

GUIDELINES FOR COVERING CORRUPTION CASES FOR JOURNALISTS



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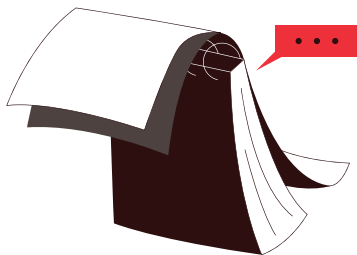
Transparency International Indonesia would like to thank the European Union (EU) for supporting this book. This publication reflects the views of the organization Transparency International Indonesia.

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TABLE OF CONTENTS

FOREWORD	1	H. TYPES OF VERDICTS	31
A. WHY DO JOURNALISTS NEED TO REPORT ON CORRUPTION?	4	I. FORMS OF CRIMINAL SANCTIONS	32
B. RISKS OF COVERING CORRUPTION CASES	5	J. STEPS TO ANTICIPATE VARIOUS DEPRIVATIONS OF RIGHTS IN COVERING CORRUPTION ISSUES	36
C. TYPES OF CORRUPTION	7	REFERENCE	38
D. GET TO KNOW "STATE FINANCIAL LOSSES" AND "STATE ECONOMIC LOSSES"	21		
E. STAGES OF CASE HANDLING	22		
F. PROOF	26		
G. TYPES OF TRIALS	28		



FOREWORD



The publication of the 2022 Corruption Perceptions Index shocked the public in Indonesia.

The publication of the 2022 Corruption Perceptions Index shocked the public in Indonesia. Indonesia's score dropped dramatically from 38 in 2021 to 34 in 2022. Previously, Indonesia's score had dropped from 40 in 2019 to 37 in 2020. The decline is a concern for policymakers. Even the President and a number of ministers and high-ranking officials held special meetings several times to respond to the decline in the Corruption Perception Index.

The decline in GPA can actually be expected since several years earlier. The weakening of the supervisory institution through the revision of the KPK Law which weakened the KPK, the co-optation of the Constitutional Court (MK) through the revision of the Constitutional Court Law which provides bonuses for extending the term of office of MK judges, to non-participatory legislative processes, such as the Job Creation Law are indications of the decline of democracy and the loosening of corruption eradication in Indonesia. In addition to the weakening of supervisory institutions, the second period of Joko Widodo's administration was marked by an increasingly solid political elite supporting power and getting various benefits in exchange. Coupled with the Covid-19 pandemic which restricts human

movement and ultimately limits mass mobilization, further reducing public participation in decision-making.

The decline in GPA scores and the decline of democracy in Indonesia provide evidence that eradicating corruption cannot be done by simply institutional reform. Moreover, the real policy of digitizing public services is only a matter of service management, far from enough to eradicate corruption. Corruption is difficult to stop without solving the root of the problem. Meanwhile, law enforcement also does not necessarily eradicate corruption. The vigorous law enforcement carried out by the KPK before the KPK Law was revised in the end only put the brakes on corruption, but did not stop corrupt practices on all fronts.

To eradicate corruption completely, it is necessary to trace the roots and foundations of corrupt practices. In my opinion, one of the roots of corruption is uncontrolled power. Controlling and limiting power is the most effective strategy. Indeed, power can be controlled and limited through law enforcement or various bureaucratic reform programs, but effective control must actually come from the mandate of power, namely the people themselves. Without control and supervision by the people, corrupt practices will look for loopholes and other ways to make law enforcement ineffective and corruption prevention not work. Without supervision by the people, law enforcement agencies such as the KPK can be weakened. Without constant control by

the people, the electronic auction system, for example, only changes the form and mode of corruption, not stopping it at all.

One of the leading corruption researchers, Michael Johnston in his book *Corruption Syndrome* (2005), states that corruption can only be eradicated by deep democratization. Deep democratization is not just electoral politics but how the people and social groups are able to defend their rights politically in real matters. In the article "More Than Necessary, Less than Sufficient: Democratization and the Control of Corruption" in the *Journal Social Research: An International Quarterly* (2013), Johnston says, "deep democratization is an ongoing process to limit power, build accountability and form social foundations and politics to support reform by bringing in more and more voices and interests in the process of managing government." Thus, eradicating corruption is ultimately involving the people directly in managing government. Control and supervision are real forms of people's involvement in eradicating corruption.

Combating corruption is an attempt to hold power holders accountable. The people give the power holder the mandate to run and manage the state, including all the resources needed to run the state. Because in its implementation, state resources actually flow into the personal pockets of officials or enrich their business networks, it is appropriate for the people to demand accountability for state administrators.

Within the framework of this deep democratization, a free and independent press is an absolute requirement. Without a free press, social groups will not be able to voice their interests and defend their rights. The press is a medium through which the people can voice their interests in the management of the state. Through the press, the people can hold power holders accountable.

It's just that supervision through the media is also not easy to do. The press is also facing many problems. Today, the mainstream press is facing disruption. People are reluctant to pay for quality news because it is flooded with information, even if it is junk information or

hoaxes. Standard-quality information is mainly produced by mainstream media, but technological disruption has bankrupted many media outlets or had to make massive efficiencies just to survive.

This decline of the mainstream media ultimately contributes to the loosening of scrutiny of power. Power is getting out of control and corruption that previously began to be controlled, then again rampant. At the same time, there is a tidal wave of global populism. Many countries led by populist leaders encourage the development of authoritarian practices, including in Indonesia. In this situation, many officials and power holders dare to commit corruption again. The weakening of the KPK, lax surveillance by the media and the retreat of civil society have made corruption increase as recorded in the *Corruption Perceptions Index*.

This book was written to support the presence of free and independent journalists, who bring readers quality news regarding the increasingly widespread public action in Indonesia. Only journalists with deep understanding are capable of investigating corruption cases and ultimately pushing for accountability of power holders. In the midst of the onslaught of information, this book again emphasizes the importance of investigating corruption cases and critical reporting on them. There is great hope from the publication of this book, the issue of corruption will be increasingly dragged into the glare of the eyes of the public as a result of the work of journalists and media who reduce critical and accurate news to monitor power.

J. Danang Widoyoko

*Secretary General of Transparency
International Indonesia*



Why Do Journalists Need to Report on Corruption?



Corruption includes extraordinary crimes that impact society and harm the state.

Corruption includes extraordinary crimes that impact society and harm the state. Corruption has an impact on poverty and social inequality. Corruption is also the beginning of other problems such as rising prices of basic necessities, slowing economic growth, hampering investment, disrupting job creation, and income inequality.

To combat corruption, the country has established a Corruption Eradication Commission. Since its establishment in 2004 until October 2022, the anti-corruption agency has indeed handled 1,310 cases (KPK Annual Report, 2022). Not to mention cases handled by other law enforcement agencies such as the Attorney General's Office and the Indonesian Police.

Even so, corruption is still rampant in the country. One indication is that Indonesia's Corruption Perception Index is declining in 2022. In the release of Transparency International Indonesia at the end of January, Indonesia's GPA was 34 points on a scale of 0-100, aka a decrease of 4 points from last year. Indonesia's position is now below Timor Leste, which obtained a score of 42. Indonesia ranked 110 out of 180 countries involved.

To reduce the rate of corruption, the role of law enforcement alone is not enough. It needs synergy from all elements of society including journalists and the media. In carrying out its duties, functions and spirit of maintaining independence, the media becomes the fourth pillar of democracy after the executive, legislature, and judiciary.

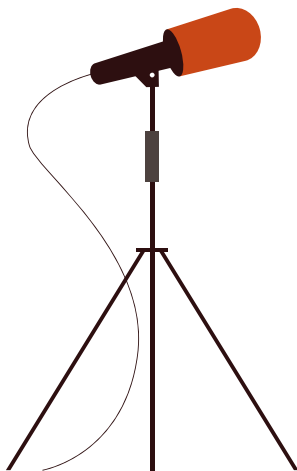
The media plays a role in supervising, evaluating, and improving performance, as well as criticizing these state officials in order to provide maximum public services. The media also has a role in raising or responding to issues that develop in society related to political, economic, legal, corruption, educational, cultural, and other issues. In a democratic government, citizens need enough information to be able to express their voice and control the running of government (and control government officials) who work on public matters. The role of the press is attached to the need of citizens to know and understand various public issues.

With such a large role and responsibility, the media and journalists become a must to cover corruption issues. Moreover, the issue of corruption is a very interesting thing in the newsroom and for readers. Corruption news material has always been in the spotlight from various circles.

The flood of information on social media is a new challenge for mass media, which is no longer the only means for people to obtain information. Therefore, journalists and media are obliged to present news in

to present news in accordance with existing facts, faithful to the truth. What distinguishes information from social media whispers and journalistic products is that corruption news must at least meet several elements such as profiles or figures, the impact of corruption, the value of state losses, and data verification or confirmation.

For the process of making news, journalists and media are guaranteed protection as stipulated in Article 4 Paragraph (1) of the Press Law: press freedom is guaranteed as a human right of citizens. That is, the press is free from preventive measures, prohibitions, and/or suppression so that the public's right to obtain information is guaranteed. Press freedom exists for democracy, justice and truth, promoting the general welfare, and educating the life of the nation.



In order to realize the role of the press as an informer and public watchdog requires a number of principles and conditions such as:

- 1. Legal guarantee of press freedom**
- 2. Independence of journalists and media**
- 3. Accurate and balanced**
- 4. The search and discovery of truth**
- 5. Goes on without fear**
- 6. Access to information, especially from governments**
- 7. Access to reporting, also for foreign journalists**
- 8. The right not to be intimidated, terrorized, or subjected to violence**
- 9. The right to criticize the government**
- 10. Media pluralism/no monopolistic control of the means of searching and disseminating information (because it only confirms that the information is owned only by the owner of the facility)**
- 11. Restrictions on press freedom**
- 12. Absence of censorship or self-censorship**
- 13. Right of refusal and its application**

Risks of Covering Corruption Cases



Dealing with corruptors who have a lot of coffers is certainly another challenge for journalists and the media.

Dealing with corruptors who have a lot of coffers is certainly another challenge for journalists and the media. The offer of money or other facilities to prevent news from being published is tempting.

Not infrequently the corruptors will offer journalists in the form of Rp 100 million to billions, for example. There was once a story, a national media journalist was brought a wad of money stored in a bag amounting to billions so that the journalist did not have to write about the issue of corruption that ensnared one of the elite officials of a ruling party at that time.

For journalists in Indonesia where the majority of salaries are still mediocre or the regional minimum wage (UMR) limit, of course, the money is a big temptation. So, what did the journalist get after the billions of money got out of hand? A good journalist is a journalist who presents news or provides true information to the public as stipulated in the Press Law.

With this report, at least the journalist and media companies took part in unmasking corruption from the party officials. Not only is it a concern for the wider community, corruption by party officials has entered the radar of KPK investigators. Information

obtained by journalists and media can complement the material owned by law enforcement so that it can help the process of investigating cases. Corrupt practices by these officials and their groups that harm the wider community can be stopped and the perpetrators can be held accountable.

Not only material, sometimes corruptors do not hesitate to threaten or intimidate journalists and their families. In the midst of developing technology, the threat/intimidation is also in the form of digital attacks. For some investigative reporting on corruption issues, the protection of journalists is something that needs special attention. We need to look at the case of persecution experienced by one of the journalists while covering the issue of corruption.

On Saturday night, March 27, 2021, Tempo's correspondent in Surabaya, Nurhadi, was persecuted by a group of police and bodyguards from tax official Angin Prayitno Aji when he wanted to confirm a corruption case. At that time, Angin was a suspect in the KPK for allegedly accepting bribes and gratuities from companies that manage taxes. They darkened their eyes to persecute reporters who wanted to confirm it. Angin has now been sentenced to 9 years in prison and fined Rp 300 million for his corruption case.

The reporting process for the persecution would not have been possible without the support of the media companies, the Alliance of Independent Journalists, and the Press Legal Aid Institute. If there is no

synergy in escorting this case, the police may be hands-off because those involved are still members and there are other interests. At that time, the East Java Regional Police named two policemen as suspects of persecution. The two policemen were sentenced to 10 months in prison.

If you look at the whole incident, two people are not enough. Because, many other perpetrators who walked free including middle officers who were still relatives of the tax official. But Nurhadi's case was the first press case to make it into the investigation and has now been enforced.

Therefore, reporting on corruption news, especially in the form of investigations, requires commitment not only from journalists, but also editors / editors and media owners. Writing an investigation into corruption issues takes a long time. The competence of journalists who are qualified and have integrity and require a lot of funds. It takes courage and sticks to the journalistic code of ethics in covering corruption issues.



Types of Corruption



Various legal foundations and instruments have been established to eradicate corruption in the country.

Various legal foundations and instruments have been established to eradicate corruption in the country. With these various legal tools, corruption is expected to be prevented and the perpetrators get appropriate punishment. The legal rules governing corruption are contained in a number of laws, including:

1. Law Number 31 of 1999 concerning the Eradication of Corruption as amended through Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Corruption (Tipikor Law);
2. Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering (TPPU Law); and
3. Law Number 1 of 2023 concerning the Criminal Code (KUHP).

Specifically related to the Criminal Code, at the time this Pocket Book was written it was not yet valid because in accordance with the provisions of Article 624 of the Criminal Code, it was stated that this Law (KUHP) only took effect after 3 years since it was promulgated. In addition, the implementing regulations of the Criminal Code will also be established no later than two years from the promulgation of the Criminal Code (Article 621 of the Criminal Code).

When the Criminal Code came into effect, there were a number of provisions in the

Criminal Code and the TPPU Law that became invalid because they were revoked and replaced with provisions in the Criminal Code (Article 622 of the Criminal Code). Some of these provisions include:

1. Article 2 Paragraph (1) of the Tipikor Law, the reference is replaced by Article 603 of the Criminal Code;
2. Article 3 of the Tipikor Law, the reference is replaced by Article 604 of the Criminal Code;
3. Article 5 of the Tipikor Law, the reference is replaced by Article 605 of the Criminal Code;
4. Article 11 of the Tipikor Law, the reference is replaced by Article 606 Paragraph (2) of the Criminal Code;
5. Article 13 of the Tipikor Law, the reference is replaced by Article 606 Paragraph (1) of the Criminal Code;
6. Article 2 Paragraph (1) of the TPPU Law, the reference is replaced by Article 607 Paragraph (2) of the Criminal Code;
7. Article 3 of the TPPU Law, the reference is replaced by Article 607 Paragraph (1) letter a of the Criminal Code;
8. Article 4 of the TPPU Law, the reference is replaced by Article 607 Paragraph (1) point b of the Criminal Code;
9. Article 5 Paragraph (1) of the TPPU Law, the reference is replaced by Article 607 Paragraph (1) point c of the Criminal Code; and
10. Article 5 Paragraph (2) of the TPPU Law, the reference is replaced by Article 608 of the Criminal Code.

Based on all existing rules, the types of corruption can be divided into several groups, including:

1. Acts Detrimental to State Finances

Commit acts of enriching oneself or others or corporations. The perpetrators have the goal of benefiting themselves and abusing authority, opportunity, or existing means. For example, a government employee marks up the budget in order to benefit from the price difference. This action hurts state finances because the budget can swell than it should. An example of a corruption case whose state losses the most is the case of land grabbing in Riau which dragged PT Duta Palma Group. The value of state losses due to the seizure of 37,095 hectares of land reached Rp 100 trillion. The boss of PT Duta Palma Group, Surya Darmadi, who was designated as a fugitive by the Attorney General's Office, has now been sentenced to 15 years in prison, a penalty of Rp 2.2 trillion in lieu of money, and economic losses of Rp 39.7 trillion subsidiary to 5 years in prison.

Corruption with the second largest amount of state losses is the case of PT Asabri (Persero) which is also handled by the Attorney General's Office. The case of alleged management of investment funds in 2012 to 2019 PT Asuransi Sosial Bersenjata Republik Indonesia (Asabri) reached Rp 23.74 trillion. The Attorney General's Office named 10 suspects in this case, the remaining nine suspects because one person has died.

Another corruption case that resulted in huge state losses was the case of PT Asuransi Jiwasraya (Persero) reaching Rp 12.4 trillion. The Attorney General's Office named 13 suspects. The case with the next largest amount of losses is Bank Century corruption handled by the KPK. Based on the audit results of the Audit Board, the loss value of this case reached Rp 6.76 trillion and Rp 689.3 billion.



ARTICLE ON ACTS DETRIMENTAL TO STATE FINANCES

Article 2 of the Corruption Law

- (1) Any person who unlawfully enriches himself or another person or a corporation that can harm state finances or the country's economy, shall be punished with life imprisonment or imprisonment for a minimum of 4 (four) years and a maximum of 20 (twenty) years and a fine of at least IDR 200,000,000.00 (two hundred million rupiah) and a maximum of IDR 1,000,000,000.00 (one billion rupiah).
- (2) In the event that the criminal act of corruption as referred to in Paragraph (1) is committed under certain circumstances, the death penalty may be imposed.

Article 3 of the Corruption Law

Any person who, with the aim of benefiting himself or another person or a corporation, abuses the authority, opportunity or means available to him because of a position or position that can harm state finances or the country's economy, shall be punished with life imprisonment or imprisonment for a minimum of 1

(one) year and a maximum of 20 (twenty) years and or a fine of at least IDR 50,000,000.00 (fifty million rupiah) and a maximum of IDR 1,000,000,000.00 (one billion rupiah).

Article 603 of the Criminal Code

Any person who unlawfully enriches himself, others, or corporations that harms state finances or the country's economy, shall be punished with life imprisonment or imprisonment for a minimum of two years and a maximum of 20 years and a fine of at least category II and a maximum of category VI.

Article 604 of the Criminal Code

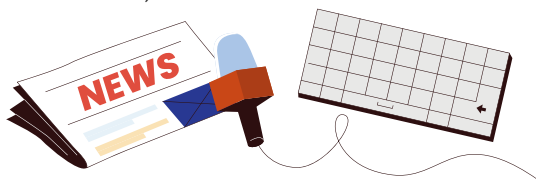
Any person who with the aim of benefiting himself, others, or the Corporation abuses the authority, opportunity, or means available to him because of a position or position that harms state finances or the country's economy, shall be punished with life imprisonment or imprisonment for a minimum of 2 (two) years and a maximum of 20 (twenty) years and a fine of at least category II and at most category VI.

2. Bribery

Give or promise something to the State Civil Apparatus (ASN), state administrators, advocates, judges with the intention of doing something or not doing something in their position. Bribery can occur between employees or employees with outside parties. Bribes between employees, for example, to get a promotion. Meanwhile, from outside parties, for example, when the private sector gives bribes to government employees to be won in the tender process. Bribery cases are one of the most common corruption crimes in Indonesia, one of which is in the public service sector. During its 18 years of existence, the KPK handled the most bribery cases with 867 cases, (data as of October 2022).

One of the bribery cases handled by the KPK was Supreme Court Secretary Nurhadi and his son-in-law, Rezky Herbiyono. Nurhadi and Rezky were proven to have received bribes of around Rp 35 billion from PT Multicon Indrajaya Terminal 2014-2016 Director Hiendra Sunjoto related to two cases involving the company.

Another example of a case is the bribe against the Rector of the University of Lampung, Prof. Karomani, who received bribes totaling IDR 6.985 billion and SG \$ 10 thousand related to the admission of new students for the independent route in 2020-2022.



ARTICLE ON BRIBERY

Article 5 of the Corruption Law

- (1) Sentenced to imprisonment for a minimum of 1 (one) year and a maximum of 5 (five) years and or a fine of at least IDR 50,000,000.00 (fifty million rupiah) and a maximum of IDR 250,000,000.00 (two hundred fifty million rupiah) for each person who:
- a. give or promise something to a public servant or state administrator with the intention that the civil servant or state administrator does or does not do something in his position, which is contrary to his obligations; or
 - b. give something to a public servant or state administrator because of or in connection with something contrary to duty, done or not done in his position.
- (2) For civil servants or state administrators who receive gifts or promises as referred to in Paragraph (1) letter a or letter b, shall be punished with the same crime as referred to in Paragraph (1).

Article 6 of the Corruption Law

- (1) Sentenced to imprisonment for a minimum of 3 (three) years and a maximum of 15 (fifteen) years and a fine of at least IDR 150,000,000.00 (one hundred fifty million rupiah) and a maximum of IDR 750,000,000.00 (seven hundred fifty million rupiah) for each person who:
- a. give or promise something to the judge with the intention of influencing the decision of the case submitted to him for trial; or
 - b. give or promise something to a person who according to the provisions of the laws and regulations is determined to be an advocate to attend court hearings with the intention of influencing the advice or opinion to be given in relation to the case submitted to the court for trial.
- (2) For judges who receive gifts or promises as referred to in Paragraph (1) point a or advocates who receive gifts or promises as referred to in Paragraph (1) point b, shall be punished with the same crime as referred to in Paragraph (1).

Article 11 of the Corruption Law

Sentenced to imprisonment for a minimum of 1 (one) year and a maximum of 5 (five) years and or a fine of at least IDR 50,000,000.00 (fifty million rupiah) and a maximum of IDR 250,000,000.00 (two hundred fifty million rupiah) civil servants or state administrators who receive gifts or promises when it is known or reasonably suspected that the gifts or promises are given because of power or authority related to their position, or that in the mind of the person giving the gift or promise has something to do with his position.

Article 12 of the Corruption Law

Sentenced to life imprisonment or imprisonment for a minimum of 4 (four) years and a maximum of 20 (twenty) years and a fine of at least IDR 200,000,000.00 (two hundred million rupiah) and a maximum of IDR 1,000,000,000.00 (one billion rupiah):

- a. a public servant or state administrator who accepts a gift or promise, when it is known or reasonably suspected that the gift or promise was given to induce him to do or not to do something in his position, contrary to his duty;
- b. a public servant or state administrator who receives a prize, when it is known or reasonably suspected that the prize was given as a result of or caused by having done or not done something in his position contrary to his obligations;
- c. a judge who accepts a gift or promise, when it is known or reasonably suspected that the gift or promise was given to influence the decision of a case submitted to him for trial;
- d. a person who according to the provisions of laws and regulations is determined to be an advocate to attend court hearings, receive gifts or promises, when it is known or reasonably suspected that such gifts or promises are to influence the advice or opinion to be given, in connection with a matter submitted to the court for trial;

Article 13 of the Corruption Law

Any person who gives a gift or promise to a public servant in view of the power or authority attached to his position or position, or by the giver of the gift or promise is considered, attached to such position or position shall be punished with a maximum imprisonment of 3 (three) years and or a maximum fine of IDR 150,000,000.00 (one hundred fifty million rupiah).

Article 605 of the Criminal Code

(1) Shall be punished with imprisonment for a minimum of 1 (one) year and a maximum of 5 (five) years and a fine of at least category III and a maximum of category V, Any person who:

- a. give or promise something to a public servant or state administrator with the intention that the civil servant or state administrator does or does not do something in his position, contrary to his obligations; or
 - b. give something to a public servant or state administrator because of or in connection with something contrary to the obligation, done or not done in his position.
- (2) Public servants or state administrators who receive gifts or promises as referred to in Paragraph (1), shall be punished with imprisonment for a minimum of 1 (one) year and a maximum of 6 (six) years and a fine of at least category III and a maximum of category V.

Article 606 of the Criminal Code

- (1) Any person who gives a gift or promise to a public servant or state administrator in view of the power or authority attached to his position or position, or by the giver of a gift or promise deemed attached to such position or position, shall be punished with a maximum imprisonment of 3 (three) years and a maximum fine of category IV.
- (2) Public servants or state administrators who receive gifts or promises as referred to in Paragraph (1), shall be punished with a maximum imprisonment of 4 (four) years and a maximum fine of category IV.

3. Embezzlement in Office

The act of knowingly embezzling money or securities, or committing falsification of books or lists specific to administrative examination. An example of embezzlement in office, law enforcement is tearing up and destroying bribery evidence to protect the briber. Remember the case of the

tearing up of the red book by KPK investigators in 2019? The red book is one of the strong evidence regarding the record of giving gratuities by beef importer businessmen to police officials in that era. Unfortunately, the investigator who committed the act was not criminally processed, but instead was withdrawn to the National Police and received a promotion.

ARTICLE ON EMBEZZLEMENT IN OFFICE

Article 8

Sentenced to imprisonment for a minimum of 3 (three) years and a maximum of 15 (fifteen) years and a fine of at least IDR 150,000,000.00 (one hundred fifty million rupiah) and a maximum of IDR 750,000,000.00 (seven hundred and fifty million rupiah), a civil servant or person other than a civil servant assigned to carry out a public office continuously or temporarily, knowingly embezzle money or securities held because of his position, or allow such money or securities to be taken or embezzled by others, or assist in the commission of such acts.

Article 9

Sentenced to imprisonment for a minimum of 1 (one) year and a maximum of 5 (five) years and a fine of at least IDR 50,000,000.00 (fifty million rupiah) and a maximum of IDR 250,000,000.00 (two hundred fifty million rupiah) civil servants or persons other than civil servants who are assigned the task of carrying out a public office continuously or temporarily, knowingly falsifying books or lists specific to administrative examination.

Article 10

Sentenced to imprisonment for a minimum of 2 (two) years and a maximum of 7 (seven) years and a fine of at least IDR 100,000,000.00 (one hundred million rupiah) and a maximum of IDR 350,000,000.00 (three hundred fifty million rupiah) civil servants or persons other than civil servants who are assigned the task of carrying out a public office continuously or temporarily, intentionally:

- a. embezzle, destroy, destroy, or render unusable any item, deed, letter, or register used to convince or prove before an authorized official, who is possessed by virtue of his position; or
- b. allow others to remove, destroy, destroy, or render unusable such goods, deeds, letters, or lists; or
- c. assist others in removing, destroying, destroying, or rendering unusable such items, deeds, letters, or lists.

4. Extortion

A public servant or state administrator benefits himself or others unlawfully, or by abusing his power to compel a person to give something, pay, or receive payment by deduction or to do something for himself. For example, a civil servant stated that the document

processing fee is IDR 50 thousand, when it should only be IDR 15 thousand or even free. The employee forced the public to pay beyond the official terms with the threat of their documents not being taken care of. For 18 years, the KPK handled 27 cases of levies or extortion.

ARTICLE ON EXTORTION

Article 12 letters e, f, and g of the Corruption Law

Sentenced to life imprisonment or imprisonment for a minimum of 4 (four) years and a maximum of 20 (twenty) years and a fine of at least IDR 200,000,000.00 (two hundred million rupiah) and a maximum of IDR 1,000,000,000.00 (one billion rupiah):

- e. a public servant or state administrator who with the intention of unlawfully benefiting himself or others, or by abusing his power compels a person to give something, pay, or receive payment by deduction, or to do something for himself;
- f. a public servant or state administrator who, while performing his duties, requests, receives, or deducts payments to another public servant or state administrator or to the public treasury, as if the civil servant or other state administrator or the public treasury were in debt to him, when it is known that it does not constitute a debt; and

g. a public servant or state administrator who at the time of performing his duties, requests or accepts work, or delivers goods, as if it were a debt to him, even though it is known that it does not constitute a debt.

5. Fraudulent Act

Fraudulent Act is done deliberately for personal gain that can harm others. For example, contractors when building buildings or sellers of building materials commit fraudulent acts that endanger the safety of people or goods. Another

example is fraud in the procurement of goods of the Indonesian National Army and the Indonesian National Police which can endanger the safety of the country while fighting.

ARTICLE ON FRAUDULENT ACT

Article 7 of the Corruption Law

- (1) Sentenced to imprisonment for a minimum of 2 (two) years and a maximum of 7 (seven) years and or a fine of at least IDR 100,000,000.00 (one hundred million rupiah) and a maximum of IDR 350,000,000.00 (three hundred fifty million rupiah):
- a. contractors, builders who at the time of building construction, or sellers of building materials who at the time of delivering building materials, commit fraudulent acts that may endanger the security of persons or goods, or the safety of the state in a state of war;
 - b. any person in charge of supervising the construction or delivery of building materials, deliberately allows fraudulent acts as referred to in letter a;
 - c. any person who at the time of handing over goods for the Indonesian National Army and / or the National Police of the Republic of Indonesia commits fraudulent acts that may endanger the safety of the state in a state of war; or
 - d. any person in charge of supervising the delivery of goods needed by the Indonesian National Army and / or the National Police of the Republic of Indonesia deliberately allows fraudulent acts as referred to in letter c.
- (2) For people who accept the delivery of building materials or people who accept the delivery of goods needed by the Indonesian National Army and / or the National Police of the Republic of Indonesia and allow fraudulent acts as referred to in Paragraph (1) letter a or letter c, shall be punished with the same crime as referred to in Paragraph (1).

Article 12 letter h of the Corruption Law

Sentenced to life imprisonment or imprisonment for a minimum of 4 (four) years and a maximum of 20 (twenty) years and a fine of at least IDR 200,000,000.00 (two hundred million rupiah) and a maximum of IDR 1,000,000,000.00 (one billion rupiah):

h. a public servant or state administrator who, while performing his duties, has used state land on which there is a right of use, as if in accordance with the laws and regulations, has harmed the person who has the right, even though he knows that the act is contrary to the laws and regulations;

6. Conflict of Interest in Procurement

A public servant or state administrator either directly or indirectly knowingly participates in contracting, procurement, or rental even though he is assigned to manage or supervise it. For

example, in the procurement of office stationery a government employee enlists his family company for the tender process and seeks his victory.

ARTICLE ON CONFLICT OF INTEREST IN PROCUREMENT

Article 12 letter i of the Corruption Law

Sentenced to life imprisonment or imprisonment for a minimum of 4 (four) years and a maximum of 20 (twenty) years and a fine of at least IDR 200,000,000.00 (two hundred million rupiah) and a maximum of IDR 1,000,000,000.00 (one billion rupiah):

i. a public servant or state administrator, whether directly or indirectly, knowingly participates in the contracting, procurement, or rental, which, at the time of the act, is wholly or partly assigned to manage or supervise it.

7. Gratuities

Any gratuity to a civil servant or state administrator is considered a bribe, if it relates to his position and which is contrary to his duty obligations. For example, a businessman gives an expensive gift to an official in hopes of getting a project from a government agency. If it is not reported to the KPK within 30 days of granting, then the receipt of this gratuity will be punished

with a maximum prison sentence of four years and a fine of Rp 200 million.

Officials or political figures who are entangled in gratification cases are Democratic Party Chairman Anas Urbaningrum who is proven to have received Rp 2.2 billion from PT Adhi Karya so that the red plate company won the auction for the physical work of the

Hambalang project. Anas also received Rp 25.3 billion and US\$ 36,070 from the Permai Group owned by former Democratic Party General Treasurer M. Nazaruddin, as well as Rp 30 billion and US\$ 5.2 million. Anas was also proven to have received a Toyota Harrier car and survey facilities from the Indonesian Survey Circle amounting to Rp 478.6 million. The gratuity received by Anas was used for his candidacy as chairman of the Democratic Party.

Another gratification case that became a highlight was received by Supreme Court Secretary Nurhadi and his son-in-law Rezky Herbiyono. Nurhadi and Rezky in addition to accepting bribes, they were also proven to have received gratuities of IDR 13.787 billion from a number of litigants in court. The money received by Nurhadi and Rezky was used to buy luxury goods such as bags, watches, as well as for the purchase of oil palm plantations.

ARTICLE ON GRATUITY

Article 12B of the Corruption Law

- (1) Any gratuity to a public servant or state administrator is considered a bribe, if it relates to his position and which is contrary to his obligation or duty, with the following conditions:
 - a. whose value is IDR 10,000,000.00 (ten million rupiah) or more, proof that the gratuity is not a bribe made by the recipient of the gratuity;
 - b. whose value is less than IDR 10,000,000.00 (ten million rupiah), proof that the gratuity was bribed by the public prosecutor.
- (2) The penalty for civil servants or state administrators as referred to in Paragraph (1) is life imprisonment or imprisonment for a minimum of 4 (four) years and a maximum of 20 (twenty) years, and a fine of at least IDR 200,000,000.00 (two hundred million rupiah) and a maximum of IDR 1,000,000,000.00 (one billion rupiah).

Article 12C of the Corruption Law

- (1) The provisions referred to in Article 12B Paragraph (1) shall not apply, if the recipient reports the gratuity received to the Corruption Eradication Commission.
- (2) The submission of the report as referred to in Paragraph (1) must be carried out by the recipient of the gratuity no later than 30 (thirty) working days from the date the gratuity is received.
- (3) The Corruption Eradication Commission within no later than 30 (thirty) working days from the date of receipt of the report must determine that the gratuity can belong to the recipient or belong to the state.
- (4) Provisions regarding procedures for submitting reports as referred to in Paragraph (2) and determining the status of gratification as referred to in Paragraph (3) are regulated in the Law on the Corruption Eradication Commission.

8. Leverage Trading

According to the KPK, leverage trading is one type of corruption that occurs a lot and proving it is not easy. This kind of corruption is often carried out by people who do not have direct authority and power, but are able to set the direction of a policy. Leverage trading or also called trading in influence is included in one of the corruption offenses in the United Nations Convention Against Corruption (UNCAC), precisely in Article 18 concerning the classification of corruption and law enforcement.

Leverage trading is defined as a promise, offer, or gift to a public official or any other person, indirectly or directly, to abuse his influence in order to obtain undue benefits. In this sense it includes the request or acceptance by a public official of undue benefits in order to abuse his authority. For example, in the formation of cabinets, leaders of political parties can try to lobby for ministerial seats. Or echelon 1 entrusts certain candidates to pass the selection for open positions.

Although Indonesia has ratified UNCAC on April 18, 2006 through Law Number 7 of 2006, leverage trading has not been regulated in the Corruption Law. This eventually became the subject of defense for corruption suspects by saying leverage trading was not clearly defined in Indonesian law.

9. Obstruction of Legal Process

Handling cases of obstruction of investigation based on article 21 of Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption. The article explains that any person who prevents, hinders, or thwarts the investigation, prosecution, and examination shall be sentenced to imprisonment for a minimum of three years and a maximum of 12 years and/or a fine of at least Rp150 million and a maximum of Rp600 million. So far, the KPK has handled 11 cases of obstruction of investigation.

The case that caught the public's attention at that time was advocate Frederich Yunandi and doctor Bimanesh Sutardjo who collaborated with the Speaker of the People's Representative Council and Golkar Party Chairman Setya Novanto. Frederich and Bimanesh are shown to have worked together to put Setya Novanto in the hospital for hospitalization by manipulating medical data. Setya Novanto at that time was a suspect of corruption in the electronic Identity Card procurement project. The manipulation of medical data was carried out after Setya Novanto's deliberate accident on November 16, 2017 to avoid calls and examinations by KPK investigators.

ARTICLE ON OBSTRUCTION OF JUSTICE

Article 21 of the Corruption Law

Any person who intentionally prevents, hinders, or thwarts directly or indirectly the investigation, prosecution, and examination in court of suspects and defendants or witnesses in corruption cases, shall be punished with imprisonment for a minimum of 3 (three) years and a maximum of 12 (twelve) years and or a fine of at least Rp. 150,000,000.00 (one hundred fifty million rupiah) and a maximum of Rp. 600,000,000.00 (six hundred million rupiah).

10. Money Laundering

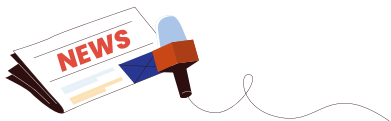
Law enforcers usually use the trafficking law as an inclusion article to ensnare corruptors or other criminals. This form of money laundering crime is a follow-up crime, so there must be a predicate offense / core crime or it can also be an unlawful activity, namely the original crime that makes money and then the laundering process is carried out.

In Indonesia, the state institution that focuses on monitoring money laundering is the Center for Financial Transaction Reporting and Analysis (PPATK). This institution submits its products in the form of analysis results and examination results to relevant law enforcement agencies such as the KPK, the National Police, the Prosecutor's Office, civil servant investigators. Throughout 2022, PPATK revealed that TPPU cases reached IDR 183.88 trillion. PPATK revealed five money laundering acts with fantastic values based on the following cases:

- a. **Corruption amounted to Rp 81.3 trillion.**
- b. **Gambling crimes worth Rp 81 trillion.**
- c. **Green financial crime or crimes related to natural resources amounting to Rp 4.8 trillion.**
- d. **Narcotics crime of IDR 3.4 trillion.**
- e. **Embezzlement of foundation funds of IDR 1.7 trillion.**

Some modes of money laundering that are widely carried out by money launderers:

- a. ***Smurfing*, an attempt to avoid reporting by fragmenting transactions made by many actors.**
- b. ***Structuring*, an attempt to avoid reporting by fragmenting transactions so that the number of transactions becomes smaller.**
- c. **Purchase of assets/luxury goods, i.e. hiding the ownership status of assets/luxury goods including the transfer of assets without being detected by the financial system.**
- d. **Exchange of goods (barter), which avoids the use of cash funds or financial instruments so that they cannot be detected by the financial system.**
- e. **The use of third parties, namely transactions carried out using the identity of third parties with the aim of avoiding detection of the identity of the party who is actually the owner of funds resulting from criminal acts. A recent example, the excitement of Directorate General of Taxes official Rafael Alun Trisambodo whose son often shows off the Jeep Rubicon on social media accounts, turned out to be the luxury vehicle in the name of a janitor at the National Police who lives in a rented house in a narrow alley in the Mampang Prapatan area, South Jakarta.**
- f. ***Mingling*, which is mixing funds from criminal acts with funds from legal business activities with the aim of obscuring the source of funds. Rafael Alun also has a property business in Sulawesi as well as a café business in Yogyakarta and Jakarta. The assets of these tax officials are now under investigation by PPATK and KPK.**



ARTICLE ON MONEY LAUNDERING

Article 3 of the TPPU Law

Any person who places, transfers, transfers, spends, pays, grants, deposits, carries abroad, changes form, exchanges for currency or securities or other acts on known assets as referred to in Article 2 Paragraph (1) with the aim of concealing or conveying the origin of assets shall be convicted of Money Laundering with a maximum penalty of 20 years and a maximum fine of Rp.10,000,000,000.

Article 4 of the TPPU Law

Any person who conceals or disguises the true origin, source, location, designation, transfer of rights or ownership of property known or reasonably suspected to be the result of a crime as referred to Article 2 Paragraph (1) shall be convicted of money laundering with a maximum imprisonment of 20 years and a maximum fine of Rp.5,000,000,000.

Article 5 of the TPPU Law

- (1) Any person who receives or controls the placement, transfer, payment, grant, donation, custody, exchange, or use of property known or reasonably suspected to be the result of a crime as referred to in Article 2 Paragraph (1) shall be sentenced to a maximum imprisonment of 5 years and a maximum fine of Rp. 1,000,000,000.
- (2) The provisions referred to in Paragraph (1) shall not apply to the Reporting Party carrying out its reporting obligations as stipulated in this Law.

Article 607 of the Criminal Code

- (1) Any person who:
 - a. placing, transferring, transferring, spending, paying, granting, entrusting, carrying abroad, changing form, exchanging for currency or securities or other acts on Assets that he knows or reasonably suspects are the result of a Crime with the aim of concealing or disguising the origin of the Assets, punishable with a maximum imprisonment of 15 (fifteen) years and a maximum fine of category VII;
 - b. conceal or disguise the true origin, source, location, designation, transfer of rights, or ownership of Property that he knows or reasonably suspects is the result of a Criminal Act, punishable with a maximum imprisonment of 15 (fifteen) years and a maximum fine of category VI;
 - c. receive or control the placement, transfer, payment, grant, donation, custody, exchange, or use of Property that he knows or reasonably suspects is the result of a Crime, punishable with a maximum imprisonment of 5 (five) years and a maximum fine of category VI.

(2) The proceeds of a crime as referred to in paragraph (1) shall be assets obtained from a criminal act:

- | | |
|-------------------------------------|---|
| a. corruption; | p. theft; |
| b. bribery; | q. embezzlement; |
| c. narcotics; | r. fraud; |
| d. psychotropic; | s. counterfeiting of money; |
| e. labor smuggling; | t. gambling; |
| f. migrant smuggling; | u. prostitution; |
| g. in the field of banking; | v. in the field of taxation; |
| h. in the field of capital markets; | w. in forestry; |
| i. in the field of insurance; | x. in the field of environment; |
| j. excise; | y. in the marine and fisheries sector; or |
| k. customs; | z. Other crimes punishable by imprisonment of 4 (four) years or more. |
| l. trafficking in persons; | |
| m. illicit arms trade; | |
| n. terrorism; | |
| o. kidnapping; | |

(3) The crime as referred to in paragraph (1) is a money laundering crime.

Article 608 of the Criminal Code

The provisions referred to in Article 607 Paragraph (1) point c do not apply to reporting parties who carry out reporting obligations as stipulated in the Law on the Prevention and Eradication of Money Laundering.



Get to know "State Financial Losses" and "State Economic Losses"

In the cooking oil mafia case, the public prosecutor demanded former Director General of Foreign Trade of the Trade Ministry Indrasari Wisnu Wardhana seven years in prison and a fine of Rp 1 billion.

In the cooking oil mafia case, the public prosecutor demanded former Director General of Foreign Trade of the Trade Ministry Indrasari Wisnu Wardhana seven years in prison and a fine of Rp 1 billion. Prosecutors assessed that Indrasari and four other defendants were proven to have committed criminal acts of corruption in providing crude palm oil (CPO) export facilities with a total loss of Rp 18.3 trillion. In detail, the defendants are considered to have cost the state finances a total of Rp 6.04 trillion and cost the state economy a total of Rp 12.3 trillion. Then what is the difference between harming state finances and harming the country's economy?

According to Law No. 31 of 1999 that state financial losses are reduced state wealth caused by an unlawful act, abuse of authority/opportunity or means available to a person due to position or position,

negligence of a person, and or caused by circumstances beyond human capacity (force majeure). Meanwhile, the application of the element of state economic losses in a criminal act of corruption, based on an explanation from the Head of the Legal Information Center of the Attorney General's Office, Ketut Sumendana, is carried out to protect the economic rights of the community. The loss is not the immaterial impact of corruption, but rather the excesses of real loss felt by the state and society. The element of loss of the country's economy cannot be equated with potential loss. Because, these losses have been real and felt by the community.

In addition to the cooking oil mafia case, the Prosecutor's Office also applied elements of state economic losses in the corruption case of PT Duta Palma Group's palm oil business activities which cost the state Rp 104.1 trillion. Most of the losses in the case, namely Rp 99.2 trillion, were losses to the country's economy.



Stages of Case Handling



In handling criminal acts of corruption, each law enforcement agency has the same provisions and procedures, starting from public complaints

In handling criminal acts of corruption, each law enforcement agency has the same provisions and procedures, starting from public complaints, from the audit results of the Audit Agency, audits of the Financial and Development Supervision Agency as well as the results of analysis or inspection results of the Financial Transaction Reporting and Analysis Center. Based on the initial information and data, they conducted a review and then collected information, investigated, investigated, determined suspects, detained, and transferred the case to the prosecution until trial. But each law enforcement agency has a different tradition of announcing cases to the media and the wider public.

1. KPK



Based on Article 11 of Law Number 19 of 2019 concerning the Second Amendment to Law Number 30 of 2002 concerning the Corruption Eradication

Commission (KPK Law), the KPK is authorized to investigate, investigate, and prosecute corruption crimes involving law enforcement officials, state administrators, and other people related to corruption crimes committed by law enforcement officials or state administrators; and/or involving state losses of at least IDR 1,000,000,000 (one billion rupiah). If the criminal act of corruption does not meet the provisions as referred to above, the KPK must submit investigations, investigations, and prosecutions to the police and/or prosecutor's office. Even so, the KPK is still obliged to supervise the cases they have delegated to the other two law enforcement agencies.

The official who communicates most intensely with reporters is the spokesperson. In the KPK era led by Firlil Bahuri divided the spokesperson in two matters, namely the field of enforcement and prevention. The spokesperson for the enforcement sector is now held by prosecutor Ali Fikri. Meanwhile, the spokesperson for prevention is the responsibility of Ipi Maryati Kuding.

Every journalist who covers corruption issues will usually sit/post on the terrace of the KPK building or the press room that has been provided. KPK journalists usually have Whatsapp groups with KPK spokespersons. In this Whatsapp group, daily and periodic case handling progress is usually conveyed. For example, the schedule for the examination of witnesses on that day.

There is also information about the schedule of the press conference that conveys the announcement of the determination of suspects as well as detention. Suspects in the KPK will wear orange vests. Usually the spokesperson and leader in announcing the suspect is not the full name, but the initials. To clarify information to the public, journalists can usually ask for the full name of the public relations team or other authorized parties. The complete name/identity of the suspect may be written in full in the news. There is no provision for the prohibition of writing full names or the requirement to write only initials, except for minors. This also applies when covering cases at the National Police and the Prosecutor's Office.

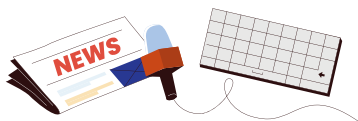
News of the hand-catching operation can also be monitored from the Whatsapp group before the spokesperson or leadership delivers an official press conference. In general, the KPK will convey the progress of cases that are in the investigation stage. As for the case, which is still at the stage of collecting information and investigation, it is very closed. Only certain cases are open to the public while they are still investigating. For example, the summoning of DKI Jakarta Governor Anies Baswedan in the investigation of a case of alleged corruption in the implementation of the Formula E electric car race. Mention of witnesses when the case goes to the investigation stage and during the trial.

While the litigants, when still in the investigation stage, are called examined. When entering the investigation stage, it is called a suspect. When the case was at the trial stage, the mention of the suspect was changed to defendant. When the judge of the court of first instance has already handed down the sentence, the

defendants become convicts and when serving their sentences in prisons are referred to as fostered citizens.

Apart from Whatsapp groups and press conferences, journalists can also usually communicate with KPK leaders via Whatsapp chat or doorstep when they have a certain agenda. Journalists can also doorstep suspects or their lawyers when they are about to undergo questioning or after they are finished. In the KPK, the entrances and exits for witnesses, suspects, lawyers, and others are centralized in one place making it easier to monitor. The KPK will also announce to the media when the suspects' files are complete and ready for trial.

The handling of cases at the KPK can come from public complaints, audit results of the Audit Agency, or from the results of analysis or examination results of the Financial Transaction Reporting and Analysis Center. For cases of public complaints, for example, the case of alleged Formula E corruption and corruption that ensnared the Chief Justice of the Constitutional Court Akil Mochtar. Meanwhile, cases that depart from the results of PPAK analysis such as the fat account of the former Head of the Police Education Institute who is now the Head of the State Intelligence Agency Budi Gunawan. There is also the corruption case of Bekasi Mayor Rahmat Effendi which began with his alleged odd transactions. In fact, sometimes the KPK also intervenes once there is a case that becomes a public discussion such as the unnatural wealth of tax and customs and excise officials.



2. Police



The Indonesian Police is a tiered organization from the Sector Police, Resort Police, Regional Police, to the National Police Headquarters at the central level. The authority of the police to investigate and investigate all criminal acts in accordance with the criminal procedure law and other laws and regulations is contained in Article 14 Paragraph (1) point g of Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia. This means that the police are authorized to investigate and investigate cases of criminal acts of corruption.

In the era of the leadership of National Police Chief General Listyo Sigit Prabowo, the National Police could no longer investigate cases, especially regarding corruption cases. The handling of corruption cases is usually at the Polres, Polda, and the Directorate of Criminal Corruption of the Police Criminal Bareskrim. At the police level, journalists can contact the police public relations officer, Kasatreskrim, or the local police chief. At the police level, media covering corruption issues usually communicate with the Head of Public Relations, the Director of Special Criminal Investigation or his staff, and the Chief of Police.

As for the National Police Headquarters, corruption cases are handled by the Ditipidkor Bareskrim. The media can dig up information on corruption cases from the Director of Tipidkor with the rank of brigadier general and his staff, the Head of the

Police Public Relations Division, the Head of Bareskrim, or the Chief of the National Police. Cases of snapper corruption in areas of public concern are usually also reported to central officials so that journalists can seek information through them.

The stages of handling cases in the National Police are the same as those of the KPK, namely complaints, collection of information materials, investigations, investigations, submission of files to prosecutors, and submission of files to the court. Unlike the KPK, whose prosecutors serve directly in the agency, police investigators must liaise with each prosecutor in their area. Just like in the KPK, the National Police also handles cases from public complaints, complaints from its own personnel, BPK audit results, as well as analysis reports and examination results from PPKATK.

3. Prosecutors



The authority to investigate by prosecutors in corruption crimes is contained in Article 30B of Law Number 11 of 2021 concerning the Prosecutor's Office of the Republic of Indonesia, prosecutors have the authority to investigate and investigate corruption cases. In fact, in this new law prosecutors also have the authority to prevent corruption.

Just like the National Police which has a tiered organization, there are district attorneys at the regency/city level, high prosecutors at the provincial level, and the Attorney General's Office at the

center. At the district attorney's level, journalists can contact the local prosecutor's legal information officer, special crime investigators, or the chief district attorney. At the high prosecutor's level, media covering corruption issues usually communicate with the legal information agency, the intelligence field, the special criminal field, and the chief prosecutor.

Meanwhile, in the Attorney General's Office, corruption cases are handled by the Junior Attorney General for Special Crimes (Jampidsus) whose office is synonymous with the name of a round building. Journalists usually wait on the terrace of the roundhouse when corruption cases occupy public attention. Suspects in the prosecution usually wear pink vests.

The prosecution used to call witnesses who on that day could also be named as suspects and detained. The media can dig up information on corruption cases from Jampidsus and its staff, the head of the legal information center (kapspenkum), to the attorney general. As is the case with the National Police, major corruption cases in areas of public concern are usually also reported to central officials so that journalists can seek information from them. The Prosecutor's Office handles cases also based on public complaints, the results of PPAK analysis and examination results, to BPK audits.



Proof



"A judge may not convict a person, unless in at least two valid pieces of evidence he obtains a conviction that a crime actually occurred and that the defendant is guilty of committing it."

The legal basis for evidence and evidence is regulated in Article 183 of Law Number 8 of 1981 concerning the Code of Criminal Procedure (KUHP): "A judge may not convict a person, unless in at least two valid pieces of evidence he obtains a conviction that a crime actually occurred and that the defendant is guilty of committing it."

Referring to the article, every law enforcer such as the KPK, the Prosecutor's Office, and the Police must determine a person to be a suspect with at least two pieces of evidence. based on the provisions of the Criminal Procedure Code as stipulated in Article 184 Paragraph (1), valid evidence includes: witness statements, expert statements, letters/documents, statements of the accused, and instructions. Instructions as stated in Article 188 of the Code of Criminal Procedure are acts, events or circumstances, which because of their compatibility between one and another or with the crime itself indicate that a criminal act has occurred and who the perpetrator is. Clues can only be obtained from witness

is. Clues can only be obtained from witness statements, letters, and statements of the accused.

Law enforcement agencies such as the KPK, the Prosecutor's Office, and the National Police usually rely on evidence, one of which is in the form of electronic evidence such as intercepted voice recordings or conversation messages from Whatsapp or other applications. The provisions for the use of electronic evidence are contained in Article 5 Paragraph 1 and Paragraph 2 of Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law).

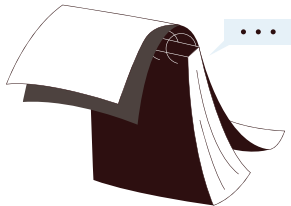
Along with the development of time and technology, the use of electronic evidence in handling corruption cases and other cases is increasing. The concern of law enforcement and judges related to the accountability of data generated from digital forensic processes is increasing and becoming a concern.

To ensure that the handling and inspection processes carried out are in accordance with international standards, the KPK applies for ISO 17025 accreditation which is an international standard for testing and calibration laboratories (KPK Annual Report, 2022). In order to meet the requirements of ISO 17025, in 2017 the KPK Digital Forensics Unit changed its name to the Electronic Evidence Laboratory. LBBE KPK received ISO 17025 accreditation from the National Accreditation Commission (KAN) for five scopes in 2021 and then in 2022, the accreditation was expanded to the scope of Forensic Audio, Video, and Image Analysis (FAVIA). The judge or court will use the electronic evidence in the category of instructional evidence as Article 184 Paragraph (1).

From the evidence prepared by law enforcers, usually the suspects or defendants will refute and look for alibis. This is normal because as stipulated in Article 52 of the Code of Criminal Procedure, the accused has the right to deny or not recognize the criminal act charged against him or commonly called the right of denial. Therefore, reporters must be observant of all statements submitted by suspects or defendants or their legal representatives, which we must juxtapose with the statements of witnesses and other clues.



Types of Trials



1. Pretrial

Pretrial institutions are used as horizontal control or supervision as the validity of the use of authority by law enforcement (investigators, investigators, and public prosecutors). In this area, corruptors usually fight the KPK, the Prosecutor's Office, or police investigators by filing pretrial lawsuits. They will consider the two pieces of evidence used by law enforcement officials to establish him as a suspect invalid. The pretrial trial was only a week presided over by a single judge. Not infrequently the corruptors win in pretrial so that the status of the suspect is null and void.

Pretrial is the authority of the district court to examine and decide on:

- a. Whether or not an arrest and/or detention is lawful at the request of a suspect or his family or a request in the interest of the upholding of law and justice;
- b. Whether or not the Suspension of Investigation or Termination of Prosecution is valid at the request of the interested in the upholding of law and justice; and
- c. Requests for compensation or rehabilitation by the suspect or his family or other parties or attorneys whose cases are not brought to court.

Those who can apply for Pretrial are:

- a. Suspect, namely whether the detention action against him is contrary to the provisions of Article 21 of the Code of Criminal Procedure, or whether the detention imposed has passed the time limit prescribed by Article 24 of the Code of Criminal Procedure;
- b. Investigators to examine the lawfulness of the termination of prosecution;
- c. The Public Prosecutor or a third party interested in examining the lawfulness of the termination of the investigation or termination of the prosecution. What is meant by an interested third party such as a victim witness.

Pretrial Examination Process:

- a. Pretrial is presided over by a single judge appointed by the Chief Justice of the District Court and assisted by a clerk (Article 78 Paragraph (2) of the Code of Criminal Procedure).
- b. On the stipulation of the day of the hearing, it also contains the summons of the petitioner and the pretrial respondent.
- c. Within 7 (seven) days from the time the pretrial application is examined, the application must be decided.
- d. The applicant may withdraw his application before the district court

renders a judgment if approved by the respondent. If the respondent approves the proposal to withdraw the application, the district court makes a determination on the revocation.

- e. In the event that a case has begun to be examined by the court and the pretrial examination has not been completed, the application is void. This is stated in the form of determination.

2. First Instance Corruption Case Trial

If a suspect's corruption case file is complete, the public prosecutor submits it to the corruption court. The status of the suspect changed to that of a defendant. The court has a maximum of 14 days from the submission of the case file and the defendant to start the trial. Information about the trial schedule and general description of the indictment can usually be accessed through the Court Tracing Information System (SIPP). For cases handled by the Jakarta Corruption Court, for example, information about the trial can be accessed at http://sipp.pn-jakartapusat.go.id/list_perkara.

Just like the trial of ordinary criminal cases, the course of corruption cases in court has the following stages:

- a. Indictment by the public prosecutor;
- b. Exception (memorandum of objection) by the defendant/legal counsel (if any);
- c. Response to the public prosecutor's exception (if any);
- d. Injunctive relief (if there is an exception);
- e. Evidence (examination of evidence and evidence) and examination of witnesses;
- f. Prosecution by the public prosecutor;
- g. Pledoi (memorandum of defense) by the

defendant/legal counsel;

- h. Replik (answer to plea by the public prosecutor);
- i. Duplik (response to the replik by the defendant/legal counsel); and
- j. The verdict or verdict of the judge of first instance.

The trial process for corruption cases is open to the public. This means that journalists and the public can watch and cover the trial. Courts in Indonesia have provisions regarding the course of the trial process, including an act that can be categorized as insult or conduct, and speech that undermines the authority of the judicial institution (contempt of court). Forms of contempt of court include:

- a. Misbehaving in Court
- b. Disobeying Court Orders
- c. Attacking the integrity and impartiality of the court (Scandalising the Court)
- d. Obstructing Justice
- e. Contempt of court acts are carried out by means of notification/publication (Sub-Judice Rule)

3. Court of Second Instance (Appeal)

When the public prosecutor and/or the defendant or his or her legal representative are dissatisfied or do not accept the verdict of the judge of the court of first instance, they may appeal. Each has seven days after the verdict is handed down. Journalists can monitor it by asking the defendant or his legal counsel as well as the public prosecutor or spokesperson of each agency.

As long as the appeal case has not been decided by the High Court, the appeal can be withdrawn at any time. In this

appeal process, journalists can also monitor their decisions through the spokesperson of the high court or the chief justice of the high court, or to the respective law enforcement agencies and defendants/legal representatives. Journalists can also check the progress of cases in the Case Tracing Information System (SIPP) in <https://sipp-banding.mahkamahagung.go.id/login>.

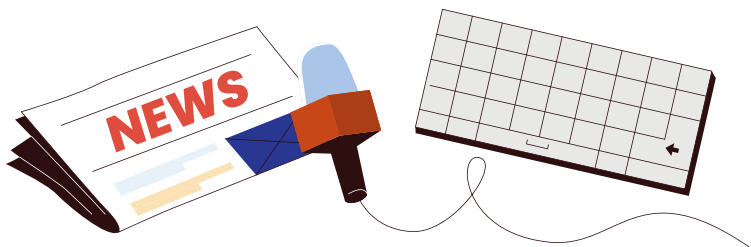
4. Court of Cassation

The application for cassation shall be submitted by the applicant to the registrar no later than within 14 days after the decision of the high court is notified to the defendant/public prosecutor. Similar to cases at the appellate level, the course of the cassation trial is closed. In the cassation process, journalists can monitor their decisions through the

spokesperson of the Supreme Court or to the respective law enforcement agencies and their defendants/legal representatives. Journalists can check the progress of the case or get a copy of the verdict through the <https://putusan3.mahkamahagung.go.id/direktori/index/kategori/pidana-khusus-1.html>.

5. Judicial Review

Judicial review (PK) is a legal remedy that can be taken by a convicted person (a person subject to punishment) in a legal case against a court decision that has permanent legal force. Court decisions that are said to have permanent legal force are district court decisions that are not appealed, high court decisions that are not appealed, or Supreme Court cassation decisions. Law enforcement agencies cannot apply for PK.



Types of Verdicts



The panel of judges in handing down a verdict is not always in the form of punishment.

The panel of judges in handing down a verdict is not always in the form of punishment. If the judge considers the testimony of witnesses and evidence submitted by the public prosecutor in the trial to be less strong, the defendant can get a verdict of acquittal or acquittal. There is a difference between acquittal and acquittal. This provision is regulated in Article 191 Paragraphs (1) and (2) of the Code of Criminal Procedure:

- (1) If the court is of the opinion that from the results of the examination at the trial, the guilt of the accused for the acts charged against him is not validly and convincingly proven, then the accused shall be acquitted.
- (2) If the court is of the opinion that the act charged against the defendant is proven, but the act does not constitute a criminal offense, then the defendant shall be discharged from all legal claims.

Quoting Lilik Mulyadi (2007), acquittal (*vrijspraak*) is a criminal offense that the public prosecutor alleged in his indictment was not legally and convincingly proven according to law. Non-fulfillment of the minimum principle of proof (i.e. with at least two valid pieces of evidence) and accompanied by the judge's conviction.

While the verdict is released (*onslag van recht vervolging*), meaning that all lawsuits made by the defendant in the indictment of the public prosecutor have been proven legally and convincingly according to law, but the defendant cannot be convicted because the act is not a criminal offense. For example, it is the field of civil law, customary law, or commercial law. In the case of corruption, an example of a verdict was released against former Head of the National Banking Restructuring Agency Syafruddin Arsyad Tumenggung.

The panel of cassation judges stated that Syafruddin was proven to have committed the acts as charged to him. However, the judge considered Syafruddin's actions in the Bank Indonesia Liquidity Assistance case not a criminal offense. Therefore, the three judges, each of whom expressed a dissenting opinion, declared Syafruddin acquitted of all lawsuits that ensnared him.

In addition to free and release verdicts, there are also convictions as stipulated in Article 193 Paragraph 1 of the Criminal Procedure Code. A conviction is a decision issued based on an examination in a court trial. The panel of judges held that the defendant was legally and conclusively proven guilty of the criminal act for which he was charged, so the court sentenced him to the crime.

This means that the defendant is sentenced in accordance with the provisions of the article imposed on him. The form of punishment regulated by the Criminal Procedure Code is in the form of principal and additional crimes.

Forms of Criminal Sanctions



Criminal sanctions are punishments imposed by judges on someone found guilty of committing a criminal act.

Criminal sanctions are punishments imposed by judges on someone found guilty of committing a criminal act. In the new Criminal Code that will later come into force, criminal sanctions are regulated in Article 64 which distinguishes crimes into principal crimes, additional crimes, and crimes that are specific to certain crimes specified in the law. This formulation is the result of changes from the provisions of the

old Criminal Code (Law Number 1 of 1946 concerning Criminal Law Regulations) which is still valid until the time this Pocket Book was written. In addition, the Corruption Law also formulates additional criminal forms that can be imposed against corruption defendants. In full, the comparison of the three rules is contained in the following table:

Old Criminal Code (Law 1/1946)	New Criminal Code (Law 1/2023)	Corruption Law
<p>Article 10</p> <p>Crime consists of:</p> <ul style="list-style-type: none">a. Principal crime:<ol style="list-style-type: none">1. Death penalty.2. imprisonment.3. Criminal confinement.4. Criminal fines.5. Criminal cover-up.b. Additional crimes:<ol style="list-style-type: none">1. Deprivation of certain rights.2. Deprivation of certain goods.3. Announcement of the judge's decision.	<p>Article 64</p> <p>Crime consists of:</p> <ul style="list-style-type: none">a. principal crime;b. additional penalties; andc. crimes that are specific to certain Crimes specified in the Law. <p>Article 65</p> <p>(1) The principal crime as referred to in Article 64 point a consists of:</p> <ul style="list-style-type: none">a. imprisonment;b. criminal cover-up;c. criminal supervision;d. criminal fines; and	<p>Article 18 Paragraph (1)</p> <p>In addition to additional crimes as referred to in the Criminal Code, additional crimes are:</p> <ul style="list-style-type: none">a. confiscation of tangible or intangible movable property or immovable property used for or obtained from a corruption crime, including a company owned by the convicted person in which the corruption crime was committed, as well as from goods that replace such goods;

Old Criminal Code (Law 1/1946)	New Criminal Code (Law 1/2023)	Corruption Law
	<p>e. criminal social work.</p> <p>(2) The criminal order referred to in Paragraph (1) determines the severity or lightness of the crime.</p> <p>Article 66 Paragraph (1)</p> <p>(1) Additional penalties as referred to in Article 64 point b consist of:</p> <ul style="list-style-type: none"> a. revocation of certain rights; b. confiscation of certain Goods and/or bills; c. announcement of the judge's decision; d. payment of damages; e. revocation of certain permits; and f. fulfillment of local customary obligations. <p>Article 67</p> <p>Special crimes as referred to in Article 64 point c are death sentences that are always threatened alternatively.</p>	<ul style="list-style-type: none"> b. payment of substitute money in the amount of the same amount as the property obtained from the criminal act of corruption; c. closure of all or part of the company for a maximum of 1 (one) year; d. deprivation of all or part of certain rights or deprivation of all or part of certain benefits, which have been or may be granted by the Government to the convict.

Based on the table above, there is a number of important knowledge about the forms of criminal sanctions that journalists must have in order to cover corruption cases. A number of deepening will be contained in the points below:

1. Death Penalty

Indonesia still recognizes criminal sanctions in the form of the death penalty (as the main crime in the old Criminal Code, as a special crime in the new Criminal Code). Based on the new

Criminal Code, the death penalty is always threatened alternatively as a last resort to prevent the commission of criminal acts and protect the community. So far no corruption defendant has been sentenced to death.

2. Imprisonment

If the court finds the corruption defendant guilty, the court imposes a prison sentence in accordance with the provisions of the law. The highest penalty is life imprisonment. In the corruption case, the verdict was handed down to former Chief Justice of the Constitutional Court Akil Mochtar.

3. Criminal Confinement

Confinement is one of the main crimes in the old Criminal Code which is no longer known in the new Criminal Code. Referring to Article 18 of the old Criminal Code, imprisonment is at least one day and a maximum of one year. However, for reasons of aggravation, the prison sentence can be increased to a maximum of one year and four months.

The new Criminal Code abolishes this type of sanction based on the provisions of Article 615 Paragraph (1), which states that when this Law (the new Criminal Code) comes into force, the criminal confinement in other laws outside this Law and Regional Regulations is changed to a fine with the following conditions:

- a. imprisonment of less than 6 (six) months is replaced by a maximum fine of category I; and
- b. imprisonment of 6 (six) months or more is replaced with a maximum fine of category II.

Then, Article 615 Paragraph (2) of the new Criminal Code adds that in the event that the criminal fine threatened alternatively with imprisonment as referred to in Paragraph (1) exceeds category II, the provisions in laws and regulations outside the Criminal Code still apply.

4. Criminal Fines

Criminal fines are one of the main types of crimes directed against the assets of a perpetrator for violating statutory provisions. Based on the old Criminal Code, if the convict is unable to pay the fine, this crime is replaced by imprisonment (Article 30). Meanwhile, based on the new Criminal Code, an alternative to unpaid fines is the confiscation of the convict's wealth or income for auction (Article 81). If the confiscation and auction are insufficient or impossible to carry out, the substitute is imprisonment, surveillance, or social work (Article 82).

Article 79 of the new Criminal Code divides criminal fines into eight categories with a maximum limit of each, namely:

- a. Category I IDR 1 million
- b. Category II Rp 10 million
- c. Category III Rp 50 million
- d. Category IV Rp 200 million
- e. Category V Rp 500 million
- f. Category VI IDR 2 billion
- g. Category VII IDR 5 billion
- h. Category VIII IDR 50 billion

5. Criminal Supervision

Criminal supervision is one of the main forms of crime in the new Criminal Code. Supervision crimes can be imposed on defendants who commit crimes with a maximum prison sentence of five years (Article 75 of the new Criminal Code).

6. Criminal Deprivation of Certain Rights

Deprivation of certain rights is an additional form of crime regulated both in the old Criminal Code (Article 35), the new Criminal Code (Article 86), and the Corruption Law (Article 18 Paragraph (1) letter d). Certain disenfranchisements in corruption cases are usually in the form of political disenfranchisement as handed down to former Prosperous Justice Party President Lutfi Hasan Ishaq, former Speaker of the Regional Representative Council Irman Gusman, former Southeast Sulawesi Governor Nur Alam, and others. This political disenfranchisement is not valid forever, but there is a time stipulation as decided by the panel of judges. Revocation of certain rights can also be revocation in certain public offices, including for members of the National Police and the Indonesian National Army (TNI).

7. Criminal Forfeiture of Certain Goods

The crime of confiscation of certain goods as one of the additional crimes is regulated both in the old Criminal Code (Article 39), the new Criminal Code (Article 91), and the Criminal Law (Article 18 Paragraph (1) letter a). The items seized in the outline are items related to criminal acts, that is, those that are used to realize a criminal act or that are the result of a criminal act.

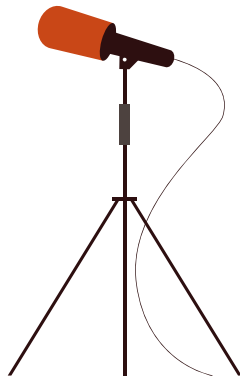
8. Criminal Payment of Indemnity

The penalty of payment of compensation is an additional crime that is new to the new Criminal Code. The criminal payment of compensation is provided for in Article 94, where the payment is addressed to the Victim or heirs.

In the Tipikor Law, it is known as the criminal payment of substitute money (Article 18 Paragraph (1) letter b) which means similar to the criminal payment of compensation. However, the payment of substitute money is intended to the state and the amount is as much as property obtained from corruption.

9. Criminal Revocation of Certain Permits

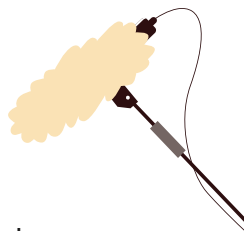
Additional penalties in the form of license revocation as known in the new Criminal Code are imposed on perpetrators and helpers of Criminal Acts who commit Crimes related to the permit owned (Article 95 of the new Criminal Code).



Steps to Anticipate Various Deprivations of Rights in Covering Corruption Issues

As a democratic country, it is important to understand that freedom and protection of the press are guarantees in Indonesia.

As a democratic country, it is important to understand that freedom and protection of the press are guarantees in Indonesia. Understanding this ensures that these freedoms and protections are able to be maintained and inviolable.



1. Right to Press Impunity

- ✔ Journalists and the press are parties who carry out efforts to fulfill citizens' rights to the "right to information" and "right to know" (Article 6 of the Press Law)
- ✔ Therefore the media and journalists SHALL NOT BE PUNISHED (Article 50 of the Criminal Code, "Whoever commits the provisions of the law, shall not be punished)
- ✔ The national press is not subject to censorship, suppression, or banning broadcasting
- ✔ Journalists have the right of refusal to protect sources (Article 4 Point 4)

2. Rights When Intercepted

- ✔ Ask to be shown a letter of assignment
- ✔ Ask to be shown ID
- ✔ Ask to be informed of the reason for the intercept
- ✔ Ask not to be treated arbitrarily
- ✔ Refuse if not grounded in law

3. Rights When Searched

- ✔ Ask to be shown a letter of assignment
- ✔ Ask to be shown ID
- ✔ Clear what to search
- ✔ Female journalists should be searched by female officers

4. Rights When Arrested

- ✔ Arrested by the authorities
- ✔ Shown letter of assignment and identity of the catcher
- ✔ Granted access to legal assistance
- ✔ Examined without torture, intimidation, harassment, and pressure
- ✔ If it exceeds 24 hours, it must be released

5. Rights when summoned for investigation

- ✔ Properly and clearly summoned by summons
- ✔ Summoned by the competent authorities
- ✔ Accompanied by a legal aid provider

6. Rights When Detained

- ✔ Detained by authorized authorities
- ✔ Indicated identity
- ✔ Letter of assignment and notification letter
- ✔ Get legal help
- ✔ Examined without torture, intimidation, harassment, and pressure
- ✔ Contact and receive visits from family or loved ones

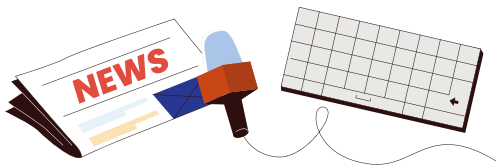
7. Anticipating Digital Attacks

- ✔ Reduce digital footprint
- ✔ Control who has access
- ✔ Protect assets and identities
- ✔ Hide from tracking (disable location detection and use a private network (VPN) wherever possible)
- ✔ Choose more secure device programs and apps.

8. Digital Security Level

- ✔ Device hygiene
- ✔ Hygiene, security, and privacy settings on computers, laptops, and mobile phones
- ✔ Account security
- ✔ Understand your digital footprint
- ✔ Protect your account
- ✔ Manage digital identities
- ✔ Communication security
- ✔ Choose a browser, search engine, email service
- ✔ Organization security
- ✔ Create security policies and guidelines for everyone in your organization to apply

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