

**ONE YEAR PERFORMANCE EVALUATION
OF THE CORRUPTION ERADICATION COMMISSION
"THE RISE OF A PSEUDO CORRUPTION ERADICATION"**

Arranged by:

Indonesia Corruption Watch and Transparency International Indonesia

Review team:

Adnan Topan Husodo, Coordinator of Indonesia Corruption Watch

J. Danang Widoyoko, Secretary General of Transparency International Indonesia

Writer team:

Kurnia Ramadhana, Indonesian Corruption Watch researcher

Alvin Nicola, Transparency International Indonesia researcher

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BACKGROUND

The future of corruption eradication is increasingly threatened. The implications of the enactment of Law Number 19 of 2019 concerning the Second Amendment to Law Number 30 of 2002 concerning the Corruption Eradication Commission (hereinafter referred to as the Revision of the KPK Law) have completely changed the direction of the anti-corruption law politics. Instead of strengthening it, this legislation has reduced various significant powers of the Corruption Eradication Commission (KPK). Not only those, the problems with the selection and the inauguration of commissioners for the 2019-2023 periods are also very crucial, precisely because, the current KPK seems to be showing more controversy than reaping achievements.

A series of weakening actions carried out by the Government and DPR towards the KPK also resulted in decreased public trust in this anti-corruption institution. Evidently, throughout 2020, at least five survey institutions (Alvara Research Center¹, Indo Barometer², Charta Politica³, Indonesian Survey Institute⁴, and

¹ Kompas, "Survei Alvara: Kepuasan terhadap Kinerja KPK Turun Tajam di 100 Hari Jokowi-Ma'ruf"
<https://nasional.kompas.com/read/2020/02/13/09415241/survei-alvara-kepuasan-terhadap-kinerja-kpk-turun-tajam-di-100-hari-jokowi>, accessed on 21 December 2020

² CNN Indonesia, "Indo Barometer: Kepercayaan Publik ke KPK Turun, TNI Teratas",
<https://www.cnnindonesia.com/nasional/20200224073216-12-477361/indo-barometer-kepercayaan-publik-ke-kpk-turun-tni-teratas>, accessed on 21 December 2020

³ Detik, "TNI jadi Lembaga Terpercaya Versi Survei Charta, Polri-KPK Alami Penurunan",
<https://news.detik.com/berita/d-5104280/tni-jadi-lembaga-tepercaya-versi-survei-charta-polri-kpk-alami-penurunan>, accessed on 21 December 2020

Research and Development Kompas⁵) confirmed this. This is new, because, in the history of the establishment of the KPK, this institution has always received high trust from the public.

However, the decline in public confidence has been predicted long ago. In 2019, the public has reminded the Government and the DPR that the corruption eradication policy carried out will create a stagnant situation for law enforcement. Within the context of the revision of the Corruption Eradication Commission Law, the legislation has eroded the main foundation of the anti-corruption agency: its independence.

As mandated by Article 6 of UNCAC which has been ratified by Law 7/2006, the anti-corruption agency is independent and free from any interests. It is not only institutional co-optation of the executive family; in fact, employment status is also affected by the impact. Soon, all KPK employees will be transformed into state civil servants. In addition, the formation of the Supervisory Board increasingly shows the incomprehension of stakeholders about the supplement to eradicate corruption.

During the #ReformasiDikorupsi demonstration in mid-October 2019, the public also warned President Joko Widodo and the DPR to stop choosing commissioners with problematic track records. However, that suggestion seemed to be taken for granted.

⁴ Kompas, "Survei LSI: Persepsi Publik terhadap Efektivitas Kinerja KPK Menurun"

<https://nasional.kompas.com/read/2020/12/06/20200901/survei-lsi-persepsi-publik-terhadap-efektivitas-kinerja-kpk-menurun>, accessed on 21 December 2020

⁵ Kompas, "Perlu Terobosan Baru untuk Pulihkan Kepercayaan pada KPK"

<https://kompas.id/baca/polhuk/2020/07/22/perlu-terobosan-baru-untuk-pulihkan-kepercayaan-pada-kpk/>, accessed on 21 December 2020

Currently this public concern is evident, when the majority of problems in the KPK originate from the elected commissioners themselves. Starting from ethical violations, unnecessary political gimmicks, to requests for a salary increase which was also followed by the purchase of government officials' vehicles. Naturally, some academics have started to think about leaving the KPK from the corruption eradication car.

Based on various literatures, it is apparent that Indonesia still has not fully paid attention to the corruption eradication sector. From the findings of Transparency International, Indonesia is placed in the 85th rank of 180 countries and had a score of 40 in the corruption perception index in 2019⁶. Not only that, the findings of the Global Corruption Barometer Indonesia and Transparency International Indonesia in 2020, also resulted in the conclusion that government performance was considered stagnant in the corruption eradication sector.⁷

In another part, specifically in the law enforcement sector, the findings of Indonesia Corruption Watch are also similar. In the law enforcement trend in 2019, there was a significant decrease in the handling of corruption cases by law enforcers.⁸ The justice sector has not shown any improvement; with the average sentence for

⁶ CNN Indonesia, "TII: Skor Indeks Persepsi Korupsi Indonesia Naik Jadi 40", <https://www.cnnindonesia.com/nasional/20200123164232-12-468074/tii-skor-indeks-persepsi-korupsi-indonesia-naik-jadi-40>, accessed on 21 December 2020

⁷ TII, "Global Corruption Barometer 2020-Indonesia", <https://ti.or.id/global-corruption-barometer-2020-indonesia/>, accessed on 21 December 2020

⁸ ICW, "Tren Penindakan Kasus Korupsi 2019", <https://antikorupsi.org/id/article/tren-penindakan-kasus-korupsi-2019>, accessed on 21 December 2020

defendants in corruption cases throughout 2019 is only around 2 years 7 months in prison.⁹

Amid the slump in the eradication of corruption in Indonesia, it is unfortunate that the policies taken by the government and the DPR have only increased negative intake through the weakening of the KPK. Various regulations that might be useful to strengthen the enforcement of corruption cases have not yet been implemented. Therefore, it is natural that from the outset, the public was skeptical of executive and legislative commitments.

In terms of fulfilling global commitments, the Indonesian Government is also seemingly not being serious in fulfilling global commitments such as UNCAC. Of the 32 recommendations from the results of the first round of UNCAC reviews, Indonesia has only completed about 8 recommendations, while of the 21 recommendations from the second round of reviews; Indonesia has only completed about 13 recommendations. The KPK identified 6 priority issues that need to be resolved from the recommendations of the UNCAC Round I and II, including the following:

Completion of the Revision of the Corruption Crime Law (Tipikor); Increasing Transparency and Integrity of the Public Sector and Strengthening the Implementation of Bureaucratic Reform; Increasing Transparency and Integrity of the Private Sector; Settlement of the Revised Reciprocal Legal Assistance in Criminal Matters (MLA) Revision; Strengthening the Independence and Institution of Anti-Corruption Institutions; and Completion of the Asset Confiscation Bill.

⁹ ICW, "Tren Vonis Kasus Korupsi 2019", <https://antikorupsi.org/id/article/tren-vonis-kasus-korupsi-2019>, accessed on 21 December 2020

Therefore, to coincide with one year of leadership of the KPK Commissioner for the 2019-2023 periods, Indonesia Corruption Watch and Transparency International Indonesia will provide a critical note. As for this note, it will question a number of things, starting from the direction of legal politics to eradicate corruption, the implications of the revision of the KPK Law, stakeholder policies that are contrary to international agreements, and four matters covering the KPK's duties (prosecution, prevention, internal management, and monitoring of state administration) .

METHODOLOGY

This critical note was compiled collaboratively by Transparency International Indonesia and Indonesia Corruption Watch. This writing aims to answer the following questions:

"How is the KPK's annual performance under the revised Law?"

In answering these questions, the writing process was carried out by compiling policy analysis, news content analysis, the 6-month KPK performance record report that was published on June 20, 2020 and research reports on the KPK in the range of December 2019-December 2020.

The monitoring and information-seeking process was carried out on December 13-20 2020, followed by a feedback forum on December 21, 2020 and the final validation process was carried out on December 22, 2020. The results were then formulated in the form of a series of constructive recommendations aimed at the KPK.

This report has seven dimensions of analysis which include:

- The direction of legal politics to eradicate corruption;
- Implications of the revision of the KPK Law;
- Performance of the enforcement sector;
- Prevention sector performance;

- Internal organization performance;
- Performance monitoring of state governance;

The writing team is fully aware that there are many limitations during the monitoring and writing process so that the results of this note of course only describe in general the performance of the KPK in 2020. This is due to the lack of validation space where the majority of information rests on data available on the KPK website and online news.

Therefore, in the midst of these limitations, before being widely published to the public, the manuscript of this report was consulted on a limited basis with the KPK and a number of academic partners and civil society groups in order to improve the accuracy of information and data quality as much as possible.

LEGAL POLITICAL DIRECTIONS FOR THE ERADICATION OF CORRUPTION

Referring to Moh. Mahfud MD's opinion, political law is a legal policy or official line (policy) regarding laws that will be enforced either by new laws or by replacing old laws, in order to achieve state goals.¹⁰ Through this opinion, then linked to the reality of what happened, Indonesia is actually stepping back from its ideals of law enforcement.

It can be understood that every state policy is always connected with political issues. However, this political issue should be embodied with a greater interest, namely the welfare of the community. However, what happened was the opposite. President Joko Widodo seems to have only taken advantage of the issue of law enforcement and eradicating corruption as a political commodity in electoral contestation, both in 2014 and 2019.

It is still clear in the public's mind how Joko Widodo organized the government's agenda in 2014 through "Nawa Cita". The fourth point in the priority agenda explicitly states to reject a weak state by reforming a system and law enforcement that is free of corruption, dignity and reliability. Not only that, in the General Election process in 2019, the issue of eradicating corruption was repeated.

However, the agenda for eradicating corruption by the President has yet to show maximum results. Instead of strengthening and showing partiality, what happened

¹⁰ Moh Mahfud MD, "Politik Hukum dalam Perda Berbasis Syari'ah", Jurnal Universitas Islam Indonesia, <https://journal.uii.ac.id/IUSTUM/article/download/1058/1795>, accessed on 21 November 2020

was that the President became one of the main actors in the scenario of weakening the KPK. Ironically, in the midst of the majority of countries in the world wanting to shift to an ideal climate of eradicating corruption, Indonesia is the opposite.

The President actually has a legal instrument that can secure the corruption eradication agenda, especially for the KPK, namely by issuing a Government Regulation in Lieu of a Law (PerPPU) to cancel the revision of the KPK Law. However, this move did not appear to be considered ideal by the President. In fact, the problems that exist in the KPK after regulatory changes are very worrying. In this context, the President also ignored the voice of the public and academics, the majority of whom rejected the revision of the KPK Law.

With no exception to the legislative domain, DPR members seem to have neglected the supplementary regulations to support corruption eradication. For example, the Asset Confiscation Bill, the Bill on Limiting Cash Transactions, and the Anti-Corruption Bill, which have not been resolved to date. Whereas with this regulation, it is believed that law enforcers will increasingly limit the practice of corruption. Simply put, the DPR failed to formulate solutions to various legislative problems that are connected to the law enforcement sector, especially the eradication of corruption.

However, this is no longer surprising, because so far the DPR's policies have often attempted to undermine the KPK. Evidently, the revision of the KPK Law was carried out on the basis of assumptive problems, not actual facts. So that the arguments used are fundamentally wrong. Not only that, the idea to weaken it has been rolling

for a long time, ICW noted that changes to the KPK Law have been echoed since 2010. Even in 2017, the DPR also tried to disturb the independence of the KPK by submitting inquiry rights.

Seeing the reality of cases that have been handled by the KPK so far, the attempt to weaken the KPK can be understood by using the theory of causality. KPK data states, since the anti-corruption institution was established until now at least 74 legislators have been named suspects.¹¹ Moreover, five General Chairmen of Political Parties have also been processed by the KPK, including Luthfi Hasan Ishaq (PKS), Anas Urbaningrum (Democrat), Surya Dharma Ali (PPP), Romahurmuzi (PPP), and Setya Novanto (Golkar). So it is only natural that political attacks often hold the KPK hostage.

During this year, the President and DPR have only focused on regulations to support the strengthening of the economy through investment. This is clearly shown in the passing of the Omnibus Law on the Job Creation Law. In fact, the source of the current investment problem is the absence of legal certainty, especially in the midst of rampant corruption. It is impossible for investors to support government programs, while on the other hand, the law enforcement agenda is simply ignored.

Therefore, to measure the performance of the KPK during the past year cannot be separated from the support factor of the government and the DPR. However, from the very beginning, the government and the DPR did not really put legal politics in

¹¹ KPK, "TPK Berdasarkan Instansi", <https://www.kpk.go.id/id/statistik/penindakan/tpk-berdasarkan-instansi>, accessed on 21 Desember 2020

the direction of strengthening the eradication of corruption.

THE IMPLICATIONS OF THE REVISION OF THE KPK LAW

One of the crucial issues that have resulted in stagnation in the eradication of corruption in the KPK is the enactment of Law Number 19 of 2019 (Revision of the KPK Law). Not without reason, the substance of the regulation has in fact moved away from the ideals of establishing the KPK itself. Not only that, the revision of the Corruption Eradication Commission Law also weakens two main sectors of work, which include prosecution and prevention. The revision of the KPK Law also undermines the main asset of this anti-corruption institution, namely independence.

At that time, the KPK had warned the Government and the DPR regarding the potential for weakening due to the enactment of the KPK Law Revision. In fact, the KPK wrote down in detail 26 crucial points in the regulatory change through a press release.¹²

Over the past year, the substance of the KPK Law Revision has slowly been eroding the authority of these anti-corruption institutions, including:

¹² KPK, "KPK Identifikasi 26 Poin yang Beresiko Melemahkan di RUU KPK", <https://www.kpk.go.id/id/berita/siaran-pers/1255-kpk-identifikasi-26-poin-yang-beresiko-melemahkan-di-ruu-kpk>, accessed on 21 December 2020

1. The co-optation of KPK's Independence as Part of the Executive

After the amendment to the KPK Law, the institutional status of the KPK has become very worrying. This is because Article 3 of the Revision of the KPK Law states that the KPK is no longer an independent state institution, but is included in the executive power clump. Inevitably, in early January 2020 a draft Presidential Regulation (PerPres) was circulated which regulates the Organization and Work Procedures of the KPK. The PerPres includes a regulation that explains that the Commissioner is under the President due to the provisions in Article 3 of the Revision of the KPK Law.

In this context, there are at least some consequences that will be faced by the KPK in the future. First, the PerPres has increasingly eroded the institutional independence of the KPK. This is because in the amendments to the KPK Law, the independence of the Corruption Eradication Commission has diminished due to institutional co-optation which also results in changes to the KPK's employment status. The PerPres further illustrates the executive's efforts to subdue the KPK.

Second, the KPK has the potential to be used as a political tool in the interests of the circle of power. This is very dangerous, considering that one of the sectors targeted by the KPK is in the framework of prosecution none other than the state organizer itself. It is not impossible that the public will be increasingly skeptical of the prosecution carried out by the KPK in the future.

2. Institutional Problems and the Authority of the Supervisory Board

At the end of 2019, the President had appointed five people to become the Supervisory Board (Dewas), each of which was Tumpak H Panggabean, Albertina Ho, Syamsuddin Haris, Hardjono, and Artidjo Alkostar. By looking at the composition of Dewas, it seems that the President is playing on the politics of individual image. The public is faced with figures that have had track records and side with the corruption eradication sector. In fact, the main problem of Dewas was not with the track records of its members, but with the function and authority of the institution.

There are at least two main problems with Dewas's existence itself. First, in a theoretical concept, the supervisory model as stated in the KPK Law Revision is wrong. This is because, from the start, supervision of the KPK has been carried out, both internally through the Deputy for Internal Supervision and Public Complaints, and externally through the President, DPR, BPK, Ombudsman, Judiciary and the public. The presence of Dewas in fact created ambiguity in the theory of institutional oversight.

Second, Dewas' authority as stated in Article 37 B paragraph (1) letter b The revision of the KPK Law clearly delayed the prosecution process. The conclusion at this point can refer to Novel Baswedan's statement when he gave his testimony in the judicial review of the KPK Law at the Constitutional Court. At that time, Novel said that various *pro justicia* actions carried out by the KPK were hampered by the presence

of Dewas, and even some evidence could potentially be lost due to the very bureaucratic licensing process.¹³

The chaos in the licensing process was evident in the interim bribery case of DPR members involving former KPU commissioner, Wahyu Setiawan, and PDIP legislative candidate Harun Masiku. In this case, until now the KPK has not conducted any searches at the PDIP DPP office. In fact, previously, the anti-corruption institution had attempted to seal some rooms. From this, the problem arises, what is the actual licensing process related to the legal remedy.

The KPK commissioner, Nurul Ghulfron, said that the permit had been submitted to Dewas, but the request had not been granted¹⁴. At the same time, Dewas also claimed that so far no request for permission had been denied¹⁵. This disagreement shows that the licensing process for legal actions taken by the KPK is inefficient.

Not only that, the licensing mechanism regulated in the KPK Law Revision is more complicated than the KUHAP arrangement. For example, in the issue of searches, Article 34 paragraph (1) of the Criminal Procedure Code states that when the situation is very necessary and urgent, if an investigator must act immediately and it

¹³ Mahkamah Konstitusi, "Penyidik KPK Nilai Izin Dewan Pengawas Hambat Proses Penegakan Hukum"
<https://www.mkri.id/index.php?page=web.Berita&id=16598>, accessed on 21 December 2020

¹⁴ Republika, Pimpinan KPK: Izin Dewas untuk Geledah DPP PDIP Belum Turun"
<https://republika.co.id/berita/q45ad9409/pimpinan-kpk-izin-dewas-untuk-geledah-dpp-pdip-belum-turun>,
accessed on 21 December 2020

¹⁵ Viva, "Dewan Pengawas KPK Terima 234 Permohonan Izin Penindakan"
<https://www.viva.co.id/berita/kriminal/1290231-dewan-pengawas-kpk-terima-234-permohonan-izin-penindakan>, accessed on 21 December 2020

is impossible to obtain a permit first, the investigator can still conduct a search. In contrast to what is stated in the revision of the KPK Law, namely, in a state of urgency or not, a search must still be subject to permission from Dewas.

In this context, in relation to the KPK's one-year performance, it can be concluded that the existence and authority of Dewas is a package to weaken the eradication of corruption.

3. The Prevention Sector Remains Weak

The weakening of the KPK's authority due to amendments can not only be seen from the loss or change of authority, but also from the non-regulation of the articles needed. In the context of preventing corruption, the revised KPK Law did not answer the need for strengthening from the aspect of prevention. This can be seen from three aspects:

First, the need to regulate the existence of strict sanctions for State Administrators who do not report LHKPN remains unregulated. Although the KPK has submitted compliance with the periodic State Officials Wealth Report (LHKPN) for the 2019 reporting year as of 1 May 2020 it reached 92.81% until 1 May 2020¹⁶, still many PN have not reported yet. In fact, wealth data is an important information base if you want to take integrated prevention.

¹⁶ Tribun News, "Batas Akhir Penyampaian LHKPN, KPK Sebut Kepatuhan Nasional 92,81%", <https://www.tribunnews.com/nasional/2020/05/01/batas-akhir-penyampaian-lhkpn-kpk-sebut-kepatuhan-nasional-9281>, accessed on 18 June 2020

Second, as part of coordination and supervision, the KPK has the authority to provide recommendations for system improvement and governance. But so far, the KPK has often encountered obstacles where recommendations are not followed up. There is indeed an additional "monitoring" mandate which appears to be intended to oversee the implementation of the recommendations that have been made; however, the context is not clear so that it does not have positive implications. Unfortunately, this need is also not answered in the revised KPK Law. The effectiveness of recommendations ultimately depends on the commitment of the leadership of the institution or organization itself.

And *third*, the KPK's authority to conduct supervision is reduced. Articles governing the authority of the KPK to carry out supervision, research, or review of agencies that carry out their duties and agencies that provide public services no longer exist. In fact, corruption that occurs in institutions that provide public services will be directly felt by the public, including corruption in the licensing sector. At the same time, data from the 2020 Global Corruption Barometer also confirms that bribery in public services is still rife, with a percentage rate of 30% of the public claiming to have bribed. This situation may also be the result of the reduced authority of the KPK in conducting supervision in public services.

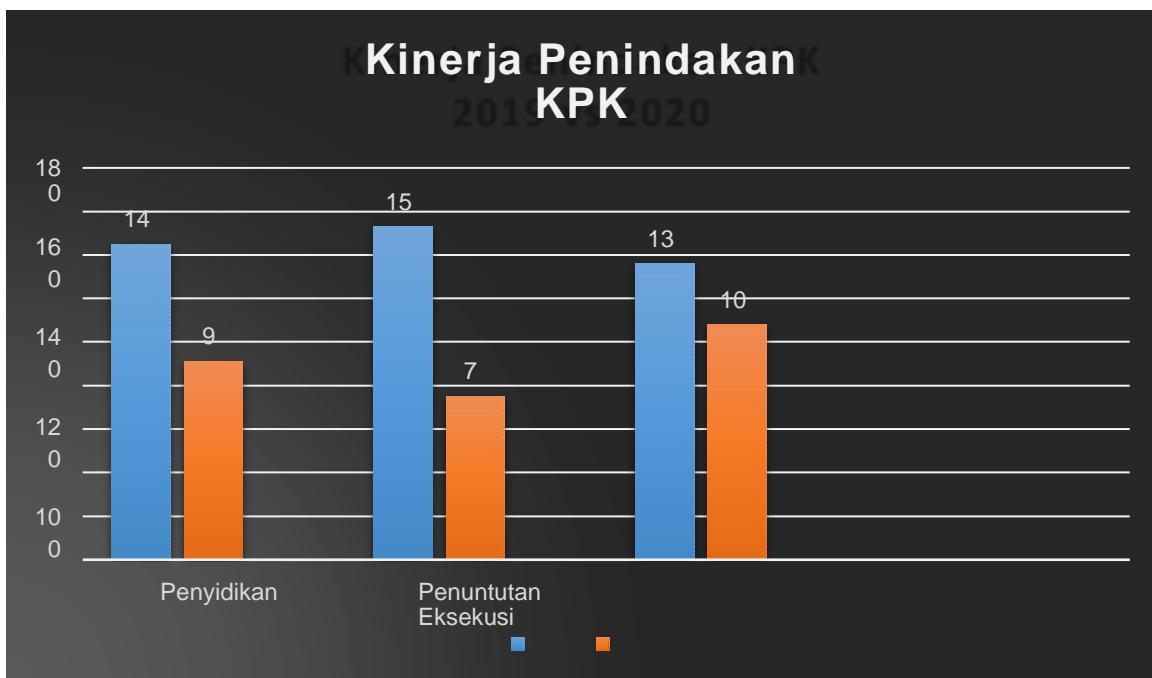
THE PERFORMANCE OF THE ACTION SECTOR

Admittedly, the legal politics stated in the revision of the KPK Law are more focused on the prevention sector. This can be seen from the hierarchy of Article 6 of the Revision of the KPK Law, which states that prevention is the first order. Action is only placed fifth in the rule. This is practically in line with the willingness of the government and the DPR, which from the start did not want the KPK prosecution to run optimally.

It is important to understand that the performance of KPK prosecution has three main functions. First, as a showcase of KPK's accountability to the public; second, it provides a strong message in the context of providing a deterrent effect to perpetrators of corruption; third, to carry out trigger mechanism mandate for other law enforcers.

Based on the data obtained by ICW, all sectors of enforcement performance experienced a drastic decline, starting from the number of investigations, prosecutions, to execution of decisions.

Table 1. Comparison of the 2019 and 2020 KPK Enforcement Performance



However, as mentioned above, during the one year period of Firli Bahuri's leadership, the KPK has had many problems in the prosecution aspect. Here's more:

1. The Decreasing Number of Hand Caught

The amount of hands caught has been a hallmark of the prosecution carried out by the KPK. Evidently, from 2005 to 2019 the KPK has successfully held 128 Hand-Catching Operations (OTTs). Inevitably, in the OTT, the KPK managed to ensnare three branches of power at once, starting from the executive (Ministers, Governors, Mayors and Regents), legislative (DPR, DPD and DPRD), to the judiciary (Judges and Constitutional Justices).

However, these OTT activities have drastically decreased this time of year. You can imagine, in the past year the KPK only managed to hold seven arrests. When compared, the decline this time is far compared to the previous year, namely 2019 (21 times), 2018 (30 times), and 2017 (19 times)

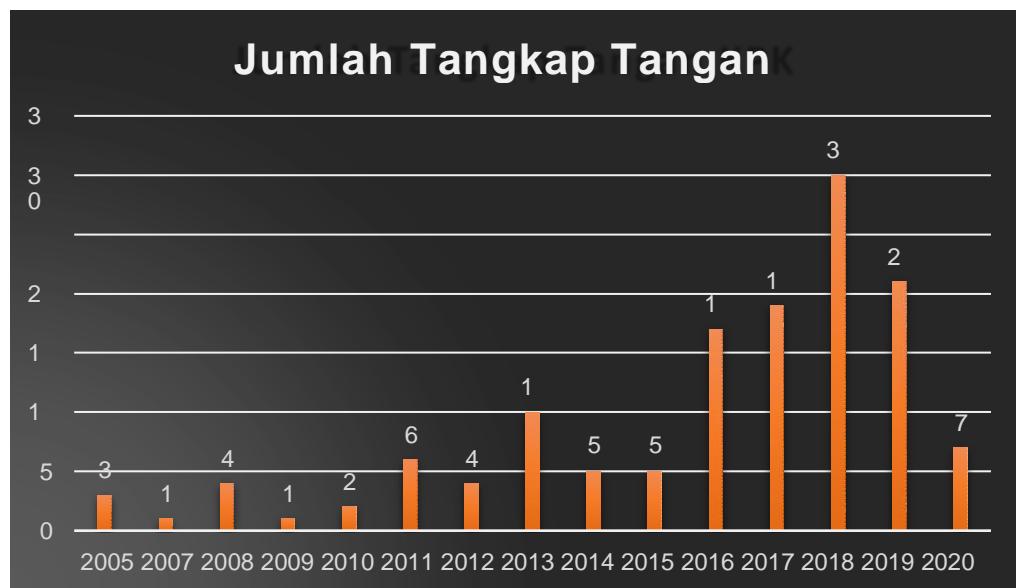


Table 2. Trends in the Arrest of the KPK 2005-2020

The decrease in the number of KPK arrests can also be analyzed from the problems of most of the commissioners themselves. Based on media searches, an interesting finding was found, namely that the majority of the commissioners actually criticized the work pattern of the prosecution by means of arrests.

- **Firli Bahuri (Chairman of the KPK)**

"We know many people were detained, because of OTT. I am sad to see it. That means we have something to do." (Said in the Fit and Proper Test Candidate forum, KPK leaders in Commission III DPR RI, 12/9/19);

- **Nurul Ghufron (Deputy Chairman of the KPK)**

"As long as we are able to prevent it, we will prevent it, but if they don't want to, we will arrest them. So, don't wait for the KPK's OTT or get thrown in to a prison. OTT is just entertainment. Preventive measures are carried out but if they are still stubborn, we will arrest them." (Said in a virtual discussion, 20/5/20)

- **Lili Pintauli Siregar (Deputy Chairman of the KPK)**

"OTT is continuous, but the value of OTT and the large expenditure is not connected." (Said at the Fit and Proper Test for KPK Leadership Candidates at Commission III DPR RI, 11/9/19)

With the combination of the implications of the KPK Law Revision and the problematic behavior of the Commissioners, it becomes natural that the KPK OTT has decreased drastically this year.

2. Unclearness in the Settlement of Arrears in Cases

The KPK under the leadership of Firli Bahuri has practically not touched on the big cases that have so far been in arrears in the anti-corruption institution. Even though seen from the legal facts so far, the KPK can actually follow up the cases up to the trial process. In this context, it further emphasizes the unclear vision and mission of prosecuting the KPK.

In this section, indicators of major cases refer to two things, namely:

- 1) The value of state financial losses;
- 2) Suspected of involving the power elite. Based on these indicators, there are several cases that are in arrears by the KPK. First, the KTP-Electronic case, with a value of state financial losses of Rp 2.3 trillion. Referring to the KPK charges against Irman and Sugiharto, there are many names of politicians who allegedly received the flow of funds from the project.¹⁷ However, until now, there have been no further developments in the charges.

In fact, not only that, the KPK also has never charged Setya Novanto with suspicion of committing the crime of money laundering. Whereas in the prosecution, the KPK had stated that the corruption committed by the former chairman of the DPR RI tasted money laundering.¹⁸ Second, the issuance case of a certificate in full against of Bank Indonesia Liquidity Assistance's (BLBI) obligor with a total state loss of Rp 4.58 trillion. The problem in this case concerns the follow-up to the KPK's legal steps after determining Sjamsul and Itjih Nursalim as suspects.

¹⁷ CNN Indonesia, "Anas dan Marzuki Disebut Terima Rp 20 miliar Kasus e KTP"

<https://www.cnnindonesia.com/nasional/20170309105323-12-198925/anas-dan-marzuki-alie-disebut-terima-rp20-miliar-kasus-e-ktp>, accessed on 22 December 2020

¹⁸ Kompas, "Menurut Jaksa, Korupsi Setya Novanto Bericita Rasa Pencucian Uang"

<https://nasional.kompas.com/read/2018/03/29/12123331/menurut-jaksa-korupsi-setya-novanto-bercita-rasa-pencucian-uang>, accessed on 22 December 2020

Third, the construction case of a sports training and education center in Hambalang with a state financial loss of Rp 463 billion. In handling this case, the KPK allegedly did not follow up by investigating the potential of other individuals and corporations who also received the flow of funds. Fourth, the case of Century Bank bailout with a state financial loss of Rp 7.4 trillion. Similar to the BLBI case, the KPK has not shown any significant progress in investigating this case.

3. Failure to Apprehend Fugitives

So far, the KPK has been known to be professional and fast in arresting fleeing corruption perpetrators. For example, the former Democratic Party Treasurer, M Nazaruddin, who was arrested by the KPK in Colombia within 77 days. However, this trend does not seem to have continued in the current period of the Commissioner's leadership, apart from producing a lot of fugitives, the search effort is also slow and has not reaped significant results.

When the Commissioner for this period was appointed, it was found that the KPK still left three suspects who had not been caught, namely: 1) Izil Azhar; 2) Sjamsul Nursalim, and 3) Itjih Nursalim. Instead of being able to arrest the three of them, the KPK instead added five people to the People Wanted List (DPO). Despite that, three of them were finally arrested by a team led by Novel Baswedan, including: Nurhadi, Rezky Herbiyono, and Hiendra Soenjoto. Thus, the fugitives produced in this period left two people, Harun Masiku and Samin Tan.

No	Name	Position	Cases	Status
1	Samin Tan	Private	Bribes for the management of PT AKT Coal Mining Exploitation Work Contract termination	Fugitive
2	Harun Masiku	Private	Replacement bribes between members of the DPR RI	Fugitive
3	Izin Azhar	Private	Gratuities related to the construction of the Sabang Pier project in 2006-2011	Fugitive
4	Sjamsul Nursalim	Private	Issuance of Certificate of Settlement of BLBI obligors	Fugitive
5	Ittih Nursalim	Private	Issuance of Certificate of Settlement of BLBI obligors	Fugitive

Table 3. List of KPK fugitives

The source of the problem was the KPK's failure to detect and arrest the five fugitives, allegedly from the Commissioner himself. This is because so far the public has not seen the commissioners' seriousness in overcoming the fugitive chaos. Practically what appears to the public is the closure of access to information on the search for these fugitives.

On several occasions, this attitude of ambiguity was clearly shown. For example, Firli Bahuri, who chose to remain silent when asked about the alleged detention of Investigators at the Police Science College, when the team was conducting a search for Harun Masiku.¹⁹ Not only that, Nurul Ghufron, also had time to express his

¹⁹ Detik, "Firli Bahuri Tolak Jelaskan Isu Penyidik KPK 'Ditahan' di PTIK: Itu dari Media"

<https://news.detik.com/berita/d-4875162/firli-bahuri-tolak-jelaskan-isu-penyidik-kpk-ditahan-di-ptik-itu-dari-media>, accessed on 22 December 2020

intention to hold a trial in absentia for Harun Masiku.²⁰

In fact, Harun Masiku's statement is important in exposing the practice of bribery which is suspected of also dragging certain political party officials. Coupled with Alexander Marwata's statement that seemed eager issued an order to stop the investigation of Sjamsul and Itjih Nursalim because another defendant, Syafruddin Arsyad Tumenggung, was sentenced to be released at the Supreme Court.²¹

For this reason, there are two steps that must be taken by the KPK so that the problems of fugitives can be resolved immediately. First, the Supervisory Board must take part in evaluating the Commissioner and Deputy for Action regarding methods and steps to find fugitives. This is in line with Article 37 B paragraph (1) letter f of the Revision of the KPK Law which gives Dewas authority to evaluate the performance of KPK Leaders and Employees.

Second, the Commissioner must immediately reform the personnel of the Task Force team, which has been assigned to search for the five fugitives above. This is because the evaluation carried out so far is practically only a formality and has not resulted in any corrective measures. After the personnel reshuffle, it would be better

²⁰ Detik, "Pimpinan KPK soal Nurhadi-Harun Masiku Bisa Disidang in Absentia: Sesuai Prosedur"

<https://news.detik.com/berita/d-4928122/pimpinan-kpk-soal-nurhadi-harun-masiku-bisa-disidang-in-absentia-sesuai-prosedur/2>, accessed on 22 December 2020

²¹ Kumparan, "Pimpinan KPK Anggap Kewenangan SP3 Perlu, Singgung Vonis Lepas Terdakwa BLBI"

<https://kumparan.com/kumparannews/pimpinan-kpk-anggap-kewenangan-sp3-perlu-singgung-vonis-lepas-terdakwa-blbi-1uFwCAXV9CV>, accessed on 22 December 2020

if the Commissioner could appoint a team that has been known to be adept at catching fugitives, one of which is the Novel Baswedan Task Force.

4. Problematic Supervision and Case Acquisition

Article 6 of the revision of the KPK Law has outlined the duties of the anti-rasuah agency, one of which is related to other law enforcers, namely the supervision of case handling. Even a derivative of the KPK Law Revision has been issued through Presidential Regulation Number 102 of 2020 concerning Supervision of Corruption Crime Cases. This authority is also a concrete manifestation of the concept of the trigger mechanism as stated in the preamble to the KPK Law. Not only that, the KPK could even take over the handling of cases currently being carried out by law enforcers (Article 10A Revision of the KPK Law).

Unfortunately, the authority possessed by the KPK is often not used optimally. For example, in cases handled by the Police and the Attorney General's Office regarding fugitive Joko S Tjandra. The actions of the KPK at that time were limited to only supervising, even though based on several considerations, for example the handling was aimed at protecting the real perpetrators or the existence of obstacles due to interference by power, anti-corruption institutions could take over all cases.

Especially in the case involving law enforcement officials, namely two high-ranking police officers and one prosecutor at the Attorney General's Office. So, this is in line with Article 11 paragraph (1) letter a of the Revision of the KPK Law which states

that if a corruption case involves law enforcement, the KPK can handle it. Moreover, the KPK is mandated to also contribute to cleaning law enforcement institutions from corrupt practices.

Apart from Joko S. Tjandra, there are also several cases being handled by law enforcers with a large scale of state losses. For example, the Jiwasraya and Asabri corruption cases. In this context, the KPK should have been able to supervise and study findings that have not been followed up by other law enforcers.

5. Zero Crime Law Enforcement

As explained earlier, one of the KPK's powers is to take action against law enforcement officials who are involved in corruption cases. However, during Firli Bahuri's leadership period, practically none of the law enforcers were processed by this anti-corruption agency.

No	Position	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	Total
1	Judges	1	2	2	3	2	3	1	3	5	-	-	22
2	Attorneys	-	2	-	-	-	-	3	1	-	3	-	9
3	Police	-	-	1	1	-	-	-	-	-	-	-	2
4	Advocates	1	-	-	-	-	2	2	2	4	1	-	11
Total		2	4	3	4	2	5	6	6	9	4	0	44

Table 4. Trends in the Handling of Corruption Cases by KPK in Law Enforcement Officials

THE PERFORMANCE OF THE PREVENTION SECTOR

In the prevention sector, the writing team conducted monitoring in 3 programmatic dimensions, namely:

- a. Carry-over prevention programs from the previous period, such as the Prevention Coordination and Supervision program (Korsupgah);
- b. Situational prevention programs, such as programs that respond to the handling of the Covid-19 pandemic;
- c. Prevention programs mandated by Law Number 19 of 2019, such as registration and examination of LHKPN and prevention of gratuities;

Based on the revised KPK Law, currently the KPK has a fairly broad mandate in the prevention sector. As with Law Number 19 of 2019, the deputy for prevention at the KPK carries out functions which include²²:

- 1) Formulation of policies for the Sub-sector of Registration and Investigation of State Administrators' Wealth Reports (PP LHKPN), Gratuities, Education and Community Services as well as Research and Development;
- 2) Implementation of corruption prevention through data collection, registration and examination of LHKPN;

²² "UU No. 19 Tahun 2019" <https://www.kpk.go.id/images/pdf/Undang-undang/UU-Nomor-19-Tahun-2019.pdf>, accessed on 18 June 2020

- 3) Implementation of corruption prevention through receipt of reports and handling of gratuities received by Civil Servants or State Administrators;
- 4) Implementation of corruption prevention through anti-corruption education, dissemination of corruption eradication and anti-corruption campaigns;
- 5) Implementation of corruption prevention through research, study and development of corruption eradication;
- 6) Coordination and supervision of the prevention of criminal acts of corruption to related agencies and agencies that carry out public services;
- 7) Implementation of secretarial activities and resource development within the Deputy for Prevention.
- 8) Coordination, synchronization, monitoring, evaluation and implementation of work relations in the Sub-sector of Registration and Investigation of State Officials' Wealth Reports (PP LHKPN), Gratuities, Education and Community Services as well as Research and Development;
- 9) Implementation of other tasks given by the leadership in accordance with their fields.

In addition, according to the KPK General Policy Directives issued by the KPK Leaders in 2020, there are four focus areas of work, namely corruption in the business sector, politics, carried out by law enforcement, and in the public service

sector. The KPK General Policy Direction for 2020 on a prevention focus component includes²³:

- 1) Performing preventive, coordinating and monitoring tasks by prioritizing strengthening anti-corruption efforts at the affected locus of the CPI measurement, Anti-Corruption Behavior Index (IPAK), Integrity Assessment Survey (SPI) and measurements in RKP 2020 and RPJMN 2020-2024 including relocation of the State Capital;
- 2) Encourage K / L / D to increase national measurement towards good governance, through efforts to prevent corruption, reform the bureaucracy and improve the quality of public services as well as monitor the predicate Free Areas from Corruption (WBK) and Clean and Serving Bureaucratic Areas (WBBM) which given to Ministries / Agencies and Local Government;
- 3) Aligning the National Strategy for PK programs and activities, preventive tasks, coordination tasks, and monitoring tasks;
- 4) Improving the governance of preventive tasks, coordination tasks, and monitoring tasks, by developing guidelines for:
 - a. Integrated prevention;

²³ KPK, "Arah Kebijakan Umum KPK 2020: Tidak Akan Kurangi Penindakan"

<https://www.kpk.go.id/id/berita/siaran-pers/1519-arah-kebijakan-umum-kpk-2020-tidak-akan-kurangi-penindakan>, accessed on 15 June 2020

- b. Integrated prevention and repression;
- c. Standardization of methods for planning, controlling, implementing, monitoring and evaluating in the field of prevention;
- d. Management of integrated preventive data and information that is responsive, both strategic and periodic.

5) Develop a business process map:

- a. Integrated prevention (involving the National Strategy for PK, the task of prevention, the task of coordination, the task of monitoring, and the duties of other supporting functions) in strengthening efforts to prevent corruption;
- b. Integrated prevention and repression (involving enforcement duties, coordination tasks, supervision duties, monitoring tasks and other supporting functions) as well as the implementation of integrated prevention and enforcement efforts;

6) Carry out bilateral or multilateral cooperation in the prevention of criminal acts of corruption.

Unfortunately in this document, it is not clear that a comprehensive road map related to the prevention strategies that will be taken. In addition, the prevention programs carried out are contradictory. In the text of the 2020 General Policy Directives, the leadership encourages "integrated prevention" while Perkom No. 7/2020 concerning Ortaka which has created many new positions, in fact does not reflect this spirit at

all.

In addition, the passing of the revision of the KPK Law not only has an impact on weakening the work of law enforcement and internal governance of the KPK, but also reduces the level of public trust in the KPK. The results of the Kompas R&D poll on 17-20 June 2020 which stated that 56.9 percent of respondents were dissatisfied with the KPK's performance in preventing and eradicating corruption. The current image of the KPK is also only considered good by 44.6 percent of respondents. This result was the worst in eight Kompas polls from January 2015 to June 2020.

The 2020 Global Corruption Barometer Survey also confirmed that only 51% of the public considered that the KPK's performance in the past year was quite good.²⁴ On the other hand, the percentage of KPK's acceptance by the public is still quite high (65%), and puts the KPK in position 8 among other anti-corruption agencies in Asia.

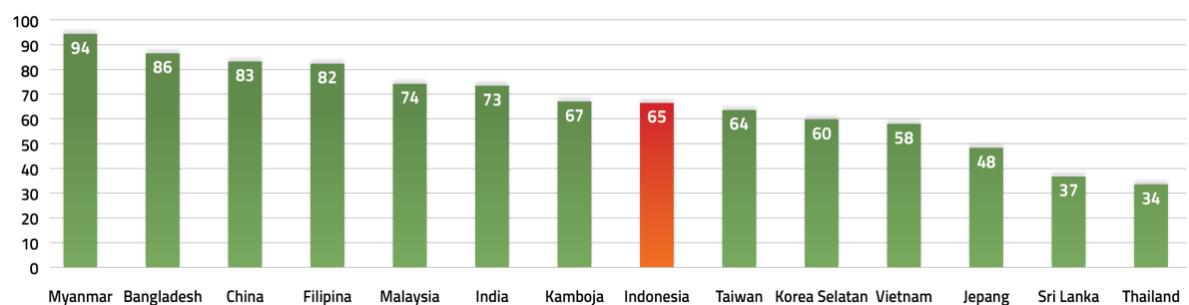


Table 3. Comparison of Public Perceptions of the Performance of Anti-Corruption Institutions in Asia

²⁴ Transparency International Indonesia, "Global Corruption Barometer 2020 Indonesia",

<https://ti.or.id/global-corruption-barometer-2020-indonesia/>, accessed on 10 December 2020

Apart from having the implication of decreasing enthusiasm for the anti-corruption movement, the revision of the KPK Law which is claimed to support the prevention strategy does not at all strengthen the need for prevention. This can be seen from three aspects:

First, the need to regulate the existence of strict sanctions for State Administrators who do not report LHKPN remains unregulated. Although the KPK has submitted the compliance of the periodic State Officials Wealth Report (LHKPN) for the 2019 reporting year as of 1 May 2020 reaching 92.81% until 1 May 2020²⁵, there are still many PN that have not reported it. In fact, wealth data is an important information base if you want to take integrated prevention.

Second, as part of coordination and supervision, the KPK has the authority to provide recommendations for system improvement and governance. But so far, the KPK has often encountered obstacles where recommendations are not followed up. There is indeed an additional "monitoring" mandate which appears to be intended to oversee the implementation of the recommendations that have been made; but also not clearly answered in the revised KPK Law. The effectiveness of recommendations ultimately depends on the commitment of the leadership of the institution or organization itself.

And third, the KPK's authority to conduct supervision is reduced. Article 10 which

²⁵ Tribun News, "Batas Akhir Penyampaian LHKPN, KPK Sebut Kepatuhan Nasional 92,81%", <https://www.tribunnews.com/nasional/2020/05/01/batas-akhir-penyampaian-lhkpn-kpk-sebut-kepatuhan-nasional-9281> accessed on 18 June 2020

regulates the authority of the Corruption Eradication Commission (KPK) to carry out supervision, research, or review (...) and agencies that provide public services is no longer listed. In fact, corruption that occurs in institutions that provide public services will be directly felt by the public, including corruption in the licensing sector. At the same time, data from the 2020 Global Corruption Barometer also confirms that bribery in public services is still rife, with a percentage rate of 30% of the public claiming to have bribed. This situation may also be the result of the reduced authority of the KPK in conducting supervision in public services.

The monitoring of the development of the National Strategy for PK in the regions conducted by Transparency International Indonesia during January-February (after the revision of the KPK Law) also reflects a shift in the attitude of the Regional Government towards the KPK so that it has an impact on the lack of success in the corruption prevention program. This is indicated by the insignificance of the level of achievement of the corruption prevention action mandated in the National Strategy for PK.

In this monitoring, there are five records of KPK performance in the prevention sector, including:

1. The Function of Trigger Mechanism towards Law Enforcement Officials Is Not Optimal

The relationship between the Corruption Eradication Commission, the Police, and the Attorney General's Office did not work well considering the lack of function as a

trigger mechanism for the KPK in the past year. Apart from being seen in the absence of cases in law enforcement being processed by the KPK, efforts to coordinate prevention and system development to APH have not shown any serious progress.

This situation is also an implication of a contradictory mandate when the KPK has the authority and broad reach of a single-anti-corruption agency approach (as increasingly emphasized in the Colombo Commentary on the Jakarta Statement on Principles for Anti-corruption Agencies²⁶), but at the same time there are enforcement agencies. another law which also has the authority to process and prosecute corruption cases. As a result, although it is also mandated with the function of supervising and taking over cases in other law enforcement agencies, it seems that the KPK has taken steps that have tended to be subtle since the first KPK leadership in this period began to carry out its duties.

On January 7, for example, National Police Chief General Idham Aziz said the Memorandum of Understanding (MoU) with the KPK would be updated soon. In the memorandum of understanding, a strategy to prevent and eradicate corruption will be regulated. The MoU between the National Police, the Corruption Eradication Commission and the Attorney General's Office was in effect from March 2017 to

²⁶ UNODC, "Colombo Commentary on the Jakarta Statement on Principles for Anti-corruption Agencies", https://www.unodc.org/documents/corruption/Publications/2020/20-00107_Colombo_Commentary_Ebook.pdf accessed on 21 December 2020

2019. In the agreement consisting of 15 articles²⁷, there are some quite controversial arrangements, such as any institution calling members of other institutions must notify the leadership of the summoned members. The same is true of the search process.

This subtle approach is also reflected in the absence of significant progress from the prevention program at APH. For example, in the MoU above, also stipulates the Notification of the Commencement of Investigation (SPDP) which no longer has to be manual or hard copy, but can be sent via the internet network, or called e-SPDP which is used in disclosing cases of corruption and case delegation corruption cases.²⁸

Until now, the SPDP exchange statistics portal for the Police and the Attorney General's Office on the KPK website is the main source for the public to access information related to SPDP in corruption cases. Unfortunately, there is a mismatch between the data and the data updating issue. For example, in a table with a bar chart, especially in 2019, it can be seen that data is out of sync or not. This makes the public confused and has difficulty getting correct information.

²⁷ KPK, "Nota Kesepahaman KPK-Kepolisian-Kejaksaan", <https://www.kpk.go.id/images/pdf/sipres/Mou%20KPK-Kejaksaan-Polri%201.pdf>, accessed on 20 December 2020

²⁸ CNN Indonesia, "Polri-KPK Ingin Perpanjang MoU Pemberantasan Korupsi", <https://www.cnnindonesia.com/nasional/20200106140454-12-462787/polri-kpk-ingin-perpanjang-mou-pemberantasan-korupsi>, accessed on 20 December 2020

On this page, the number of SPDP exchanges specifically for corruption cases in 2020 can be seen in the table below.²⁹ Judging from the VI quarterly report of the National Strategy (Stranas) for PK, the level of achievement of this action is claimed to reach 74.5% (good). Even though it has been built since 2017, monitoring from the Stranas PK team found that there are still many shortcomings that need to be fixed, including in terms of compliance with data input. However, the Stranas PK³⁰ 6th quarterly report informs that there is an increasing trend in data input compliance.

Agency	Number of SPDP Corruption Cases in 2020
Police	71
Attorneys	156

Table 4. SPDP for Corruption Cases 2020

From the report submitted by the Police regarding the level of compliance with the SPDP for corruption cases, for example, it shows that Bareskrim, Polda in 34 Provinces, along with the Polres under them have input data. Whereas at the AGO, there are visible improvements, although the challenge is still not being able to verify targets related to the number of SPDPs inputted into the online SPDP application

²⁹ KPK, "Statistik Koordinasi dan Supervisi KPK" <https://www.kpk.go.id/id/statistik/koordinasi-supervisi>, accessed on 18 June 2020

³⁰ Stranas PK, "Laporan Triwulan VI 2019-2020", <https://stranaspk.kpk.go.id/id/publikasi/laporan-triwulan/laporan-stranas-pencegahan-korupsi-triwulan-vii-2019-2020>, accessed on 17 December 2020

must be the same as the number of corruption investigations handled by the Prosecutor's Office.

The achievements stated in the Stranas PK report above reflect very technical constraints. For example, until now the SPDP Online system is claimed to have been able to receive data from the Police and the District Attorney, but data input only reaches the High Prosecutor's Office and Polda levels. In order for the Satker (Polres and Kejari) to input independently, an account that is registered using the Institute's email account is required.

This situation causes the corruption case data that is entered into SPDP Online not in accordance with real data. From the Stranas PK report sourced from the observations of the KPK Law Enforcement Coordination and Supervision team, it was found that there were still cases handled by APH that were not inputted into the online SPDP system. In fact, the case was only discovered after it was reported in the mass media.

This initiative is actually very important considering that up to now the data collection on the handling of corruption cases among law enforcement officers in Indonesia is not synchronized and is still considered not transparent. In terms of the case handling process, for example, there has not been an optimal effort to create synergy and coordination of law enforcement officials regarding data collection on the handling of corruption cases.

A situation that is not much different is also shown from the lack of achievement of the sub-action implementation of the Information Technology-Based Integrated Case Management System (SPPT-TI) which is also mandated in Presidential Regulation Number 54 of 2018 concerning the National Strategy for Prevention of Corruption (Stranas PK). In the National Strategy PK VI quarterly report, this action received an achievement percentage of 64.91% (enough).

The Stranas PK report also states that a lot of progress has been made. Regarding the exchange of data on the handling of corruption cases, together with cases of narcotics and children, it is available at the Ministry of Law and Human Rights, the National Police, the AGO, Kemenkopolhukam, and the Supreme Court. In addition, it is claimed that the 2019 version of the SPPT-TI Public Criminal Process at the APH Satker in 32 Regencies / Cities (Phase VI) has been running at the Ministry of Law and Human Rights, the AGO and the Supreme Court. Although at the same time, it is recognized that the level of data input compliance needs to be improved.

According to the records of Setnas PK itself, APH Satker in the regions do not yet understand how to use the data exchanged by SPPT-TI, the target of mentoring by the SPPT TI working group team can only be implemented in 2021 and many data entry in Puskarda are still not verified according to data exchange guidelines.³¹

³¹ Stranas PK, "Laporan Stranas PK Tahun 2019 Triwulan IV" <https://stranaspk.kpk.go.id/images/2020/Laporan-Stranas-PK-Tahun-2019-Triwulan-IV.pdf>, accessed on 18 June 2020

The above problems actually show that the KPK's role is not optimal in carrying out serious preventive supervision, even within APH itself. In this regard, it can be seen that there are two main problems: technical and commitment. Improvements to a more integrated system to improve data input compliance. On the other hand, any workload can be the answer to technical problems such as requires the Satker to make two inputs, first to the case handling administration application (EMP / CMS) and second to SPDP-Online.

Of course, however, technical problems would be easier to intervene than commitment issues. If the problem comes from a commitment from APH who is reluctant to speed up the data synchronization process, a high level of commitment is needed where the role of the KPK and the PK National Team is demanded to be more significant to address these problems. At the same time, it is also necessary to continue to improve the capacity of Satker personnel who perform data input functions.

2) Coordination and Supervision of Prevention (Korsupgah) to Regional Governments Only Technical Administrative in nature

KPK implements the Coordination and Supervision (Korsup) program by providing assistance to local governments. This program has been implemented since 2017 and its progress can be seen regularly through the Prevention Coordination and Supervision Information System portal or known as MCP (Monitoring Center for Prevention) which can be accessed on the page (<https://korsupgah.kpk.go.id>). There are 9 Task Force units in the Prevention Area Coordination unit that were formed to

work together with other relevant agencies such as BPKP, LKPP, and APIP to assist local governments in eight (8) intervention areas. In the process of handling Covid-19, this Task Force coordinates related to refocusing activities and reallocating the APBD.

However, the progress regarding this program is very difficult to monitor because of the minimal periodic updating of information on the portal. The most up-to-date information that the public can find is only up to March 20, 2020. So there is no data that the public can use to see developments and also compare the progress of corruption prevention programs at the level of their respective local governments. Although the "KPK Performance Report Semester I Year 2020" claims that as of June 30, 2020, the national average MCP achievement of Local Governments is at 21.8%³², this data display may not be available to the public. At the same time, the achievement is only around 20% indicating poor commitment to preventing corruption in the regions.

On the other hand, the large portion of the Regional Government's corruption prevention program is also not in line with the effectiveness of its implementation. These programs come both from the Korsupgah program

The KPK and the Stranas for PK have different reporting mechanisms even though they tend to overlap programmatically. The issue of heavy reporting which increases the workload is also a new problem that arises.

³² KPK, "Laporan Kinerja KPK Semester I Tahun 2020", <https://www.kpk.go.id/id/berita/siaran-pers/1781-laporan-kinerja-kpk-semester-1-tahun-2020> accessed on 29 November 2020

In the context of implementation effectiveness it can also be seen from the low level of achievement of the National Korsupgah Action Plan, only 69% in 8 intervention areas in 542 local government entities.³³ Although it has increased by 10% from the same period last year, it is certainly considered insignificant when compared to the large portion of mentoring. It should be noted, however, that these results only record data available until March 22, 2020.

No .	Intervention Area	Achievements (20 March 2020)
1.	APBD Planning and Budgeting	74%
2.	Procurement of goods and services	60%
3.	One Stop Services	74%
4.	APIP capability	54%
5.	ASN Management	68%
6.	Regional Revenue Optimization	74%
7.	Regional Asset Management	69%
8.	Village Governance	59%

Table 5. Achievements of the National Korsupgah Action Plan (22 March 2020)

³³ KPK, "Progres Renaksi Korsupgah Nasional", <https://korsupgah.kpk.go.id>, accessed on 17 June 2020

Based on the 8 intervention areas, the component of procurement of goods and services was found to be the lowest at only 60%. In fact, if viewed based on the support of regulatory infrastructure and assistance and supervision programs, it is fitting that the components of the procurement of goods and services reach a better percentage. This is important given that corruption cases in procurement projects are still rife today.

The lack of follow-up on assistance from the KPK for the Regional Government may be the result of the KPK's lack of authority in following up on its own recommendations. The absence of norms regulating this matter is also part of the weakening of the KPK in the revised KPK Law. This implies that it is difficult to encourage integrated governance reforms if the suggestions for improvement are not strong.

Whether the Korsupgah program has been achieved or not in the regions so far has only been given "sanctions" using the naming and shaming method. Anti-corruption policy expert Matthew Stephenson assesses, in a situation of a society that has multiple equilibrium as Indonesia, relying solely on the method of institutional naming and shaming without being accompanied by proportional corrections will not have any impact in the long term³⁴—especially with the weak situation of anti-corruption agencies in Indonesia today. Under these conditions, an approach to preventing corruption in public institutions with a gradual accumulation of actions to prevent corruption is absolutely necessary for gradual reforms to be successful.

³⁴ Stephenson, Matthew. "Corruption as a Self-Reinforcing "Trap": Implications for Reform Strategy", https://gupea.ub.gu.se/bitstream/2077/61453/1/gupea_2077_61453_1.pdf, hal. 3-8, accessed on 19 December 2020

This approach seems to need to be thoroughly evaluated in order to find out its effectiveness, and it is moved to consider building a compliance mechanism for KPK's own recommendations. The new "monitoring" mandate, which appears to have been created to address the issue of this recommendation, cannot be guaranteed its effectiveness either. On the other hand, the National Human Rights Commission (Komnas HAM) in 2018, has built an initiative "Benchmark Compliance Recommendations" and can be used as a reference for the KPK in the future.³⁵

This situation is in stark contrast to the spirit of the 2019-2023 KPK leadership, which puts forward the coordination and supervision program. In particular, there appears to be no basic evaluation to review the effectiveness of the Korsup program itself. The achievements charged to the Regional Government focus on administrative achievements such as the fulfillment of certain documents. In addition, efforts to assess the risk of corruption are not reflected in the empirical experience of the community in each region, where the scope of work of the Korsup Task Force focuses on approaches to local governments. In addition, there is a chance that a prevention program in the Korsupgah scheme will overlap with a prevention program in the National Strategy for PK.

Even in the midst of the mentoring process, corruption that occurs in public institutions, especially in the regions, also keeps repeating itself. First, this situation

³⁵ Kompas, "Komnas HAM Rumuskan Parameter Kepatuhan Kementerian/Lembaga", <https://nasional.kompas.com/read/2018/09/07/20331861/komnas-ham-rumuskan-parameter-kepatuhan-kementerianlembaga>, accessed on 20 December 2020

shows that the work of the KPK leaves a 'residual risk', namely risks that remain manifest despite the shock effect of law enforcement, such as OTT. This is because the culture and instruments of the regional bureaucracy are not dynamic in nature, so even though the Head of the Region is missing, the bureaucracy under him is stagnant. The supervisory work carried out by APIP, for example, is still considered not optimal.

Second, political patronage. There is a tendency that the interdependence of the networks between politicians, bureaucracy and businessmen remains strong even though their electoral bases (incumbents and new candidates for regional head) are different. In the end, an inadequate supervisory system was unable to stem the flood of conflicts of interest, regardless of the regional head. However, realizing this is not an easy matter. Government internal oversight agencies responsible for building corruption prevention systems, such as the Financial and Development Supervisory Agency (BPKP) and the Inspectorate in each government agency, have limited resources and networks.

Almost certainly, the replacement of the Regional Head has not drastically changed the political system at the local level. This affects the attitude of bureaucrats and businessmen in the regions who tend to remain permissive in committing corruption. This situation reflects a gap where Korsupgah's work has not succeeded in making sustainable changes. The technical-administrative approach that has been used has certainly failed to respond to this situation.

Responding to this, the KPK was deemed necessary to continue to provide special

supervision and carry out guidance for regional governance since the first corruption case occurred. The KPK's preventive coordination and supervision activities (Korsupgah) need to continue the work of the team after the prosecution. Efforts to prevent corruption are of course not only the role of the KPK and other law enforcement agencies. This responsibility should also be carried out by the Government as the holder of authority and the actor of power. The effort to build a clean and accountable government is an awareness that should be inherent in every government actor, and implemented in the government system.

3. Corruption Prevention Program in Strategic Sector is Stagnant

Prevention of corruption in the political sector should be a priority for the KPK, especially given the trend of the Corruption Perception Index (CPI) and the demographic of corruptors processed by the KPK with backgrounds as politicians and public officials. The CPI stagnation from year to year is due to the fluctuating trends in the World Justice Project index, PERC Asia Risk and Varieties of Democracies.

The three indexes specifically look at the situation of corruption in the political sector and have functions that are performed by the KPK. During the administration of President Joko Widodo, it was stagnant and even tended to decline. The lack of law enforcement efforts in the political corruption sector, law enforcement and the bureaucracy is one of the main causes of systemic corruption practices that continue to occur and even continue to develop in Indonesia.

The lack of intervention in political sector corruption is also reflected in the government's anti-corruption performance. The government of Joko Widodo, especially at the beginning of this second term, is considered by the public to be insufficient to support the corruption eradication agenda. In the 2020 GCB results, the public assessed that there was stagnation in the government's anti-corruption work compared to the GCB study in 2017.

This situation is marked by an increase in the percentage of only 1% from 2017 to 2020. In fact, on the other hand, almost half of respondents (49%) believe that the level of corruption in Indonesia has increased over the past year. The results of the 2020 GCB for Indonesia also found that more than 90% of respondents felt that corruption in government was a big problem, far above the Asian average (74%).

This trend actually shows that public expectations and the reality of the performance of the government are not in line, where when corruption is still considered a very big problem by the public, the government's response is considered only moderate. In fact, the social capital of President Joko Widodo's re-election for his second government is not directly proportional to his support for the corruption eradication agenda, instead efforts to hijack democratic institutions and weaken anti-corruption efforts are increasingly visible.³⁶

³⁶ Warburton, Eve, "Deepening Polarization and Democratic Decline in Indonesia dalam Political Polarization in South and Southeast Asia: Old Divisions, New Dangers, Thomas Carothers and Andrew O'Donohue", <https://carnegieendowment.org/2020/08/18/deepening-polarization-and-democratic-decline-in-indonesia-pub-82435>, hal. 19, accessed on 9 December 2020

The public also felt the same tendency of pessimism, especially in the midst of the handling of the Covid-19 pandemic, whose policies were deemed not entirely based on public health interests: minimal transparency of case data, and accountability for public procurement that invite many questions.³⁷ For example, in the cabinet circle, on Saturday, December 5, 2020, the KPK arrested Social Minister Juliari Batubara as a suspect on suspicion of corruption in social assistance funds for handling the Covid-19 pandemic.³⁸

One symptom of decreasing support for the corruption eradication agenda can be seen when entering the beginning of the second administration, the Government together with the House of Representatives (DPR) - the institution most considered to be corrupt by the public in 2020 - ratified the amendment to the Corruption Eradication Commission Law to become Law Number 19 of 2019. After that, there were efforts to revise the regulations of democratic institutions such as the revision of the Constitutional Court Law (MK Law) which was deemed to affect the independence of Constitutional Justices by extending the age limit and tenure of judges without adequate monitoring instruments.³⁹

³⁷ Media Indonesia, "Buruknya Transparansi Data Covid-19, Perparah Penularan", <https://mediaindonesia.com/read/detail/344365-buruknya-transparansi-da-ta-covid-19-perparah-penularan>, accessed on 13 December 2020

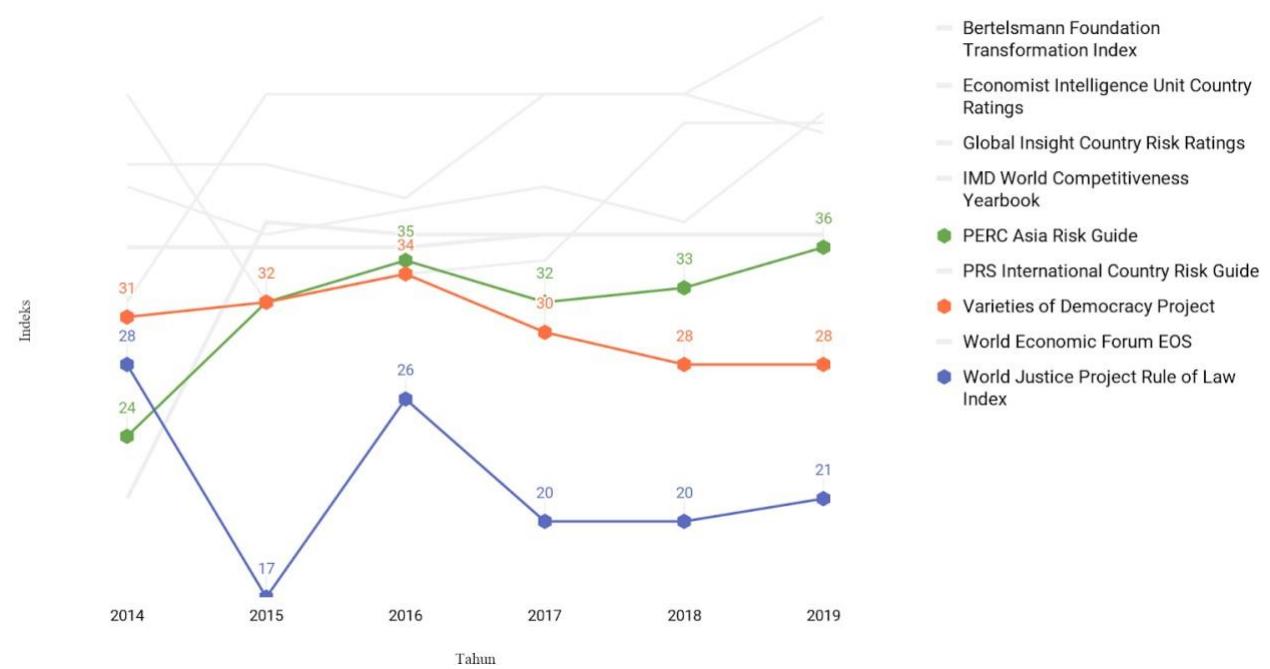
³⁸ Tempo, "Resmi Ditahan, Mensos Juliari Batubara Kenakan Rompi Oranye", <https://foto.tempo.co/read/85114/resmi-ditahan-menteri-sosial-juliari-batuba-ra-kenakan-rompi-oranye>, accessed on 11 December 2020

³⁹ Kompas, "Revisi UU MK Hapus Ketentuan Tindak Lanjut Putusan", <https://nasional.kompas.com/read/2020/10/13/14024791/revisi-uu-mk-hapus-ketentuan-tindak-lanjut-putusan-begini-kata-pakar-hukum>, accessed on 8 December 2020

In addition, the dominance of the economic development approach used by the Government has not provided much benefit to Indonesia's investment climate. Efforts to simplify the licensing process, especially for foreign direct investment in the natural resource and extractive sectors, for example through the amendment of the Mineral and Coal Law and the passage of the Job Creation Law, are considered to violate environmental security, take the rights of indigenous peoples and do not comply with the principles of good governance.⁴⁰ In addition, various deregulation policy packages that have been rolled out have not yet reached the root of the main problem of corruption, namely political corruption.

TREN INDEKS PERSEPSI KORUPSI DI INDONESIA

Selama pemerintahan Joko Widodo, upaya pemberantasan korupsi di sektor politik, penegakan hukum dan birokrasi stagnan bahkan cenderung menurun



⁴⁰ BBC Indonesia, "Omnibus Law: UU Cipta Kerja berdampak pada hutan dan orang-orang adat di Papua", <https://www.bbc.com/indonesia/indonesia-54453522>, accessed on 8 December 2020

These symptoms are increasingly significant considering that in fact, patrons in the political and economic sectors have been deemed successful in co-opting public rights, political parties are not implementing checks and balances mechanisms, as well as the increasing corruption of legislation, especially legislation around elections and political parties.

Investigations by organizations concerned with natural resource issues, the Auriga Nusantara Foundation and Tempo, found 262 people or 45.5% of the 575 members of the DPR RI are affiliated with companies. Their names are recorded in 1,016 limited liability companies operating in various sectors.⁴¹ Situations can lead to potential abuse of authority and conflicts of interest which can be clearly seen in the effort to revise the KPK Law. This situation is certainly reasonable considering to a certain degree, the State's anti-corruption policy is very much determined by its interest in maintaining power.

Throughout 2020, despite the Covid-19 pandemic, political corruption continues to occur. As is well known, the KPK arrested three regional heads, namely East Kutai (East Kalimantan) Regent Ismunandar, Mayor of Cimahi (West Java) Ajay Muhammad Priatna, and Regent of Banggai Laut (Central Sulawesi) Wenny Bukamo. The corruption committed by Ismunandar and Wenny was allegedly in the interest of winning the 2020 Regional Head Election.

From the data on the KPK website, as of June 2020 there are 21 Governors and 122

⁴¹ Majalah Tempo, "Pengusaha Kuasai Parlemen"

<https://majalah,tempo,co/read/nasional/158519/pengusaha-kuasai-parlemen>, accessed on 19 June 2020

Regents / Mayors or their deputies who have been arrested by the KPK. With three new cases as of December, the number has grown to 125 regents / mayors or their deputies. The number of cases is considered insufficient from the point of view of violating the law, but from the side of election regulations. As long as regulations are not oriented towards reducing high-cost politics, the potential for corruption will continue to occur.

In this context, there have indeed been initiatives from the KPK, especially to encourage reform and democratization within political parties. For example, the KPK together with LIPI have launched a study of the Political Party Integrity System (SIPP) since 2018 which contains guidelines for political parties to carry out internal organizational reforms.⁴² The five main components in SIPP include code of ethics, political party internal democracy, regeneration, recruitment and political party finance. Unfortunately, during that time, enforcement of these guidelines stopped at the commitment stage above work. Even the KPK also said that until now there was not a single political party that directly had an anti-corruption code of ethics.⁴³

At the end of November, the KPK also held a focus group discussion (FGD) with eight political parties in Indonesia, namely PDIP, Democrat Party, PKB, PPP, PKS,

⁴² KPK, "Sistem Integritas Partai Politik, <https://acch.kpk.go.id/id/berkas/buku-antikorupsi/umum/sistem-integritas-partai-politik-sipp>", accessed on 17 June 2020

⁴³ Alinea id, "Pegawai KPK: Tak Ada Parpol yang Punya Kode Etik Antikorupsi", <https://www.alinea.id/politik/pegawai-kpk-tak-ada-parpol-yang-punya-kode-etik-antikorupsi-b1ZYx9znn>, accessed on 10 December 2020

NasDem, and Gerindra.⁴⁴ Director of Education and Community Services of the KPK, Giri Suprapdiono, said that this program was important considering that 36 percent of cases handled by the KPK involved political officials. The KPK claims that the eight political parties have committed to implementing anti-corruption material on the politicians cadre agenda starting in 2021 with the “Anti-Corruption Education Program for Politicians (PROPARPOL)”.

Apart from not being able to trace its effectiveness with certainty, it seems that the KPK needs an alternative approach in embracing political parties in order to consistently run the internal integrity program. Efforts to disseminate and monitor this guide have not been optimal, given that there are still many politicians and political party members involved in corruption cases. Another ironic example is two days after the declaration of commitment during the FGD, Gerindra politician who is also Minister of Marine Affairs and Fisheries, Edhy Prabowo, was arrested by the KPK team.⁴⁵

The KPK's efforts to accelerate reform of political party funding are also considered stagnant. Even though the Deputy Chairman of the Corruption Eradication Commission (KPK), Nurul Ghufron, has stated that reforming the political party

⁴⁴ Hukum Online, “KPK Rangkul Parpol Bangun Pendidikan Integritas Antikorupsi”, <https://www.hukumonline.com/berita/baca/lt5fbc58b26b36b/kpk-rangkul-parpol-bangun-pendidikan-integritas-antikorupsi/>, accessed on 20 December 2020

⁴⁵ CNN Indonesia, “Gerindra Deklarasi Antikorupsi Sebelum KPK Bekuk Edhy Prabowo”, <https://www.cnnindonesia.com/nasional/20201125102704-32-574164/gerindra-deklarasi-antikorupsi-sebelum-kpk-bekuk-edhy-prabowo>, accessed on 20 December 2020

system is the upstream of preventing corruption.⁴⁶ The KPK already has good modalities considering it has been like the publication of a study which found that political parties in Indonesia need a budget of IDR 16,922 per vote. In this case, the KPK has proposed that the government provide assistance of up to 50 percent of this need or Rp8,461 per vote⁴⁷, so it is important that political party funds be gradually subsidized by the State.⁴⁸

The issue of transparency of political party funds also seems to have received less attention, although in the momentum of this year's Pilkada the KPK needs to be appreciated for having published a number of studies such as a study of the high-cost political system in Indonesia⁴⁹, the potential for corruption in the 2020 Pilkada⁵⁰ and data on assets and campaign funds of participants.⁵¹ These matters are crucial considering that the public often finds it difficult to access the internal financial books and documentation of political parties. As organizations, political parties should open

⁴⁶ Kompas, "KPK: Perbaikan Sistem Partai Politik Merupakan Hulu Pencegahan Korupsi", <https://nasional.kompas.com/read/2020/10/27/17560821/kpk-perbaikan-sistem-partai-politik-merupakan-hulu-pencegahan-korupsi>, accessed on 20 December 2020

⁴⁷ Tirto, "KPK Usul Dana Bantuan Parpol Naik Jadi Rp. 8.461 per Suara", <https://tirto.id/enhq>, accessed on 18 November 2020

⁴⁸ KPK, "Pembentahan agar Parpol Transparan", <https://www.kpk.go.id/id/berita/berita-kpk/1417-pembentahan-agar-parpol-transparan>, accessed on 19 December 2020

⁴⁹ Berita Satu, "KPK sebut Politik Berbiaya Tinggi Faktor Utama Korupsi di Indonesia", <https://www.beritasatu.com/nasional/699859/kpk-sebut-politik-berbiaya-tinggi-faktor-utama-korupsi-di-indonesia> accessed on 19 December 2020

⁵⁰ Inews, "Potensi Korupsi di Pilkada Tinggi, KPK Hasil Survei 82,3% Cakada ada Donatur", <https://www.inews.id/news/nasional/potensi-korupsi-di-pilkada-tinggi-kpk-hasil-survei-823-persen-cakada-ada-donatur> accessed on 13 December 2020

⁵¹ Kompas, "KPK Minta Calon Kepala Daerah Cermati Biaya Kampanye agar Tidak Korupsi", <https://nasional.kompas.com/read/2020/09/30/12214301/kpk-minta-calon-kepala-daerah-cermati-biaya-kampanye-agar-tak-korupsi>, accessed on 18 December 2020

themselves to the public, including their financial reports.

It is not uncommon to find that the modes of corruption of public officials are closely related to the motive to help or pay a certain amount of money to political parties. In line with social assistance corruption which is intertwined with matters of power and authority, corruption by the incumbent regional head is also to maintain power.

It is almost a trend, if every time there is a regional election; many regional heads will be arrested by the KPK. The motive is almost the same, namely to finance campaigns or political capital to compete in Pilkada. The Tempo Magazine investigation report (20/12) also shows that there is a potential flow of funds from the provision of social assistance for handling Covid-19 to a number of party elites and regional election winning teams in 2020.

Apart from the political sector, in the past few years, the KPK has actually developed a number of positive initiatives in promoting integrity in the business and natural resources sectors. These two sectors are important to be closely monitored because they have the potential for state losses that are not small, and have a major impact on public welfare.

In the private sector, the KPK has launched the PROFIT (Professional with Integrity)⁵² program since 2016 and formed the National Advocacy Committee (KAN)

⁵² Republika, "Dengan Profit, KPK Cegah Korupsi di Sektor Swasta dan BUMN", <https://nasional.republika.co.id/berita/nasional/hukum/pou8mp430/dengan-profit-kpk-cegah-korupsi-di-swasta-dan-bumn>, accessed on 23 June 2020

and the Regional Advocacy Committee (KAD)⁵³ in 2019 to bind the anti-corruption commitments of SOEs and entrepreneurs in preventing bribery and corruption. The investigation found that KAN and KAD had handed over the responsibility to KADIN and OPD to carry out risk mapping, while the KPK had a role in supervising. However, the initiatives seem to find stagnation in their implementation and are ultimately very difficult for the public to track their progress.

Prevention of corruption in the private sector is very important considering that the KPK recorded 297 perpetrators of corruption by virtue of their positions in the 2004-2019 period from the private sector.⁵⁴ The KPK also seems not responsive enough to form a special committee for sectors with high potential for corruption, such as the fisheries and maritime sectors, as demonstrated in the case of Edhy Prabowo. In the cases handled by the KPK in 2020, almost all of them involved the private sector, as reflected in the bribery and gratification cases at the Supreme Court (MA) in 2011-2016, the bribery case for the export of fries from the Ministry of Marine Affairs and Fisheries, the social assistance bribery case of Covid-19 at the Ministry of Social Affairs, to the procurement of hospitals in Cimahi.

Deputy Chairman of the Corruption Eradication Commission, Nurul Ghufron, explained that the most private parties stumble upon corruption cases because they have interests with state officials. Meanwhile, the state administrators who are most

⁵³ KPK, "Buku Saku Komite Advokasi Nasional dan Daerah", <https://acch.kpk.go.id/id/berkas/buku-antikorupsi/umum/buku-saku-komite-advokasi-nasional-dan-daerah-pencegahan-korupsi-di-sektor-daerah>, accessed on 23 June 2020

⁵⁴ Medcom, "Pelaku Korupsi Paling Banyak dari Swasta", <https://www.medcom.id/nasional/hukum/GbmqW23b-pelaku-korupsi-paling-banyak-dari-swasta>, accessed on 19 December 2020

"approached" by the private sector are members of the board at both the central and regional levels. Chairman of the Corruption Eradication Commission (KPK) Firli Bahuri also said there was a correlation between the private sector and regional heads in the practice of rasuah, for example more than 80% of businessmen acted as sponsors for the sake of winning the Pilkada.⁵⁵

Even in the midst of this limited definition of corruption, the KPK still needs to encourage breakthroughs in preventing corruption in the private sector. Encouraging written commitments initiated by the top ranks or top management of corporations such as owners, directors, and commissioners seems to have been pursued by the KPK (for example by making the CEK Guidelines), but its effectiveness is still doubtful considering that the private sector is the dominant corruption actor.

In the context of beneficial ownership, the KPK is expected to be able to become an end-user in the utilization of BO data provided by the Ministry of Law and Human Rights. For example, this data can be used to verify share ownership of State Administrators (PN) in a company that is also entered into the LHKPN. In the aspect of law enforcement, BO data also needs to be used by the KPK more optimally to trap intellectual actors from a criminal act of corruption.

Meanwhile, in the natural resources sector, there is an initiative of the National

⁵⁵ Alinea id, "Ketua KPK: Ada Korelasi Swasta-Kepala daerah dalam Korupsi", <https://www.alinea.id/nasional/ketua-kpk-ada-korelasi-swasta-kepala-daerah-dalam-korupsi-b1ZT59xeg>, accessed on 17 December 2020

Movement to Save Natural Resources (GNP-SDA)⁵⁶ which was initiated by the KPK. Since 2012, the KPK has made various efforts in managing natural resources. One of them is by mobilizing 27 ministries / institutions including the National Commission on Human Rights and Non-Governmental Organizations in the National Movement to Save Natural Resources.

From the results of the investigation, this program is still running and focuses on enforcing natural resource laws. The program, which is abbreviated as Gakkum-SDA, is a work program of the Corruption Eradication Commission (KPK) which is implemented together with the Auriga Nusantara Foundation with a working time of 3 years in 2019-2022. The aim of the program is to increase the effectiveness of law enforcement efforts related to natural resource crimes, covering 12 provinces with relatively good forest cover, namely in the provinces of West Kalimantan, Central Kalimantan, South Kalimantan, East Kalimantan, North Kalimantan, Central Sulawesi, Aceh, Riau, Jambi, South Sumatra, Papua and West Papua.

This program is designed for the needs of capacity building and coordination of law enforcers and Civil Service Investigators (PPNS) from 11 Ministries and Agencies, as well as increasing community participation in monitoring the law enforcement process in cases of natural resources.⁵⁷ However, there are many hindering external problems, such as unclear functions and mandates of Civil Servant Investigators

⁵⁶ KPK, "Selamatkan Sumber Daya Alam, KPK Evaluasi GNP-SDA" <https://www.kpk.go.id/id/berita/berita-kpk/582-selamatkan-sumber-daya-alam-kpk-evaluasi-gnp-sda>, accessed on 23 June 2020

⁵⁷ KPK, "KPK-Auriga Bedah Permasalahan SDA di Sulawesi Tengah", <https://www.kpk.go.id/id/berita/siaran-pers/1918-kpk-auriga-bedah-permasalahan-sumber-daya-alam-di-sulawesi-tengah>, accessed on 20 December 2020

(PPNS) within the Ministry of Energy and Mineral Resources, as well as the lack of optimal coordination and supervision (Korwas) from the Police and the Attorney General's Office. In this case, it is very important that the KPK encourages Korwas's commitment from the Police and the Prosecutor's Office, especially to assist PPNS in the Ministry, at least until the P21 stage.

In the context of studies and research, the KPK together with U4 Anticorruption Resource Center have launched three studies such as the international literature review: Promoting a Gender Sensitive Approach to Eradicate Corruption in the Forestry Sector, a study on corruption networks in the Indonesian forestry sector Politics and pulp in Pelalawan, Riau, and a study on Handling Forest Corruption Cases in Indonesia: Lessons from the Prosecution Process by the KPK. Following up on the findings from the above study, it is fitting for the KPK to increase its knowledge capacity in developing cases of corruption, such as using Social Network Analysis (SNA) to ensnare intermediary actors.

From the various elaborations above, various prevention efforts in the strategic sector have not been optimally implemented by the KPK due to the lack of political support. It is fitting that the prevention of corruption is also placed on the spectrum of political commitment or in other words it is political. Alina Mungiu-Pippidi in the article Controlling Corruption through Collective Action (2013) emphasized that many anti-corruption efforts failed because they did not dare to enter into corruption in the political sector.⁵⁸

⁵⁸ Mungiu-Pippidi, (2013), "Controlling Corruption through Collective Action", Journal of Democracy 24 (1):101-115

This symptom of "competitive particularism", according to Mungiu-Pippidi, is actually prevalent in new democracies like Indonesia, where influence is the main trading tool. In fact, democratic instruments such as elections are used as means of buying and selling influence which meet the needs of a group only people. In this context, institutions like the Corruption Eradication Commission should be strengthened, not reduced in authority as is currently the case.

So it is important for the KPK to review the corruption prevention approach that has been carried out during the first year of the 2019-2023 leadership period in order to reduce its implications for the climate of eradicating corruption in Indonesia in the long term. In addition to rejecting efforts to separate the work of prosecution and prevention, in particular, the KPK also needs to encourage the work of eradicating corruption to be seriously directed to fix the political sector as the root of corruption in Indonesia.

4. The Implementation of National Strategy for PK tends to be Bureaucratic-Technocratic, and Has the Potential to Inhibit Effectiveness

This tracing process found that there was no significant development of the work of the National Strategy for PK compared to monitoring in the past six months. This policy itself is a policy developed by the Government of Indonesia in mainstreaming

strategies and accelerating reforms in fighting corruption as mandated by Presidential Regulation Number 54 of 2018.⁵⁹

Based on the results of monitoring of National Strategy PK conducted by Transparency International Indonesia previously, there are two important and fundamental findings that must be evaluated for the government, especially the National Team for National Strategy for PK which includes the KPK as coordinator, the Ministry of Home Affairs, the Ministry of Administrative Reform and Bureaucratic Reform, Staff Office President, and Ministry of National Development Planning Agency.⁶⁰

The National Strategy for PK tends to avoid difficult issues that actually have a major impact on corruption in Indonesia, one of which is political corruption. In fact, there have been many studies and recommendations that can be carried out by the government, especially the Ministry of Home Affairs to increase transparency and accountability of political parties along with policies to increase political party financial assistance. The Ministry of Home Affairs has the authority to ask political parties to open and account for their finances to the public with an incentive to increase financial assistance. If this is done, it will contribute greatly to preventing corruption in Indonesia.

The presence of the National Strategy for PK was seen to the public as being very

⁵⁹ Stranas PK, "Strategi Nasional Pencegahan Korupsi", <https://stranaspk.kpk.go.id/id/> accessed on 23 June 2020

⁶⁰ TI-Indonesia, "Hasil Pemantauan Pelaksanaan Stranas PK di Daerah", <https://ti.or.id/unboxing-pencegahan-korupsi-kini- dan-nanti-rapor-pelaksanaan-stranas-pk/>, accessed on 23 June 2020

technical and bureaucratic. For the public, development documents such as outputs and indicators are difficult for the public to understand. Because the public finds it difficult to digest, let alone see firsthand the linkages and impacts on people's daily lives, the National Strategy for PK failed to invite public participation. The National Strategy for PK only stops at government documents and activities. In fact, various policies, such as the procurement of goods and services, or OSS have had a real impact on everyday society.

The results of this monitoring confirm that an effective national anti-corruption policy should go beyond administrative work. Unfortunately, the action plans contained in the framework of the National Strategy for PK, still mostly rely on administrative targets to comply with document achievements. Apart from having an impact on the complexity of measuring and assessing impact, these targets do not directly contribute to the root cause of the corruption problem in Indonesia, specifically political corruption.

While the measurement of the results of the implementation of the National Strategy for PK was limited to the acceleration of the implementation of the Online Single Submission (OSS), the elimination of SKDU-HO, the acceleration of the Merit System, and the construction of the Integrity Zone, it was also found that the results of the interventions of all sub-actions were considered to be at the intermediate outcome level. (intermediate result). This aspect is particularly closely related to the outputs of ongoing activities such as policy formulation, system establishment and technical support, as well as institutional capacity building to achieve anti-corruption agendas. This condition is deemed necessary to be amplified through strengthening

the strategic role of the PK National Team to become a bridge between stakeholders so that they can achieve a greater outcome level.

On the other hand, this study also found that these outcomes were quite difficult to measure because they were complex. This is because the majority of outcome indicators used are in the immediate outcomes level (such as "minimizing initial exposure to licensing services") and intermediary outcomes (such as "fostering the enthusiasm for doing business for MSMEs which is marked by data on the increase in MSMEs owning businesses"). Meanwhile, the long-term outcome (such as "opening up new jobs that can absorb labor") requires broader factors — especially national political commitment — than just a review of the sub-action interventions currently being carried out.

This ineffectiveness is closely related to the position of the KPK as coordinator of the National Strategy for PK. From this monitoring, it is found that the position of the KPK as Coordinator of the National Strategy for PK is still not optimal in carrying out its coordination functions both with the Central Government and Regional Governments in accelerating actions to prevent corruption, even within the National Secretariat for Prevention of Corruption itself. The potential overlap in the fulfillment burden of the Korsupgah program is also a central issue that needs to be responded to proportionally.

The important momentum for improvement actually lies in the preparation of Preventive Actions (PK Action) for the period 2021-2022. The two previous measurements have emphasized the importance of engaging the public more

optimally: from the formulation stage to monitoring actions. Unfortunately the process of formulating the 2021-2022 PK Action tends to be closed and does not provide maximum space for the public to be involved. On Wednesday, December 16, 2020, the PK National Team submitted the PK Action script to the President to coincide with the momentum of National Anti-Corruption Day (HAKORDIA).⁶¹ The technocratic approach in preventing corruption is not only potentially running a deaf ear in the actual needs of society, but also in the long term has the potential to reduce the level of enthusiasm and public participation.

5. New Structures Potentially Hinder Preventive Work

Overhaul of the structure and work procedures of the KPK as stipulated in KPK Regulation No. 7 of 2020⁶² has the potential to create dualism of authority in corruption prevention work. In addition, other problems also arise from the absence of an empirical basis for research related to reform of the organizational structure that is accessible to the public. In fact, this final rule is not on the KPK website until accessed on December 16, 2020.

The potential for this overlap can be seen in new structures, for example in the Directorate for Community Participation and the Directorate for Socialization and

⁶¹ Kumparan, "Stranas Pencegahan Korupsi 2021-2022: Tata Kelola Ekspor-Impor hingga Kesehatan", https://kumparan.com/kumparannews/stranas-pencegahan-korupsi-2021-2022-tata-kelola-ekspor-impor-hingga-kesehatan-_1un5xAsIfDW/full, accessed on 16 December 2020

⁶² KPK, "KPK Tata Ulang Struktur Organisasi", https://www.kpk.go.id/id/berita/siaran-pers/1939-kpk-tata-ulang-struktur-organisasi_, accessed on 11 December 2020

Anti-Corruption Campaigns. The regulation in the Perkom indicates the potential for overlapping authority and scope of work. In addition, the new structure above also has the potential to overlap with the functions performed by the Education Network Directorate and the Business Entity Anti-Corruption Directorate. Likewise, a new Deputy for Coordination and Supervision was also formed, not the answer to the problem of stagnating information exchange about SPDP with other law enforcers or overlapping problems in assistance programs to local governments with programs from the National Strategy for PK. At the same time, the Anticorruption Learning Center (ACLC), which was previously a capacity building center for law enforcement and the public, has been removed.

So instead of increasing effectiveness, this actually adds to the "burden of the bureaucracy" and the potential for overlapping authority. The issuance of this regulation also further emphasizes the further orientation of the KPK in building a modern organizational climate that is reflected in the many overlapping functions and structures.

THE PERFORMANCE OF INTERNAL ORGANIZATION

As stated in Article 21 paragraph (1) of the Revision of the KPK Law, the institutional structure of the KPK, consists of the KPK Supervisory Board, Leadership and Employees. In simple terms, the Dewas functions as an instrument of supervision of the performance of leaders and employees, while the leadership itself was appointed to carry out institutional duties and functions. Therefore, the leadership's performance will determine the extent to which the KPK can contribute to the corruption eradication agenda.

It must be admitted that most of the KPK commissioners for the 2019-2023 period have encountered many problems since the nomination process. Why not, the selection process was carried out without considering the aspect of integrity. The result was fatal, the majority of elected commissioners had bad records in the past. Sure enough, all this year the problems in the KPK stem from the policies or actions of the Commissioner himself. Here's more:

1. Ignoring Employee Protection

In early January, the Corruption Eradication Commission carried out an arrest activity in a bribery case where members of the DPR RI took part, which involved the former KPU commissioner, Wahyu Setiawan, and former PDIP legislative candidate, Harun Masiku. However, when they wanted to conduct a search for Harun Masiku and high-ranking political parties at the Political Science College (PTIK), KPK

employees were suspected of experiencing intimidation, threats, and even imprisonment.

The pressure series is carried out by detaining employees in the PTIK, asking for urine tests, and being given certain curses. Seeing a context like this, instead of the leadership providing protection, the opposite happened. The KPK leadership chose to remain silent when questioned by media crews and also Commission III of the DPR. This kind of action increasingly shows the impartiality of most of the Leaders to protect employees who are working.

The KPK Commissioner for the 2011-2015 period should have been used as a reference. At that time, KPK employees wanted to confiscate several items at the Korlantas Polri headquarters in a SIM simulator corruption case. However, the legal action was prevented by several elements there, hearing this, the leadership practically went straight to the Korlantas Polri headquarters to ensure the process went smoothly.⁶³ In the future, if this is not resolved, the potential for confinement as happened in PTIK will very easily be repeated.

2. The Maladministration Potential of Returning Investigator Rossa Purbo Bekti

Rossa Purbo Bekti is known to be a KPK investigator who was involved in the OTT in several locations, when the anti-corruption agency was investigating a bribery

⁶³ Tempo, "Petinggi KPK-Polisi Turun, Penggeledahan Korlantas Baru Lancar"

<https://nasional.tempo.co/read/420389/petinggi-kpk-polisi-turun-penggeledahan-korlantas-baru-lancar/full&view=ok>, accessed on 22 December 2020

case concerning the exchange period of members of the DPR RI. However, after carrying out a series of investigations, one of which was at the Police Science College, Rossa was suddenly pulled back to her original institution, namely the Police.⁶⁴

However, if investigated further, it is suspected that the scenario for Rossa's return was carried out by one of the KPK leaders. The National Police institution has sent letters twice to confirm that Rossa is still employed at the KPK, because the relevant period of service has not yet been completed.⁶⁵ Instead of following Polri's directions, the KPK leadership reiterated that Rossa should immediately be expelled from the anti-corruption agency.

In this context, the KPK leadership is suspected of having committed maladministration, to be precise violating Article 52 of Law Number 30 of 2014 concerning Government Administration and Government Regulation Number 14 of 2017 concerning the KPK Human Resource Management System. Several indicators that can be used as the basis for these conclusions, including: 1) Rossa has not been included in the minimum deadline for employed Civil Servants; 2) Rossa has not completed the work that is her duty and responsibility at the KPK; 3) The process of returning without the approval of the head of the original agency and without any evaluation.

⁶⁴ Alinea, "KPK: Pengembalian Kompol Rossa atas permintaan Polri"

<https://www.alinea.id/nasional/kpk-pengembalian-kompol-rossa-atas-permintaan-polri-b1ZHV9ru6>, accessed on 22 December 2020

⁶⁵ CNN Indonesia, "Polri Lepas Tangan soal Kompol Rossa Penyidik Harun Masiku"

<https://www.cnnindonesia.com/nasional/20200222054638-12-477020/polri-lepas-tangan-soal-kompol-rossa-penyidik-harun-masiku>, accessed on 22 December 2020

3. Wrapped in Political Gimmicks

Article 4 paragraph (1) letter c, letter d, and letter n Regulation of the Supervisory Board Number 02 of 2020 concerning the Enforcement of the Code of Ethics and Code of Conduct of the KPK has required three important things for KPK personnel, namely: 1) Maintaining the dignity of the KPK; 2) Putting aside personal interests; and 3) Realizing that all of his attitudes and actions are always inherent in his capacity as KPK personnel. However, since Firli Bahuri led the KPK, it seems that gradually the rule has been ignored.

Practically throughout 2020, the KPK caused more controversy. On several occasions, the Chairman of the KPK, Firli Bahuri, has also brought up political gimmicks. For instance, inviting journalists to the KPK building to showcase his skills in cooking fried rice⁶⁶, distributing basic food packages with the former Social Affairs Minister⁶⁷, to sending regular press releases related to certain holidays to the media.

⁶⁶ Kompas, "Saat Ketua KPK Firli Bahuri Unjuk Kebolehan Masak Nasi Goreng"

<https://nasional.kompas.com/read/2020/01/20/21245631/saat-ketua-kpk-firli-bahuri-unjuk-kebolehan-masak-nasi-goreng>, accessed on 22 December 2020

⁶⁷ JPNN, "Mensos: Kami Siap Diawasi Agar Penyaluran Bansos Tepat Sasaran"

<https://www.jpnn.com/news/mensos-kami-siap-diawasi-agar-penyaluran-bansos-tepat-sasaran>, accessed on 22 December 2020

Figure 1.Firli Bahuri Cooking Fried Rice at the KPK Building (20/1)

(Photo source: kompas.com)

Figure 2. Firli Bahuri accompanying the former Minister of Social Affairs in the agenda of distributing food packages (20/5)

(Photo source: Public Relations of the Ministry of Social Affairs)



4. Polemic on the Plan to Increase the Salary of Commissioners and Purchase of Official Vehicles

In early April, the public was shocked by the news that the KPK Commissioner was planning to increase his salary.⁶⁸ At that time, the KPK argued that the salary increase proposal was initiated by the previous commissioner. Even so, it doesn't feel good, in the midst of the Covid-19 pandemic in which the government is saving on budget, the KPK is planning to increase the commissioner's salary.

It did not stop there, the KPK also budgeted a number of funds to buy official cars that would be given to the KPK structure.⁶⁹ In the KPK's 2021 budget plan, the KPK Chair will get an official car worth Rp 1.4 billion. Meanwhile, the Deputy Chairperson gets an official car budget of Rp 1 billion. Apart from that, five members of the Supervisory Board also received this, but the budget amount was around Rp 3.5 billion.

There are at least three reasons that the KPK should be able to consider before continuing the issue. First, salary increases and official car purchases are not comparable to the KPK's recent performance. Indicators to be able to say this can refer to five survey institutions which stated that there was a degradation of public trust in the KPK. Of course, this cannot be separated from Firli Bahuri's leadership,

⁶⁸ Tempo, "Gaji Pimpinan KPK Diusulkan Naik Jadi Rp 300 juta"

<https://nasional.tempo.co/read/1327248/gaji-pimpinan-kpk-diusaha-naik-jadi-rp-300-juta/full&view=ok>, accessed on 22 December 2020

⁶⁹ Detik, "Mobil Dinas Miliaran Rupiah untuk Pimpinan KPK hingga Dewas"

<https://news.detik.com/berita/d-5215669/mobil-dinas-miliaran-rupiah-untuk-pimpinan-kpk-hingga-dewas>, accessed on 22 December 2020

which actually lacks achievements. The publics are faced with too many controversies by the KPK.

Second, the momentum of increasing commissioners' salaries and purchasing official cars is not right. As it is known, Indonesia is currently in a health and economic famine due to the Covid-19 outbreak. As a public official, the KPK Commissioner should have understood and realized that handling the Covid-19 outbreak in Indonesia requires a very large allocation of funds, and now is not the time to think about one self with these requests.

Third, it is contrary to the moral message that is often conveyed by the KPK. In various activities, the KPK always advocates for a simple lifestyle. Even these "simple" question points are also included in the nine integrity values made by the KPK. The salary for KPK commissioners is already high, namely Rp 123 million for the KPK chairman and Rp 112 million for the deputy chairperson of the KPK based on Government Regulation Number 82 of 2015 concerning Financial Rights, Position, Protocol, and Security Protection of the Corruption Eradication Commission Chair. The regulation also states that there is a transportation allowance budget for the Commissioner which reaches IDR 30 million per month. Therefore, of course it would be inappropriate for KPK commissioners to continue "begging" for salary increases and official cars.

5. Special Treatment for Witnesses and Suspects

The Constitution has emphasized in Article 27 paragraph (1) of the 1945 Constitution that all citizens are equal before the law. However, the principle of equality before the law does not appear to be fully realized by the KPK. During the past year, there were several people who were treated inappropriately by employees and commissioners.

ICW noted that there were at least two incidents that could represent the above allegations. First, the KPK's treatment of the suspect Nurhadi, during a press conference. The KPK announced the arrest of the former Secretary of the Supreme Court.⁷⁰ At that time, Nurhadi did not attend the press conference until it was over. The KPK commissioner, Nurul Ghulfron, said that Nurhadi was participating in a follow-up investigation agenda during the press conference. But based on information obtained by ICW, he did not participate in any examination, but waited in a room and then left the KPK to the detention room.

Second, the actions of the KPK Deputy for Enforcement, Karyoto, who welcomed the arrival of the witness, Agung Firman Sempurna (Chairman of the Supreme Audit Agency).⁷¹ At that time, the reasons given by Karyoto were difficult to justify, he said

⁷⁰ Youtube KPK, <https://www.youtube.com/watch?v=8MtscLG4oN4>, accessed on 22 December 2020

⁷¹ CNN Indonesia, "Diperiksa KPK, Ketua BPK Disambut Deputi Penindakan di Lobi"

<https://www.cnnindonesia.com/nasional/2020120811158-12-579299/diperiksa-kpk-ketua-bpk-disambut-deputi-penindakan-di-lobi>, accessed on 22 December 2020

the welcome was due to ensuring that the witness in the case of alleged bribery of the Drinking Water Supply System at the PUPR Ministry would enter through the KPK's main door. Again, the Chairman of the BPK, was present at the KPK building as a witness, not a guest to attend a special event. Hence, a reception like that cannot be justified.

6. Frequently Making Controversial Statements

Throughout 2020, the controversy that occurred at the KPK included not only actions, but also statements. In monitoring the media, there are at least several controversial statements submitted by Commissioners and Structural Officials, including:

- "Corruption Eradication Commission (KPK) does not feel the need to talk openly to the media about their current investigations"**

At a press conference after the arrest of two new suspects in the suspected bribery case at the PUPR Muara Enim Department on April 27, 2020, Firli stated that the arrests made without the announcement of the suspect's status were a hallmark of the KPK's current "silent work", while maintaining the stability of the nation in the midst of COVID-19.⁷² Whereas referring to the provisions of Article 5 of Law no. 30

⁷² Detik, "Sindiran Ditujukan ke Ketua KPK gegara Tak Koar-Koar Pamer Kinerja"

of 2002, it is explicitly stated that in carrying out its duties, the KPK adheres to the principles of openness, accountability and the public interest. This means that the KPK must transparently publish all corruption eradication work to the public.

- **"Fighters Don't Leave the Arena"**

From January to September 2020, 37 KPK employees resigned, consisted of 29 permanent employees and 8 non-permanent employees. Responding to this, Ghufron issued a statement to the media, "We respect the personal decisions of KPK employees. However, for whatever reason, the KPK is not a place to relax; the KPK is a *candradimuka* for anti-corruption fighters. We are not proud of those who enter. But we are very encouraged and proud of those who remain in the KPK with us now with all the current shortcomings of the KPK. The fighters will not leave the arena before victory is won," the statement was made on September 28, 2020.⁷³ In fact, the resignation of these KPK employees was also allegedly related to the lack of exemplary attitude from KPK commissioners. It could also be associated with other conditions, such as the attempt to force back Kompol Rossa Purbo Bekti. Weren't they, the KPK commissioners, the ones who forced their "fighters" to leave the arena?

<https://news.detik.com/berita/d-4995372/sindiran-ditujukan-ke-ketua-kpk-gegara-tak-koar-koar-pamer-kinerja>, accessed on 22 December 2020

⁷³ Media Indonesia, "Ghufron: Pejuang Tak Akan Tinggalkan Gelanggang"

<https://mediaindonesia.com/politik-dan-hukum/348032/ghufron-pejuang-tak-akan-tinggalkan-gelanggang>, accessed on 22 December 2020

- **Announcement of Searching Plan**

In mid-January, when the Corruption Eradication Commission was investigating the alleged corruption practice of changing bribes between members of the Indonesian House of Representatives (DPR RI), the KPK publicly announced the search plan.⁷⁴ This kind of practice is certainly odd, because a search is basically carried out to look for evidence related to a case. Of course, when it is publicly announced, it could encourage some elements to eliminate evidence.

Not only that, in the case of lobster seed bribery that ensnared the Minister of Maritime Affairs and Fisheries, the incident also repeated itself. KPK Deputy for Enforcement, Karyoto, also answered questions from media crews by revealing the planned time for the search.⁷⁵ The KPK should have realized that making this statement would harm the anti-corruption institution.

7. The Collapse of Ethical Enforcement

As stipulated in Article 37 B paragraph (1) The revision of the KPK Law states that one of the Supervisory Board's authorities is to receive and follow up on public reports regarding suspected violations of the code of ethics of KPK Leaders and

⁷⁴ Kompas, Penggeledahan Dilakukan Pekan Depan”

<https://kompas.id/baca/lain-lain/2020/01/12/penggeledahan-dilakukan-pekan-depan/>, accessed on 22 December 2020

⁷⁵ Media Indonesia, “Besok, KPK Geledah KKP dan Rumah Edhy Prabowo”

<https://mediaindonesia.com/politik-dan-hukum/364278/besok-kpk-geledah-kkp-dan-rumah-edhy-prabowo>, accessed on 22 December 2020

Employees. In fact, Dewas is also the only organ that can try and drop allegations of violation of the code of ethics. The Deputy for Internal Supervision and Public Complaints has basically been exercising this authority of Dewas.

In fact, the implementation of the powers that have been given to Dewas has not shown maximum results. Why not, the decisions handed down by Dewas often contradicted the actual facts. So, in this context, the effectiveness of the existence of Dewas is worth questioning.

ICW noted that there were at least four Dewas decisions that had their own problems. First, the verdict imposed on Firli Bahuri was related to the practice of hedonism because he used a luxury mode of transportation in the form of a helicopter.⁷⁶ At that time, Dewas only imposing light sanctions in the form of written warning to the KPK Chair. In fact, this action fulfilled the elements of being subject to severe sanctions and was followed by a request to resign as KPK chairman.

Second, the decision was handed down to the Acting Director of Public Complaints, Afrizal, for allegedly providing false information to the KPK leadership regarding the arrest involving high-ranking Jakarta State University (UNJ) officials.⁷⁷ The sanction given by Dewas contradicts the real facts, because, if you look closely, Afrizal had told the KPK Chairman that this action was mentoring and there was no involvement

⁷⁶ Kompas, "Dinyatakan Langgar Etik, Ketua KPK Firli Bahuri Dijatuhi Sanksi Ringan"

<https://nasional.kompas.com/read/2020/09/24/10453291/dinyatakan-langgar-etik-ketua-kpk-firli-bahuri-dijatuhi-sanksi-ringan>, accessed on 22 Desember 2020

⁷⁷ Tempo, "Kasus OTT UNJ, Dewas KPK Nyatakan Aprizal Bersalah"

<https://nasional.tempo.co/read/1395151/kasus-ott-unj-dewas-kpk-nyatakan-aprizal-bersalah>, accessed on 22 December 2020

of state administrators. However, Firli Bahuri still insisted on carrying out a series of investigative activities without being preceded by a case title. Finally, sure enough, in that incident there were no elements of an organizer and the case was transferred to the police.

Third, the verdict handed down against Firli Bahuri was related to the investigation and delegation order without being preceded by a case title. This incident referred to the chaos in handling the arrests, which allegedly involved UNJ officials. At that time, the Acting Director of Public Complaints of the KPK, Afrizal, reported on mentoring activities with the Inspectorate of the Ministry of Education and Culture on the suspicion of accepting bribes from individuals within the Ministry of Education and Culture.

At that time, Afrizal had reported to Firli that when providing assistance, no state officials were found. However, Firli still insisted on following up with investigative activities. This was done without going through the case title mechanism. Not only that, these mistakes were repeated when there was an order from the KPK Chairman to delegate case handling to the Police. Unfortunately, Dewas even stated that Firli was not proven to have violated the code of ethics.⁷⁸

Fourth, the verdict handed down against the Chairman of the KPK Employee Council, Yudi Purnomo Harahap, was related to the issue of returning KPK investigator, Rossa Purbo Bekt, to the Police. Yudi was given a sanction in the form

⁷⁸ CNN Indonesia, "Dewas KPK: Firli Bahuri Tak Langgar Etik soal OTT UNJ"

<https://www.cnnindonesia.com/nasional/2020114025132-12-569666/dewas-kpk-firli-bahuri-tak-langgar-etik-soal-ott-unj>, accessed on 22 December 2020

of a written warning by Dewas.⁷⁹ Even though the information he conveyed was related to the alleged violation of procedure and the non-payment of Rossa Purbo Bekti's salary is a fact and can be proven. The sanctions imposed by Dewas at the same time posed a threat to democracy or freedom of opinion that had been with the KPK.

Dewas' decisions showed that the effectiveness of ethical enforcement at the KPK was not optimal. Moreover, the presence of Dewas, who was expected to supervise the KPK's performance, had failed throughout the year.

8. Contradictory KPK Institutional Structure

The KPK has issued Commission Regulation Number 7 of 2020 concerning Organization and Governance (Ortaka) which replaces Commission Regulation Number 3 of 2018. The birth of this rule is contrary to the mandate in the revised KPK Law. Previously, in the Corruption Eradication Commission Law Number 30 of 2002, there was article 26 which regulated the structure of anti-graft institutions. This article in the new KPK Law, namely Law Number 19 of 2019, was not revised, so it is still valid.

This Perkom is problematic in two ways, especially the addition of many new

⁷⁹ Jawa Pos, "Ketua WP KPK Yudi Purnomo Dijatuhi Sanksi Tertulis"

[https://www.jawapos.com/nasional/hukum-kriminal/23/09/2020/ketua-wp-kpk-yudi-purnomo-dijatuhi-sanksi-tertulis/#:~:text=JawaPos.com%20%E2%80%93%20Ketua%20Wadah%20Pegawai,%2C%20betul%20\(SP%201\).,](https://www.jawapos.com/nasional/hukum-kriminal/23/09/2020/ketua-wp-kpk-yudi-purnomo-dijatuhi-sanksi-tertulis/#:~:text=JawaPos.com%20%E2%80%93%20Ketua%20Wadah%20Pegawai,%2C%20betul%20(SP%201).)
accessed on 22 December 2020

positions and the loss or reduction of the internal oversight function. In Perkom Number 7 of 2020, the structure of the KPK is contained in Article 6, the KPK Leadership is in charge of units and organizational units consisting of ⁸⁰:

⁸⁰ Detik, "Ini Beda UU dengan Aturan KPK yang Bikin Strukturnya Menggemuk", <https://news.detik.com/berita/d-5259908/ini- beda-uu-dengan-aturan-kpk-yang-bikin-strukturnya-menggemuk/2>, accessed on 19 December 2020

Secretariat General	Deputy for Education and Community Participation	Deputy for Prevention and Monitoring	Deputy for Enforcement and Execution	Deputy for Coordination and Supervision	Deputy for Information and Data
Financial Bureau	Directorate of Educational Networks	Directorate of Property Report Registration and Audit Wealth of State Administrators	Directorate of Investigation	Several Directorates for Coordination and Supervision at most 5 (five) people according to the needs of the region	Directorate of Public Report and Complaints Services
Bureau of Human Resources	Directorate of Anti-Corruption Campaign Dissemination	Directorate of Gratuities and Public Services	Directorate of Investigation	Secretariat of Deputy for Coordination and Supervision	Directorate of Information Management
Legal Bureau	Directorate of Community Participation Development	Directorate of Monitoring	Directorate of Prosecution		Directorate of Inter-Agency and Commission Network Development
Public Relations Bureau	Directorate of Anti-Corruption Education and Training	Directorate of Business Entity Anti-Corruption	Directorate of Asset Tracking, Evidence Management and Execution		Directorate of Corruption Detection and Analysis

General Bureau	Secretariat of the Deputy for Education and Community Participation	Secretariat Deputy for Prevention and Monitoring	Secretariat Deputy for Enforcement and Execution		Secretariat Deputy for Information and Data
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Table 6. Changes in Structure Based on Perkom Number 7 of 2020

In addition, there will also be a Special Staff position, the Center for Strategic Planning for Corruption Eradication; Inspectorate, Spokesperson and Leadership Secretariat. Even though it was followed by several removals of positions, this structural overhaul certainly does not have a special urgency, especially in the midst of low performance. In addition, the listed functions have the potential to overlap and thus jeopardize the effectiveness of the performance itself.

In addition, there is another big difference, namely the loss of the areas of internal supervision and public complaints. Previously, this field was assigned to the Deputy for Internal Supervision and Public Complaints or PIPM. Meanwhile in the new Perkom there is no longer such a deputy. This situation is certainly not ideal in the framework of a modern organization, although for example the authority is transferred to the Supervisory Board or the Inspectorate. This is of course contrary to the principles in The Jakarta Principles regarding the importance of building a strong and impartial internal evaluation mechanism.

MONITORING PERFORMANCE OF STATE GOVERNMENT IMPLEMENTATION

1. Handling the Covid-19 Pandemic: Social Assistance (Bansos)

In the midst of the current Covid-19 pandemic, the public appreciates that the KPK has issued a number of initiatives starting from issuing Circular Letter (SE) Number 8 of 2020 concerning the Use of the Budget for the Implementation of Goods/Services Procurement in the Context of Accelerating Handling of Coronavirus Disease 2019 (Covid-19) related to Prevention of Corruption Crime. The KPK has issued three circular letters in which the KPK appealed to the government, both central and regional to be transparent by publishing to the public regarding the reallocation and use of budgets in handling Covid-19, organizing social assistance (Bansos), procurement of goods and services, to managing grants from public.

In addition to issuing a circular, the KPK formed a special team to work with the Task Force at the central and regional levels as well as with other stakeholders, as well as develop a complaint channel for the distribution of social assistance (bansos), namely JAGA Bansos.⁸¹ Since its launch on 29 May 2020, until 18 December 2020, JAGA Bansos has received a total of 2,129 complaints regarding social assistance.⁸² The most frequently submitted complaints were that they did not receive assistance

⁸¹ KPK, "KPK akan Buka Kanal Pengaduan Bersama Terkait Dana Bansos",

<https://www.kpk.go.id/id/berita/berita-kpk/1650-kpk-akan-buka-kanal-pengaduan-bersama-terkait-dana-bansos>, accessed on 23 June 2020

⁸² KPK, Materi "Peran KPK dalam Pengawasan Penyelenggaraan Bansos Covid-19", disampaikan pada Webinar Publik Mengawal Distribusi Bantuan Sosial Covid-19 pada Selasa, 22 Desember 2020 yang diselenggarakan oleh Transparency International Indonesia

even though they had registered, totaling 924 reports. The complaint has been forwarded to the local government and related K/L to be followed up. It is recorded that 580 complaints have been followed up by the local government, 142 reports are still in the follow-up process. The rest is still in the process of verification, and confirmation of the completeness of the report information / data to the reporter.

However, the popularity of JAGA Bansos itself is considered not too big. The most recent LSI survey shows that none of the respondents chose to complain to the KPK (in this case, it could be related to JAGA Bansos) when experiencing or seeing the practice of bribery, extortion or corruption on social assistance services during the Covid-19 pandemic. In fact, many mass media also reported the widespread use of basic assistance for the benefit of the Regional Head Elections (Pilkada) which was held on December 9, 2020 yesterday. There have been many media reports where several Regional Heads are suspected of using social assistance to increase electability.

There is also a time discrepancy between making a study on social assistance, the presence of JAGA Bansos and law enforcement in the field; as if the information from the public and the recommendations made were not synergized even though the Minister of Social Affairs was arrested at the end. Indeed, in December 2020, the KPK succeeded in determining the Minister of Social Affairs as a suspect for the alleged Bansos bribery case. It is also necessary to review the effectiveness of the application or feature of JAGA Bansos. There are no significant cases resulting from public complaints through this feature.

In addition, the KPK formed a total of 15 special task forces at the Deputy for Prevention. One task force is working with the Covid-19 Handling Acceleration Task Force. The team also together with other relevant ministries and agencies provide assistance related to refocusing activities and budget reallocation carried out by K/Ls as well as providing assistance in the PBJ process during an emergency. The problem is that the work of the Task Force often does not involve the public, even though when viewed from the six Covid-19 handling schemes, the parties who can experience it directly are the people themselves.

At the regional level, through 9 Task Force units in the Prevention Area Coordination unit, they work together with other relevant agencies such as BPKP, LKPP, and APIP to assist local governments in the process of refocusing activities and reallocating APBD for handling Covid-19. Meanwhile, in the implementation of monitoring duties, the KPK formed 5 task forces to conduct system studies on government and state administration to oversee government policies and programs in handling Covid-19 which include the fields of health, social protection, MSME support, business, and local governments with a total budget of Rp 695,20 Trillion.

Three studies of which were completed in the first semester, namely the pre-employment card program, reimbursement of hospital care costs for Covid-19 patient care, and incentives for health workers. Although a number of recommendations have been submitted, the KPK's lack of authority in enforcing recommendations has become less effective due to the lack of monitoring of follow-up recommendations.

2. Pre-Employment Card

In the Pre-Employment Card policy, the KPK has done several things in order to carry out their monitoring function. On June 18, 2020, the KPK asked the government to postpone the Pre-Work Program until improvements were made. This is because the KPK found a number of problems in the Pre-employment Card Program. At that time, the KPK found a number of problems in 4 aspects related to management so that the government needed to make improvements in program implementation. The four aspects are from the registration process, partnerships with digital platforms, training materials, and program implementation.

Meanwhile on July 13, 2020, the KPK reiterated that the government should improve the Pre-employment Card program as a whole according to the KPK's recommendations. These recommendations include: First, the acceptance of participants is carried out by a passive method where participants who are targeted at the whitelist do not need to register online but will be contacted by the executive management to then join the program; Second, the use of NIK as participant identification is sufficient, there is no need to use other features that are inefficient from a budget side; Third, the Committee should ask for a legal opinion from JAMDATUN-Attorney General of the Republic of Indonesia regarding cooperation with these 8 digital platforms whether it is included in the scope of government PBJ Fourth, the digital platform must not have a conflict of interest with the Training Provider Institution.

Thus, 250 indicated trainings had to be stopped; Fifth, curation of training materials

and their eligibility to be given online in order to involve competent parties in the training area and set out in the form of technical instructions; Sixth, the training materials identified as free training through the internet network must be excluded from the list of training provided by the LPP; Seventh, the implementation of online training must have a control mechanism so that it is not fictitious, for example, the training must be interactive so that participants who take part in the training follow the entire package.

The performance of KPK monitoring in the Pre-Employment Card policy is certainly not enough. The KPK should have taken legal steps immediately by investigating potential state losses arising from the implementation of the Pre-Work Card program after the issuance of Presidential Decree No. 76 of 2020. In this policy, various irregularities are found, ranging from the emergence of a potential conflict of interest, incorrect target beneficiaries, allegations of maladministration, to potential state losses that occur based on a study by the KPK. On this basis, the KPK should also urge the government to completely stop the Pre-Work Card policy and encourage the revocation of the Presidential Regulation on Pre-Work Cards.

3. Increase in BPJS Health Premium

On March 30, 2020, the KPK has written recommendation letter to the President regarding the governance of the Health Social Security Fund. The recommendations of the KPK include:

First, the KPK recommends the government, in this case the Ministry of Health, to immediately complete the preparation of National Guidelines for Medical Practice for all types of necessary diseases.

Second, the KPK recommends the government to immediately curb the designation of hospital classes. This recommendation is based on the findings in 2018 that 4 out of 6 hospitals are not according to class and have resulted in wasted claim payments of Rp 33 billion / year. These findings are the result of visits by the KPK, Ministry of Health, and BPJS Kesehatan to 10 hospitals.

Third, the Ministry of Health implements co-payments or joint payments for independent participants. This payment has been regulated in Permenkes No.51 of 2018.

Fourth, the KPK recommends a policy of limiting benefits for claims for catastrophic diseases. Catastrophic diseases are diseases that arise due to lifestyle, such as smoking, eating habits, and lack of exercise. Until the end of 2018, one third or 30 percent, which is valued at Rp 28 trillion of the total claims received by BPJS Kesehatan, were from catastrophic diseases.

Fifth, the government implements a Coordination of Benefit (CoB) policy with private health insurance. This means that participants who also use private insurance other than BPJS Health can combine the benefits of the two when they are sick. In this case, the Ministry of Health must lead and accelerate this merging benefit scheme so that health costs can be shared between the private sector and the government.

Sixth, the KPK recommends linking the obligation to pay BPJS Health contributions with public services. For example, to extend an STNK or SIM, one of the conditions is that the participant has paid BPJS Health contributions.

In the issue of increasing BPJS Health premiums, the KPK should not only provide recommendations. President Jokowi has indeed ordered three Ministries to follow up on KPK recommendations, but this institution can certainly investigate the background of the BPJS Kesehatan premium increase which is strongly suspected due to fraud and bad governance. The KPK needs to urge BPJS Kesehatan to evaluate and fix the management of BPJS Kesehatan, including tracing fraud and making the work of the BPJS Kesehatan internal control unit more effective.

4. Simultaneous Regional Head Elections (Pilkada) 2020

In monitoring the simultaneous Pilkada in 2020, the KPK has released a study, one of which states that there are about 82 percent of the regional head elections sponsored, not personally funded. In September 2020, the KPK has submitted four recommendations to the government regarding the holding of the Pilkada simultaneously, namely:

First, efforts to prevent corruption and fraud, second to maintain the neutrality of the bureaucracy and to oversee the functions of public services, third to maintain public health in the implementation of Pilkada; and fourthly, the procurement of goods and services to support the regional elections that are free from corrupt practices. In

addition, in order to prevent money politics, the KPK also asked PPATK to be involved in the Pilkada simultaneously to carry out monitoring because PPATK has the authority to track the flow of money by regional head candidates. Not only that, the KPK also asked candidates for regional head to openly and validly report the campaign contributions they received.

The efforts made by the KPK in monitoring Pilkada policies simultaneously are of course not optimal. The KPK should have also collaborated with the KPU as the organizer and Bawaslu as the supervisor in this simultaneous Pilkada. The KPK should also touch the root of the problem of this money politics policy, which must provide recommendations to political parties so that nominations are not carried out in transactional ways.

5. Conflict of Interest Special Staff of President Andi Taufan Garuda

There is one more case in which the KPK should speak out loudly over this polemic, namely in a conflict of interest case involving President Jokowi's staff. In this case, a staff member named Andi Taufan wrote to all sub-district heads in Indonesia. The letter alludes to the commitment of PT Amarta Mitra Fintek to participate in the Village Volunteer program against COVID-19. A conflict of interest arose because Andi Taufan was the CEO of Amarta. In Amarta's official website, his profile is still posted. In this case, the KPK appeared mute and did not issue a single statement, even though this was closely related to a corrupt culture. The KPK should have

taken a stance by strongly criticizing the conflict of interest committed by President Jokowi's staff.

RECOMMENDATION

1. Government and DPR

- President Joko Widodo must immediately issue a Government Regulation in Lieu of a Law in order to restore the institutional regulations of the KPK as stipulated in Law Number 30 of 2002;
- The Government and the DPR must immediately discuss and enact the Bill of Assets Confiscation, the Bill on Corruption Eradication, and the Bill on Restrictions on Cash Transactions;

2. Performance of the Enforcement Sector

- The KPK must maximize its efforts to prosecute, whether carried out by means of catching hands or case building;
- Evaluating the strategy for finding the remaining five fugitives;
- Continue to handle cases that have been in arrears at the KPK;
- Maximizing the function of supervision and takeover of cases that are stagnant in other law enforcers;

3. Prevention Sector Performance

- Prevention strategies must include intervening in corruption in the political sector;

- Promote integrated enforcement and prevention work;
- Ensuring the trigger mechanism function is implemented by Law Enforcement Officials and Local Government by strengthening SPPT-TI and SPDP Online, as well as strengthening KPK Coordination and Supervision programs;
- Accelerate corruption prevention programs in strategic sectors, especially the political, private, natural resources (SDA) sectors;
- Open and involve the public in the preparation of the 2021-2022 PK Action optimally;
- Developing a compliance mechanism for KPK internal recommendations;

4. Internal Organization Performance

- Minimizing political games in the midst of complicated situations of eradicating corruption;
- Guarantee that there is protection to investigators or investigators who are carrying out their duties;
- Prioritizing the value of transparency and accountability in issuing policies;
- Seriously increasing public participation in every selection of internal officials;
- Immediately complete the 2019-2023 KPK Strategic Plan in an inclusive and participatory manner;

5. Internal Organization Performance

- Encouraging a more integrated effort in monitoring the administration of the State administration;

- KPK needs to be responsive to actual government issues, both at the central and regional levels;
- Improve the quality of monitoring and recommendations so that they can be used for law enforcement purposes;

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