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INDONESIA CORRUPTION WATCH AND
CENTER FOR INDONESIAN LAW AND POLICY STUDIES

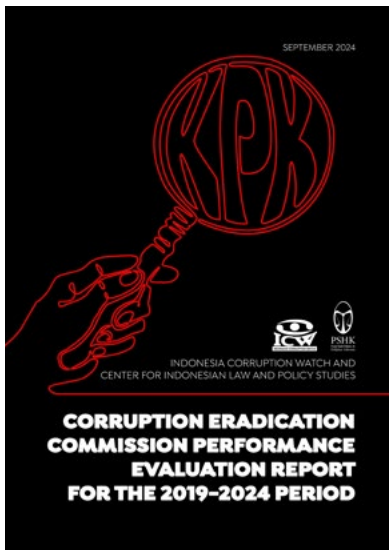
**CORRUPTION ERADICATION
COMMISSION PERFORMANCE
EVALUATION REPORT
FOR THE 2019–2024 PERIOD**

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FOREWORD

ICW COORDINATOR

Historically, the Corruption Eradication Commission (KPK) has faced a sustained effort to weaken its authority since before the revision of Law 30 of 2002 concerning the Corruption Eradication Commission. These weakening attempts take many forms, including curtailing the KPK's power through a judicial challenge in the Constitutional Court (MK), the use of legislative (DPR) right to inquiries, criminalizing leaders of the KPK, intimidation and threats of violence, transfer of investigators to their origin institutions, building discourse on the dissolution of the KPK, and culminates in the controversial National Insight Test (TWK) designed to purge employees with integrity.

The weakening of the KPK continued with the selection of its leadership, where the selection committee, the president, and the parliament appeared to collude to choose a leader with a history of integrity issues. As feared by the public, the chosen candidates faced numerous allegations of ethical violations. For instance, Lili Pintauli resigned before the completion of her ethics trial, despite strong indications of bribery. Not long after, KPK Chairman Firli Bahuri was arrested by the Metro Jaya Police for extortion, bribery, and gratification from former Minister of Agriculture Syahrul Yasin Limpo.

The series of weakening can again be proven concretely. The decline in public trust in the KPK is evident in opinion polls conducted over the past five years by almost all survey agencies. Consistently ranking at the bottom among state institutions, the KPK has lost public support. This erosion of trust is a direct result of the deviation from its original mission of eradicating corruption. Ironically, the public now places more faith in other law enforcement agencies, such as the police and the attorney general's office.

The weakening of anti-corruption institutions is a global trend occurring in many countries. At a 2010 conference in Bangkok, researchers from the Groups of State Against Corruption identified three primary methods for undermining these institutions:

1. Altering regulations to limit their authority,
2. Restructuring them to reduce their independence, and
3. Decreasing their resources or budget.

The erosion of the basic values of KPK personnel, which is exacerbated by weak oversight and enforcement of disciplinary standards, is also a latent issue that can be seen from several criminal cases. For example, embezzlement of evidence and mass corruption in the KPK detention center environment involving dozens of employees which demonstrate that ethical decay has permeated all levels of the KPK.

With the upcoming leadership change at the KPK, there is an opportunity for a fresh start. While restoring the KPK's former reputation may be challenging, public vigilance and scrutiny of this political process are crucial. The government and parliament must learn from the KPK's current state of disarray, which is largely attributable to the failed leadership of its commissioners. Failure to address these issues could lead to the realization of the public's worst fears regarding the destruction of the KPK.

This report by ICW and **Center for Indonesian Law and Policy Studies (PSHK)** aims to provide a comprehensive assessment of the KPK's performance over the past five years. At the very least, it serves as a stark reminder for the public of the deteriorating state of corruption eradication in Indonesia under President Joko Widodo's administration. Additionally, stakeholders, including the government and parliament, can use this report to inform necessary reforms. If no meaningful improvements are implemented, we may have to say farewell to the future of the KPK.

May this report prove enlightening,

Agus Sunaryanto

ICW Coordinator

FOREWORD

PSHK EXECUTIVE DIRECTOR

It is very difficult not to mention the “*Cicak vs Buaya*” (Lizard vs Crocodile) incidents, which are a significant chapter in the history of the KPK. While efforts to weaken the KPK predate these incidents, the “*Cicak vs Buaya*” clashes were a watershed moment in the agency’s struggle to maintain its independence and effectiveness. This ongoing conflict between the KPK and the National Police, marked by clashes over jurisdiction and investigations, began in 2009 and escalated with subsequent episodes in 2012 and 2015, often referred to as “*Cicak vs Buaya*” Episodes 1, 2, and 3.

Resistance to the anti-corruption movement has persisted. When President Joko Widodo took office, many government officials have publicly expressed their opposition to the KPK. As we all know, a significant setback occurred in 2019 when the parliament and president approved changes to the KPK Law, marking a turning point in the agency’s decline. By the end of President Jokowi’s first term, the KPK had effectively lost its independence as an anti-corruption agency.

The 2019 revision of the KPK Law marked another significant turning point in the agency’s history. Unlike the “*Cicak vs Buaya*” incidents, which involved the KPK and the National Police, the primary actors in this instance were the parliament and the president with legislative products as their instruments. This legislative maneuver, however, shares similarities with the previous conflicts, reflecting a pattern of what political experts call as autocratic legalism, a term which describes the use of legal instruments, institutions, and regulations to legitimize the actions of those in power.

Attacks on the KPK and the anti-corruption movement continue to this day. The appointment of Firlil Bahuri and other figures with questionable backgrounds as KPK commissioners five years ago remains the public’s bitter memory. We certainly hope that dark episode will not happen again and that the selection committee prioritize the appointment of brave and integrity-driven individuals to lead the KPK in the next five years.

In the face of these challenges, the public must remain vigilant and steadfast. Civil society, academia, and the media must play a crucial role in overseeing state administrators, including the KPK, which is mandated to safeguard public money. This year of political transition, marked by elections and the formation of a new government, presents a heightened risk of corruption. It is essential to monitor all stages of the process, from the electoral campaigns to the development of new policies.

The Center for Indonesian Law and Policy Studies (PSHK) is honored to have collaborated with **Indonesia Corruption Watch (ICW)** on the "**Corruption Eradication Commission Performance Evaluation Report for the 2019-2024 Period.**" This report serves as a historical record of the troubling state of corruption eradication during President Joko Widodo's tenure. Beyond that, it is intended to be a catalyst for future efforts to strengthen the KPK and a reminder of the noble ideals that inspired the anti-corruption movement in our country.

May this report prove enlightening,

Jakarta, 5 September 2024

Rizky Argama

PSHK Executive Director

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INTRODUCTION

The state of corruption eradication in Indonesia remains a cause for concern. Transparency International Indonesia's 2023 Corruption Perception Index (CPI) confirms this, with Indonesia's score remaining at 34 and its ranking declining from 110 to 115. Compared to the CPI score when President Joko Widodo was first inaugurated nine years ago, Indonesia has made minimal progress. This stagnation indicates a need for a thorough evaluation of anti-corruption policies, particularly those related to law enforcement reform.

Similarly, the Corruption Eradication Commission (KPK) has faced increasing skepticism about its effectiveness. A series of controversies over the past four years, including low-quality and low-quantity enforcement, ethical scandals, and deteriorating institutional governance, have eroded public trust. Consequently, the KPK consistently ranks lowest in public trust surveys among state institutions.

The root of the KPK's current problems can be traced very easily to the government and parliament's dramatic political decision to amend Law Number 30 of 2002 and appoint problematic commissioners. It is not hard to imagine that the revision of the KPK Law compromised the agency's independence by placing it under the executive branch, changing employee status to state civil servants, and establishing the Supervisory Board.

On the other hand, the commissioners, the President and the DPR at that time agreed to choose people with questionable track records, one of whom was Firli Bahuri. In fact, the public had warned through various channels, even through large-scale demonstrations, that the series of agreements that formed the law would lead the KPK in a worse direction. Despite the protest, the participatory channel was simply ignored, and the government and the DPR continued with weakening measures.

As a product of reform and a beacon of hope for eradicating corruption, the KPK must be restored to its former strength. This requires internal improvements and external support from other state institutions. Moreover, the KPK must demonstrate a willingness to learn, listen, and respond to public feedback.

The law, specifically Article 41 of the Corruption Eradication Law, recognizes and guarantees the public's role and contribution in combating corruption.

In response to the challenges facing the KPK, **Indonesia Corruption Watch and the Center for Indonesian Law and Policy Studies (PSHK)** have initiated a critical analysis of the agency's performance over the past five years. This evaluation focuses on the KPK's institutional governance, enforcement capabilities, prevention efforts, as well as the implications of the revised KPK Law and changes in its institutional status. ■

RESEARCH METHODS

This research employed a mixed research methodology, combining quantitative and qualitative methods. Additionally, it included a literature review on the implementation challenges of Law Number 19 of 2019 concerning the Corruption Eradication Commission. This was followed by a discussion of various problems within the KPK and public perception, which were further analyzed to draw conclusions about the actual issues. Data sources for this analysis included laws and regulations, the KPK's annual report, and media reports. ■

IMPLICATIONS OF KPK LAW REVISION AND CONSTITUTIONAL COURT RULINGS

The institutional condition of the KPK has deteriorated significantly since the enactment of Law 19/2019, concerning the Second Amendment to Law Number 30 of 2002 concerning the KPK (Revised KPK Law). Intended to reorganize the KPK's authority and structure, the law's reforms have inadvertently weakened the institution's ability to effectively combat corruption. Rather than strengthening the KPK, these changes have made it more vulnerable to external interference.

One of the most strikingly destructive changes in Law 19/2019 is the granting of authority to the KPK to issue a Letter of Termination of Investigation and Prosecution (SP3). Additionally, the ambiguous role of the Supervisory Board, which now has substantial authority but whose functions are often unclear, has further weakened the KPK's institutional structure. Other detrimental changes include the alteration of the KPK leadership's status to exclude investigative and prosecutorial roles, the transfer of KPK employees to civil servant status, and the increase in the minimum age requirement for KPK

leadership nominations. These reforms collectively indicate a direction that weakens rather than strengthens the KPK institution.

The decline in the KPK's institutional condition is not solely attributed to Law 19 of 2019 but also to several MK decisions that have limited the KPK's authority and functions. While intended to provide legal certainty, these decisions have often resulted in reduced independence and strength for the KPK as an anti-corruption institution. Examples include restrictions on wiretapping, changes in employee status, and other limitations that hinder the KPK's ability to perform its duties.

This section will thus delve into the various institutional changes that have impacted the KPK, stemming from both Law 19 of 2019 and MK decisions. This analysis will demonstrate how these changes could significantly affect the KPK's ability to combat corruption in Indonesia and the potential long-term consequences of this ongoing institutional weakening process.

1.1 Challenges of Issuing Termination Orders for Investigations and Prosecutions

The introduction of Article 40 in Law 19 of 2019, granting the KPK the authority to issue a Letter of Termination of Investigation and Prosecution (SP3), represents a significant setback in Indonesia's anti-corruption efforts. Previously renowned for its zero-tolerance approach, which requires every case to be investigated and prosecuted to its conclusion, the KPK's ability to issue SP3s raises concerns about its commitment to eradicating corruption and could erode public trust in the institution's integrity.

This authority grants the KPK the power to halt corruption cases prematurely, raising concerns about potential interference and abuse of power that could undermine the anti-corruption spirit. Article 40 of Law 19 of 2019 creates a loophole that could be exploited to terminate corruption cases that should be pursued to their conclusion. This weakens the KPK's role as an independent law enforcement institution and jeopardizes its effectiveness in combating corruption.

These concerns became evident on 1 April 2021, when the KPK issued its first SP3 under the authority granted by Law 19 of 2019. The SP3 terminated the investigation into a fugitive suspect in the Bank Indonesia Liquidity Assistance (BLBI) corruption case, one of the country's most significant corruption cases. This decision raised concerns about the potential for abuse of the KPK's authority and weakened efforts to consistently and firmly eradicate corruption. The use of the SP3 authority in the BLBI case, involving large state losses of IDR4.58 trillion and having a broad impact on the national economy, sets a worrying precedent.

The issuance of the SP3 by the KPK not only occurred in the BLBI case but also in several other corruption cases. These cases include:

**TABLE 1.
ISSUANCE OF ORDER TO
STOP INVESTIGATION AND
PROSECUTION (SP3) BY THE
CORRUPTION ERADICATION
COMMISSION (KPK)**



NO.	NAME OF SUSPECT	CASE	YEAR OF INDICTMENT	YEAR OF SP3 ISSUANCE	JUSTIFICATION FOR SP3 ISSUANCE
1.	Sjamsul Nursalim and Itjih Nursalim.	Bank Indonesia Liquidity Assistance (BLBI) Corruption.	2019	2021	Decision of dismissal of prosecution (<i>ontslag van rechtsvervolging</i>) by the Supreme Court.
2.	Darwan Ali (Former Regent of Seruyan).	Corruption in the Teluk Segintung Seaport project 2017-2012.	2019	2023	Death of the suspect.
3.	Fuad Amin (Former Regent of Bangkalan).	Bribery in natural gas transactions	2014	2023	Death of the suspect.
4.	Budi Juniarto (Former Head of Regional Infrastructure Planning at East Java's Regional Development Planning Agency).	Embezzlement of financial aid funds.	2020	2023	Death of the suspect.
5.	Fasichul Lisan (Former Rector of Airlangga University).	Corruption in the construction of hospitals and medical equipment procurement at Airlangga University Teaching Hospital	2016	2023	Grave illness of the suspect.
6.	Jacobus Purnomo (Former Director General of Electricity and Energy Utilization at the Ministry of Energy and Mineral Resources).	Corruption in the solar home system procurement project (2007-2008).	2014	2023	Grave illness of the suspect.
7.	Surya Darmadi (Owner of PT Duta Palma).	Bribery related to Riau Province forest conversion.	2019	2024	Issuance of Suheri judicial review.
8.	Supian Hadi (Former Regent of Kotawaringin Timur).	Corruption in Mining Business License (IUP) issuance in East Kotawaringin.	2019	2024	Lack of evidence.

The issuance of SP3 in several of these cases has raised concerns that the KPK's new authority could be abused to terminate investigations into significant cases involving influential individuals, undermining efforts to eradicate corruption at the highest levels.

The KPK's use of the SP3 authority in multiple cases has sparked debate among legal experts and the public about the institution's effectiveness and independence in addressing corruption. Previously known for its uncompromising approach, the KPK is now perceived as being more lenient towards certain cases, particularly those involving influential individuals. This raises concerns that Article 40 of Law 19/2019 could lead to selective law enforcement, potentially eroding public trust in Indonesia's anti-corruption efforts.

In fact, long before that, the Constitutional Court had already emphasized through Decision Number 006/PUU-I/2003 and Decision Number 012-016-019/PUU-IV/2006 that the basis for the KPK not being given the authority to issue SP3 was to ensure that the KPK did not continue the investigation to the level of investigation, let alone prosecution, if the KPK was not yet sure that the evidence for it was sufficient, thus making the KPK more careful in investigating a corruption case.

“The provision was intended to prevent the KPK from abusing its extensive authority. As per regulations, the KPK has the power to oversee and take over investigations, inquiries, and prosecutions of corruption crimes from other law enforcement agencies. Therefore, granting the KPK the authority to issue a Letter of Order to Stop Investigations for corruption cases handled by other agencies could potentially be misused.”

On the other hand, according to the Constitutional Court, eliminating the KPK's authority to issue SP3 would provide greater certainty regarding a suspect's innocence through a judicial decision. This process is considered more accountable than relying on an SP3, as it involves a formal legal procedure and a judge's ruling.

“The Constitutional Court believes that, in such circumstances, the KPK's public prosecutor should be obligated to bring the defendant to trial by filing a motion for acquittal. This approach is preferable to granting the KPK the authority to issue an SP3, from the perspectives of the defendant's interests, public interest, and the interests of the KPK's investigators and public prosecutors themselves.”

The KPK's decision to terminate this investigation raises serious concerns about the direction of law enforcement policy and Indonesia's commitment to eradicating corruption. If not closely monitored, the authority to issue SP3 could become a tool for undermining the KPK's credibility and jeopardizing the hard-won gains in the fight against corruption.

1.2. Ambiguous Role and Powers of the KPK Supervisory Board

The establishment of the KPK Supervisory Board (Dewas KPK) through Law 19/2019 has created ambiguity regarding its authority within the KPK's institutional structure. While mandated to oversee the KPK's duties and authorities, the KPK Supervisory Board's unclear role and functions raise questions about the extent of its intervention in KPK operations. Although the KPK Supervisory Board once had the authority to approve certain actions, such as wiretapping, confiscation, and searches, its strategic position can also lead to overlapping authority with the KPK leadership. This ambiguity hinders the KPK's independence and effectiveness in combating corruption and creates potential conflicts of interest that can compromise institutional integrity.

The primary issue with the KPK Supervisory Board is the lack of specific regulations regarding its authority in Law 19/2019. While the law outlines the Board's general supervisory function, it fails to provide concrete guidance on how this authority should be exercised in practice. This ambiguity creates uncertainty about the Board's role in overseeing the KPK's operations and the extent of its authority.

Due to the ambiguity surrounding its authority, the KPK Supervisory Board has struggled to effectively fulfill its oversight role. The KPK Supervisory Board often adopts a passive approach, acting only when necessary, rather than taking a proactive stance. This lack of clarity in the Board's authority can also hinder the KPK's overall effectiveness. If not provided with clear guidelines on its scope and mechanisms of supervision, the Board, intended to function as an independent overseer, could instead become an obstacle to the KPK's duties. The potential for overlapping authority between the KPK Supervisory Board and the KPK leadership can create inefficiencies and internal conflicts.

Another emerging issue is that the KPK Supervisory Board and the inspectorate have overlapping roles, as both oversee the same entities. This creates confusion in daily operations. Historically, there was little distinction between the KPK Supervisory Board and the Deputy for Internal Supervision and Public Complaints within the KPK's institutional structure.

The overlapping roles of the KPK Supervisory Board and the inspectorate have led to inefficiencies in monitoring and handling violations within the KPK. This ambiguity can create internal conflicts and delay responses to complaints and allegations, ultimately hindering the KPK's effectiveness. To address these issues, a clear and firm re-division of authority between the Supervisory Board and the inspectorate is necessary to ensure that each unit operates optimally without duplication or conflicts.

The lack of clarity regarding the KPK Supervisory Board's authority increases the risk of institutional dysfunction. The KPK, intended to operate independently, could be

hindered by this uncertainty, ultimately weakening its efforts to combat corruption in Indonesia.

1.3. Leadership Transition to (No Longer) Investigators and Prosecutors

The removal of investigator and prosecutor status from the KPK Leadership in Law 19/2019 is a significant change that has sparked controversy. Previously, the KPK Leadership had direct authority over investigations and prosecutions, actively handling corruption cases. However, this revision has drastically shifted their role from strong legal authority to a focus on the administrative aspects of institutional management.

The changes to the KPK leadership's role are easily put into questions regarding the agency's effectiveness as a law enforcement body. Previously empowered to investigate and prosecute cases, the leadership is now more administratively focused. This shift could weaken their authority and legitimacy in the eyes of the public. Additionally, the elimination of investigative and prosecutorial authority from the KPK leadership has created opportunities for legal challenges. Certain parties may question the legality and validity of KPK actions, particularly in pretrial proceedings, given the leadership's reduced legal role.

Another consequence of the change is that the KPK Leadership's role has been significantly narrowed, focusing primarily on administrative and managerial tasks rather than law enforcement. This change limits their direct involvement in directing or overseeing investigations and prosecutions, hindering their ability to actively handle major cases of public concern. This reduced role could potentially diminish the KPK's effectiveness in combating corruption, as the leadership can no longer act as a legal authority making critical decisions in the law enforcement process.

Concerns about the KPK's diminished investigative and prosecutorial authority surfaced in the case against former Supreme Court Justice Gazalba Saleh. In a temporary ruling, the Jakarta Corruption Court granted Gazalba Saleh's request to suspend legal proceedings against him. The court panel determined that the KPK prosecutor had not been granted the necessary authorization to pursue charges against Gazalba Saleh. The court's decision, numbered 43/Pid.Sus-TPK/PN.JKT.Pst, marks an early indication of the doubts that arose regarding the KPK's prosecutorial processes after its leadership was stripped of investigative and prosecutorial powers.

However, the KPK promptly appealed the interim decision to the DKI Jakarta High Court, which overturned the lower court's ruling. In Decision Number 35/Pid.Sus-TPK/2024/PT DKI, the High Court panel disagreed with the Jakarta Corruption Court's reasoning,

stating that it could lead to significant legal uncertainty and disrupt judicial practices. This decision reaffirms the importance of maintaining the KPK's prosecutorial authority, even after the removal of investigative and prosecutorial roles from KPK leadership.

The DKI Jakarta High Court panel noted that each KPK public prosecutor had received a letter of instruction from the Attorney General, confirming their assignment to the KPK. This demonstrates the ongoing validity of the KPK prosecutors' prosecutorial authority, regardless of changes in the KPK's institutional structure. Based on this, the panel rejected the argument that the removal of investigative and prosecutorial roles from the KPK leadership had nullified the prosecutorial authority of KPK prosecutors as a whole.

The Gazalba Saleh case demonstrates that while Law 19/2019 formally removed investigative and prosecutorial roles from the KPK leadership, the practical impact of these changes remains open to legal interpretation. The appeal decision in favor of the KPK highlights that, under certain circumstances, the KPK's prosecutorial authority can still be exercised. This case underscores the need for clear and unambiguous laws and regulations governing the KPK's role and authority to avoid legal uncertainty that could hinder anti-corruption efforts.

1.4. KPK's Independence Threatened by Employee Status Shift

The threat to the KPK's independence originated with the Constitutional Court's Decision Number 40/PUU-XV/2017, which placed the agency under the executive branch. By making the KPK accountable to the president, the court opened the door for potential political interference. This shift from an independent agency to one within the executive branch raised concerns about the KPK's ability to operate without undue influence. It was the first step in a series of changes that eroded the KPK's independent status as a law enforcement institution previously positioned outside the three main branches of government.

The KPK's independence is further compromised by the transition of its employees to state civil servants (ASN), as mandated by Article 24 paragraph (2) of Law 19/2019. The implementation of the National Insight Test (TWK) for all KPK employees was a key step in this process. The TWK was designed to assess employees' suitability for continued employment at the KPK, given the shift to ASN status.

However, the results of the TWK sparked controversy as 57 KPK employees were deemed ineligible to continue their careers due to failing to meet the established criteria. This selective and repressive measure led to the dismissal of several employees who were known for their critical stance and long track record in combating corruption. These actions raised serious concerns about the KPK's independence and institutional integrity.

The transition of KPK employees to ASN status has forced them to comply with the laws and regulations governing civil servants, including those related to discipline, supervision, and career advancement. This has compromised their independence, as they are now subject to government regulations and policies. The change in employee status also raises concerns about the potential for political influence in the selection, promotion, and supervision of KPK employees.

These changes to the KPK's institutional structure and employee status have significantly compromised its independence. As an anti-corruption agency, the KPK requires full autonomy to effectively carry out its functions, both institutionally and at the individual level. By placing the KPK under the executive branch and transferring its employees to ASN status, the agency has become more susceptible to external interference that could disrupt its law enforcement activities, particularly when investigating cases involving powerful individuals. This erosion of independence, which should be its main foundation, threatens the KPK's ability to effectively combat corruption.

The erosion of the KPK's independence has been proven to have a detrimental impact on Indonesia's anti-corruption efforts. Since the changes in employee status and placement under the executive branch, the KPK has exhibited a tendency toward caution, even compromising its investigations into major cases. This suggests a greater reliance on political considerations rather than independent law enforcement. The threat to the KPK's independence is therefore a serious issue that not only hinders corruption eradication but also undermines public trust in the KPK as a reliable institution for upholding integrity in Indonesia.

1.5. Controversy over Setting Minimum Age Limit for KPK Leadership Nominations

The significant changes in Law 19/2019 regarding the minimum age limit for nomination as KPK Leaders reflect an important policy shift in the institutional arrangements of the KPK. Initially, through Law 30/2002, the minimum age limit for KPK leadership candidates was set at 40 years of age. This age limit was designed to open up opportunities for relatively young candidates who already had sufficient experience and ability in law enforcement and eradicating corruption. However, in the revision of the law in 2019, this provision was changed by increasing the minimum age limit to 50 years. This change raises questions about the motives and possible impacts on the selection process and quality of leadership at the KPK.

During the discussion of Law 19/2019, no fundamental argument was found regarding the reasons behind the change in the minimum age limit for KPK leaders to 50 years. In various discussion forums and debates, both at the legislative and public levels, there was no

convincing explanation as to why the age of 50 years was considered more appropriate than 40 years to meet the requirements as KPK leaders. The lack of transparency and openness in this process has led to speculation that this change may have been driven more by political considerations than institutional or professional needs. This condition has invited criticism, especially from those who are concerned that the change could hinder regeneration and innovation in KPK leadership.

Based on several previous MK decisions, a challenge to the minimum age limit for KPK leadership nominations in Law 19/2019 at the Constitutional Court is likely to be unsuccessful. The MK views the age limit regulation as an open legal policy, meaning that it is up to the legislature to determine, as long as it does not violate fundamental constitutional principles.

The change in the minimum age limit for KPK Leadership nominations in Law 19/2019 is therefore a controversial step that lacks clear justification. Future changes to the KPK's institutional arrangements should be based on a thorough analysis of empirical evidence, in order to ensure that any changes are truly beneficial and not detrimental to the KPK's performance. ■

KPK INSTITUTIONAL GOVERNANCE

The problematic 2019 revisions to the KPK law and the subsequent changes in leadership led to a series of institutional challenges, one of which was a weakened governance structure. Moreover, Law 19/2019 has introduced a new nomenclature in the KPK, namely, the KPK Supervisory Board. Article 37A paragraph (1) of Law 19/2019 states that the presence of the KPK Supervisory Board is claimed to guarantee supervision of the implementation of the duties and authorities of the KPK. This section will try to review a number of problems that have emerged recently, including the handling of ethical violations by the Supervisory Board, coordination between commissioners and the Supervisory Board, and also the question of the bureaucratic posture at the KPK. In addition, it also reviews the latent problems that occur at the KPK, namely, employee dual loyalty.

2.1. The Erosion of Ethical Standards

The erosion of ethical standards within the KPK is evident in the increasing number of reported ethical violations among its

personnel. According to the Supervisory Board's annual reports from 2020 to 2023, the number of complaints alleging ethical misconduct has risen significantly. Even though only a small portion of these cases proceed to an ethics hearing, the overall trend indicates a decline in the organization's integrity.



**TABLE 2.
REPORTS OF ALLEGED ETHICAL
VIOLATIONS OF KPK MEMBERS**

	2020	2021	2020	2021
Reported ethical breaches	20 reports	33 reports	26 reports	40 reports
Subject to an ethics hearing	4 ethics hearings	7 ethics hearings	3 ethics hearings	3 ethics hearings

One of the factors contributing to the increase in reports of alleged ethical violations within the KPK is the erosion of exemplary behavior among its leadership. In 2023 alone, the Supervisory Board investigated three such cases, two of which involved the agency's leaders, Firli Bahuri and Johanis Tanak.

However, a closer examination of the KPK Supervisory Board's ethical decisions, particularly those involving the leadership, reveals a disappointing lack of rigor. For example, the Board's decision on Firli Bahuri's 2020 violation of the code of ethics, which involved renting a helicopter for personal use, was met with criticism. While the Board did find Firli guilty of the violation, the sanction imposed was merely a written warning and a request to avoid repeating the offense. This lenient punishment was justified by the Board's claim that Firli was unaware of the ethical implications of his actions, a reason that many found unconvincing.

In addition to Firli, another case of ethical misconduct involving a KPK leader that has drawn criticism is that of Lili Pintauli Siregar. In 2021, Lili was found guilty of a serious ethical violation for having direct contact with the Mayor of Tanjung Balai, M. Syahrial, a party involved in a case being investigated by the KPK. Despite the severity of the violation, Lili was only given a 40% reduction in her basic salary for 12 months as punishment.

The KPK's lax enforcement of ethical standards was further exposed in 2022 when it reopened the investigation into Lili Pintauli Siregar's ethical violations. Lili was accused

of receiving tickets and accommodations worth approximately IDR90 million from a state-owned company for the Mandalika MotoGP event. Despite this new evidence, the Supervisory Board did not proceed with the ethics trial because Lili had resigned from her position as a KPK commissioner, as was approved by the President through Presidential Decree No. 71/P/2022 signed on 11 July 2022. The Board had scheduled a hearing for 5 July 2022, but Lili failed to appear. Notably, the trial could have proceeded in absentia as Lili had been duly summoned on 1 July 2022.

Beyond ethical issues related to leadership, the Board's handling of ethical violations by KPK employees involved in extortion at the detention center has drawn public scrutiny. While 78 of the 90 employees implicated were found guilty, the public has expressed disappointment with the relatively lenient punishment of a public apology. However, according to Supervisory Board Regulation No. 3 of 2021, this is the maximum sanction available. The limited range of punishments may be attributed to the change in status of KPK employees to state civil servants.

However, a closer examination of the controversial decisions made by KPK leaders and employees reveals that many not only violate ethical standards but also constitute criminal acts of corruption. For example, Lili Pintauli's interactions with a party involved in a KPK case, as well as her alleged acceptance of gratification by one of the state-owned companies, violated Article 36 of Law 19/2019, which explicitly prohibits KPK leaders to have direct or indirect relations with other parties who are related to corruption cases handled by the KPK for any reason. Additionally, Article 65 of the same law stipulates criminal penalties of up to five years in prison for violating this provision. Despite these clear violations, the Supervisory Board failed to report both cases to law enforcement.

It is natural that the public then assesses that the existence of the Supervisory Board as a new structure formed based on the revision of the Law in 2019 does not contribute to efforts to enforce ethics at the KPK.

2.2. Lingering Disagreements Between KPK Leadership and Supervisory Board

The introduction of the Supervisory Board in Law 19/2019 was intended to address concerns about arbitrary actions within the KPK. However, there is no clear evidence to support the claim that this new institution would effectively prevent such behavior. Despite this, the government and DPR decided to establish the Supervisory Board. As outlined in Article 37B paragraph (1) of Law 19/2019, the Supervisory Board has five primary responsibilities: overseeing the KPK's operations, authorizing coercive actions, developing and enforcing ethical codes for KPK personnel, investigating ethical violations, and evaluating the performance of KPK leaders and employees.

As understood, Law 19/2019 has very serious problems, both in formal and material aspects. From the formal aspect itself, the new KPK Law was discussed quickly by the DPR, without public participation, and was actually not included in the framework of the 2019 priority national legislative program. Likewise, in the material aspect, the erosion of the institution's independent status, the authority to issue a letter of order to stop investigations or prosecutions, the transfer of employee status to state civil servants, to the formation of the Supervisory Board, colored the draft of the legislative changes. The rushed process of revising the KPK Law in 2019 negatively affected the relationship and coordination between the KPK Leadership and Supervisory Board. There is a lack of clear guidelines on how these two entities should work together effectively.

The deteriorating relationship between the KPK Leadership and Supervisory Board was evident in several important events over the past five years. One notable instance was the disagreement regarding the planned search of the PDIP DPP office in connection with the Harun Masiku bribery case. KPK Leader Nurul Ghufon claimed that the search warrant had been submitted to the Supervisory Board but had not been approved. This led Ghufon to accuse the Supervisory Board of obstructing the KPK's work. However, the Supervisory Board quickly refuted these accusations, stating that the request had been processed within 24 hours and the necessary permit had been granted.

Second, the relationship between the KPK Leadership and Supervisory Board was further strained when Ghufon reported a member of the Supervisory Board, Albertina Ho, to the Supervisory Board and the National Police's Criminal Investigation Unit. At that time, the Board was looking into allegations that a KPK prosecutor had violated ethical standards by accepting bribes. To gather evidence, the Board coordinated with the Financial Transaction Reports and Analysis Center (PPATK). However, Ghufon accused the Board of acting beyond its authority by requesting information from the PPATK, arguing that only investigators could make such requests. The obvious question is, if the code of ethics prohibits bribery, how can the Board prove that it has occurred without access to financial information?

The ongoing conflict between the KPK Leadership and Supervisory Board must be resolved through clear regulations. The KPK legislation should be amended to establish specific guidelines for the Supervisory Board's oversight role, including its responsibilities in areas such as enforcement, prevention, inter-institutional coordination, and supervision of law enforcement officers. This is crucial because the current law does not explicitly define the scope of the Supervisory Board's oversight. The Board's supervision should be interpreted broadly to encompass all aspects of the KPK's duties and authorities.

2.3. KPK's Bureaucratic Growth and Dual Loyalty Challenges

In early November 2020, the KPK leadership issued Regulation No. 7/2020 (*Perkom 7/2020*) concerning the Organization and Work Procedures of the Corruption Eradication Commission. The stated purpose of this regulation was to establish a comprehensive and strategic approach to preventing and eradicating corruption. However, a closer examination reveals several significant issues with *Perkom 7/2020*, which was signed into effect by Firli Bahuri.

Before discussing the main issue, it is essential to clarify the KPK's organizational framework, which is defined in Article 26 of Law 30/2002. The KPK's structure consists of a Chairperson and four Deputy Chairpersons, each responsible for one of the following areas: Prevention, Enforcement, Information and Data, and Internal Supervision and Public Complaints. The KPK Law has evolved over time, with Law 30/2002 being replaced by Law 19/2019. Despite these changes, some provisions of Law 30/2002 remain in effect, including Article 26 on the KPK's institutional structure.

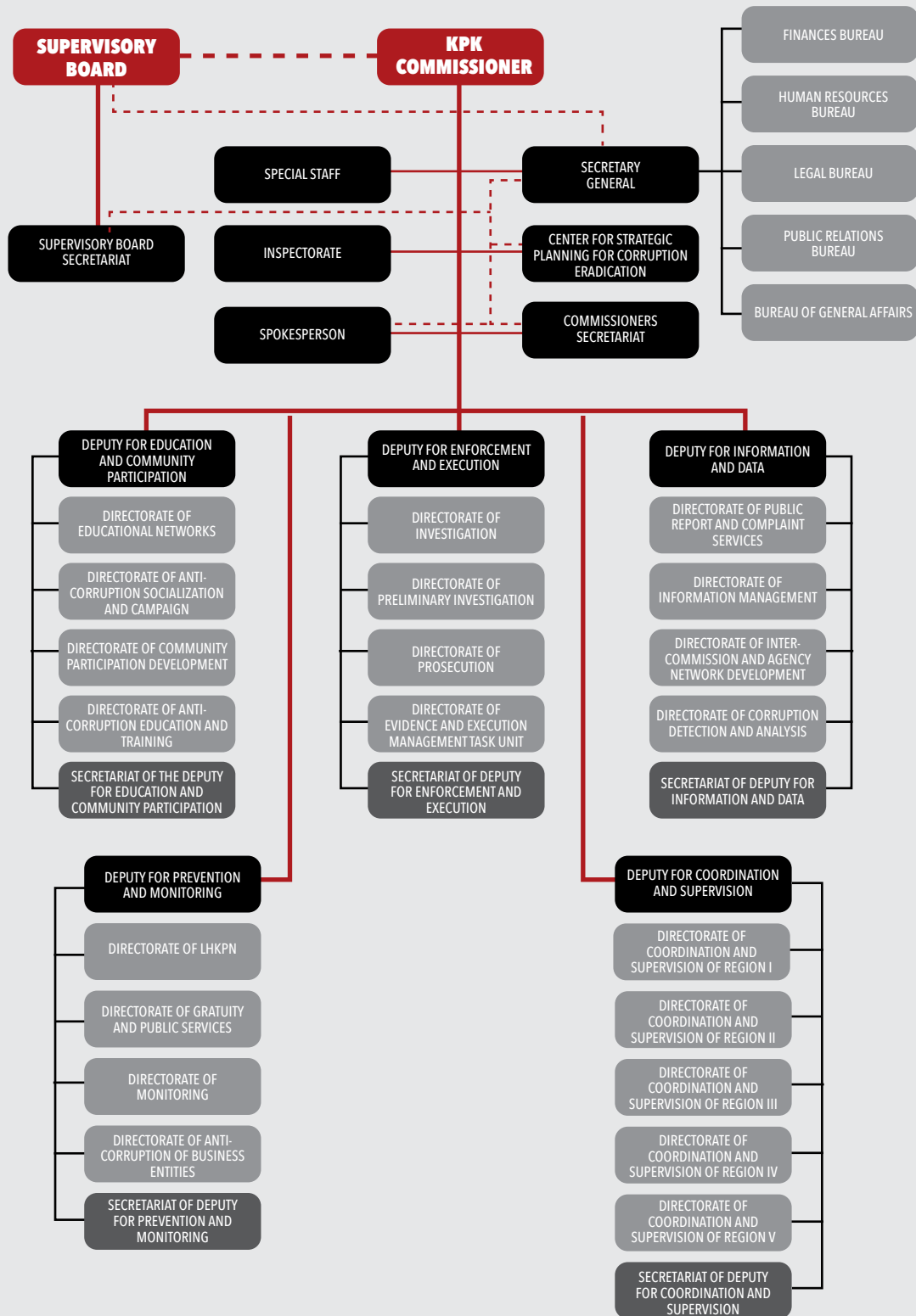
The issuance of *Perkom 7/2020* by the KPK was problematic as it conflicted with the provisions of Law 30/2002. Specifically, *Perkom 7/2020* expanded the number of KPK deputies from four to five, introducing a new deputy position for Education and Community Participation. This change leads to a problem since it is inconsistent with Article 26 paragraph (1) and paragraph (2) of Law 30/2002, which outlines the KPK's institutional structure and limits the number of deputies to four.

The expansion of the KPK's institutional structure has two potential consequences. *First*, the adoption of a larger, more bureaucratic model may lead to inefficiencies and reduced effectiveness. *Second*, the addition of new positions will necessitate an increase in the KPK's budget. For example, the implementation of *Perkom 7/2020* created 19 new positions within the KPK, which will require additional funding.

In addition to the bureaucratic problem, the issue of dual loyalty among KPK employees remains a persistent problem. In early July 2024, KPK Commissioner Alexander Marwata expressed concerns about dual loyalty among KPK employees, particularly those involved in enforcement duties. Employees who come from other agencies, such as the police, may prioritize their original institutions and the decisions of their superiors when seeking promotions. This can lead to conflicts of interest and objectivity issues in case handling, particularly when cases involve individuals with connections to the employees' former agencies. The fear is that such cases may be delayed or mishandled due to these loyalty conflicts.

A concrete solution to the dual loyalty issue has been available for some time, but successive KPK leadership teams have failed to fully implement it. The option of

PICTURE 1. KPK ORGANIZATIONAL STRUCTURE



independent investigator recruitment, as outlined in Article 45 paragraph (1) and (2) of Law 19/2019, offers a potential solution to dual loyalty within the KPK, but it has been underutilized by previous leadership. This authority is also strengthened through the Decision of the Constitutional Court (MK) in case Number 109/PUU-XIII/2015, where the panel emphasized that the KPK does not have to rely on the Police and the Prosecutor's Office, but can recruit independently. In short, at that time the Constitutional Court confirmed the validity of Article 45 paragraph (1) of Law 30/2002.

To address the issue of dual loyalty, the KPK leadership should significantly reduce its reliance on recruiting investigators from police agencies. As discussed earlier, Article 45 of Law 19/2019 and the Constitutional Court's decision grant the KPK the authority to recruit investigators independently. However, in practice, the KPK has primarily relied on recruiting from existing law enforcement agencies, with only 30% of its 120 investigators being independently recruited, according to the ICW. Under the current leadership, the KPK has not recruited any independent investigators. ■

PERFORMANCE OF KPK'S ENFORCEMENT DIVISION

The KPK employs a three-pronged strategy to combat corruption: enforcement, prevention, and education. While all three components are crucial and interconnected, the KPK's enforcement activities are most visible to the public and therefore serve as a primary indicator of its performance.

The creation of the KPK was motivated by concerns about the perceived inefficiency and ineffectiveness of other law enforcement agencies, such as the Prosecutor's Office and the Police, in combating corruption. As such, the KPK was expected to take a leading role in the fight against corruption.

3.1. Decline in KPK's Enforcement Capabilities

While the KPK has six key responsibilities under Law 19/2019, public scrutiny is primarily directed towards its law enforcement functions, such as investigations and prosecutions. Given its track record of successfully exposing high-profile corruption scandals, such as the e-ID card procurement, Bank Century, and Hambalang athlete's dormitory construction projects, the KPK has earned a reputation for effectiveness. The KPK's

success extends to its ability to prosecute high-ranking officials, including former political elites and public servants like the former General Chairperson of the Democratic Party Anas Urbaningrum, former Speaker of the Indonesian House of Representatives Setya Novanto, former Speaker of the DPD Irman Gusman, former Chief Justice of the Indonesian Constitutional Court Akil Mochtar, and former Supreme Court Justice of the Republic of Indonesia Sudrajad Dimiyati.

The KPK's accomplishments in combating corruption were recognized in 2013 when it was awarded the Ramon Magsaysay Award in the Philippines. At the time, the KPK was widely regarded as an independent and effective anti-corruption agency. The KPK's success stands in stark contrast to the perceived shortcomings of other law enforcement agencies, such as the police and prosecutor's office, in addressing corruption. Consequently, the public has placed significant trust in the KPK's ability to eradicate corruption.

Despite its previous successes, the KPK's performance in combating corruption has declined in recent years, particularly since the amendment of the KPK Law and the appointment of controversial leaders. Instead of positive achievements, the KPK has increasingly been associated with controversies. This section will examine the KPK's actions in detail, focusing on the quality and quantity of cases handled over the past five years.

The quality of the KPK's enforcement efforts has deteriorated significantly. The agency has demonstrated reluctance to investigate politicians, has failed to complete many cases, has been plagued by conflicts of interest, and has shown a lack of strategic planning. This performance is far below public expectations and undermines the authority granted to the KPK. The KPK's failure to act as a catalyst or trigger for change in other law enforcement agencies including the police and prosecutors raises the question: How can it effectively combat corruption if it is not setting a positive example.

This section will try to describe several phenomena that have appeared in the legal process at the KPK over the last five years.

1. KPK's Reluctance to Target Political Figures

The KPK's reluctance to pursue high-profile political figures is evident in two recent cases: the investigation into the bribery of the 2019-2024 DPR RI Member Replacement (PAW) and the corruption of social assistance at the Ministry of Social Affairs. In the PAW bribery case, one of the perpetrators, Harun Masiku, a cadre of the Indonesian Democratic Party of Struggle who had run as a legislative candidate in the 2019 General Election, remains at large despite the conviction and imprisonment of the recipient of the bribe. Additionally, the KPK failed to secure a search warrant for the PDIP DPP office, even after the case was elevated to the investigation stage.

Furthermore, the corruption in social assistance (*bansos*) distribution shares similar challenges. Two prominent figures often mentioned during the trial proceedings are Herman Herry and Ihsan Yunus, both members of the Indonesian House of Representatives. Despite their alleged involvement, the legal proceedings against them remain unclear. The Examination of the Commitment Making Officer (PPK) of the Ministry of Social Affairs, Adi Wahyono, presented by the public prosecutor, revealed that the social assistance packages were divided among four main groups: Herman Herry *et. al.* (1 million packages), Ihsan Yunus *et. al.* (400 thousand packages), *Bina Lingkungan Kemensos* (300 thousand packages), and Juliari P. Batubara *et. al.* (200 thousand packages). This raises a crucial question that the KPK has yet to fully address: how did Juliari's fellow PDIP politicians secure control over the social assistance distribution for the Jakarta, Bogor, Depok, Tangerang, and Bekasi regions within the Ministry of Social Affairs? This oversight appears to have been missed in the KPK's indictment.

Similar irregularities are evident in the investigation into the alleged corruption of the Sidoarjo Regent. Early in 2024, the KPK conducted a sting operation related to suspected bribery and extortion of civil servants at the Sidoarjo Regency BPPD. However, several inconsistencies arose following the operation. For instance, the time between the sting operation and the announcement of the suspect was unusually long, spanning four days. Typically, the KPK promptly announces the case status and the suspect's identity within 24 hours of a sting operation.

Despite arresting eleven individuals, the KPK only named one suspect. Surprisingly, this suspect was not a state administrator but merely a state civil servant serving as Head of General Affairs at the Sidoarjo BPPD. This raises public concerns about the KPK's planning and execution of the sting operation. According to Article 11 of the KPK Law, a state administrator must be involved in any legal process initiated by the KPK. Furthermore, the public questions whether there were information leaks within the KPK that led to the failure to arrest the intended target, a state administrator.

Two months later, the KPK has only added one suspect: Ari Suyono, Head of BPPD Sidoarjo. This slow pace of legal proceedings highlights the shortcomings in the KPK's approach. The KPK should have initially identified all potential criminal suspects, especially considering that the Regent of Sidoarjo was implicated in the case as early as January.

2 KPK Leadership's Failure To Adequately Protect Employees

The research team found that the KPK's handling of a case involving direct threats to its employees by irresponsible parties was deeply flawed. Instead of defending its staff, the KPK leadership allowed intimidation tactics to continue. This was evident when a group of KPK employees visited the Police Science College (PTIK) to arrest former PDIP legislative candidate Harun Masiku and another high-ranking political

figure. Suspicions arose that these employees were held hostage, ultimately leading to the operation's failure. Despite this, the KPK leadership dismissed the officers involved, including Police Commissioner Rossa Purbo Bekti, back to their original institution. Additionally, the KPK was denied access to the PDIP Central Leadership Council (DPP) office by security personnel, with the leadership once again remaining silent on the matter.

3. Inadequate KPK Preparation And Suspected Information Breaches

In February 2021, the KPK initiated an investigation into alleged bribery related to tax audits at the Directorate General of Taxes at the Ministry of Finance. Several individuals were named as suspects, including Director of Audit and Collection at the Directorate General of Taxes Ministry of Finance 2016-2019 Angin Prayitno Aji, Head of the Sub-Directorate of Cooperation and Audit Support at the Directorate General of Taxes Dadan Ramdani, Head of the Bantaeng Pratama Tax Service Office Wawan Ridwan, Functional Tax Auditor at the West Java II Regional Office of the Directorate General of Taxes Alfred Simanjuntak, and four tax consultants: Ryan Ahmad, Aulia Imran, Veronika Lindawati, and Agus Susetyo.

In early April 2021, while the KPK was investigating alleged corruption at PT Jhonlin Baratama, crucial evidence was mysteriously removed by a truck from the company's premises in South Kalimantan. According to legal principles, evidence seized during a forced confiscation is crucial for investigations. However, in the case of PT Jhonlin Baratama, the KPK has been unable to recover suspected company documents despite extensive efforts. This failure raises concerns about potential obstruction of justice, as outlined in Article 21 of the Corruption Eradication Law. Additionally, there are allegations that internal leaks within the KPK may have compromised the planned search.

4. Plagued by Conflict of Interest

In April 2022, KPK Leader Lili Pintauli Siregar was accused of violating the code of ethics by accepting gifts from PT Pertamina, including accommodations and tickets to the Mandalika MotoGP event. Despite facing an ethics trial, she resigned from her position before a verdict could be reached, effectively halting the investigation.

Following the aborted ethics trial, revelations from Supervisory Board members suggested that Lili Pintauli Siregar had not only accepted gifts from PT Pertamina for herself but had also extended them to family and friends. Evidence indicated that she actively sought these accommodations and MotoGP tickets, rather than receiving them unsolicited. Given the evidence, Lili Pintauli Siregar's actions may not only be considered an ethical violation but could also constitute a criminal offense. Potential charges include bribery, extortion, or gratification, and further investigation into these matters should be conducted by the KPK's enforcement division, rather than the Supervisory Board.

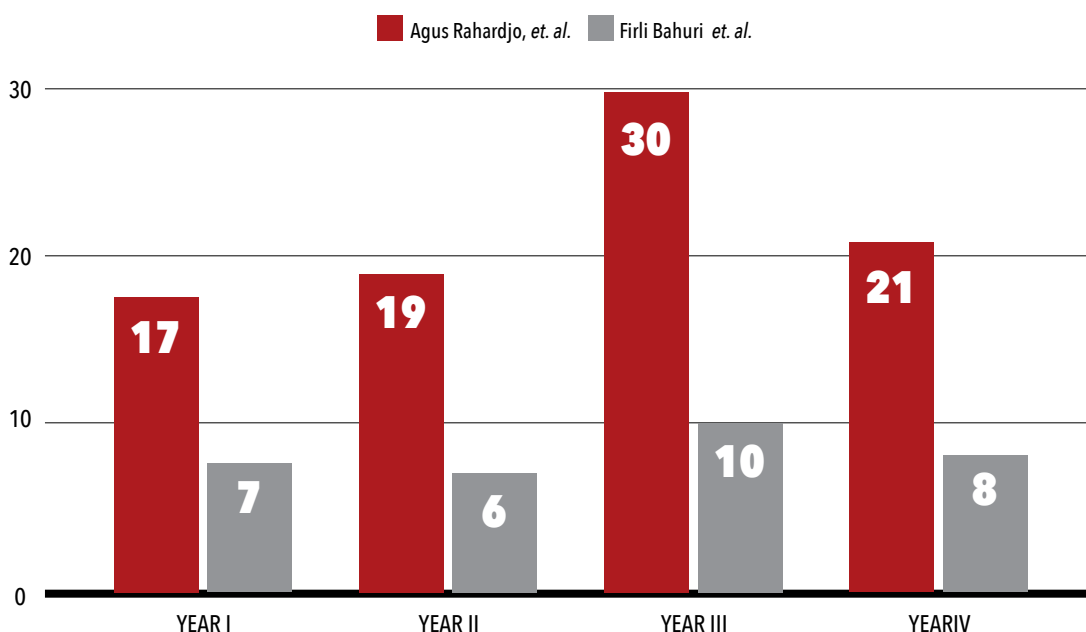
The key issue here is the KPK’s failure to investigate Lili Pintauli Siregar’s alleged corruption. The agency’s head, Alexander Marwata, publicly cited a previous personal relationship as a reason for avoiding the case. However, this justification raises concerns about professionalism. The KPK should have coordinated with the Supervisory Board to obtain evidence, conduct a thorough investigation, and gather information from relevant parties, including PT Pertamina. By neglecting to address this potential corruption within its own ranks, the KPK is undermining its credibility. This is not the first time the agency has investigated its own members; previous examples include the case of former investigator Stepanus Robin Pattuju.

3.2. Limited Number of Corruption Cases Investigated

It is difficult to deny that Firli Bahuri’s leadership has been marked by significant public criticism. Despite numerous controversies, the KPK has achieved little in terms of results. The KPK has seen a significant decline in sting operations, a powerful tool for combating corruption. Sting operations have a proven track record of successfully prosecuting corrupt officials resulting in a final and binding verdict.

To assess the KPK’s performance under Firli Bahuri’s leadership, in this section we will compare the number of sting operations conducted during his tenure with those of his predecessors. To ensure an objective and measurable comparison, this analysis will focus on periods where the KPK leadership served full-time, excluding any interim or part-time leadership stints of a four-year period.

GRAPH 1. COMPARISON OF KPK STING OPERATIONS



The graph illustrates a significant decline in sting operations under the Firli Bahuri's leadership compared to his predecessor. Three factors seem to contribute to the decline in sting operations under the current KPK leadership. *Firstly*, is the increased emphasis on corruption prevention during the 2019–2024 period. However, a balanced approach that simultaneously combines both prevention and prosecution is essential for effectively combating corruption.

Secondly, the current KPK leadership has expressed reservations about the continued use of sting operations. Several commissioners, during their fit and proper test with the DPR, indicated that they believe sting operations are ineffective in combating corruption. *Finally*, there have been instances of information leaks that have compromised sting operations. One example is the failed attempt to arrest a state administrator in Sidoarjo Regency earlier in 2024.

3.3. Weak Supervision from the KPK

As mandated by Law 19/2019, the KPK is responsible for coordinating and supervising other agencies involved in anti-corruption efforts. This oversight role is crucial for ensuring effective corruption eradication across the Indonesian government. Coordinating with law enforcement agencies like the Attorney General's Office and the Police aligns with the KPK's founding principles and encourages optimal anti-corruption practices. Moreover, supervision serves as a quality control mechanism for the KPK's interactions with other law enforcement entities.

The KPK's supervisory authority has evolved significantly since the revision of the KPK Law. While Law 30/2002 provided a broad framework for supervision, it lacked specific details. Article 8 paragraph (1) and (2) of the law primarily defined the KPK's authority to oversee, research, and review anti-corruption efforts of other agencies and to take over investigations or prosecutions. However, the concept of supervision, research, and review was not clearly defined. To address this, Law 19/2019 mandated the issuance of a Presidential Regulation to provide technical guidelines for supervision.

The issuance of Presidential Regulation 102/2020 concerning the Implementation of Supervision of the Eradication of Criminal Acts of Corruption faced challenges due to its delayed enactment. This one-year delay created ambiguity regarding the KPK's supervisory authority, particularly in the areas of supervision, research, and review. This uncertainty could have hindered the KPK's ability to effectively exercise its oversight role and may have been perceived as lacking legal basis by other law enforcement agencies. For further information, please refer to the table below, which details the KPK's supervisory authority as outlined in Presidential Regulation 102/2020.

TABLE 3. FORM OF SUPERVISION AND AUTHORITY OF THE KPK

TYPE OF SUPERVISION	DEFINITION	AUTHORITY
Supervision	Supervising the process of handling corruption crime cases that are being carried out by agencies authorized to carry out the eradication of corruption crimes.	<ol style="list-style-type: none"> 1. Requesting a chronology of corruption case prosecutions; 2. Requesting regular and ad-hoc progress reports on corruption cases; and/or 3. Holding a joint case conference at the relevant agency or a designated location.
Research	The systematic and objective collection, processing, analysis, and presentation of data or information to identify the challenges and obstacles faced by agencies tasked with eradicating corruption.	<ol style="list-style-type: none"> 1. Assessing the supervisory actions as outlined in Article 6 paragraph (5); 2. Providing guidance on the supervisory actions outlined in Article paragraph (5); 3. Conducting a joint meeting with police or attorney general's office representatives to discuss case progress and issue conclusions and recommendations; and/or 4. Convening a meeting to discuss progress on corruption cases.
Review	Examining the results of supervision and/or research to identify recommendations and decisions that can expedite the completion of corruption case investigations.	<ol style="list-style-type: none"> 1. Reviewing the implementation of research results and recommendations as referred to in Article 7 paragraph (5); and/or 2. Conducting a joint case review regarding the results of supervision and research reports at the agency authorized to carry out the Eradication of Criminal Acts of Corruption which are being supervised.

Presidential Regulation 102/2020 outlines three key elements of KPK supervision. *Firstly*, the KPK should prioritize cases based on factors such as their involvement in natural resources, state revenue, or impact on the wider community. This targeted approach will ensure that supervisory efforts are focused and effective. *Secondly*, given the extensive scope of supervision across all law enforcement agencies, the KPK should increase its human resources in this area. Adequate staffing is essential for achieving the goal of ensuring proper handling of corruption cases by other law enforcement agencies. Additionally, continuous improvement of KPK employee competence is crucial. *Finally*, building strong relationships with both the police and the prosecutor's office is essential to avoid resistance when the KPK exercises its supervisory authority.

In the last five years, several high-profile corruption cases have been handled by other law enforcement agencies without significant KPK involvement. For example, the Djoko S. Tjandra case in 2020, along with Pinangki Sima Malasari, was initially investigated by the Attorney General's Office. Despite numerous problems with the initial legal process, the KPK remained silent until facing public criticism. Subsequently, the KPK issued a supervisory order but failed to follow through with effective oversight. Despite joint case reviews with the Attorney General's Office and the National Police Criminal Investigation Unit, the investigation into Djoko and Pinangki Sima Malasari has remained stagnant and plagued by issues. Despite the supervisory order issued by the KPK, there was no tangible progress in the case.

In several high-profile cases, such as the cooking oil, Jiwasraya, ASABRI, and 4G BTS procurement corruption cases, investigations have revealed involvement by political elites. However, the Attorney General's Office has failed to follow up on these findings. The KPK's supervisory authority could have played a crucial role in providing guidance, deadlines, and even taking over the legal process. Despite the detailed regulations in the KPK Law and the Presidential Regulation on supervision, the KPK has not effectively exercised its oversight in the past five years.

3.4. Decline in KPK Prosecutions

The success of KPK prosecutions can be measured by various indicators, including the conviction rate. High-quality prosecutions that uphold justice contribute to the overall quality of judicial decisions. Historically, the KPK was highly regarded for its consistent 100% conviction rate in corruption cases. However, this success has diminished in recent years. At least since 2019, the KPK has faced a series of acquittals in various cases, marking a significant decline in its prosecutorial effectiveness. (see table 4).

While the court's decision is ultimately a matter for the judiciary, the acquittal of the defendant suggests that the KPK prosecutor may have been negligent in preparing the indictment, evidence strategy, or demands. This failure to prove the defendant's guilt

TABEL 4. KPK CASES ENDING IN ACQUITTAL



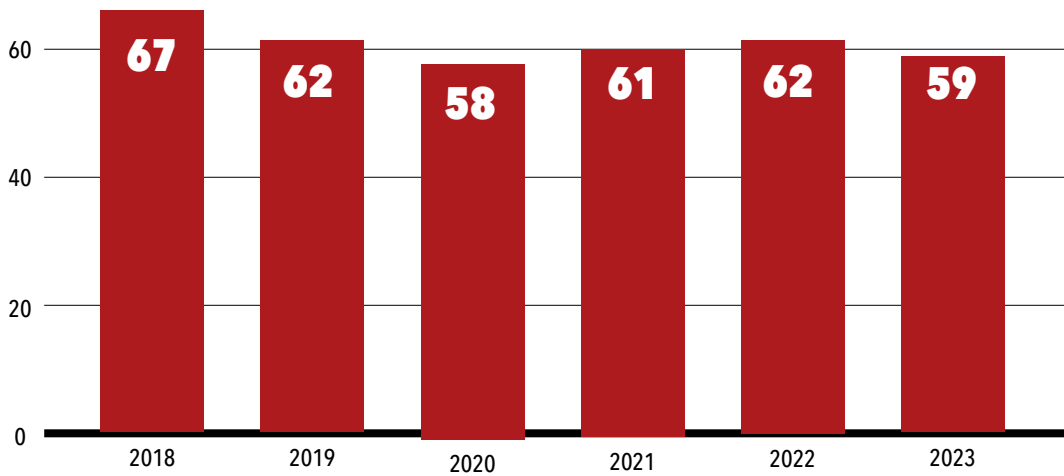
NO.	NAME OF DEFENDANT	CASE	YEAR OF VERDICT
1.	Samin Tan	Bribery and corruption of House of Representatives members over Coal Mining Company Work Agreement (PKP2B) termination.	Decision at first instance (2022)
2.	Gazalba Saleh	Bribery related to Intidana Savings and Loan Cooperative (KSP) cassation.	Decision at first instance (2023)
3.	Andri Wibawa	Corruption in West Bandung Regency's Covid-19 social assistance (Bansos) procurement	Decision at first instance (2021)
4.	M. Totoh Gunawan	Corruption in West Bandung Regency's Covid-19 social assistance (Bansos) procurement	Decision at first instance (2021)
5.	Petrus Edy Susanto	Corruption in Bengkalis ring road project (2013-2015)	Decision at first instance (2022)

and convince the judge could be attributed to weaknesses in the indictment. The court's decision is largely influenced by the indictment, which serves as the legal framework for applying the law and determining the defendant's guilt or innocence. A well-crafted indictment not only guides the court's decision but also demonstrates the KPK's seriousness in pursuing the case.

In addition to the declining conviction rate, the KPK's prosecution efforts have been further hampered by a decrease in the average number of demands filed by its prosecutors. As illustrated in the ICW's report on verdict trends, the average number of demands filed by KPK prosecutors has steadily decreased from 2018 to 2023 (see graph 2).

The average demands filed by the KPK, as shown in the table, are disproportionate to the severity of the corruption crimes committed. Considering the significant, direct impact of corruption on society, the KPK's approach fails to reflect a sense of justice.

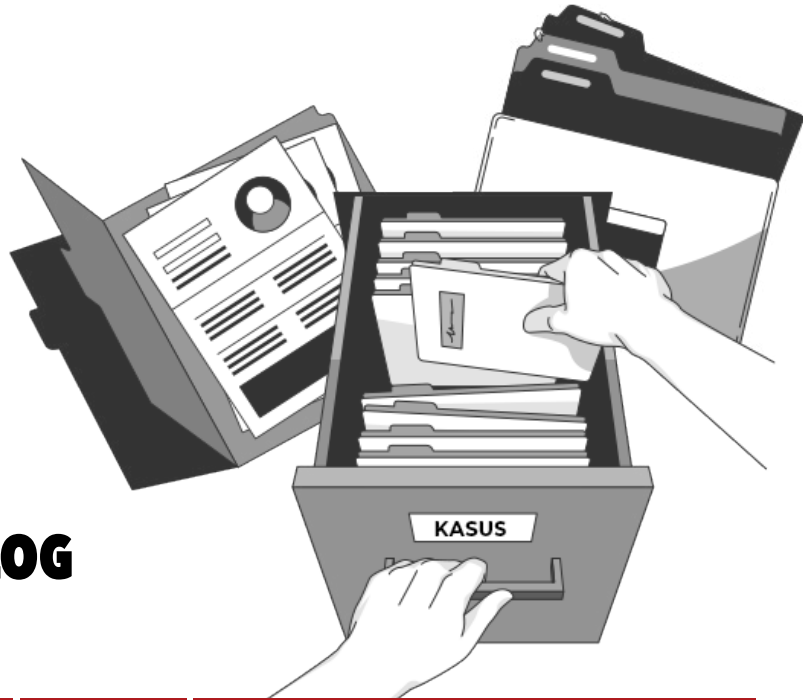
GRAPH 2. AVERAGE KPK PROSECUTIONS (IN MONTHS)



3.5. A Backlog of Cases

Under the leadership of Firli Bahuri and his interim successor (Plt), Nawawi Pomolango, the KPK has failed to resolve numerous high-profile corruption cases. The agency has instead accumulated a backlog of cases that remain unresolved. Despite the potential for further investigation in many of these cases, the KPK has not pursued them. Our analysis identifies at least fourteen outstanding cases that require the KPK’s attention (see table 5).

Despite a substantial backlog of cases which have been resolved, the KPK has often opted for a less aggressive approach. Instead of pursuing these cases to their conclusion, the Commission has issued Letters of Termination of Investigation (SP3), effectively ending the investigations. Notable examples include the mega-corruption of Bank Indonesia Liquidity Assistance (BLBI), bribery in the issuance of mining permits for East Kotawaringin Regent, and the land conversion case involving Surya Darmadi. Given the KPK’s past practices, there is a risk that the 14 cases listed in the table may also be subject to SP3 issuance if they do not receive adequate attention from the leadership. ■



**TABLE 5.
LIST OF BACKLOG
KPK CASES**

NO.	CASE	YEAR	CASE PROSECUTION DEVELOPMENTS
1.	Century Bank Bailout Corruption	2013	The KPK has only charged two individuals, Budi Mulya and Siti Fajrah, in connection with the Bank Century scandal. The mastermind behind the scandal remains unidentified.
2.	Hambalang Project Bribery	2010-2012	In the course of the trial, both the defendant Nazaruddin ¹ , and the President Director of PT Dutasari Citralaras ² , Machfud Suroso, implicated a number of politicians in the alleged corruption surrounding the Hambalang project, such as PDIP politician Olly Dondokambey and a number of Commission X members of the DPR.
3.	Bribery of the Kemenpora Athlete's Hostel Project in South Sumatra	2010-2011	The KPK has investigated and prosecuted several individuals, including Mindo, Wafid, Angelina Sondakh, and Nazaruddin, for their involvement in corruption cases. While the KPK has focused on these individuals, allegations have surfaced against PDIP politician I Wayan Koster. Multiple witnesses in the ongoing trials have implicated Koster in receiving bribes related to the corruption scandal. ³

1 <https://www.antaranews.com/berita/414406/nazaruddin-paparkan-aliran-dana-proyek-hambalang>.

2 <https://nasional.tempo.co/read/629512/ini-nama-nama-penerima-aliran-dana-hambalang>.

3 <https://www.merdeka.com/peristiwa/kpk-segera-periksa-i-wayan-koster-terkait-wisma-atlet.html>.

NO.	CASE	YEAR	CASE PROSECUTION DEVELOPMENTS
			<p>I Wayan Koster was presented as a witness in Angelina Sondakh's trial in 2012.⁴ He was also summoned for questioning by the KPK in 2014.⁵ There has been no progress reported on the case, however.</p>
4.	Bribery in the Election of Deputy Governor of Bank Indonesia	2010	<p>The bribery case involving Bank Internasional Indonesia traveler's checks worth IDR 20.85 million, given to members of Commission IX of the Indonesian House of Representatives to secure Miranda Goeltom's election as Senior Deputy Governor of Bank Indonesia, ultimately concluded without a definitive resolution.</p> <p>Despite charging 26 members of the Indonesian House of Representatives (1999-2004)⁶, the intermediary Nunung Nurbaeti, and Miranda Goeltom as the benefited party, the KPK has yet to prosecute the individual who provided the Bank Internasional Indonesia traveler's checks.</p>
5.	Bribery in the Integrated Radio Communication System (SKRT) Project of the Ministry of Forestry	2009	<p>The KPK has only charged Putranefo, Director of PT. Masaro Radiokom, and its owner, Anggoro Widjojo. The names of other individuals implicated in the case, including DA who allegedly conspired with Anggoro to give bribes, two officials of the Ministry of Forestry who allegedly received bribes, and former Minister of Forestry MS Kaban, have not been publicly identified as suspects.⁷</p>
6.	Corruption in the Japanese Railway Grants Project at the Ministry of Transportation	2010	<p>Despite charging Soemino Eko Saputro, the Director General of Railways, the KPK failed to prosecute other individuals implicated in the bribery case involving the Japanese Railway Grants Project at the Ministry of Transportation. According to the ICW, Hatta Rajasa, the former Minister of Transportation, was allegedly present</p>

4 <https://news.detik.com/berita/d-2098144/wayan-koster-kembali-bantah-terima-uang-terkait-pembangunan-wisma-atlet>.

5 <https://nasional.kompas.com/read/2014/11/04/11122191/Kasus.Wisma.Atlet.KPK.Periksa.Politisi.PDI-P.Wayan.Koster>.

6 <https://news.detik.com/berita/d-1432709/kpk-tetapkan-26-tersangka-kasus-suap-dgs-bi-mayoritas-eks-anggota-dpr>

7 <https://nasional.kompas.com/read/2014/04/23/2107236/Diduga.Suap.Ini.Aliran.Uang.dari.Anggoro.ke.Mantan.Menteri.Kehutanan.MS.Kaban>

NO.	CASE	YEAR	CASE PROSECUTION DEVELOPMENTS
			in a leadership meeting in September 2005 to procure used electric trains from Japan during. The prosecutor's indictment even suggested that Hatta Rajasa himself initiated this procurement. ⁸
7.	Corruption in the Medical Equipment Procurement Project at the Ministry of Health	2012	The KPK has recently charged former Health Minister Achmad Sujudi with corruption. The KPK has yet to confiscate and deposit IDR 41.9 billion in alleged bribe money into the state treasury. Additionally, numerous individuals, both from the Ministry of Health and the private sector, who allegedly received bribes have not been investigated.
8.	Corruption in the Driving License Simulator Procurement Project at the National Police Traffic Directorate	--	Despite evidence linking Djoko Susilo's money laundering activities to certain individuals and members of the DPR, the KPK has not filed charges against any of the suspected recipients of bribes.
9.	Corruption in the Tarahan PLTU Development Project in 2004	2013	Emir Moeis was the only individual charged and sentenced to three years in prison (13 April 2014) in connection with the bribery case involving the Tarahan PLTU Development Project. Despite evidence of bribery provided by Pacific Resource Inc. President Pirooz Muhammad Sarafi to Emir Moeis (USD 357,000), neither PT. Alstom nor Marubeni Incorporate has faced any legal consequences. ⁹
10.	Corruption involving the personal accounts of Police Generals	2010	Despite extensive investigation, the case against Commissioner General Budi Gunawan was dismissed by Judge Sarpin Rizaldi in a pre-trial ruling. Subsequently, the case was transferred to the Prosecutor's Office and then to the Police. The KPK's lack of transparency regarding its coordination and oversight of the case has raised concerns about the integrity of the investigation.

8 <https://nasional.tempo.co/read/383676/icw-hatta-diduga-terlibat-korupsi-kereta-api>.

9 <https://nasional.kompas.com/read/2014/03/10/1212196/Dugaan.Suap.PLTU.Tarahan.Emir.Moeis.Ditu.ntut.4.5.Tahun.Penjara>.

10 <https://nasional.tempo.co/read/878183/ali-fahmi-disebut-kunci-kasus-suap-satelit-bakamla-siapa-dia>

NO.	CASE	YEAR	CASE PROSECUTION DEVELOPMENTS
11.	Bribery in the acquisition of maritime surveillance satellites by the Maritime Security Agency	2020	Based on several reports on the media, the KPK has summoned Ali Fahmi, a former PDIP politician and current President Director of PT Viva Kreasi Investindo, as a witness in an ongoing investigation. ¹⁰ While there has been limited public information regarding the case's progress, Fahmi is known to have been implicated in previous trials. Testimony suggests he received funds from Fahmi Darwansyah, the President Director of Merial Esa, which were allegedly distributed to lawmakers to secure the Bakamla project's budget.
12.	e-KTP Corruption	2014	The indictment of Irman and Sugiharto named specific politicians allegedly involved in the e-KTP procurement project. However, the subsequent investigation into these allegations remains unclear.
13.	Corruption in COVID-19 Social Assistance (Bansos) at the Ministry of Social Affairs	2020	To date, the KPK has only prosecuted the Minister of Social Affairs, Juliari P Batubara, two ministry officials, and two private individuals. However, evidence presented during the trial suggests that at least two politicians, whose companies were awarded procurement quotas, did not meet the necessary qualifications to be considered eligible providers.
14.	Bribery for Temporary Replacement of Indonesian House of Representatives Members.	2020	The KPK's investigation into the bribery case involving the KPU RI has been limited to the intermediary, former KPU member Wahyu Setiawan. Despite evidence linking former PDIP legislative candidate Harun Masiku to the bribery scheme, the individual remains at large. Moreover, the source of the bribe funds from Harun Masiku has not been thoroughly investigated. The KPK's failure to pursue charges of obstruction of justice against those who may have hindered the investigation is a notable oversight.

CORRUPTION PREVENTION PERFORMANCE

To assess the KPK's performance, it is essential to examine not only its prosecution and case handling efforts but also its prevention initiatives. While the number of corruption cases has steadily increased, the KPK has seen a decline in the number of cases it has pursued. Although the KPK's preventive authority is limited to recommendations, its preventive role is crucial. The recent revision of the KPK Law has emphasized a shift towards prevention-focused strategies. This section will delve into the effectiveness of the KPK's prevention efforts in various sectors.

4.1. Political Reforms Lack Substance

Political corruption remains a pervasive issue in Indonesia, which has not been sufficiently addressed. This is evident in the high number of legislative members and regional heads implicated in corruption cases. KPK statistics reveal that between 2004 and July 2023, a staggering 344 members of the DPR and DPRD, as well as 185 regional heads including governors, regents and mayors, were named suspects in corruption investigations. Furthermore, general elections, intended to usher in new leadership and improve the system, have frequently been manipulated to perpetuate political corruption.

According to the KPK Anti-Corruption Education Center, the Commission has implemented various programs aimed at preventing corruption. In the political sector, the PAKU *Integritas* (Anti-Corruption Strengthening for State Administrators with Integrity) and *Politik Cerdas Berintegritas* (Smart Politics with Integrity) initiatives are particularly noteworthy. These programs seek to foster a corruption-free political environment by providing education and awareness-raising on anti-corruption principles.

The 2024 Presidential Election exposed additional threats to democratic integrity, including abuses of power and the politicization of social assistance. The actions of several ministers in the *Kabinet Indonesia Maju* (Advanced Indonesia Cabinet), who distributed government funds while openly supporting specific presidential candidates, are a recent example. Despite the KPK's opportunity to address this issue, the Commission chose to remain silent. In fact, the KPK has repeatedly urged against the politicization of social assistance for the upcoming elections.

The KPK's anti-corruption efforts in the political sector, while focused on formal programs, have often overlooked the direct and concrete manifestations of political corruption. The Commission primarily relies on counseling and socialization mechanisms for anti-corruption education. However, a more effective approach would involve direct responses to instances of public officials' tolerance for corruption and abuses of power. Such actions could serve as powerful lessons for both public officials and the general public.

4.2. Neglect of Natural Resources Sector Improvement

In 2015, the KPK launched the National Movement to Save Natural Resources (GNPSDA). Serving as a catalyst, the Commission oversaw programs implemented by over 29 government agencies. President Joko Widodo witnessed the launch of GNPSDA, which was marked by the signing of a Memorandum of Understanding for the Joint Action Plan.

The GNPSDA was launched in response to the pressing challenges facing natural resource management in Indonesia. Corruption is a significant problem in this sector, affecting forests, minerals, water, energy, and other resources. Overlapping permits, permit trafficking, and land conflicts are common occurrences in forestry and mining. These issues not only harm local communities but also result in substantial losses for the state due to unreported or mismanaged revenues.

ICW's 2017 monitoring of the GNPSDA revealed that the program had limited effectiveness. While the initiative led to some improvements in licensing practices, it

fell short in other areas. Several aspects of the licensing process still require refinement within the GNPSDA framework.

Despite its shortcomings, the GNPSDA remains a valuable initiative with the potential to combat corruption in the natural resources sector. Unfortunately, nearly a decade after its launch, the program has fallen dormant.

Beyond the GNPSDA, the KPK collaborated with other government agencies to implement the One Map Policy. This initiative aimed to prevent land conflicts, abuses of power, and create a less conducive environment for corruption. As outlined in Presidential Regulation Number 9 of 2016 concerning the Acceleration of the Implementation of the One Map Policy on a Scale of 1:50,000, the KPK has publicly acknowledged its use of this policy, particularly in its prevention efforts.

Like the GNPSDA, the One Map Policy has shown limited effectiveness in combating corruption in the natural resources sector. Prevention efforts alone are insufficient without robust enforcement measures. The KPK's apparent lack of seriousness in both prevention and enforcement during the 2019-2024 period may have contributed to the rising prevalence of corruption in the natural resources sector, particularly in areas identified as problematic in the GNPSDA action plan and the One Map Policy objectives.

4.3. Limited Role in LHKPN Oversight

Since its inception, the KPK has been responsible for registering and examining the asset reports of state officials. This authority was granted by Law No. 30 of 2002 concerning the Corruption Eradication Commission, later amended by Law No. 19 of 2019. Prior to the KPK's establishment, the State Administrators' Wealth Examination Commission (KPKPN) handled this task under Law No. 28 of 1999 concerning State Administrators Who Are Clean and Free from Corruption, Collusion, and Nepotism.

KPK data shows that as of 1 April 2024, 391,705 out of 407,292 mandatory reporters had submitted their LHKPN. While this represents a compliance rate of 96.17%, administrative verification revealed that only 51.14% of reports were complete and categorized as "compliant". In 2022 and 2021, 13,293 and 9,997 state administrators, respectively, failed to submit their LHKPN. In 2020, the non-compliance rate was even higher at 3.7% or 13,521 out of 364,035 administrators. The persistent low compliance rates highlight the ongoing challenges faced by the KPK in managing LHKPN submissions.

The non-compliance rate issue is further amplified by ICW's 2023 findings which reveal that 55 members of the DPR were non-compliant with LHKPN reporting requirements. When presented with these results, the KPK's Directorate of PP LHKPN stated that

they had notified the DPR leadership of the non-compliance. Unfortunately, the DPR's leadership failed to take disciplinary action against the non-compliant members, despite the KPK's notification. Moreover, the KPK did not follow up on the matter, demonstrating a lack of oversight and enforcement in both institutions.

Despite being designed as a preventive measure, the KPK's handling of LHKPN submissions has been marked by a lack of enforcement. Few corruption investigations have originated from LHKPN reviews. ICW's findings show that the case against Rafael Alun Trisambodo, a Directorate General of Taxes official, stands out as a rare example of an investigation initiated based on LHKPN discrepancies. Even then, public scrutiny and independent investigations were instrumental in bringing the case to light, as Rafael's wealth profile seemed incongruous with his position as an echelon III official at the Directorate General of Taxes, Ministry of Finance.

This issue does not come as a surprise since KPK Regulation No. 2 of 2020 limits LHKPN examinations and sanctions to administrative measures. This regulatory framework fails to give the mandate of substantive verification of unusual wealth profiles to the KPK.

The root cause of this issue is Indonesia's failure to criminalize illicit enrichment, a condition where a public official's wealth exceeds their legitimate income, which sets it apart from many other advanced countries. The United Nations Convention Against Corruption (UNCAC) recommends criminalizing illicit enrichment in Article 20. According to the Basel Institute on Governance, at least 98 countries have implemented regulations to address this issue, using a variety of approaches, including administrative, criminal, and civil measures.¹¹

Historically, the KPKPN, the predecessor to the KPK, possessed the authority to actively investigate the assets of state officials. However, when the KPK was established in 2003, it did not inherit this authority in the context of LHKPN examinations.

While institutional and regulatory challenges exist, the KPK should not be deterred from utilizing LHKPN data more effectively. The Rafael Alun Trisambodo case demonstrates the potential of investigating suspicious wealth profiles. The KPK should proactively pursue such investigations, regardless of whether public pressure exists.

To improve LHKPN compliance, the KPK should enhance coordination and provide assistance to relevant ministries and state institutions. This will help emphasize the importance of timely reporting of LHKPN for all state administrators. The recent issuance of Circular Letter No. 13 of 2024, which provides technical guidance for regional head candidates, should be expanded and reinforced in the future.

11. Andrew Dornbierer, *Illicit Enrichment: A Guide to Laws Targeting Unexplained Wealth*, Basel: Basel Institute on Governance, 2021, page 44.

When the KPK identifies agencies with non-compliant members, it should take more proactive steps beyond merely notifying their leaders. For example, the KPK can conduct periodic oversight to ensure the implementation of sanctions for non-compliant state administrators and to ensure LHKPN compliance.

The KPK's future effectiveness must be improved through significant reforms to its preventive strategies, considering that under Firli Bahuri's leadership, the integration of LHKPN into both prevention and enforcement efforts has not resulted in any significant breakthrough.

4.4. Involvement in Education Sector

After the KPK law was revised in 2019, KPK's performance has been severely affected which leads to the issue of weakening the institution. Almost all areas are targeted to be weakened through the shift in the direction of legal politics. The KPK's institutional governance has also deteriorated, with the appointment of problematic commissioners. The research team identified several issues related to the KPK's performance, especially in the education-related prevention efforts.

According to the KPK's year-end reports for 2019-2024, the Commission has actively promoted anti-corruption education, particularly in educational institutions from elementary to tertiary levels. The KPK has collaborated with various ministries and state agencies, including the Ministry of Education and Culture, the Ministry of Research, Technology, and Higher Education, the Ministry of Religion, and the Ministry of Home Affairs, to implement anti-corruption education programs.¹²

The KPK's collaboration with other ministries has resulted in several policy documents, including Minister of Research, Technology and Higher Education Regulation (Permenristekdikti) Number 33 of 2019 on PAK Implementation in Higher Education, the Decree of the Minister of Religious Affairs Number 184 of 2019 on Strengthening Character Education in Madrasah Curriculum, and Circular Letter of the Minister of Religious Affairs Number B-1368.1/Dj.I/05/2019 on Anti-Corruption Education in Madrasahs. Additionally, the Minister of Home Affairs issued Circular Letters Number 420/4047/SJ and 420/4048/SJ to governors and regents/mayors regarding the implementation of character education and anti-corruption culture in educational units.

The impact of the KPK's anti-corruption education efforts is quickly evident. In just five years, over 100,000 schools and universities across Indonesia have implemented these

12. https://www.kpk.go.id/images/Laporan_Tahunan_KPK_2022.pdf.

programs. The KPK has also taken steps to strengthen the capacity of anti-corruption educators. By 2024, over 3,000 individuals had become certified Anti-Corruption Instructors, and more than 400 had earned the title of Integrity Building Experts.

While the KPK's efforts to promote anti-corruption education are commendable, it is crucial to evaluate the effectiveness of these initiatives over the past five years. The KPK should conduct a more comprehensive assessment of the implementation of its anti-corruption education programs. Given the long-term nature of this endeavor, periodic evaluations using appropriate instruments are essential for ensuring its success.

At the same time, the KPK has actively engaged universities in its anti-corruption education initiatives. In 2022, the Commission launched the PTN Leadership Forum to promote integrity within the university ecosystem through universities' model leadership. While these efforts are commendable, the evaluation system remains suboptimal. The KPK has focused on "producing" new anti-corruption cadres but has not effectively measured changes in both cognitive (knowledge) and affective (attitudinal) domains.

The KPK must acknowledge the "education paradox" where education, intended to foster integrity, can inadvertently become a breeding ground for corruption. It is essential to reassess the effectiveness of the KPK's current anti-corruption education programs and strategies. The goal is to determine whether these initiatives are aligned with the needs of their beneficiaries and are addressing the root causes of corruption.

In the future, the KPK should prioritize expanding and enhancing its anti-corruption education programs to reach a broader and deeper section of society. To date, the private sector has received limited attention from the KPK's anti-corruption efforts, while even within the public sector, focus has primarily been on ASN circles.

In the future, the KPK can implement "coaching clinics" in various ministries, agencies, and educational institutions to enhance anti-corruption education. These clinics should aim to provide comprehensive assistance and conduct periodic evaluations using relevant indicators and methods to assess changes in character. Self-assessment, peer-assessment, and observation are valuable tools for evaluating the effectiveness of anti-corruption education, which should not only impart knowledge but also foster attitudinal change. ■

CONCLUDING REMARKS

5.1. Conclusions

The findings of this discussion confirm that the government's and DPR's efforts to weaken the KPK through regulatory changes and the appointment of problematic commissioners in 2019 have had a negative impact. The analysis in this report highlights the need to re-evaluate the current approach to corruption eradication, as the 2019 KPK Law revisions have not strengthened the institution but rather weakened it.

As an example, a significant change introduced by the 2019 KPK Law was the granting of authority to the Commission to issue Letters of Termination of Investigation (SP3). Since then, the KPK has issued SP3s for nine suspects. There is a risk that a number of high-profile cases, including the 14 cases discussed in this report, may also be terminated through SP3 issuance in the future.

The KPK's authority to issue SP3 has raised concerns about potential intervention and abuse of power. As noted in Constitutional Court Decisions 006/PUU-I/2003 and 012-016-019/PUU-IV/2006, the purpose of restricting the KPK's ability to

issue SP3 was to ensure greater caution in corruption investigations. This is because SP3 issuance carries a high risk of abuse by law enforcement officials.

The KPK's placement within the executive branch and the change in its employee status to state civil servants have compromised its independence. This raises concerns about potential political interference and undermines the institution's ability to operate without undue influence. Additionally, the loss of the KPK leadership's status as investigators and prosecutors has weakened the institution. The Gazalba Saleh case, while ultimately overturned, highlights the need for clear laws and regulations to define the KPK leadership's role and authority, preventing legal ambiguities that could hinder its anti-corruption efforts.

In addition to the challenges posed by regulatory changes, the KPK's leadership has contributed to its decline through problematic behavior and controversies. Instead of focusing on achievements, the institution has been plagued by a series of scandals. Two KPK leaders, Firli Bahuri and Lili Pintauli Siregar, were heavily sanctioned by the Supervisory Board for violating the code of ethics. Additionally, Firli was named a suspect in a corruption case involving the former Minister of Agriculture, Syahrul Yasin Limpo. These instances of misconduct by the leadership have set a negative example for employees, leading to cases of embezzlement, theft of evidence, and extortion of KPK prisoners.

The focus on internal issues has led to a decline in KPK's core anti-corruption activities. This is evident in the reduced quality and quantity of cases prosecuted, poor coordination with other law enforcement agencies, and a significant drop in the number of cases brought to trial. The public's expectations of the KPK as a leading anti-corruption force have not been met by these enforcement efforts. Additionally, the KPK's prevention and education efforts have also been criticized. The institution's reforms in the political sector have been minimal and appear largely symbolic.

Despite its reputation for anti-corruption initiatives in the natural resources sector, such as the National Natural Resources Rescue Movement launched in 2015, the KPK has become less visible. Similarly, its role in managing the State Officials' Wealth Reports (LHKPN) has been limited to administrative tasks, and it has shown minimal oversight of the LHKPN submissions from various ministries and institutions.

The challenges facing the KPK, as outlined in this report on its performance in the last five years, demonstrate the government's failure to prioritize the strengthening of this crucial institution. If the current approach to corruption eradication persists, Indonesia risks entering a period of law enforcement decline. The report also confirms that the promises made to strengthen the KPK have proven to be illusory.

5.2. Recommendations

The state of corruption eradication in Indonesia, as highlighted in this report, is deeply concerning. The Corruption Perception Index has remained stagnant, failing to improve since 2014. The KPK, a central institution in the fight against corruption, has been systematically weakened by the government and legislative members. Without addressing the challenges outlined in this report, it will be difficult to achieve the same level of progress in the fight against corruption as in previous years.

The research team have made several key recommendations with the aim to restore the KPK's image and enhance its effectiveness in prosecuting white-collar crimes and promoting good governance.

1. It is imperative to address the shortcomings of Law Number 19 of 2019, no matter how difficult it would take. The KPK has been significantly hampered by the challenges arising from this law, including the issuance of letters to stop investigations, the uncertainty surrounding the Supervisory Board, the revocation of investigator/prosecutor status for the leadership, the transfer of employee status, and the changes to the age limit. These factors have collectively paralyzed the institution. While revising the law to accommodate the changing time is essential, we think it's crucial for the legislatures to ensure a meaningful participatory process that leads to solutions based on real-world problems. The current KPK Law falls short in terms of good legislative practices and fails to address the core issues.
2. To improve the KPK's performance, immediate reforms in institutional governance are necessary. If the current commissioners are unable to implement these changes, the next leadership should prioritize them. To address the institutional governance issues within the KPK, it is essential to first resolve the ethical problems that have plagued the institution. The upcoming selection process for commissioners and the Supervisory Board for the 2024-2029 period offers a crucial opportunity to prioritize ethical considerations. The Selection Committee, formed by President Joko Widodo, should thoroughly investigate the track records of candidates. Additionally, the KPK must harmonize regulations governing the relationship between the leadership and the Supervisory Board to prevent further friction similar to what has happened in the last five years. Additionally, emphasizing single loyalty for all employees, particularly in the enforcement sector, is crucial. This can be achieved by recruiting independent personnel and reducing reliance on certain law enforcement institutions.
3. Our findings show that the KPK's law enforcement performance, as demonstrated by the worsening quality and quantity of cases it has handled, requires significant improvement. The Commission must strengthen its coordination with other law enforcement agencies to ensure that the legal process is carried out effectively in

accordance to its supervisory authority. Given the KPK's role as a catalyst for other law enforcement agencies, it is crucial that the institution prioritizes the completion of its case backlog, particularly under the leadership of the next Commissioner. Additionally, there are concerns about the potential misuse of the SP3 authority, which could hinder the progress of investigations.

The research team observed a decline in the performance of KPK public prosecutors. As representatives of the state and victims of corruption, KPK prosecutors should be more proactive in pursuing cases. Considering the KPK's role as a key guardian against corruption, it is essential to increase the number and severity of demands in corruption cases. The requirement for state administrator involvement in corruption crimes as mandated by the KPK Law should be strictly enforced and punished accordingly.

4. The KPK's prevention efforts have been insufficient in addressing the underlying causes of corruption. While measuring the success of prevention is not solely the KPK's responsibility, this report notes that the institution's shortcomings in areas such as LHKPN management, natural resource sector reforms, political institution improvement, and education are evident. These areas require significant attention and improvement. ■



NOTES

CORRUPTION ERADICATION COMMISSION PERFORMANCE EVALUATION REPORT FOR THE 2019–2024 PERIOD

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