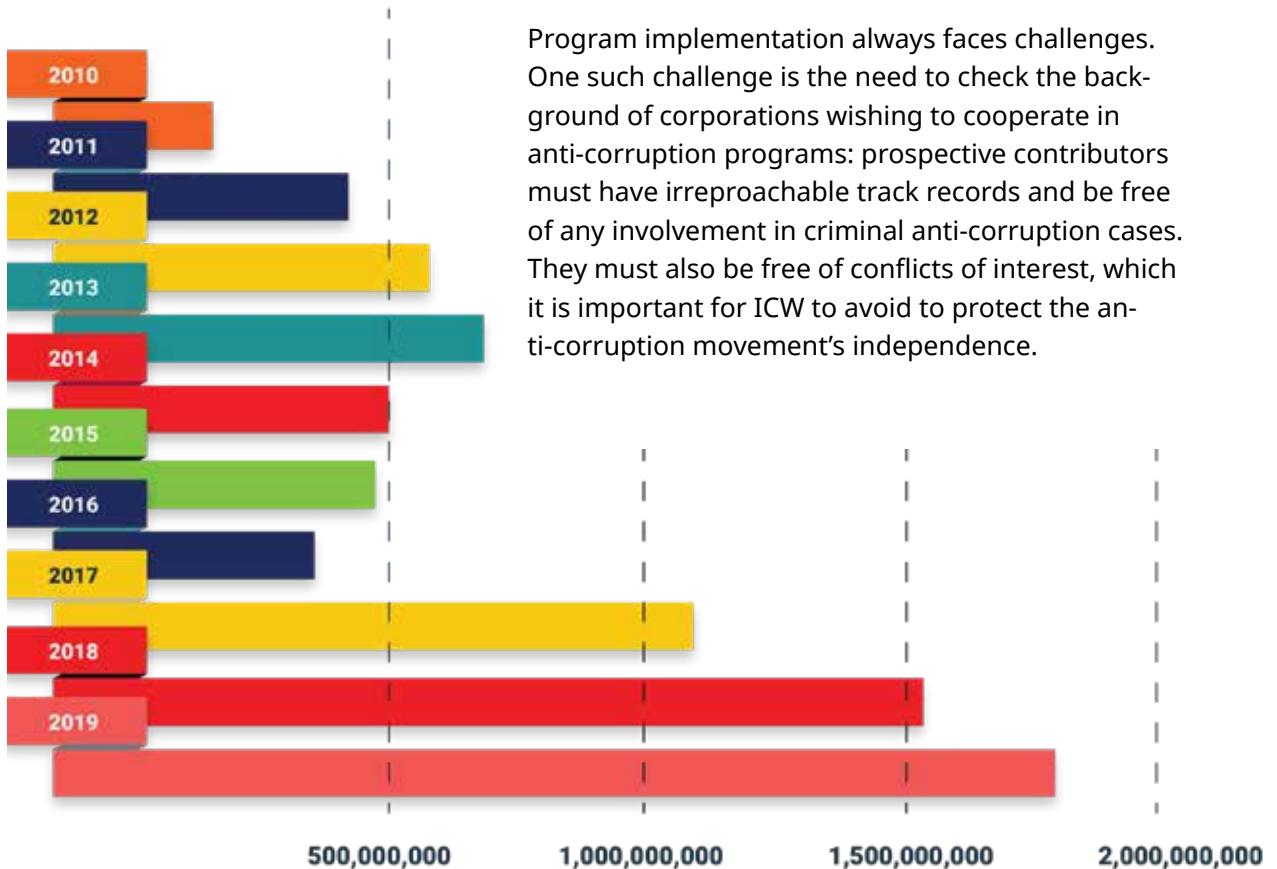
ICW's Public Support Division (PDP), is charged with attracting public sources of funding for ICW. To do this in 2019, PDP pursued a number of avenues: one was calling for online donations via sahabat.icw.org, a website specifically set up to help the public choose their preferred mode of support for ICW, be it by purchasing merchandise, by enlisting as a volunteer or by supporting a particular ICW anti-corruption program with a donation.

In 2019 PDP's programs succeeded in attracting donations amounting to Rp.1 715 697 656. Some of this money (Rp.330 941 656) was received via direct debits, some (Rp.1 312 486 000) via electronic transfers. On average 178 individual donors made monthly contributions; and 6 corporations supported anti-corruption programs.





The donations received during 2019 were used to support programs run by the Anti-Corruption School (commonly called SAKTI) including a SAKTI for teachers, a SAKTI for youth in Bali and a SAKTI for artists. Another beneficiary of 2019 donation was the #ReformasiDikorupsi campaign which used the money to conduct research into government regulations and policies and produce campaign material.



Program implementation always faces challenges. One such challenge is the need to check the background of corporations wishing to cooperate in anti-corruption programs: prospective contributors must have irreproachable track records and be free of any involvement in criminal anti-corruption cases. They must also be free of conflicts of interest, which it is important for ICW to avoid to protect the anti-corruption movement's independence.

CHAPTER II

HELPING TO STRENGTHEN COMMUNITY GROUPS AND ANTI-CORRUPTION NETWORKS

ANTI-CORRUPTION TRAINING FOR PSI CADRES

The ICW collaborated with the Indonesia Solidarity Party (PSI) to strengthen its internal management and to better equip 72 PSI members serving as elected representatives in various regional legislative assemblies. This collaboration took place over four days from 25 to 28 June, 2019.

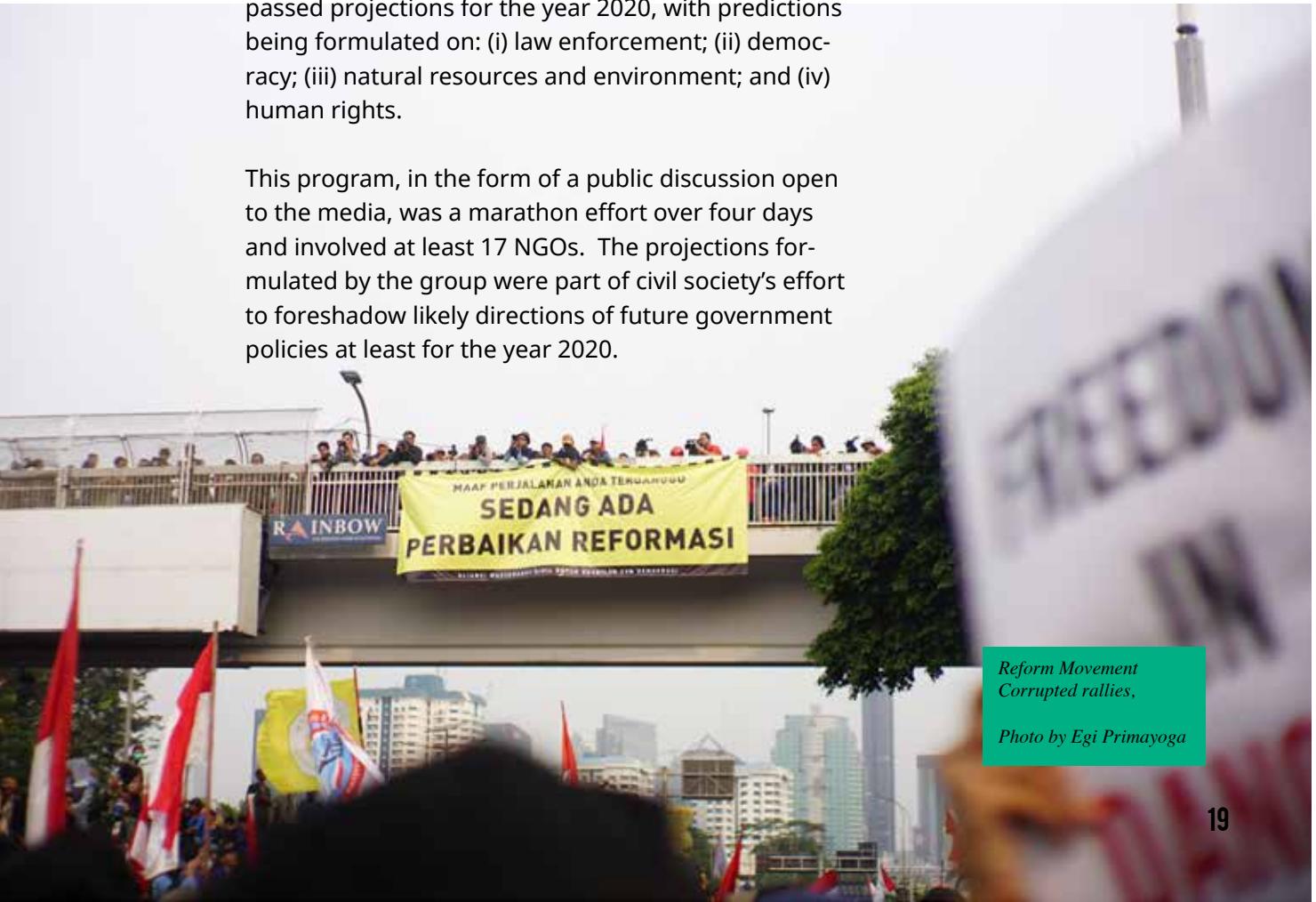


Program participants included PSI legislative assembly representatives and several members of the PSI's Central Board of Management. Subjects covered in discussions included ICW's suggestions for improved management of the party and analysis of regional legislative assemblies' functions and responsibilities. To conclude the program, participants held a dialogue session with KPK Vice Chairman Laode M Sjarief, at KPK headquarters. This collaboration with PSI was part of ICW's commitment to the betterment of democratic institutions including political parties.

JOINTLY LAUNCHING THE #ReformasiDikorupsi MOVEMENT

ICW, along with a network of other anti-corruption groups, initiated a joint multi-sector civil society movement to formulate and publicize an outlook for 2020. The activity took place from 14 to 17 October 2019 with the theme “Darkness Replaced by Gloom”. Various themes were explored and discussions encompassed projections for the year 2020, with predictions being formulated on: (i) law enforcement; (ii) democracy; (iii) natural resources and environment; and (iv) human rights.

This program, in the form of a public discussion open to the media, was a marathon effort over four days and involved at least 17 NGOs. The projections formulated by the group were part of civil society’s effort to foreshadow likely directions of future government policies at least for the year 2020.



*Reform Movement
Corrupted rallies,*

Photo by Egi Primayoga



ENCOURAGING DATA-BASED REPORTING BY JOURNALISTS

In order to enhance the effectiveness of Opentender's monitoring role, ICW initiated collaboration between a number of journalists and civil society organizations in the Kabupaten of Bojonegoro, the City of Blitar and the Special District of Yogyakarta Province. In a separate exercise, ICW worked with journalists to encourage them to modify their conventional reporting model (social reality from interviews with leaders or experts) by doing data-based reporting instead.

With that in mind, journalists and civil society organizations (CSOs) were provided with training on the details of public procurement as well as on investigative techniques (for CSOs) and investigative writing (for journalists). Presenters at the training event included National Public Procurement Agency personnel, senior journalists and ICW.

Initially, journalists were encouraged to undertake investigative writing aimed at exposing criminal corrupt practices; but as it turned out they were only able to produce in-depth reporting. They could describe a problem without managing to explain its causes.

As preliminary initiatives these activities were a good start. The Bojonegoro collaboration

between journalists and CSOs managed to produce a quite thorough report on the Dander Park water tourism facility, in the development of which many financial irregularities were suspected to have occurred.

Meanwhile in Yogyakarta quite effective collaboration resulted in the production of serialized reporting over 4 days in three leading media outlets in the city on suspected irregularities in the development of a relocation zone for street vendors located in the former Indra Theatre building in Yogyakarta's Malioboro tourist district. Meanwhile, in Blitar CSOs succeeded in putting together a report on the outcome of their monitoring of provision of rice for poor people.

It is important to foster data-based reporting by journalists on public procurement of goods and services, in anticipation of trends toward "big data" in future. Similarly, it is important that journalists and CSOs continue to collaborate.

"The Journalists Fellowship Program introduces us to tools like the Opentender.net facility which enables journalists to use openly available data on public tenders to establish whether or not there are questionable projects. Apart from being able to identify questionable projects, Opentender also helps journalists to establish who "controls" regional projects in terms of quantity and value."

Bhakti Suryani, Journalist, Harian Jogja

SAKTI FOR TEACHERS AS ANTI-CORRUPTION EDUCATORS

In 2019 ICW held a session of the Anti-Corruption School (SAKTI) for teachers. This Teachers SAKTI event, based on the belief that teachers represent the driving force behind education, was attended by teachers from all levels and from right across Indonesia. Its twofold aim was to deepen teachers' opposition to corruption and to sharpen their powers of critical thinking. In respect of the latter, the program introduced participants to the Paulo Freire system of critical pedagogy.

Teachers responded enthusiastically enough: as many as 102 of them applied from far-flung locations between Sabang and Merauke. Of those, 25 were selected as Teachers SAKTI participants. There was a three-pronged approach to selection of participants: administrative considerations; evidence of subjects studied online with the

Anti-Corruption Academy (akademi.antikorupsi.org) and an interview.

The Teachers SAKTI was conducted over five days in Bogor, West Java. Inter alia, presentations were made to participants on issues involved in corruption, critical pedagogy, analysis, and production of short and engaging videos. One aim was to equip teachers to implement activities to follow up on the SAKTI session. After graduating from SAKTI, participants returned to their own schools and were expected to implement a follow-up action plan to share their knowledge about corruption with their classrooms and their schools. The hope was that Teachers SAKTI graduates would be able to diffuse anti-corruption values within their respective communities.

"If your brother is upset
Don't shy away from saying
Let's hope ICW shines ever brighter
More cherished and loved as time goes by."

Agustinus Tampubolon - Teacher, Christian Senior High School 1 BKP Penabur Bandung - Alumnus, Teachers SAKTI



YOUTH AGAINST CORRUPTION: SAKTI FOR YOUTH IN BALI



SAKTI for young people is usually conducted at the national level. But, in 2019, ICW experimented with a different approach, by taking SAKTI for youth to a regional area. ICW was keen to change its approach because it wanted to develop stronger regional networks and help bolster new sources of support for anti-corruption campaigns. Bali was chosen as the site for the 2019 Youth SAKTI. ICW saw Bali as having potential for a campaign in its Reject Reclamation of Bena Port protests but up to that time no one had taken up the cause as an anti-corruption activity. After choosing the location and assessing community networks in Bali, ICW chose Balebengong as the organization to collaborate with in staging its Bali Youth SAKTI.

The Bali Youth SAKTI was held over 5 days. A wide range of study material was presented ranging from understanding corruption to recognition of the effects of corruption. Sharing sessions were

also held with Balinese community members and activists. The methods used in this SAKTI were different to those employed in ICW's four preceding SAKTI events. This event was more dynamic and had practical activity sessions on subjects presented.

Upon completion of the Bali Youth SAKTI, follow-up action plans in the form of participant-specific anti-corruption programs were to be implemented. Because the SAKTI's focus was on village funding, it made sense that follow-up action plans also concentrated on monitoring village budgets. Follow-up activity was taken by the group only, not by individual participants. Subsequent to the SAKTI event in August, participants were provided with more detailed study material on budget analysis in an upgrading SAKTI session in November 2019. They also became quite engaged in other activities such as rallies, photographic displays and discussions. One positive outcome of the Bali SAKTI was the formation of a new anti-corruption network called the Anti-Corruption Alliance of Balinese Students and People (AMMBAK).

"ICW's Anti-Corruption School is as comprehensive as can be and a serious educator; it also deepens our awareness of how close corruption is to daily life. Let's hope ICW remains strong because groups like it are fundamental for evaluating and becoming involved in public policy."

Luhde Suryani - Balebengong



Wanggi Hoed performing at SAKTI Seniman event,

Photo by ICW's documentation

ARTISTS AGAINST CORRUPTION: SAKTI FOR ARTISTS

ICW also conducted a SAKTI session for artists in 2019. It was staged in Bandung, West Java, over three days and attended by artists from Jakarta, Banten and West Java. The aims of the event were to create a group of artists opposed to corruption and to share knowledge of anti-corruption campaigns, social movements and artistic processes. The hope was to forge collaboration with artists and to broaden the anti-corruption campaign through the medium of the arts.

In conducting the Artists SAKTI, ICW collaborated with the Indonesian Arts Coalition and Gudskul. Subjects covered did not differ greatly from those of other SAKTI events. What was most prominent in the Artists SAKTI was development of concepts associated with preparation of exhibits to be displayed by participants during programs marking World Anti-Corruption Day on 9 December. After completion of the Bandung SAKTI program, participants provided artistic mentoring with Gudskul on three occasions over a three-week period.

After completing their artistic work and mentoring program, Artists SAKTI participants displayed their artistic creations at an exhibition in Taman Menteng. The exhibition was part of activities marking World Anti-Corruption Day. Thirteen artists had taken part in the Bandung SAKTI and all of them displayed the artistic work they had produced, namely: modern dances, paintings, crochet-work, video collages, monologues, theatre and monologue Rap. All the artistic work on show carried an anti-corruption message and contained an invitation to combat corruption. The exhibition was well received by visitors.

"Many questions which up to now I wondered about are answered for me after attending SAKTI. The Artists SAKTI also introduced me to new ways of performing my art. My hope is that ICW will remain an independent organization and continue to promote awareness of corruption within the community."

Hary Fahrizal - Alumnus, Artists SAKTI

PUBLIC DISCUSSIONS OPPOSING CORRUPTION

2019 was an extremely challenging year for the anti-corruption movement. A lot of important things happened: the first ever simultaneous staging of national and local elections; the appointment of a new national Cabinet; proposed adoption of a revised Indonesian Criminal Code; appointment of new KPK commissioners; and the enactment of revised KPK legislation. The year was coloured by this patch-quilt of events which contributed to the emergence of the #Reformasi-Dikorupsi movement.

In a move to preserve its public narrative (including on social media) and to present important issues in a simpler format, CWC embarked upon a series of relaxed, informal public discussions opposing corruption (termed NGOBRAS). This program was devised in response to several issues, inter alia: compliance of public officials with the obligation to furnish a pecuniary interests statement; the dismissal of State civil servants found guilty of corruption; revision of the KPK legislation; selection of KPK commissioners; hoaxes and their impact on the eradication of corruption; and efforts to weaken the KPK.

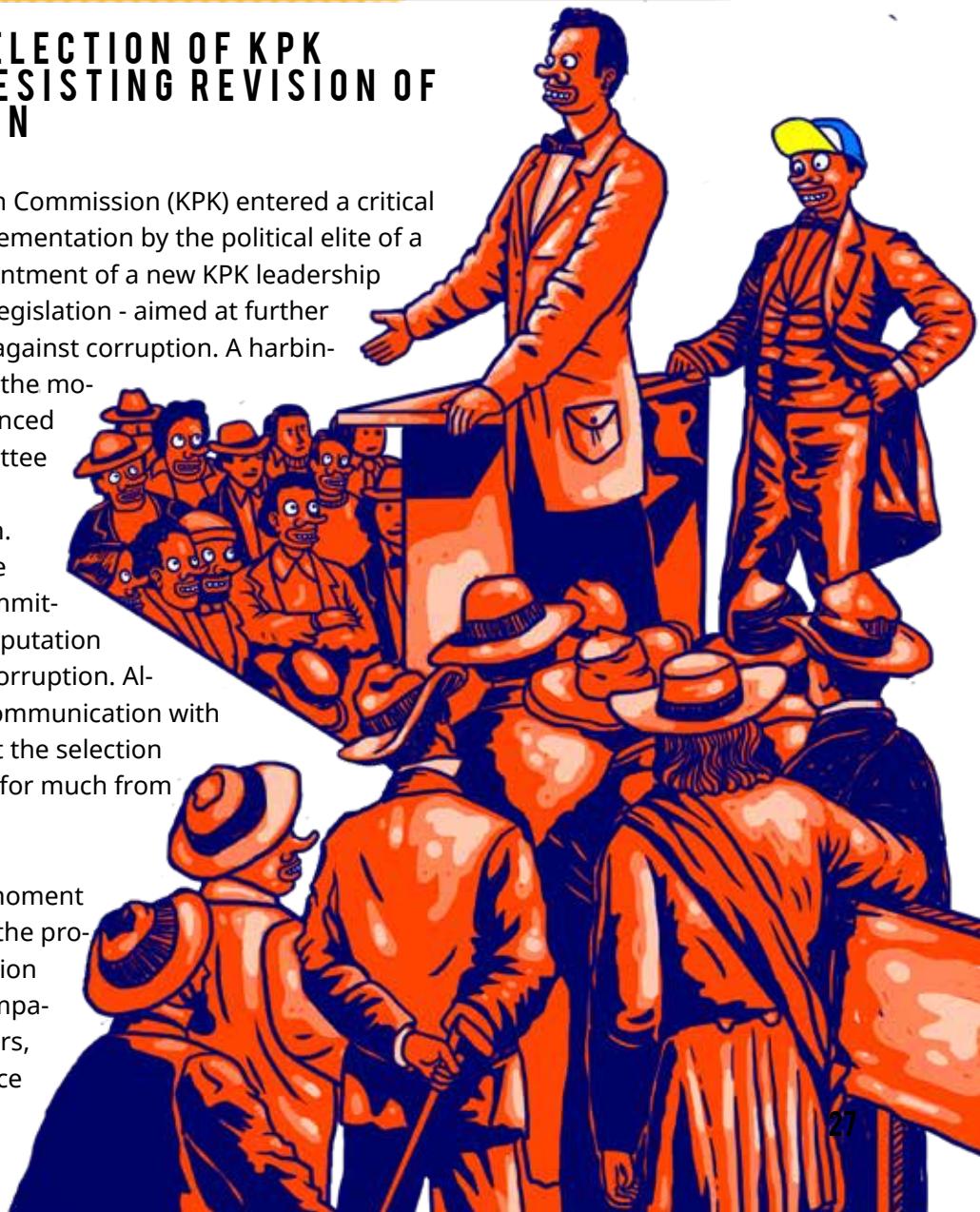
The NGOBRAS discussions were conducted in interesting and innovative formats with experts and presenters relevant to the subject under discussion. Among those who made an appearance were Faisal Basri (economist) and Ismail Fahmi (Founder of Drone Emprit). The discussions were one component of ICW's public information strategy used from time to time to address new issues in the anti-corruption campaign and democratization in Indonesia.



SCRUTINY OF SELECTION OF KPK LEADERS AND RESISTING REVISION OF KPK LEGISLATION

The Corruption Eradication Commission (KPK) entered a critical period in the wake of implementation by the political elite of a package of policies - appointment of a new KPK leadership team and revision of KPK legislation - aimed at further weakening the campaign against corruption. A harbinger of things to come was the moment the President announced the make-up of the committee charged with selecting the KPK's new leadership team. There was scarcely a single person of note on that committee with an outstanding reputation as a campaigner against corruption. Although ICW maintained communication with the committee throughout the selection process, it could not hope for much from this particular team.

ICW was on full alert the moment there was a move to start the process of appointing a selection committee. Indeed, in company with its coalition partners, ICW submitted to the Palace several names of possible



candidates for appointment to the selection committee. Sadly, not one of them made it on to the committee. This rejection of civil society's preferred candidates pointed to an increasingly difficult problem within the Palace. Even though ICW scrutinized the entire selection process of the new KPK leadership team, in particular by conducting detailed checks on candidates' background, the outcome was disappointing. Most of contenders rejected by civil society were the very ones who sailed through to the "fit and proper" test processes conducted by Commission III of the House of Representatives. The final outcome was a foregone conclusion: a KPK leadership, in the image of what politicians wanted, was a reality.

Disappointingly, in the wake of the worst ever KPK leadership selection process in the history of the anti-corruption movement in Indonesia, the President and the House of Representatives proceeded to pursue another item on their policy agenda, viz. revision of the legislation governing the KPK. Whereas in years gone by Jokowi had rejected the idea of such revision, 2019 became the moment when he openly espoused the cause, clearly flagging his intentions with the issue of an instruction calling for discussion of a revised KPK law.

Revised KPK legislation was expedited without the slightest involvement of civil society. In opposing revision of the law, ICW and its civil society partners faced a huge challenge because some in the community supported revision of the legislation. These people too readily believed that revision of the legislation was intended to strengthen the KPK. The result was that revision of the law was unstoppable. Thus, the KPK is now under assault on two fronts: the KPK's leadership selected in a very questionable process and its revised legislation, also very suspect in terms of substance, which clearly weakens the KPK.

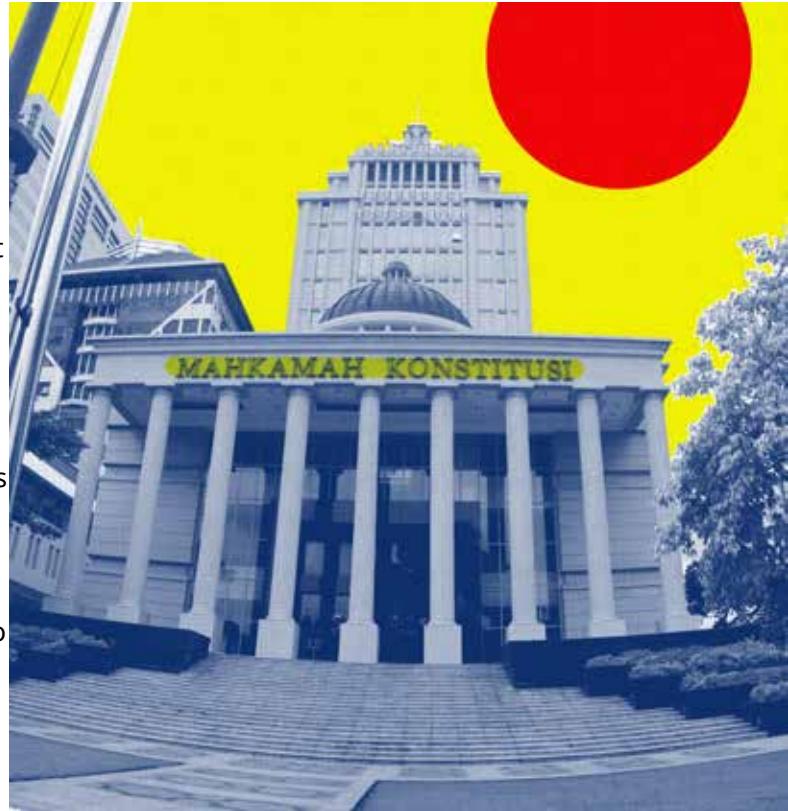
ICW, in cooperation with its coalition partners and academia, lodged a case against KPK Law No. 19/2019 with the Constitutional Court. The hope was that the Court would clearly see that the process used to revise this law was undoubtedly non-transparent, not in accord with correct procedure and totally dismissive of any community involvement. At the time of this report's publication, ICW and its partners were still awaiting the Court's ruling.

CONSTITUTIONAL COURT CHALLENGE TO LAW ON ELECTION OF HEADS OF REGIONAL GOVERNMENTS

In 2019, in company with the Association for General Elections and Democracy (known as Perludem), ICW petitioned the Constitutional Court for a judicial review of the law on elections for heads of regional governments. The contested provisions were those dealing with candidacies of those with past corruption convictions for election as regional governments heads. In anticipation of the simultaneous election in 2020 of heads of government in all 270 of Indonesia's regional government areas, the Court was asked to restrict the right of those formerly convicted of corruption to contest those elections.

Requesting such a restriction was important because the law governing election of regional government heads did not provide for a fixed period in which those convicted of corruption felons were ineligible to contest such elections. Procedures for selecting candidates cannot be handed over entirely to political parties without government regulation, allowing parties to choose their candidates and then simply submit their choices to the electorate. That could result in a regional government head re-committing corruption felony while in office, as was the case with Muhammad Tamzil, Bupati of Kudus, who faced two corruption charges while serving as regional government head.

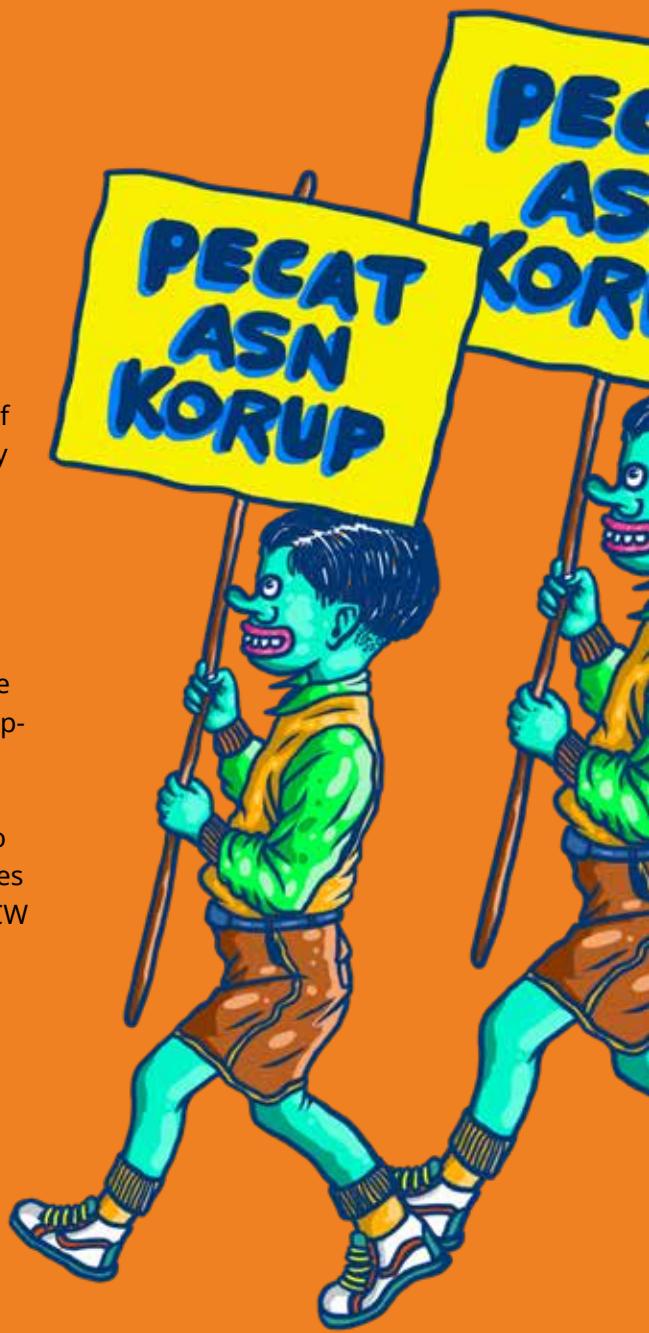
The Court responded positively to the case put by ICW and Perludem. It imposed upon those with past corruption convictions a 5 (five) year period of ineligibility for nomination as candidates for election to regional government head positions. That amounted to a sentence of one electoral cycle in the political wilderness for those formerly convicted of corruption before they could again be chosen as candidates for political positions. In time to come, ICW will seek to have a similar restriction applied to candidacies for election to legislative bodies.



BACKGROUND CHECKS ON SPECIAL CORRUPTION COURT JUDGES

For the umpteenth time, the committee selecting ad hoc judges of corruption cases (known as Tipikor judges) in the Supreme Court asked ICW for assistance in checking applicants' backgrounds and track records. As a demonstration of its support for the appointment of Tipikor judges of integrity and with impeccable records, ICW worked with its regional partners to do background checks on some 40 candidates and conveyed its findings to the selection committee.

Likewise, when candidates for the Tipikor positions were interviewed in Bogor, ICW was invited to directly observe the process and put questions to the applicants. This episode represented a step forward for ICW's cause, because it showed that the Supreme Court trusted ICW to be constructive in the selection process. The fact that ICW does not hesitate to criticize the Court and its judges who rule on corruption cases does not preclude opportunities for cooperation between ICW and the Court on the selection of ad hoc Tipikor judges.





URGING GOVERNMENTS TO SACK CIVIL SERVANTS GUILTY OF CORRUPTION

From mid-January through March 2019 ICW monitored civil servants convicted of corruption but not yet dismissed by their government. There were 1 466 public servants in that category spread across the country in central government ministries and regional governments. The purpose of ICW's monitoring was to encourage governments to be consistent in observing the established practice of sacking civil servants convicted of criminal offenses. Non-dismissal of such corrupt staff contributes to disruption of public services and losses to the public purse given that their salaries are funded by taxpayers.

As part of its monitoring, ICW visited several of the ministries/agencies involved, including the National Audit Office, the National Personnel Agency, the Supreme Court and the Ministry of Home Affairs. As part of the process, ICW invited the community to join in applying pressure on governments to sack officials convicted of corruption by signing an online petition (change.org/pecatPNSkoruptor). The petition captured the attention and interest of netizens, registering more than 1.2 million signatures.

URGING POLICIES GRANTING ACCESS TO PUBLIC PROCUREMENT CONTRACT DOCUMENTS

When Suyoto became Bupati of Bojonegoro Kabupaten, East Java, his government immediately introduced a ground-breaking policy of greater transparency and accountability in public procurement of goods and services. In Bupati Regulation No. 1/2007, he guaranteed public availability of contract documents to facilitate public access to them. Indeed, all government contract documents were to be published on the government's official website.

That policy approach inspired ICW to urge that similar policies be followed across the nation. ICW's already long-standing cooperation with the National Public Procurement Agency (LKPP) was used as a conduit for the idea. But getting the LKPP to promulgate such a policy met a significant roadblock in the form of an unresolved debate about the legality of giving access to contract documents.

Because of this impasse, ICW sought a way out by taking the issue up with the Central Information Commission (known as KIP), suggesting that it devise a KIP regulation on standards applicable to public information services and that the regulation include a clause on the accessibility of public procurement documents. At a focus group meeting in mid-August 2019 to discuss a draft regulation KIP had prepared, four KIP Commissioners (Hendra J Kede, M Syahyan, Arif Adi Kuswardono and Wafa Patria Umma) gave oral assent to the proposal. But despite that ICW is still waiting for the issue of an official KIP regulation.

"In consort with ICW, the Central Information Commission is attempting to enhance transparency in the public procurement of goods and services. Since the start of 2019 the Commission has been developing standards for information services which could improve such services and their accessibility in the area of public procurement."

Arif Adi Kuswardono, Commissioner, Central Information Service



MONITORING IMPLEMENTATION OF THE NATIONAL PREVENTION OF CORRUPTION STRATEGY

After President Joko Widodo (Jokowi) signed Presidential Instruction No. 54/2018 on a national strategy for the prevention of corruption, ICW began collaborating with civil society networks (in particular the Nahdlatul Ulama (NU)'s Institute for Human Resources Development (known as Lakpesdam PB NU) and local anti-corruption NGOs) to monitor the strategy's implementation in ten regions. The aim was to observe corruption eradication agendas pursued by the President and all levels of his government down to local government.

The areas monitored included the Provinces of Aceh, Riau and East Java, the Special Capital City District of Jakarta, the cities of Surabaya, Malang, Pekanbaru, Makassar and Banda Aceh and Jember Kabupaten. ICW's monitoring focused on two priority areas both covered by the national strategy: first, state finances: in particular steps taken to modernize public procurement processes and make them more professional; and second, law enforcement: with particular focus on moves to better manage coordinated criminal justice systems. One other area not a focus for ICW's monitoring but a priority within the national strategy was licensing and commerce.

Several points of interest emerged from ICW's monitoring of the national corruption eradication strategy. First, collaboration on eradication of corruption is not the sole preserve of anti-corruption groups but is also open to broadly based community organizations like Lakpesdam PBNU referred to above. This is because, as ICW's monitoring discovered, there has been minimal communication on the strategy with the public in regional areas. Thus, many of those implementing the strategy locally lack direction when performing their roles and responsibilities. Second, the commencement of monitoring by ICW and its partners encouraged quicker implementation of some elements of the national strategy. Third, what ICW learnt during this year's monitoring exercise will be a starting point for an evaluation of the national strategy in the coming year.

JUDICIAL REVIEW OF LAW NO. 19/2019 ON THE KPK

After the President and Parliament enacted new legislation on the KPK (i.e. Law No. 19/2019 on the KPK), ICW, in company with community leaders, academia and civil society networks (all banded together in the ReformasiDiKorupsi coalition), prepared a legal response in the form of a petition to the Constitutional Court for a judicial review of the KPK law. What was contested by ICW and its partners was that the processes used to frame revisions to the KPK law were not in order, ignoring several regulations governing participatory law making.

The judicial review referral amounted to a rejection of the new KPK law which substantially eroded the KPK's status as an independent institution. A number of experts made pro bono contributions to the drafting of the petition. Most of them had long been supporters of the KPK's independence and had been opposed to the revision of the KPK law. As of now, the case is still in process and ICW and partners await the final outcome.



ENFORCING CIVIL SERVICE ETHICAL STANDARDS

Suspected Violation of Ethics by a Member of the National Audit Office's Ethical Standards Committee

On 25 March 2019, together with the National Forum for Budget Transparency (FITRA), the Indonesia Budget Centre (IBC) and the Legislative Monitoring Committee (Kopel), ICW lodged a report with the Ethical Standards Committee of the National Audit Office on the behaviour of one its own members, I Gde Pantja Astawa. The report was based on a suspected conflict of interest on the part of I Gde Pantja Astawa while serving as an expert at a hearing on the Bank Indonesia Liquidity Support (BLBI) case.





I Gde Pantja Astawa was known to have given expert advice during proceedings against Syafruddin Arsyad Tumenggung, who was accused of corruption when providing Sjam-sul Nursalim (the controlling shareholder in Indonesia National Trade Bank (BDNI)) with a Letter of Fulfilment of Shareholder Obligations (aka Certificate of Payment) dated 26 April 2004 concerning a required handover of assets by the BLBI obligor. I Gde Pantja Astawa's standing in those proceedings was that of an expert brought in by the accused (Tumenggung).

At that time, I Gde Astawa was still a member of the National Audit Office's Ethical Standards Committee. That fact pointed to a possible conflict of interest given that he spoke at the BLBI proceedings about an Audit Office investigation into possible damages caused to the State by alleged corruption in the issue of the Certificate of Payment to BDNI's controlling shareholder Sjamsul Nursalim referred to above. Sadly, it is not clear how ICW's referral is being dealt with by the Audit Office's Ethical Standards Committee.

Suspected Violation of Code of Ethics by Justice Syamsul Rakan Chaniago Reported to Judicial Commission

On 23 July 2019, together with Legal Aid Jakarta, Public Transparency Watch Tangerang and

the Indonesia Legal Aid Institute Foundation, ICW lodged a report with the Judicial Commission on a suspected code of ethics violation by Justice Agung Syamsul Rakan Chaniago. Justice Chaniago was one of the presiding cassation appeal court judges in the case of Syafruddin Arsyad Tumenggung, former head of the Indonesian Banking Restructuring Agency.

Tumenggung was acquitted on appeal, whereas at his first trial and first appeal he was sentenced to 10 years imprisonment. The basis for ICW's report on Tumenggung to the Judicial Commission was that he was suspected of continuing to operate a lawyer's office while still serving as a Supreme Court judge. That office, located at Blok A-4, Jalan Jendral Sudirman, Pekanbaru in a building called Komplek Perkantoran Sudirman Point, was found to be marked by a wall plate inscribed with the words "Syamsul Rakan Chaniago & Associates" Advocate and Legal Consultant.

This situation was regarded as being in breach of Article 31 (2) of Law No. 48/2009 on Judicial Power which stipulates that a judge is forbidden to work concurrently as a lawyer. The outcome of ICW's report, as conveyed in a decision of the Supreme Court's Supervisory Board, was that the person concerned was judged to have violated the Court's code of ethics.

FIGHTING CORRUPTION IN THE FOOD SECTOR

Sugar, especially refined sugar, is one commodity which entices economic rent-seeking. Refined sugar is imported and is specifically directed at the needs of industry, including manufacture of food, drinks, cosmetics and other such products. Government policies on imports of food including refined sugar have long been identified as a hotbed of corruption. A climax was reached in 2017 when the Minister for Trade, Enggartiasto Lukita, issued Trade Minister Regulation No.16/2017 on the auctioning of refined sugar, in which in a bizarre arrangement he appointed PT Pasar Komoditas Jakarta (PT PKJ) as refined sugar auctioneers. The way in which PT PKJ was appointed not only violated several government regulations including those relating to public procurement but also risked establishing a PT PKJ monopoly on refined sugar auctions. Under procedures established by the Minister, companies requiring imported refined sugar had to purchase it at auctions conducted by PT PKJ, with every kilogram purchased incurring an administrative fee payable to PT PKJ. ICW launched an array of advocacy and campaign activities to urge the Corruption Eradication Commission to deal with the matter. Considerable pressure finally led the Minister to amend Trade Minister Regulation No. 16/2017.



Press conference responding to Energy and Food Issues,

Photo by ICW's documentation

**MARI
KAWAL
ANGGARAN
NEGARA
YANG
ADIL DAN
INKLUSIF**

SUPPORTING THE DISABLED

During the year ICW broadened its activities by assisting organizations supporting the handicapped in four cities, viz. Surakarta, Bandung, Kupang and Makassar, its aim being to advocate for more accessible and better-quality public services, especially funding. ICW cooperated with the following disability support organizations: the Bandung Independent Living Centre (BILIC), the Disabled for Equality Movement (PERDIK) in Makassar, the Centre for Community-Supported Rehabilitation Training and Development (PPRBM) in Surakarta and the Village Development and Empowerment Advocacy Workshop (Bengkel APPEK) in Kupang.

To help identify issues faced by the disabled in regard to public services for the handicapped, ICW conducted a survey of 800 disabled people on their access to health services. ICW also provided at least 30 disability support organizations with training and mentoring on analysis of local budgets; on how to request access to public information using provisions of Indonesia's Freedom of Public Information law (No. 14/2008); and on ways to develop creative public campaign strategies. Analysis of bud-

gets is important because the seriousness with which a local government addresses the concrete needs of the disabled is evident from the size of the budget it allocates to meet those needs and how well that budget is targeted.

Although budget analysis is difficult because budget documents are not easy to obtain and available documents are not fully accessible especially for the visually-impaired, ICW's partners in this program managed to conduct simple analyses. The results of those analyses as well as the findings and recommendations of ICW's survey of the disabled were subsequently conveyed to the mayor, relevant officials and local legislative assembly members in the municipal governments concerned. This establishment of direct lines of communication with decision makers was intended to help make future local government budgets more consultative and more user friendly for the disabled.

Apart from sugar, in 2019 ICW continued its probes into corrupt rent-seeking in the food sector, in particular garlic. The story on garlic began on 7 August 2019 with a Corruption Eradication Commission operation called Tangkap Tangan, investigating bribery associated with the issue of garlic import quota permits. Six people thought to be bribe givers, bribe recipients and intermediaries were identified as suspects. Among them was Chandry Suanda, Director of Pt Cahaya Sakti Agro (suspected of giving bribes) and Nyoman Dharmantara, member of the House of Representatives (DPR) (2014-19) and its Sixth Commission on Trade (suspected of taking bribes).

The DPR member, from the Indonesia Democratic Party of Struggle Parliamentary Faction, was suspected of having solicited emoluments for helping organize the issue of a Ministry of Agriculture horticultural product import recommendation and a Ministry of Trade notice of agreement to import. Payments sought amounted to Rp 3.6 billion, with an additional charge of between Rp 1 700 and Rp 1 800 per kg for an import quota of 20 000 tons of garlic.

This bribery case shows that importation of garlic is not immune from rent-seeking practices. Even so, cartels importing garlic have long been under suspicion. In 2013 Indonesia's Business Competition Commission exposed practices involving garlic import monopolies and manipulation of its supply to the market leading to increased selling prices. 19 companies were found guilty and sanctioned with fines. Not only that: Indonesian Police have also, on several occasions, uncovered irregularities in the use of import permits.

After brief investigation, ICW identified at least five problems related to the importation of garlic, namely: excessively high price disparities, mark-ups of import prices, imports made in advance of permits being issued, importers failing to honour their obligation to cultivate garlic and domination of garlic imports by problematic businesses.



ICW FINANCIAL STATEMENTS

DUE TO THE COVID-19 PANDEMIC,
ICW FINANCIAL AUDIT PROCESS HAD NOT BEEN COMPLETED AT THE END OF 2019.
THE 2019 ICW AUDITED FINANCIAL STATEMENTS CAN BE ACCESSED
ONLINE AT WWW.ANTIKORUPSI.ORG.





We show up for our heart's calling, NOT IG Stories,

Photo by Nisa Zonzoa

"ONE COMMUNITY GROUP WHICH CAN BE TERMED THE NATURAL BORN CHILD OF THE 1998 REFORM MOVEMENT IS ICW. FOR MORE THAN TWO DECADES ICW HAS DEMONSTRATED CONSISTENT COMMITMENT TO ERADICATING CORRUPTION FROM OUR COUNTRY. FOR THE FUTURE, I HOPE THAT ICW WILL STAY ON THE RIGHT TRACK BY MAINTAINING THE PRESTIGE OF THE ANTI-CORRUPTION MOVEMENT IN INDONESIA THROUGH ITS STRATEGIC AND COMPREHENSIVE RANGE OF RESEARCH AND INQUIRIES."

EDDY O.S HIARIEJ

PROFESSOR OF CRIMINAL LAW

LAW FACULTY, GADJAH MADA UNIVERSITY

