

## Indonesia Corruption Watch Notes

### The Digital Activity of the Police:

#### Questioning Police Expenditures and Alleged Formation of Public Opinions

The police is a State organ that has been separated from ABRI as the armed forces since the post-reformation era. The separation of the Police and ABRI is marked by the signing of the President Instruction Number 2 of 1999, concerning Policy Measures in the Context of Separation of The Indonesian National Police from the Indonesian Armed Forces.

As a result of this separation, Number 2 Constitution of 2002 was issued concerning the State Police of the Republic of Indonesia. Since then, the Bhayangkara institution started independently both in terms of regulation, human resources, and budget.

Since the era of President Joko Widodo's leadership, the budget allocation provided by the government to the Police has experienced an increasing trend. At least, from 2015 to 2020, the total budget to be managed is IDR 531.1 trillion. The police manage a budget of around IDR 106.2 trillion average per year.

No.	Year	Total
1	2015	Rp. 62 trillion
2	2016	Rp. 78 trillion
3	2017	Rp. 94 trillion
4	2018	Rp. 98.1 trillion
5	2019	Rp. 94.3 trillion

6	2020	Rp. 104.7 trillion
<b>TOTAL</b>		Rp. 531.1 trillion

**Table 1. Police Budget Allocation for 2016-2020<sup>1</sup>**

The police have an obligation to be transparent and accountable in every expenditure already implemented. In 2019, there were 5,632 Police item spending packages with a ceiling of IDR 17.2 trillion.<sup>2</sup>

On October 2, 2020, the National Police Chief, Idham Azis, made a Telegram (STR) containing 12 points to respond to a demonstration that will be held by the Labor Group regarding rejection of the Job Creation Bill. From the issued STR, there are 2 (two) points which are deemed contrary to the duties and authorities of the Police, namely: 1). There is an attempt by the Police to build public opinion to disagree with the demonstration; and 2). The police will carry out a counter-narrative against any attempt in discrediting the government.

The very fact that there is a deliberate order from the Police to do counter-narrative in order to manipulate public opinion is one thing which needs to be highlighted in the midst of the work creation bill polemic. Because, based on the Number 2 Constitution of 2002 concerning the Indonesian National Police (Law 2/2002), the

<sup>1</sup> CNN Indonesia, "Polri, the Golden Child of Reform with a Tambun Budget", accessed from <https://www.cnnindonesia.com/nasional/20200630152231-12-519093/polri-anak-emas-reformasi-with-fat-budget> on October 7, 2020 at 23:03 WIB.

<sup>2</sup> LKPP, "Procurement Package Plan" accessed from <https://monev.lkpp.go.id/tepra/summary?instansi=L47&tahun=2019> on 7 October 2020.

Police does not have the authority to build public opinion on demonstrations done by the public.

In Article 13 of the Constitution 2/2002, there are 3 (three) main tasks of the Police, namely: a). Maintain public order and security; b). Enforce the law; and c). Give protection, protection and services to the people. In Article 14, which is a derivative of Article 13, there is also no clause at all regarding the duties of the Police to build public opinion and counter-narrative issues that discredit the government.

Even in Police Regulation Number 5 of 2019, concerning Amendments to Regulations Chief of the National Police of the Republic of Indonesia Number 6 of 2017, concerning Organizational Structure and Work Procedures for Organizational Units at National Police Headquarters Level Indonesia, there is not any duties or authority related to counter narratives and build public opinion. Therefore, orders listed in STR only indicate the potential for abuse of power by the National Police Chief.

The meeting between the Police and the Minister of Manpower on October 1, 2020 during the demonstration of rejection of the Job Creation Bill, is suspected to be related to efforts to suppress public opinion on social media that is not in line with the government.

The Omnibus Law, *aka* the sweeping regulation, has been largely rejected over the past few months by various elements of society, especially workers. The regulation was considered deeply problematic from the start, because the discussion regarding

the creation of the bills, nullified public participation. Whereas in Number 12 Constitution of 2012, concerning the Establishment of Regulations Legislation which has been amended by Number 15 Constitution of 2019, contains important points whereby the issue of legal policy discussion requires community involvement.

Instead of accommodating opinions from various groups and communities, the government and the DPR choose a "shortcut" by "utilizing" the instrument of the state apparatus, namely the Police in building public opinion to agree with the Omnibus Law and do counter-narrative against community groups who reject the Job Creation Law. In correlation to the roles of Police in supporting the successful discussion of the Omnibus Law, as has been mentioned above, Indonesia Corruption Watch (ICW) conducted a study and search information on the digital activities of the Police, which have been funded from the state budget.

### **Findings on Police Digital Shopping Activities**

ICW conducts an investigation related to the Police spending on the procurement of goods. The activities monitored are from 2017 to 2020. The investigation conducted through the Police Electronic Procurement Service System (LPSE). The keywords are used by ICW namely "social media".

Based on the monitoring results, it was found that there were 9 (nine) procurement packages items carried out by the Police for digital activities with social media keywords. The total budget for purchasing goods is IDR 1.025 trillion. The Police disbursed a budget of IDR 256 billion for digital activities per year.

No.	Year	Total Procurement Package	Procurement Package Value
	2017	3	Rp447,2 billion
	2018	1	Rp99,9 billion
	2019	1	Rp97,4 billion
	2020	4	Rp380,9 billion
		9	Rp1,025 trillion

**Table 1. Police Budget for Digital Activities by Year**

**Source: LPSE POLRI**

No.	Procurement Package(s)	Unit	Year	Procurement Package Value
1	Social Media Patrol following Systems Delivery	SLOG POLRI	2017	Rp159,6 billion
2	Social Media Depth Procurement Exploration, Explanation and Analytics National Police Defense Security System FY 2017	Baintelkam POLRI	2017	Rp198,6 billion
3	Procurement of Surveillance Car with Tactical Wifi Collecting Information and Social Media Intelligent System	Baintelkam POLRI	2017	Rp88,9 billion
4	Social Media Analytic Procurement National Police Criminal	Bareskrim POLRI	2018	Rp99,9 billion

	Investigation Platform for FY 2018			
5	Procurement of Equipment Counter and Cipta Conditions for Social Media	Baintelkam POLRI	2019	Rp97,4 billion
6	Social Media Procurement and Messenger Analytic Korbrimob APBN TA 2020	Korbrimob POLRI	2020	Rp99,5 billion
7	Procurement of Social Media Equipment Analysis of the National Police Divhumas, FY 2020	Divhumas POLRI	2020	Rp85,4 billion
8	Procurement of Social Media Intelligence for Public Perception Baintelkam Polri FY 2020	Baintelkam POLRI	2020	Rp98,8 billion
9	Procurement of Data Collection Services Bareskrim Polri	Bareskrim POLRI	2020	Rp97,1 billion

**Table 2. Details of Police Goods Procurement Expenditures for Digital Activities by Year**

**Source: LPSE POLRI**

From 2017 to 2020, the Indonesian National Police's Security Intelligence Agency (Baintelkam Polri), is a work unit that purchased the most equipment for digital activity. There are 4 (four) procurement packages with a budget of IDR 483 billion used by Baintelkam POLRI to buy equipment related to digital activity.

In 2019 the Police allocate a budget for the purchase of counter and equipment

copyright on social media conditions of IDR 97.4 billion. The winner of the procurement package was PT. Silfarano Perdana (PT. SP). The shareholders of the company are Zacharia Wali Darmawan (IDR 30 million), Michael Purwadi Limarga (IDR 30 million), and PT. TJ Silfanus (IDR 540 million).

Meanwhile, in 2020, Baintelkam POLRI bought a social media intelligence equipment for public perception with a value of IDR 98.8 billion. The winner of the procurement package was PT. Alpha Cipta Raya (PT. ACR). The company's shareholders include Ichwan Sumarsono (IDR 200 million), Suriyani (IDR 200 million), William Silfanus (IDR 1, 1 billion), and PT. TJ Silfanus (IDR 8.5 billion).

Based on ICW's investigation, it was revealed that the two companies owned a lot of sectors. This can be seen from the aims and objectives of the company deed. The company's goals and objectives include construction, real estate, leasing and leasing business, event organizers, auto repair, trading, information and communication activities, etc.

### **Shareholders of Winning Companies and Offshore Leaks**

Through further investigation, ICW found out that PT. TJ Silfanus (PT. TJS) is the dominant shareholder in both companies. There are a number of shareholders in PT. TJS namely Angela Silfanus (IDR 150 million), Tommy Jacobus Silfanus (IDR 825 million), Tan Loo Mei (IDR 225 million), Natasha Silfanus (IDR 150 million), Jonathan Silfanus (IDR 150 million).

From the results of ICW's investigation of a number of shareholders in PT. TJS, there are 2 (two) people whose name appears in the database of the International Consortium of Investigative Journalists (ICW). The database contains the names of the individuals involved in the cases Panama or Paradise Papers. The names listed were Tan Loo Mei and Tommy Jacobus Silfanus. Tan Loo Mei and Tommy are known to have shares in World Ties Universal Ltd, a company registered in the British Virgin Islands. Tan Loo Mei became a nominee shareholder from Sharecorp Limited, and Tommy is a nominee shareholder from Portcullis Nominees (BVI) Limited.

### **Digital Infrastructure Expenditures, Surveillance Devices, and Alleged Misuse**

Apart from the Police spending on the procurement of devices that support digital activities, on the month September 2020, the LPSE Polri recorded a number of procurement of goods sourced from the APBNP and recorded as "urgent need and/or budget", which is suspected to be related to the anticipation of mass action against the Job Creation Law or the Omnibus Law.

<b>No.</b>	<b>Procurement Package(s)</b>	<b>Unit</b>	<b>Date</b>	<b>Procurement Package(s) Value</b>
1	Centralized command procurement control system for intelligence Baintelkam surveillance targets National Police FY 2020 (additional)	Korbrimob POLRI	16 September 2020	Rp179,4 billion
2	Procurement of helmets and danti vests Brimob bullets (budget urgent-APBNP)	Baintelkam POLRI	21 September 2020	Rp90,1 billion

3	Tactical mass control equipment device (urgent need-APBNP)	SLOG POLRI	28 September 2020	Rp66,5 billion
4	UAV counter equipment and surveillance of Korbrimob (urgent budget-APBNP)	Korbrimob POLRI	25 September 2020	Rp69,9 billion
5	Procurement of observation drones tactical (urgent budget-APBNP)	Korbrimob POLRI	25 September 2020	Rp2,9 billion

**Table 3.Details of Urgent Police Goods Procurement Expenditures in 2020**

**Source: LPSE Polri**

The findings above indicate that there are suspected spending activities that can be used to shape public opinion through digital activities. Both tools purchased by the Police, simply does not rule out the possibility that it can be used to carry out orders in accordance with the STR issued by the National Police Chief.

Similar conditions also occurred at the time of rejection of the revision of the KPK Law and #ReformasiDikorupsi protest last September, 2019. The pattern used is similar, by distorting the voice of the public who were against the government. In addition, there was a systematic opinion driving to delegitimize the people who do rallies. There were 2 (two) incidents recorded in September 2019.

First, the official Twitter account belonging to the Police, which goes by the username @TMCPoldaMetro, was allegedly spreading disinformation regarding the presence of ambulances at the scene of the protest. The Police account suspected

the ambulances, belonging to DKI Jakarta Province, of inciting riots by carrying stones for the protesters. Not long after, this problematic information disappeared.

Second, the provocative WhatsApp group screenshots “belonging” to the Mechanical Technical School (STM) students, allegedly created by the Police. The goal is to counter the narrative against the actors who participated in the protests, including school students.

LPSE Polri recorded at least 5 (five) procurement packages carried out with the description of "additional", "urgent budget", or "urgent need" in the period September 2020, as listed in Table 3 above. The total procurement of the five packages amounted to IDR 408.8 billion, within a relatively short period of time, around 1 (one) month.<sup>3</sup> This of course raises questions and reinforces the suspicions that the Police engage in systematic efforts to silence public criticism and action.

This pattern also shows 2 (two) other important things related to budget politics and Police spending priorities. First, the Police do not have a clear and effective budget and expenditure plan, consequently give rise to shrouded budgets that are not included and with questionable processes. Second, the DPR RI does not carry out its function optimally. POLRI's initial budget ceiling for 2020 was only Rp. 90.3 trillion, as stated in 2020 State Budget Draft. However, after discussions in the DPR, the budget jumped to the top IDR 104.7 trillion.<sup>4</sup>

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<sup>3</sup> See for example, <http://lpse.polri.go.id/eproc4/lelang/14785044/jadwal>, <http://lpse.polri.go.id/eproc4/lelang/14735044/jadwal>, and <http://lpse.polri.go.id/eproc4/lelang/14791044/jadwal>

<sup>4</sup> 4 Yoga Sukmana, "Reaching Rp. 104.7 Trillion, the Third Largest National Police Budget", 27 September 2019, <https://money.kompas.com/read/2019/09/27/164849826/capai-rp-1047-trillion-anggaran-polri-2020-terbesar-third>, accessed on October 8, 2020

If the police budget is large enough to be allocated for the purchase of a number of tools to do counter-narrative on social media, then it is certainly contradictory with the duties and responsibilities that have been carried out by the Police, namely to help and protect the community. The amount of budget allocation disbursed by the government to the Police so far does not represent the functions carried out in accordance with Article 2 Constitution Number 2 of 2002 concerning the Indonesian National Police (POLRI Law).

### **Corruption Case Action by the Police<sup>5</sup>**

Procurement of goods for urgent needs as shown in Table 3 above, is not in line with one of the main duties of the National Police as stated in Article 13. Article 15 The National Police Law is related to law enforcement, especially in the prosecution of corruption cases. ICW noted, POLRI's performance in law enforcing corruption cases is still bad in this category. This is because the budget absorption compared to the budget for the DIPA prosecution of corruption cases, is still below 50%.

Based on the 2020 Budget Implementation List, targets for handling corruption cases carried out by the police institution as many as 1,539 cases per year. Number of institutions police throughout Indonesia has as many as 483 offices, consisting of 1 (one) Directorate of Corruption at the national level, 33 Polda at the Provincial level,

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<sup>5</sup> This entire section is taken from ICW's notes in, "Trends in the Enforcement of Corruption Cases in Semester I of 2020", which was launched on September 29 2020, <https://antikorupsi.org/id/article/tren-penindakan-kasus-corruption-2020-semester-i>, accessed on October 8, 2020

449 Polres in Regency / City. There is 1 (one) province which is not known because the data in DIPA are the 2019 budget, that is North Sulawesi Province.

Every police station at the provincial and district/city levels has a diverse target.

There is a police force that has a target of 1 (one) case, some are obliged to completed 75 cases, as happened to the Tanjung Perak Harbor Police and Polres Jombang. Meanwhile, at the National Police Criminal Investigation Unit the target of case handling must be achieved as many as 25 cases.

Each semester, it is assumed that the police are capable of handling 770 corruption cases, or about 50 percent from the achievement target. But in reality, case handling being realized and committed by the police in the first semester of 2020 were only 72 cases. If compared, then the contribution and participation of the police in the investigation towards corruption cases is only 4.7 percent. This means that the police performance in handling corruption cases is bad.

In terms of method, cases handled by the police are mostly new cases investigated within the first semester of 2020 with as many as 77 cases (84.7 percent), case development as many as 7 (seven) cases (9.7 percent), and 4 (four) hand-catching operations cases (5.6 percent).

Meanwhile, based on the same document, it is also revealed that the total budget given to the police in the handling of corruption cases amounted to IDR 277 billion. Every Police at the national, provincial, and district levels receive said budget allocations diversely. The smallest budget given is Rp. 6.4 million per case, at Polres

Tanjung Perak port. The largest budget was given to the North Sumatra Regional Police with IDR 1.3 billion per case.

The Dirlitpidkor Bareskrim at the Police Headquarters, received a budget of IDR 7.4 billion with the target of 25 corruption cases to be handled. Dirlitpidkor gets the budget Rp.297 million per case. Unfortunately, in the first semester of 2020, the Dirlitpidkor of the Police Headquarters only handled 1 (one) case, or about 4 percent from the total achievement target.

Transparency and accountability regarding the use of the budget is an obligation.

Because the public as taxpayers have every right to obtain information regarding the accountability for budgets managed by the government.

## **Conclusion**

Based on the explanation above, it is clear that the Police do not have clear priorities and directions in carrying out their duties and functions according to Article 13, Article 14, Article 15, and Article 16 of the Police Law. POLRI can be seen as failing to carry out their internal reforms to become more transparent, accountable, and incorruptible.

Global Corruption Barometer launched by Transparency International in 2017 noted, the Police are still included in the 3 (three) highest "rank" of bribes receiving

institutions<sup>6</sup> and is also in the top 3 (three) "rankings" in terms of the most corrupt institutions.<sup>7</sup> This also indicates that the priority for the budget and expenditure for procurement of goods of the Police, is not in place.

The National Police should improve its performance in law enforcement, one of which is to take action against corruption cases. However, instead of focusing on internal improvements in order to improve the quality of law enforcement work, the Police as a government instrument seem to be more keen in carrying out violence and systemic silencing of criticisms and public protests. These two things are the manifestation of Article 28E paragraph (3) of the 1945 Constitution, and the Police are bound by duties and authorities to support the realization of freedom, based on Article 14 paragraph (1) letter i of the National Police Law.<sup>8</sup>

The Chief of Police's telegram relating to the efforts to silence the freedom of public opinion, also shows the lack of control by the DPR RI in monitoring and requesting accountability for the performance of the National Police, as part of the executive.

All of these must also be viewed as the President Jokowi's inability to carry out his duties and functions as the Head of Government in controlling the performance of the ranks beneath him. If President Jokowi chose to ignore this, it can be said that President Jokowi also contributed to the poor performance of the National Police and

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<sup>6</sup> Transparency International, People and Corruption: Asia Pacific, Global Corruption Barometer, p. 19, February 2017

<sup>7</sup> Idem, p. 29

<sup>8</sup> Article 14 paragraph (1) letter i of the National Police Law reads thus, "In carrying out the main tasks as intended in Article 13, the National Police of the Republic of Indonesia has the following duties: ... i. protect the safety of body and soul objects, community, and environment from order disturbance and/or disaster, including giving help and assistance by upholding human rights"

stagnated bureaucratic reform within POLRI, which has been long-overdue since 2002.