

**“Of Geckos and Crocodiles:
Evaluating Indonesia’s Corruption Eradication Efforts”**

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Indonesia’s anti-corruption measures began 10 years ago with the Clean Government Law, the first comprehensive act that clarified the definition of corruption and outlined the charges and procedures for prosecution. Over the years, several additional laws and regulations were issued which established a Corruption Court, a Judicial Commission, and a National Ombudsman Commission. When President Yudhoyono came into office, he established broad corruption eradication programs, including a set of instructions on anti-corruption measures for all state institutions, and gave special assignments to various ministries to address corruption. In 2004, he established the national Action Plan for the Eradication of Corruption, which works both to prevent corruption through transparency and empowerment, as well as repress it through punitive measures.

Thus, within seven years of the fall of Suharto, Indonesia had a comprehensive framework for addressing corruption. The question, then, is whether or not

these efforts have been successful. All of the anti-corruption agencies have severe shortfalls. For example, the National Ombudsman has no authority to compel the government to follow up on its reports and recommendations, and has little political support. The Judicial Commission was stripped of its oversight powers in 2005 through a decision by the Constitutional Court. In general, Mr. Buehler said, the anti-corruption programs have not been well socialized within the government.

The Corruption Eradication Commission (KPK) is the main organization tasked with combating corruption in Indonesia. Though it was established in 2002, the commission did not begin work until 2006. The KPK handles around 30 percent of Indonesia’s corruption cases, and has a 100 percent conviction rate. However, the KPK has come under attack in recent months; in May, its head, Antasari Azhar was arrested on charges of murder, and Commissioners Hamzah and Rianto were also arrested on evidence from the Jakarta Police that appears to be fabricated. President

Yudhoyono has criticized the work of the Commission, and the National Parliament has delayed passage of a stand-alone law designed to legitimize the Corruption Crimes Court.

Despite these attacks, the Indonesian public is squarely in favor of the KPK. Because of the public outcry, Professor Buehler said, President Yudhoyono and Parliament worked to pass the Corruption Crimes Court Law of 2009. The law extends the Corruption Crimes Court to all 33 provinces, but also allows career judges to comprise the majority of the Corruption Panels, whereas previously the law ensured that panels consisted of a majority of ad hoc judges recruited from outside the judiciary, which is itself beset with corruption issues.

Despite Indonesia's current corruption issues, Professor Buehler said, the metrics used to measure corruption show that, looking back over recent years as a whole, Indonesia has improved. Various high-level prosecutions for corruption have gone forward, a reform of the tax system is underway, and the number of days to open a business has been reduced. Additionally, the perception of government effectiveness in combating corruption has improved. However, the majority of corruption crimes still go unpunished, civil service reform remains largely ignored, the judiciary has yet to be reformed, and the abuse of power by members of the political establishment has not been addressed. Additionally, with decentralization whole new levels of corruption have emerged on the regional and local levels which also must be addressed. Moreover, with democratization comes the rise in the "business of politics", which has risen

consistently since the introduction of elections and brought about new forms and patterns of corruption.

Thus, in order to effectively address corruption, comprehensive civil service, judiciary and police reforms are necessary. Singapore and Hong Kong both took strong stances against corruption, and while the issues faced by a country as large and diverse as Indonesia are more complex than those experienced by a city-state, the lack of resources available to fighting corruption in Indonesia is striking compared to both Singapore and Hong Kong. Ultimately, political leadership is crucial to eradicating Indonesia's widespread and endemic corruption. While President Yudhoyono has taken steps toward developing good governance and combating corruption, Professor Buehler said, his words are often stronger than his actions. With respect to the KPK, Buehler said, there has been a pattern of withdrawing his support when the commission appeared to finally have some successes. It remains to be seen whether President Yudhoyono will live up to his image as a reformer.

Questions and Answers

Q: How does Indonesian law define corruption?

A: Indonesia uses the World Bank definition of corruption, which is the abuse of public office for private gain. However, the country is facing new forms of corruption beyond the traditional bribery, especially in relation to elections and political party financing.

Q: What has been the impact on voting?

A: Voters have demonstrated that they will still vote for candidates jailed for corruption, and under Indonesian law, candidates convicted of corruption can still run in elections if their jail sentence was less than five years.

Q: How was the KPK originally established? Why has the power of the KPK been weakened?

A: The KPK was established as a condition of the IMF bailout – Indonesians did not want it initially. The KPK has been weakened because it was so successful, and entrenched interests began working to marginalize it.

Q: What explains the public support of the KPK?

A: Support of the KPK became widespread after it released wiretaps from the police discussing the department's arrest and murder of certain political figures.

Q: Has a fear of prosecution for corruption limited the ability of government agencies to do their work?

A: Anti-corruption efforts work when they are embedded in a layer of reform, but Indonesia has yet to develop a comprehensive strategy for reform. For example the Indonesian stimulus package was mostly tax cuts, because if more money was funneled through the bureaucracy, there would be more likelihood of much of it not reaching its intended targets.

Q: How do you measure success in an anti-corruption program?

A: Usually the World Bank tries to measure corruption and good governance through specific metrics. However, success can also be defined by the fact that the KPK still manages to arrest and convict people on corruption charges.