

PELEMAHAN JADINYATA



**EVALUATION OF THE CORRUPTION
ERADICATION COMMISSION
2019–2023**

Transparency International Indonesia (TII) is a chapter of Transparency International, a global network of anti-corruption NGOs that promote transparency and accountability to state institutions, political parties, businesses, and civil society. Together with more than 90 other chapters, TII strives to build a world that is clean from corrupt practices and impacts around the world.

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Transparency International Indonesia would like to thank all parties for their support in preparing this report.

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LIST OF ABBREVIATIONS

ACA	Anti-Corruption Agency
AIPJ2	Australia-Indonesia Partnership for Justice 2
APBN	<i>Anggaran Pendapatan dan Belanja Negara/State Budget</i>
ASN	<i>Aparatur Sipil Negara/ State Civil Apparatus</i>
BOT	<i>Beneficial Ownership Transparency</i>
CPI	Corruption Perception Index
Dewas KPK	<i>Dewas Pengawas KPK/Supervisory Board of KPK</i>
DPR RI	<i>Dewan Perwakilan Rakyat/House of Representatives</i>
GCG	Good Corporate Governance
ICAC	Independent Commission Against Corruption
ICW	Indonesia Corruption Watch
KLOP	<i>Kementerian-Lembaga-Organisasi-Pemerintah Daerah/Ministry-Agency-Organization-Local Governments</i>
Korsupdak	<i>Koordinasi, Supervisi, dan Penindakan/ Coordination, Supervision and Enforcement</i>
Korsupgah	<i>Koordinasi, Supervisi, dan Pencegahan/ Coordination, Supervision and Prevention</i>
KPK	<i>Komisi Pemberantasan Korupsi/Corruption Eradication Commission</i>
KSP	<i>Kantor Staf Presiden/Presidential Staff Office</i>
LHKPN	<i>Laporan Harta Kekayaan Penyelenggara Negara/ State Officials' Wealth Report</i>
LPSK	<i>Lembaga Perlindungan Saksi dan Korban/ Witness and Victim Protection Agency</i>
MA	<i>Mahkamah Agung/Supreme Court</i>
MCP	Monitoring of Corruption Prevation
MK	<i>Mahkamah Konstitusi/Constitutional Court</i>
OECD	Organisation for Economic Cooperation and Development

OTT	<i>Operasi Tangkap Tangan/Sting Operation</i>
Pemda	<i>Pemerintah Daerah/Local Government</i>
Perkom	<i>Peraturan Komisi Pemberantasan Korupsi/KPK Regulation</i>
Perma	<i>Peraturan Mahkamah Agung/Supreme Court Regulation</i>
Perpres	<i>Peraturan Presiden/Presidential Regulation</i>
Polri	<i>Kepolisian Republik Indonesia/National Police of Indonesia</i>
PPATK	<i>Pusat Pelaporan dan Analisis Transaksi Keuangan/ Indonesian Financial Transaction Reports and Analysis Center</i>
Renstra	<i>Rencana Strategis/Strategic Planning</i>
RPJMN	<i>Rencana Pembangunan Jangka Menengah Nasional Indonesia's National Medium Term Development Plan</i>
RPP	<i>Rancangan Peraturan Pemerintah/ Draft of Government Regulations</i>
RUU	<i>Rancangan Undang-Undang/ Draft of Law</i>
SIN	<i>Sistem Integritas Nasional/National Integrity System</i>
SPDP	<i>Surat Pemberitahuan Dimulainya Penyidikan/ Notification Letter for Commencement of Investigation</i>
Stranas PK	<i>Strategi Nasional Pencegahan Korupsi/National Strategy of Corruption Prevention</i>
TI	Transparency International
TII	Transparency International Indonesia
TIPIKOR	<i>Tindak Pidana Korupsi/Corruption Crime</i>
TPPU	<i>Tindak Pidana Pencucian Uang/Money Laundering Crime</i>
TWK	<i>Tes Wawasan Kebangsaan/National Insight Test</i>
UNCAC	United Nations Convention Against Corruption
UNDP	United Nations Development Programme
UNODC	United Nations Office on Drugs and Crime

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EXECUTIVE SUMMARY

Periodically, various chapters of Transparency International around the world actively conduct evaluative assessments of the performance of anti-corruption institutions as one of the instruments to eradicate corruption in their respective countries within the framework of *the Anti-Corruption Agency (ACA) Assessment* study. In Indonesia, Transparency International Indonesia has started the first assessment in 2015 and the second in 2019, to get an objective portrait of institutional performance in order to fulfill its founding mandate.

However, this 2023 measurement, however, feels different. This is considering the significant change in the political direction of the corruption eradication law as part of the passage of the second amendment to the KPK Law through Law Number 19 of 2019. Not only stopping there, the sharpest decline in scores on the 2022 Corruption Perceptions Index in the history of Indonesian reform is also a piece of context that adds to the urgency of this measurement.

The ACA Assessment 2023 study compiled by Transparency International Indonesia confirms that the **political decision to revise the KPK Law has proven to have a negative impact on the legal ecosystem in Indonesia**. Although the KPK's new institutional in the constitutional structure does not automatically eliminate its total independence, this change has implications for the limited space for the KPK to eradicate corruption.

This political policy that makes the KPK under the control of the President based on this motive to maintain political stability, has opened a Pandora's box of rents for the political elite to capture economic and political policies. Thanks to this power relationship, the KPK is currently proving difficult to solve cases involving political elites and high-ranking officials who are none other than their superiors in the government structure.

The placement of the KPK in the executive power family has **subordinated the KPK to the influence of other powers, especially the government**. This situation, in turn, has an impact on the strengthening of political elites due to the weakening of the KPK's institutional oversight function. As a result, corruption in strategic sectors, such as the

political sector, natural resources to law enforcement, has strengthened in recent years and cannot be contained by the KPK.

The results of this study found that the majority of 50 indicators divided into six measurement dimensions experienced a significant decrease when compared to the performance of the KPK before the revision of the Law. The largest decrease occurred in the **Independence dimension which decreased by 55% (from 83% in 2019 to 28% in 2023), then the Enforcement dimension which decreased by 22% (from 83% in 2019 to 61% in 2023), and the Inter-Agency Cooperation dimension which decreased by 25% (from 83% in 2019 to 58% in 2023).** The other three dimensions are **Human Resources and Finance; Accountability and Integrity;** and **Prevention** also compactly decreased.

This situation resulted in the performance of the KPK after the revision of the law experienced significant degradation, both seen from the low level of public trust and moral legitimacy with rampant ethical violations to the status of suspects pinned on the former Chairman of the KPK, Firli Bahuri. The KPK is also currently proven to be not optimal in carrying out the function *of trigger mechanisms* for other law enforcement agencies, namely the police and prosecutors. The KPK is also difficult to promote the value of integrity to state administrators, the business world, and the wider community, because it conflicts with the value of institutional integrity that has been tainted in such a way. The KPK institution, which was originally established as an institutional solution to eradicate corruption because existing institutions cannot be expected to work effectively, is now entangled in many internal problems that weaken corruption eradication work.

Therefore, Transparency International Indonesia calls for the eradication of corruption to be effective again, **the KPK must be restored as an independent state institution by removing the KPK from the executive power family.** KPK human resources must be fully managed and filled by the KPK independently and independently, including immediately breaking away from dependence on resources from other ministries/institutions, especially the position of investigator positions from police institutions.

This study also encourages the KPK internally to immediately evaluate the enforcement of integrity values, starting from serious and firm enforcement of the code of ethics. The KPK also needs to review internal integrity governance to map the system weaknesses that have led to so many ethical violations committed by KPK personnel in the past four years, including those that lead to criminal acts such as those committed

by KPK employees and leaders. The KPK institution must take corrective steps to return to being a firm and consistent institution in upholding the values of integrity.

In particular, the KPK needs to immediately conduct a comprehensive evaluation of the quality and quantity of case handling that continues to decline. The KPK must close the gaps in case information leakage, because it can affect the success of case handling. The KPK also needs to optimize the return of state financial losses due to corruption through the use of other legal instruments, especially the Money Laundering Law. At the same time, the prevention function, which is relatively dominant today, must place the prevention of political corruption as a priority considering that the upstream of all corruption problems in the country are closely related to the governance of the political system.

Anti-corruption agencies need to re-realize the importance of civil society as a key partner. It should be underlined that civil society organizations as supporters of the existence of the KPK, fighting partners, as well as sources of information on various violations, can be used as an instrument of detection by the KPK. Without strong civil society support, the KPK will not be able to effectively eradicate corruption. Even the existence of the KPK is actually very fragile if civil society does not show strong support for the KPK.

In the end, the situation of the KPK after the revision of the law left public trust at its nadir in law enforcement and corruption eradication. If the wound of independence continues to be allowed to gape, there will be impunity for the corrupt and public trust in the State will be further lost. Without high independence, the KPK is unlikely to be able to eradicate corruption effectively. Therefore, in order to restore the performance of corruption eradication by the KPK, a firm state legal policy in favor of an independent KPK institution is absolutely needed.

I. INTRODUCTION

BACKGROUND

The Corruption Eradication Commission (KPK) is the fourth branch institution, outside the political triad, which acts as law enforcement in the field of corruption. The biological children of this reform were born to answer public distrust in the institutions of the police, prosecutor's office, and judiciary. Historically, the emergence of the KPK was a structural response to corruption which was an extraordinary crime, built in a spirit similar to Hong Kong's *Independent Commission Against Corruption* (ICAC) which was designed as a sole agent in the fight against corruption free from the influence of any branch of power.

A decade later, the current condition of the KPK can be said to be very worrying. The authority of the KPK was actually reduced through the revision of the KPK Law. The new KPK regulation, namely Law No. 19/2019 places the KPK under the executive family and its employees have the status of State Civil Apparatus (ASN). Not only that, the law also regulates the establishment of the KPK's Supervisory Board (Dewas) whose task is not only to enforce the code of ethics, but also elements that must know pro-judicial matters such as wiretapping, searches, and seizures. The KPK's position in the executive branch is actually a sign of the loss of crown independence.

A number of these precedents were answered by the worsening image of the KPK in the eyes of the public. The decline in the image of the KPK was recorded from the results of the Kompas R&D face-to-face survey for the December 2023 period. In this survey, the good image of the corruption eradication agency was at 47.5 percent. This figure is the lowest, at least from 22 surveys since January 2015.

This decline is indeed not the first. Previously, in the October 2019 survey, the KPK's good image also declined, especially after the passage of the revised KPK Law in September 2019. The image of this institution decreased at 76.5 percent in the October 2019 survey period compared to the March 2019 period which was at 77.3 percent. The KPK's good image is the highest in 22 Kompas R&D surveys recorded at 88.5 percent in the January 2015 survey.

The image of the KPK in freefall cannot be separated from the series of events leading up to this institution throughout the last four years. It is undeniable that the era of the

KPK in the last four years is closely related to its position as a derivative of the revised KPK Law. In fact, the revision effort at that time faced widespread resistance from the public. The decline in the good image of the KPK as illustrated by the face-to-face survey was also strengthened by the results of the Kompas R&D poll by telephone held in early December 2023. The hustle and bustle of the KPK during Firlis's reign in the last four years also affected the tearing of public trust.

Furthermore, as many as 60.2 percent of respondents in the poll expressed less trust in this anti-corruption agency. In fact, more than half of respondents assessed that the independence of the KPK is also no longer believed to be able to bring this institution to work professionally and with integrity because it could be intervened by the government.

The results of the poll stated that revising the KPK Law is one of the roadmaps to strengthen the KPK institution. The majority of respondents (89.3 percent) approved the law revision measures aimed at strengthening this institution in combating corruption. However, in terms of track record, the decline in the image of the KPK began since this institution tended to weaken after the revision of the KPK Law.

Ethical problems carried out by the leadership without strict sanctions also add to the mix of corruption eradication, the latter of which is also reflected in the drastic decline in Indonesia's *Corruption Perception Index (CPI) 2022* score. Indonesia Corruption Watch (ICW) monitoring results show deteriorating performance of KPK enforcement since the revision of the law. There was a downward trend in enforcement from 2019 to 2021. In 2019, the KPK handled 62 cases with 155 suspects. The figure then dropped in 2020 to 15 cases with 75 suspects. As for 2021, the KPK handled 32 cases and named 115 suspects.

Before this law was passed in 2019, the number of corruption cases successfully prosecuted in 2018 was relatively high, reaching 454 cases. That is, it will take two years to at least move on to improve the performance of corruption crackdowns – even that is not significant when compared to before the regulation was hammered.

The amount of potential state financial losses saved was minimal. In the first half of 2023, state losses handled by the prosecutor's office reached IDR 152,247,332,248,704 and USD 61,948,551 respectively. Of this amount, which can be returned to the state treasury of Rp 42,496,731,838,471, only about one-third of the value of the loss. This figure certainly does not include corruption that has not been revealed.

Moreover, the degradation of the anti-corruption institution was supported by the Constitutional Court Decision which reformulated the terms of office of the head of the Corruption Eradication Commission, which was previously regulated in the KPK Law for four years, to five years, Thursday (25/5/2023) because it was considered to violate the principle of justice. In fact, the authority to change should be carried out by the DPR and the government as the framer of the law, not the Constitutional Court.

The urgency of assessing the performance of the KPK is also becoming increasingly important because it coincides with the approach to the 2024 General Election as a momentum for changing national leadership. Therefore, Transparency International Indonesia assesses the performance of the KPK as an *Anti-Corruption Agency (ACA)* in Indonesia for 2023. The research, supported by the *Australia-Indonesia Partnership for Justice (AIPJ) 2*, uses the ACA Assessment instrument which has also been carried out by Transparency International Indonesia in 2015 and 2019.

PURPOSE OF ASSESSMENT

This assessment aims to support the performance of corruption eradication carried out by the KPK, as well as the Indonesian government in order to be able to achieve its institutional mandate, by considering internal and external performance factors. This initiative is based on the need to strengthen the KPK in accordance with the spirit of *the Jakarta Principles for ACAs (2012)* and the 2011 UNDP Capacity Assessment guidelines for ACAs.

In the long term, this study is expected to be an active part in increasing support for KPK institutions through partnership building, dialogue, evidence-based advocacy to the government, and comparative evaluation of institutions including various relevant stakeholders.

This study was conducted from May to November 2023 to measure progress after the passing of Law Number 19 of 2019. The evaluative study is expected to identify opportunities for progress, as well as provide a better understanding to all stakeholders committed to eradicating corruption about the supporting and inhibiting factors affecting the effectiveness of the KPK.

Specifically, this assessment is intended to:

1. Produce objective and concrete evidence for policy and procedural reforms.

2. Encourage the KPK, government, civil society, and other relevant stakeholders to engage in dialogue around assessment findings and support reforms to support KPK performance improvement.
3. Implementing advocacy recommendations is carried out through an action planning process, with monitoring and capacity building support from TI Indonesia and others.
4. Provide recommendations for advocacy implemented by the government, civil society and other relevant stakeholders

METHODOLOGY

KPK performance is measured using 50 indicators divided into six dimensions, including: a) Independence and Authority; b) Financial and Human Resources; c) Accountability and Integrity; d) Monitoring, Enforcement and Investigation; e) Prevention, Education, and Outreach; f) Inter-Agency Cooperation. This measurement base is taken from the *United Nations Conventions Against Corruption (UNCAC)* articles 6 and 36, as well as *The Jakarta Principles (2012)* and its derivatives. These assessment dimensions and indicators include:

Table 1. Assessment Dimensions and Indicators

No.	Assessment Dimensions	Indicators
1.	Independence and Authority	9
2.	Financial and Human Resources	9
3.	Accountability and Integrity	9
4.	Monitoring, Enforcement and Investigation	9
5.	Prevention, Education, and Outreach	8
6.	Inter-Agency Cooperation	6
TOTAL		50

Each assessment indicator above has three possible scores, namely *high*, *medium* and *low*. These indicators have been categorized according to the supporting elements of the KPK's own performance, as well as a broader set of factors that enable the KPK to

perform its duties, namely *internal supporting factors*, *external supporting factors*, and *actual performance factors*.

Internal supporting factors are 14 indicators under the control of the KPK that affect performance, such as internal resources, ethical mechanisms and cooperation with other organizations. Meanwhile, external supporting factors consist of 16 indicators that are beyond the control of the KPK and affect performance, especially aspects related to independence to institutional authority.

The third factor is the actual performance factor, which is 20 indicators that describe the actual performance of an anti-corruption agency. These factors include 15 *activity* indicators such as KPK compliance with *due process of law*, and 5 impact indicators such as the level of suspect determination to successful prosecution. The full details of this factor can be seen further in the appendix section.

In assessing each indicator, the research team identified specific sources of information, as well as the legal basis and support for the KPK. Furthermore, the research team reviewed each score through data mining from various informants including KPK employees and management, as well as interviews with other related parties such as government agencies, legislature, judiciary, media and civil society organizations.

The results of each score are then aggregated so as to obtain relative strength values from each of the six dimensions. In complementing the indicator-based analysis, the assessment is also based on an analysis of the KPK's policy context and a thorough understanding of the KPK's institutional profile and background, so as to support the development of targeted and realistic recommendations to be achieved.

The assessment was compiled through a combination of policy analysis, news content analysis, expert interviews with semi-structured question guidance and focus group discussions with key stakeholders. In order to improve the quality of assessment, this study is also prepared using a literature study method with data collection carried out through tracing the trail of news articles in print and digital media that are administratively and factually verified by the Press Council, scientific journals, books, institutional reports, laws and court decisions and other legal literature. All referenced media articles have been vetted for reliability and assumed to have gone through journalistic verification before publication.

Information is processed by analyzing, and assembling it descriptively, to explain the relationship between the phenomena that occur with direct and indirect implications related to the performance of the KPK. The results of this assessment are then

formulated in the form of a series of recommendations that are not only aimed at anti-corruption institutions, but also other stakeholders.

The report is divided into four parts. Part 1 presents the institutional profile of the KPK. Part 2 explores the political situation of corruption eradication law in Indonesia. Part 3 presents the main findings and a detailed assessment of each indicator, with comments on the key issues and specific gaps identified. Part 4 presents a series of brief conclusions, and recommendations from Transparency International Indonesia to strengthen the KPK's institutional and performance.

Table 2. List of Assessment Indicators

DIMENSION	INDICATORS								
Independence and Status	Independence of the institution	Mechanism for appointment and dismissal of Commissioners	Mandate	Jurisdiction	The power of investigation and investigation	The power of recommendations	Legal authority	Operational authority	Use of political power
Human Resources and Budget	Proportion of budget	Budget adequacy	Budget stability	Employee salaries	Employee selection	Investigation and prosecution skills	Prevention and education expertise	Employee Training	Employee stability
Accountability and Integrity	Annual reporting	Responsiveness to requests for information	External monitoring mechanism	Internal review mechanism	Due process compliance	Willingness of the whistleblower to self-identify	Handling of employee reporting	Results of employee reporting	Internal integrity mechanism
Detection, Investigation, and Prosecution	Reporter accessibility	Responsiveness to corruption reports	Proactive investigation	Efficiency and professionalism	Prosecution rate	Suspect determination rate	Investigation of influential people	Restitution and asset recovery	Perception of performance

Prevention, Education and Outreach	Budget allocation	Strategic planning	Training and education	Organization review	Prevention strategy recommendations	Research	Dissemination and campaigns	Online communication	
Cooperation and External Relations	Government support	Cooperation with other law enforcement agencies	Cooperation with non-governmental organizations	International network	Cooperation with anti-corruption agencies other countries	Accessibility of marginalized groups			

ASSESSMENT INFORMANTS

This study applies a multi-stakeholder approach that seeks to promote positive and sustainable change. In order to complement the data collected from literature and literature reviews, as well as data provided by the KPK, the research team also conducted interviews with parties from various sectors and backgrounds.

The ACA 2023 assessment invited the views of more than 100 experts/stakeholders at both the national and local levels, including from government agencies, legislators, law enforcement, judicial institutions, employers' associations, state commissions, anti-corruption and development experts, legal experts, mass media, to civil society organizations.

The informants involved in this research include representatives from the Coordinating Ministry for Political, Legal and Security Affairs, the Supreme Court, the Ministry of Finance, the Corruption Eradication Commission (Leader, Supervisory Board, Employee Element), Indonesian National Police, Attorney General's Office, House of Representatives, Ministry of Home Affairs, Ministry of National Development Planning, Ministry of Law and Human Rights, Presidential Staff Office, Center for Financial Transaction Reporting and Analysis, Indonesian Chamber of Commerce, representatives of the business world, civil society organizations, academics and practitioners, and journalists.

Not only informants from Ministries/Agencies and organizations at the central level, the ACA Assessment 2023 study also covers at the regional level. The research team searched and extracted data with civil society organizations from 7 provinces, including North Sumatra, West Sumatra, DKI Jakarta, DI Yogyakarta, West Nusa Tenggara, East Kalimantan and South Sulawesi.

In the regions, the data mining process involves regional bureaucracy, regional law enforcement officials, business actors, legal aid institutions, legal experts, civil society organizations, regional academics, and journalists.

2. CORRUPTION ERADICATION COMMISSION (KPK)

LEGAL BASIS

The Corruption Eradication Commission (KPK) was established based on the mandate of Law Number 31 of 1999 jo. Law Number 20 of 2001 concerning the Eradication of Corruption Criminal Acts (Tipikor Law). The Law on Corruption mandates that the KPK be established no later than two years after this Law comes into force and that the provisions regarding the establishment, organizational structure, work procedures, responsibilities, duties and authorities, and membership of the KPK be further regulated by law.

Formed in 2002, the institutional design of the KPK is then regulated in Law Number 30 of 2002 concerning the Corruption Eradication Commission (KPK Law) which has now been amended at least twice, most recently through Law Number 19 of 2019 concerning the Second Amendment to Law Number 30 of 2002 concerning the Corruption Eradication Commission.

The purpose of establishing the KPK according to the KPK Law is to increase the effectiveness and efficiency of efforts to eradicate criminal acts of corruption. In that order, the KPK has duties, authorities and obligations in the scope of inter-agency coordination and supervision, prevention and law enforcement, and supervision of the administration of state government.

Table 3. Comparison of KPK Tasks (Before and After Revision)

Article 6 of Law 30/2002 (pre-amendment)	Article 6 of Law 19/2019 (post-amendment)
a. Coordination with agencies authorized to eradicate criminal acts of corruption;	a. Preventive measures so that Corruption Criminal Acts do not occur;
b. Supervision of agencies authorized to eradicate criminal acts of corruption;	b. Coordination with agencies authorized to carry out the Eradication of Corruption and agencies in charge of carrying out public services;

<ul style="list-style-type: none"> c. Conduct investigations, investigations, and prosecutions of criminal acts of corruption; d. Take measures to prevent criminal acts of corruption; and e. Monitor the administration of the country. 	<ul style="list-style-type: none"> c. Monitor the administration of the country; d. Supervision of agencies authorized to carry out the Eradication of Criminal Acts of Corruption; e. Investigation, investigation, and prosecution of Criminal Acts of Corruption; and f. Acts to carry out the determination of judges and court decisions that have acquired permanent legal force.
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Initially, the KPK's institutional position was not identified into any particular power cluster. Only after the second amendment to the KPK Law, it was stated that the KPK is a state institution in the executive power family which in carrying out its duties and authorities is independent and free from the influence of any power.

The KPK is domiciled in the capital and its working area covers the entire territory of the Republic of Indonesia. The provision that previously allowed the KPK to form representatives in provincial areas has been abolished based on the second amendment to the KPK Law.

For the implementation of its duties, the KPK is accountable to the public and submits its reports openly and periodically to the President, DPR, and BPK. Public accountability is carried out by:

- a. mandatory audit of performance and financial accountability in accordance with its work program;
- b. issue annual reports; and
- c. Open access to information.

In carrying out its duties, the KPK must adhere to at least 6 (six) principles, namely legal certainty, openness, accountability, public interest, proportionality, and respect for human rights. The costs required by the KPK for the implementation of its duties are fully charged to the State Budget (APBN).

ORGANIZATIONAL STRUCTURE AND FUNCTIONS

1. KPK Chairman and Supervisory Board

The organizational structure of the KPK underwent significant changes after the second amendment to the KPK Law. One of these changes was the abolition of the Advisory Team and the establishment of the Board of Trustees. As the name implies, the Supervisory Board was formed in order to oversee the implementation of the duties and authorities of the KPK. In comparison, the function of the Supervisory Board is much stronger than that of the previous Advisory Team, which functions to provide advice and consideration in accordance with its expertise to the KPK in carrying out its duties and authorities. In fact, the KPK Law initially gave the Supervisory Board the task of granting permission or not granting permission related to wiretapping, searching, and/or seizure, before finally this provision was canceled through Constitutional Court Decision Number 70/PUU-XVII/2019.

Table 4. Comparison of KPK Organizational Structure (Before and After Revision)

Article 21 Law 30/2002 (pre-amendment)	Article 21 Law 19/2019 (post-amendment)
<p>The KPK consists of:</p> <ul style="list-style-type: none"> a. KPK leaders consisting of 5 (five) KPK members; b. Advisory Team consisting of 4 (four) Members; and c. KPK employees as acting officers 	<p>The KPK consists of:</p> <ul style="list-style-type: none"> a. Supervisory Board of 5 (five) people; b. KPK leaders consisting of 5 (five) KPK members; and c. KPK employees.

Both the Supervisory Board and the KPK Chairman hold office for 5 (five) years and can be re-elected in the same position only for 1 (one) term in accordance with Constitutional Court Decision Number 112/PUU-XX/2022. This decision amends the provisions in the KPK Law which previously stipulated the term of office of the KPK Chairman and the Supervisory Board for 4 (four) years.

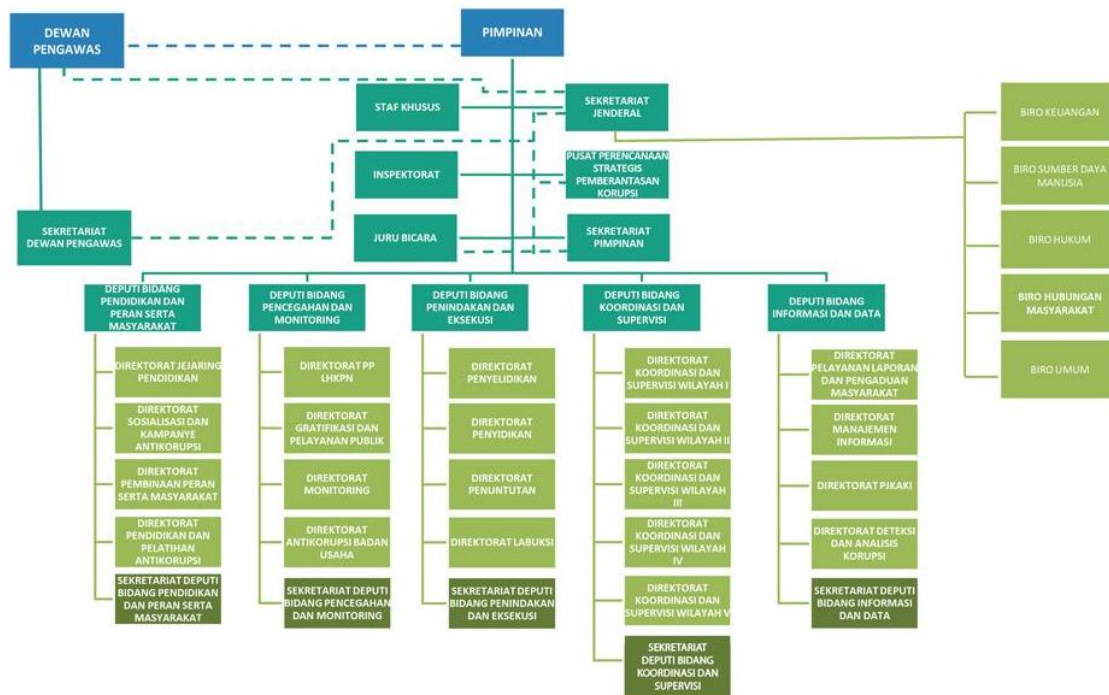
Table 5. Position of KPK Leaders and Supervisory Board in Law 19/2019

Order	KPK Chairman	Supervisory Board
	a. chairman concurrently member; and	Chairman and members

	b. 4 (four) vice chairmen and concurrently members.	
Status	State officials.	-
Characteristic	Collegial collective.	-

As shown in the table above, the KPK Law regulates the affairs of KPK Leaders more fully than the Supervisory Board. However, there are a number of provisions related to the position of KPK Leaders that were removed after the second amendment to the KPK Law. For example, the KPK leader is no longer referred to as an investigator and public prosecutor, or, the KPK leader is no longer referred to as the highest person in charge of the KPK.

Graphs 1. KPK Organizational Structure (Law 19/2019)



2. Division

Referring to the KPK Law, the KPK institution is completely in charge of 4 (four) areas as the table above, including the Prevention Field, the Enforcement Field, the Information

and Data Field, and the Internal Control and Community Complaints Field. These fields then oversee a number of sub-fields and task forces, which the KPK Law delegates to be further regulated by KPK Decree.

The KPK decision which is currently a form of implementation of the KPK Law related to division matters is KPK Regulation Number 7 of 2020 concerning the Organization and Work Procedures of the KPK.

3. Duties and Functions

KPK Regulation Number 7 of 2020 concerning the Organization and Work Procedures of the KPK has detailed the position, duties, functions and composition of each structural unit, from the highest to the lowest. To give you a little overview, this section will describe in more detail the position, duties, functions and composition of some of the most crucial units, ranging from the KPK Leadership and the Supervisory Board to units at the deputy level. Details are as follows:

a. KPK Chairman

The KPK leadership has duties including:

- 1) formulate, establish policies, and strategies for the eradication of criminal acts of corruption;
- 2) implementation of technical guidance on the implementation of corruption eradication tasks at the ranks of the structure of the Corruption Eradication Commission;
- 3) implementation of coordination and monitoring of the implementation of the task of Eradicating Criminal Acts of Corruption;
- 4) implementation of supervision and guidance on the implementation of corruption eradication duties in the ranks of the structure of the Corruption Eradication Commission; and
- 5) Increase the participation of the community, business entities and international cooperation in the eradication of corruption.

b. Supervisory Board

The Board of Trustees has duties including:

- 1) Supervise the implementation of the duties and authorities of the Corruption Eradication Commission;
- 2) authorize or not authorize wiretapping, searches, and/or seizures; (*note: void based on Constitutional Court Decision Number 70/PUU-XVII/2019*)
- 3) prepare and establish a code of ethics for Leaders and Employees;
- 4) receive and follow up reports from the public regarding alleged violations of the code of ethics by Leaders and Employees or violations of the provisions of the Law on the Corruption Eradication Commission;
- 5) holding hearings to examine alleged violations of the code of ethics by Leaders and Employees; and
- 6) conduct periodic performance evaluations of Leaders and Employees 1 (one) time in 1 (one) year.

c. General Secretariat

The General Secretariat has the task of coordinating the implementation of tasks, coaching, and providing administrative support to all organizational units within the Corruption Eradication Commission. In carrying out these duties, the General Secretariat carries out the following functions:

- 1) coordination of the activities of the Corruption Eradication Commission;
- 2) coordination and preparation of plans, programs, and budgets of the Corruption Eradication Commission;
- 3) guidance and provision of administrative support which includes, administration, staffing, finance, household, cooperation, public relations, archives, and documentation of the Corruption Eradication Commission;
- 4) coaching and structuring the organization and governance;
- 5) coordination of drafting regulations and legal products as well as litigation support and witness protection;

- 6) implementation of management of state property/wealth, goods/services procurement services, security, and management of the Corruption Eradication Commission detention center branch;
- 7) provision of public information and communication services, news and publications as well as documentation of the activities of the Corruption Eradication Commission;
- 8) coordination and synchronization in the evaluation and preparation and submission of task implementation reports periodically and / or at any time as needed; and
- 9) implementation of other duties within the scope of his field of duty by order of the Leader.

d. Deputy for Education and Community Participation

The Deputy for Education and Community Participation has the task of formulating and implementing policies in the field of education and the role of the community in preventing criminal acts of corruption. In carrying out these duties, the Deputy for Education and Community Participation carries out the following functions:

- 1) formulation of technical policies in the field of education and community participation which includes education networks, socialization and anti-corruption campaigns, community participation development, and anti-corruption education and training;
- 2) implementation of studies, studies and / or research in order to support the implementation of duties in the Deputy for Education and Community Participation;
- 3) implementation of anti-corruption education programs in each education network;
- 4) planning and implementing socialization programs and anti-corruption campaigns;
- 5) planning and preparing anti-corruption certification programs;
- 6) implementation of secretarial activities and human resource development at the Deputy for Education and Community Participation;

- 7) implementation of coordination, synchronization, monitoring, evaluation and implementation of working relations between directorates at the Deputy for Education and Community Participation; and
- 8) implementation of other duties within the scope of his field of duty by order of the Leader.

e. Deputy for Prevention and Monitoring

The Deputy for Prevention and Monitoring has the task of preparing formulations and implementing policies in the field of preventing criminal acts of corruption. In carrying out these duties, the Deputy for Prevention and Monitoring carries out the following functions:

- 1) formulation of technical policies in the field of prevention and monitoring which includes registration and examination of state administrator asset reports, gratuities and public services, monitoring, and Anti-Corruption of Business Entities;
- 2) implementation of studies, studies and / or research in order to support the implementation of duties in the Deputy for Prevention and Monitoring;
- 3) implementation of registration, announcement and examination of the state administrator's asset report;
- 4) handling of reporting and controlling gratuities received by Public Servants or State Administrators;
- 5) implementation of corruption eradication monitoring;
- 6) implementation of Anti-Corruption of Business Entities;
- 7) implementation of duties as the secretariat of the National Anti-Corruption Strategy;
- 8) implementation of secretarial activities and human resource development at the Deputy for Prevention and Monitoring;

- 9) implementation of coordination, synchronization, monitoring, evaluation and implementation of working relations between units at the Deputy for Prevention and Monitoring; and
- 10) implementation of other duties within the scope of his field of duty by order of the Leader.

f. Deputy for Enforcement and Execution

The Deputy for Enforcement and Execution has the task of preparing formulations and implementing policies in the field of enforcement and execution of corruption and money laundering crimes. In carrying out these duties, the Deputy for Enforcement and Execution carries out the following functions:

- 1) formulation of technical policies in the field of enforcement and execution which include investigation, investigation, prosecution, asset tracking, evidence management, and execution of handling cases of corruption and/or money laundering;
- 2) the implementation of studies, studies and / or research in order to support the implementation of duties at the Deputy for Enforcement and Execution;
- 3) conducting investigations into suspected criminal acts of corruption and cooperating in investigative activities carried out by other law enforcement officials;
- 4) conducting investigations into suspected corruption and/or money laundering and cooperating in investigative activities carried out by other law enforcement officials;
- 5) the implementation of prosecutions, the submission of legal remedies, the implementation of judges' determinations and court decisions, the implementation of other legal actions in handling cases of corruption and/or money laundering in accordance with laws and regulations;
- 6) asset tracking, evidence management and execution of loot;
- 7) implementation of secretarial activities, resource development and operational support to the Deputy for Enforcement and Execution;

- 8) the implementation of coordination, synchronization, monitoring, evaluation and implementation of working relations between units at the Deputy for Enforcement and Execution; and
- 9) implementation of other duties within the scope of his field of duty by order of the Leader.

g. Deputy for Coordination and Supervision

The Deputy for Coordination and Supervision has the task of preparing formulations and implementing policies in the field of coordination and supervision in handling cases of criminal acts of corruption. In carrying out these duties, the Deputy for Coordination and Supervision carries out the following functions:

- 1) formulation of technical policies in the field of coordination of state governance including assessment of administrative management systems in local governments;
- 2) formulation of technical policies in the field of coordination and supervision of investigations, investigations, and prosecutions in the eradication of corruption crimes by other law enforcers;
- 3) implementation of studies, studies and / or research in order to support the implementation of tasks in the Deputy for Coordination and Supervision;
- 4) coordinate investigations, investigations, and prosecutions in the eradication of corruption by other law enforcement;
- 5) request information, progress in handling and establish a reporting system in anti-corruption activities by other law enforcement;
- 6) expose or title joint cases related to the development of handling corruption crimes in the place of the agency handling the case or other agreed places;
- 7) carry out supervision, research and/or review activities on case handling by other law enforcement officials;

- 8) recommend to the Leadership to carry out the takeover of case handling at the stage of investigation or prosecution from other law enforcement officials;
- 9) implementation of coordination, synchronization, monitoring, evaluation and implementation of working relations between units at the Deputy for Coordination and Supervision; and
- 10) implementation of other duties within the scope of his field of duty by order of the Leader.

h. Deputy for Information and Data

The Deputy for Information and Data has the task of preparing and implementing policy formulations in the field of information and data in the context of preventing and enforcing criminal acts of corruption. In carrying out these duties, the Deputy for Information and Data carries out the following functions:

- 1) formulation of technical policies in the field of public report and complaint services, information and data management, fostering networks between commissions and agencies, and anti-corruption detection and analysis;
- 2) implementation of studies, studies and / or research in order to support the implementation of tasks at the Deputy for Information and Data;
- 3) implementation of community reports and complaint services;
- 4) planning, developing and providing support for systems, information and communication technology at the Corruption Eradication Commission;
- 5) implementation of network development between commissions and agencies in the eradication of corruption;
- 6) collection and processing of data and information, including information analysis for the purposes of preventing and enforcing criminal acts of corruption, managerial interests as well as in the context of detecting indications of criminal acts of corruption and vulnerability to corruption as well as potential problems that cause corruption;

- 7) the establishment of an early detection analysis center for indications of corruption and corruption vulnerability as well as potential problems that cause corruption;
- 8) implementation of data and information analysis to anticipate obstacles and resistance of perpetrators of criminal acts of corruption;
- 9) management of national and international networks in the eradication of corruption;
- 10) implementation of secretarial activities and resource development at the Deputy for Information and Data;
- 11) Implementation of coordination, synchronization, monitoring, evaluation and implementation of working relations between units at the Deputy for Information and Data; and
- 12) implementation of other duties within the scope of his field of duty by order of the Leader.

HUMAN RESOURCES AND BUDGET

Based on the Annex to the Regulation of the Chairman of the Corruption Eradication Commission No. PER 03 of 2018 dated February 20, 2018 concerning the Organization and Work Procedures of the KPK, the KPK Organizational Structure is as follows:

Again referring to the KPK Law, it is stated that the KPK consists of a Supervisory Board of 5 (five) people, KPK Leaders consisting of 5 (five) KPK Members, and KPK Employees. Then the KPK Law confirms the status of the KPK Chairman as a state official and does not mention the status of the Supervisory Board. Meanwhile, the status of KPK employees who were previously special, after the second amendment of the KPK Law changed to the State Civil Apparatus (ASN).

Quoted from the KPK Annual Report, the following is the KPK's personnel data for 2019 to 2022:

Table 6. KPK Personnel Data 2019-2022

No.	Official	Year			
		2019	2020	2021	2022
1.	General Secretariat	482 people	433 people	441 people	467 people

		(29,59%)	(27,24%)	(28,43%)	(28,61%)
2.	Deputy for Education and Community Participation			62 people (4,00%)	89 people (5,45%)
3.	Deputy of Prevention and Monitoring	311 people (19,09%)	241 people (15,16%)	166 people (10,70%)	175 people (10,72%)
4.	Enforcement and Execution Deputy	445 people (27,32%)	413 people (25,99%)	372 people (23,98%)	453 people (27,75%)
5.	Deputy of Coordination and Supervision			92 people (5,93%)	107 people (6,55%)
6.	Deputy of Information and Data	259 people (15,90%)	251 people (15,79%)	302 people (19,47%)	282 people (17,27%)
Total HR		1,629 people	1,589 people	1,551 people	1,632 people

While related to the budget, as mentioned in the previous section, the costs required by the KPK for the implementation of tasks are fully charged to the State Budget (APBN). Quoted from the KPK Annual Report, the following is the KPK budget realization data for 2019 to 2022:

Table 7. KPK Budget Realization 2019-2022

No.	Work Unit	Budget Realization				Average (\bar{x})
		2019	2020	2021	2022	
1.	General Secretariat	Rp 711 Billion (98.03%)	Rp 719.9 Billion (97.9%)	IDR 781.4 billion (96.7%)	Rp 802.2 billion (99.4%)	98%
2.	Deputy of Education and			Rp 32.4 billion (87.5%)	Rp 64.6 billion (97.4%)	92,45%

	Community Participation					
3.	Deputy of Prevention and Monitoring	IDR 55.7 billion (90.95%)	Rp 40.2 billion (86.9%)	IDR 35.3 billion (90.2%)	Rp 59.8 Billion (88.2%)	89%
4.	Enforcement and Execution Deputy	Rp 63.7 Billion (95.29%)	IDR 43.2 billion (86.9%)	Rp 48 Billion (95.1%)	Rp 67.6 billion (95.1%)	93%
5.	Deputy of Coordination and Supervision			Rp 16.5 billion (93.3%)	Rp 37.4 billion (92.8%)	93%
6.	Deputy of Information and Data	Rp 61.7 Billion (95.83%)	Rp 73,9 Billion (92%)	Rp 87.6 billion (94.1%)	Rp267.8 billion (97.0%)	94,7%

3. THE LEGAL POLITICS OF CORRUPTION ERADICATION IN INDONESIA

The lack of political commitment of the government and legislature in ensuring true independence is a major problem for the majority of anti-corruption agencies everywhere. The performance of this institution is still hampered due to inadequate independence, weak institutional capacity, and limited mandate. Until now, various efforts to interfere with the independence of the KPK are still being carried out, including in the election of KPK leaders which currently involves various problems in the process.

Article 6 of the UN Convention Against Corruption (UNCAC) already affirms that anti-corruption agencies must be equipped with the "necessary independence" to carry out their functions effectively and "free from undue influence" as well as adequate material, staff and training resources. This condition should be implemented, considering that Indonesia has been a State Party to UNCAC since its ratification on December 18, 2003. This low commitment is also shown by the poor compliance with the implementation of UNCAC recommendations, where until now Indonesia has only completed 8 of the 32 recommended recommendations.

This standard is certainly also in line with the Jakarta Principles on Anti-Corruption Institutions (*The Jakarta Principles 2012*) which encourages the State to dare to protect the independence of anti-corruption institutions. A similar trend is also confirmed from the results of KPK performance measurement research (2015 and 2019) conducted by Transparency International Indonesia. The research shows that the aspect of independence really needs attention; in this case, various efforts to reduce the authority of the KPK were contributed.

However, the collapse of the 2022 Indonesian Corruption Perceptions Index is a bitter gift ahead of the 25th anniversary of reform. Ironically, the decline in scores was the worst since 1997, or a quarter century after the start of the post-New Order era itself. This decline also occurred only three years after the enactment of Law Number 19 of 2019 concerning the KPK.

Indonesia's score which fell four points to 34 was also a reflection of one of the steepest declines in the Asian region. In terms of ranking, Indonesia is currently ranked 110 out of 180 countries assessed, or down 14 places from the previous position of 96. No doubt, this condition further immerses Indonesia in the abyss of 1/3 of the most corrupt countries in the world and is far below a number of neighboring countries such as Singapore, Malaysia, Timor-Leste, Vietnam and Thailand—a heartbreaking position for the holder of the 2023 ASEAN Chairmanship baton.

Indonesia (34), along with other major countries that experienced democratic regression, such as India (40), the Philippines (33) and Bangladesh (25) also experienced a drop in the Corruption Perception Index score. This is allegedly an implication of the increasingly excessive consolidation of power in the hands of the executive followed by intensified restrictions on civil space and the suppression of freedom of expression.

KPK WITHIN THE FRAMEWORK OF INDONESIAN STATEHOOD

In the trajectory of constitutional history, state institutions are among those that have made a lot of progress. If in the past the branches of state power were only classified in executive, legislative, and judicial powers, along with the complexity of constitutional problems, a new state institution was formed that was separate from the existing branch of state power.

There are *independent regulatory agencies* and *state auxiliary agencies*. The background of the formation of this new state institution departs from the view that existing state institutions are considered unable to solve various life problems in the increasingly complex modern era.

An independent state institution has varying degrees of independence according to its function. However, there is a pattern that characterizes independent state institutions, including the election and dismissal of leaders carried out according to the procedures stipulated in the law, leadership is collegial collective, the number of leaders is odd, with a *staggered* tenure.

One of the independent state institutions formed by many countries in the world is a state institution that is given the task of eradicating corruption. Independence is a determining factor for the success of corruption eradication institutions, because in exercising the authority to eradicate corruption will target actors holding power both in the executive, legislature, and judiciary.

If the anti-corruption agency is not independent of the power holder in one branch of power, then the interests of the power can intervene. Under intervention conditions, the eradication of corruption will not be effective, even anti-corruption institutions can actually be used as tools of power

In countries with widespread corruption, the *United Nations Office on Drugs and Crime* (UNODC) provides a number of recommendations regarding an independent anti-corruption agency. The goal is that the eradication of corruption can be effective and free from forms of power intervention. The establishment of new institutions is also expected as a new beginning that is clean from corruption. This view also departs from the reality that existing law enforcement agencies are not free from various forms of authority abuses including corruption, so they cannot be expected to eradicate corruption professionally.

At the same level, the *United Nations Convention Against Corruption* (UNCAC) ratified by Indonesia through Law Number 7 of 2006 does not standardize the model of anti-corruption institutions for parties. However, UNCAC requests that States parties establish an independent anti-corruption agency or institutions.

Indonesia itself created an independent anti-corruption institution in Law Number 30 of 2002. In exercising its authority, the KPK is free from the influence of any power. The establishment of the KPK as an independent institution can be seen for its historical reasons in consideration of Law Number 30 of 2002 which admits that efforts to eradicate corruption have not been optimal. The existing corruption eradication agencies, namely the police and prosecutors, have not been effective in eradicating corruption.

The KPK institution was made independent of power. However, unfortunately in the early days of the establishment of the KPK filled the position of investigator by recruiting police investigators. This practice of recruiting investigators from the police is still ongoing today. This creates dual loyalty which can affect the independence of the KPK at any time. Quah said one of the requirements for an anti-corruption agency to work effectively is "*the ACA must be independent from the police and from political control.*"

In this context, the presence of legal politics which is a political product of the ruling group is important to provide direction and goals for the eradication of corruption. Indeed, the legal policy contained in Law Number 30 of 2002 has provided a strong basis for the independence of the KPK. However, in 2019 there was a revision of the KPK Law by the President and the House of Representatives which caused a contrasting change in the politics of the law to eradicate corruption through Law Number 19 of 2019.

Changes in anti-corruption institutions were in accordance with the objectives of lawmakers, namely the government and parliament which were then in power.

At that time, the political agenda for the revision of the KPK Law was preceded by Constitutional Court Decision Number 36/PUU-XV/2017 which gave legitimacy to the implementation of DPR questionnaire rights against the KPK, where the Constitutional Court stated that the KPK was in the executive power cluster. This ruling contradicts the previous decisions of the Constitutional Court which always maintained the independence of the KPK. Historically, *as stated in the dissenting opinion* of Constitutional Court Decision No. 36/PUU-XV/2017, the Constitutional Court has always placed the KPK as an independent state institution as can be seen in the following decisions: (1) Constitutional Court Decision Number 012-016-018/PUU-IV/2006, dated December 19, 2006; (2) Constitutional Court Decision Number 19/PUU-V/2007, dated November 13, 2007; (3) Constitutional Court Decision Number 37-39/PUU-VIII/2010, dated October 15, 2010; and (4) Constitutional Court Decision Number 5/PUU-IX/2011, dated June 20, 2011.

The *dissenting judges*, including Constitutional Judges Maria Farida Indrati, I Dewa Gede Palguna, Suhartoyo and Saldi Isra, revealed that in general, the series of Constitutional Court rulings affirmed:

- 1) The establishment of institutions such as the KPK can be considered constitutionally *important* and the existence of state commissions such as the KPK has become commonplace.
- 2) The institutional nature of the KPK is as a law enforcement agency in the field of corruption.
- 3) KPK is an independent state institution that in carrying out its duties and authorities is free from (interference) from any power.
- 4) The KPK is an independent state institution that is given special duties and authorities, among others, to carry out some functions related to judicial power to conduct investigations, investigations and prosecutions and supervise the handling of corruption cases committed by other state institutions.
- 5) Leadership is collective and the end of the leader's term of office (can) expire alternately (*staggered terms*).

Constitutional Court Decision No. 36/PUU-XV/2017 finally included the KPK in the executive domain, which carries out functions in the executive domain, namely investigation, investigation, and prosecution. In its explanation, the Constitutional Court stated that the KPK is clearly not in the judicial realm, because it is not a judicial

body authorized to try and decide cases. The KPK is also not a legislative body, because it is not a law-forming organ.

In fact, as constitutional developments in the world are increasingly advanced, it is very clear the reality of the birth of independent state institutions that do not fall into the cluster of three branches of state power that already exist, both executive, legislative, and judicial. The KPK in its formation design is made according to this concept, which is independent outside the three branches of state power. KPK institutions are also made according to the theory of independent state institutions, including:

- a) It is clearly stated to be an independent state institution in its underlying regulations;
- b) Leadership is a collegial collective;
- c) The filling of leadership positions is carried out independently through the approval mechanism of more than one institution;
- d) The dismissal of the chairman can only be carried out according to law (not the prerogative of the president).
- e) Accountability to the public, not to the President and the House of Representatives

Constitutional Court Decision No. 36/PUU-XV/2017 is therefore problematic when viewed from the perspective of constitutional science. The denial of the concept of independent state institutions so that all state institutions must be included in one of the three clusters of branches of state power shows the attitude of the Constitutional Court that rejects constitutional development. However, changes to the KPK Law through Law 19 of 2019 far exceed the Constitutional Court Decision No. 36/PUU-XV/2017.

If Constitutional Court Decision No. 36/PUU-XV/2017 only theoretically includes the KPK in the executive power family, Law No. 19 of 2019 actually regulates the institutional aspects of the KPK under executive power. In this case, changes in the KPK's institutional design are then subject not only to the President, but also to other law enforcement officials. For example, the President directly appoints the Board of Trustees for the first time, without selection and without confirmation of the House of Representatives.

This means that the President has the prerogative to fill the position of the Supervisory Board. The KPK is also subordinate to other law enforcers, for example in recruiting investigators, the KPK is required to organize education in cooperation with the police

or prosecutor's office. This situation makes the recruitment of investigator human resources cannot be carried out independently by the KPK.

If read carefully in consideration, the revision of the KPK Law departs from the view of the need to bring order to the KPK as a law enforcement institution. In his consideration, it was said that the police, prosecutors, and the Corruption Eradication Commission as institutions that handle corruption cases need to be increased synergy so that each can be effective and successful in efforts to eradicate corruption based on the principle of equality of authority and protection of human rights.

That is, there is a view of the framers of the law that so far the KPK has been considered difficult to cooperate with the police and prosecutors. This view is certainly not based on clear data, facts, and study results, and instead serves as an entry point that the KPK should be regulated under executive power "so that it is synergistic with other law enforcement and easy to regulate". The implementation of KPK duties needs to continue to be improved through a comprehensive and synergistic strategy to prevent and eradicate criminal acts of corruption. This view departs from the assumption that the KPK prioritizes enforcement rather than prevention.

In the general explanation, it can be known that the purpose of changing some provisions in this Law is expected to:

- a. Placing the Corruption Eradication Commission as a unit of government institution apparatus together with the police and/or prosecutor's office to make integrated and structured efforts in the prevention and eradication of corruption.
- b. Develop a strong network and treat existing institutions as conducive "*counterpartners*" so that corruption prevention and eradication can be carried out more effectively, efficiently, coordinated, and in accordance with general provisions stipulated in laws and regulations;
- c. Reducing the inequality of relations between law enforcement institutions in the prevention and eradication of criminal acts of corruption, by not monopolizing and investigating the duties and authorities of investigation, investigation, and prosecution; and
- d. Carry out cooperation, supervision and monitoring existing institutions in a joint effort to prevent and eradicate Criminal Acts of Corruption.

The amendment of Law Number 30 of 2002 to Law Number 19 of 2019 concerning the KPK is in line with statements by government officials who show attacks or at least cynicism towards efforts to eradicate corruption, especially in the aspect of

enforcement. For example, President Moeldoko's Chief of Staff once said that the KPK's crackdown on corruption harmed investment. This statement was also made by Luhut Binsar Pandjaitan who said that the crackdown did not make corruption disappear, but actually embarrassed the Indonesian nation. These comments were consistently uttered in the period leading up to and after the revision of the KPK Law in 2019. So it is clear that the revision of the KPK Law is not intended to strengthen the KPK or follow the principles of *The Jakarta Principles for Anti-Corruption Agencies*, but is an agenda to subordinate the KPK under power.

DISORIENTATION TO STRENGTHEN CORRUPTION ERADICATION

Legal politics can also be interpreted as state policy in making and implementing laws to achieve state goals. Since 2019, the law has been used as an instrument of economic growth. The government has launched job creation as the main agenda, where the path taken is to improve the investment climate. The formation of the law is intended only to facilitate business continuity.

However, the formation of laws is carried out by ignoring community participation. This can be seen in the revision of the KPK Law through Law Number 19 of 2019 and Law Number 11 of 2020 concerning Job Creation. These two regulations were briefly passed and eliminated democratic values in the process of forming laws and regulations. The claim of job creation goals contradicts the regulated substance.

Widespread opposition has emerged from various community groups to the erroneous policy of legislation. Meanwhile, the revision of the KPK Law was carried out departing from the understanding that the KPK is an obstacle to investment. As a result, the KPK was subdued under power. The independence of the KPK is increasingly being eroded. Meanwhile, the Job Creation Law was ruled conditionally unconstitutional by the Constitutional Court.

Since 2019, it can be said that eradicating corruption has not been a priority agenda by the government. Eradication is even more directed at the prevention sector. It was also dominated by jargon without initiating a systemic program that had a significant impact on bringing about change. The government, parliament, and KPK leaders are increasingly allergic to the crackdown. Indeed, the eradication of corruption is still carried out, but with the condition that it does not interfere with the investment climate.

The policy of the ruler with this style contradicts the agenda of facilitating investment. Simply put, it is impossible for the investment climate to improve without the eradication of corruption which is also objective. Basically, high-cost economic practices are the source of corruption and investigation problems. However, in this issue, it is precisely the anti-corruption agency that is weakened under the pretext of facilitating investment.

In general, since the revision of the KPK Law, it does not mean that the eradication of corruption has not been carried out. Law enforcement officials, both the police, the prosecutor's office, and the KPK continue to work. However, the implementation is still classified as not optimal. There are practically no clear and measurable targets, and even minimal interventions into priority areas.

LACK OF REGULATIONS TO SUPPORT THE ERADICATION OF CORRUPTION

The eradication of corruption in Indonesia has never experienced a significant leap of progress. One of the reasons is that the required regulations are not available. In the last two years, no regulations have been encouraged, let alone passed, to support the acceleration of corruption eradication. There are at least three bills that need to be passed immediately.

First, the Bill of Forfeiture of Assets Proceeds of Crime. This bill can be a *game changer* in efforts to eradicate corruption. The typology of corruption as an economically motivated crime must be brought closer to economic disincentives. On the one hand, a corporate criminal approach is necessary, but the "impoverishment" of corruptors is far more important given the urgency to recover state financial losses.

By carrying out an impoverishment approach to perpetrators of corruption, it is believed that it can have a more deterrent effect. The Asset Forfeiture Bill provides a legal instrument for seizing assets whose origins cannot be explained by the reverse evidentiary method. Interestingly, this process is carried out without going through the usual mechanisms in criminal law. Because, what is used as a focus is not individuals, but assets. This means that there is no need to prove individual guilt in the legal process.

Second, the Corruption Eradication Bill. As a reflection, the current Corruption Law still contains many weaknesses. One of them concerns the need for adjustment of Indonesia's positive law to the UN Convention Against it. For example, the need to criminalize *trading in influence* and *illicit enrichment*. In addition, the revision of the

Criminal Law is also important to reduce criminal disparities due to differences in the threat of punishment regulated in it.

Third, the Cash Transaction Restriction Bill. This legislation is very important to narrow down the various crimes that have been carried out by utilizing cash transactions, such as bribery. If cash transactions are restricted, then every flow of funds in large quantities must use non-cash instruments. Thus, PPATK and law enforcement officials more easily detect suspicious transactions.

In addition to these three bills, one of the urgent improvements made is to regulate sanctions for non-compliance with the reporting of the State Administration Asset Report (LHKPN). Because, so far, state organizers are believed to be non-compliant in reporting LHKPN because Law Number 28 of 1999 is not accompanied by the threat of strict sanctions.

THE ABSENCE OF THE KPK IN PUSHING FOR ANTI-CORRUPTION REGULATIONS

Over the past four years, practically the KPK has not made a significant contribution in encouraging the acceleration of the promulgation of regulations related to the eradication of corruption. The KPK's agenda focuses more on internal issues, such as drafting regulations mandated by Law 19/2019. Meanwhile, the leaders through their commissioners are more preoccupied with internal conflicts, especially those involving the dismissal of dozens of employees through the National Insight Test.

Although as the implementer of the Law, as the main institution mandated to eradicate corruption, the KPK can and needs to urge the government and parliament to form laws and regulations that can prevent corruption and make corruption eradication effective. For example, KPK support can be carried out in various ways, including providing research results which are then disseminated to the public and policy stakeholders, as well as collaborating with stakeholders on the urgency of the anti-corruption regulation so that it can be immediately passed into law.

4. FINDINGS AND ANALYSIS

GENERAL FINDINGS

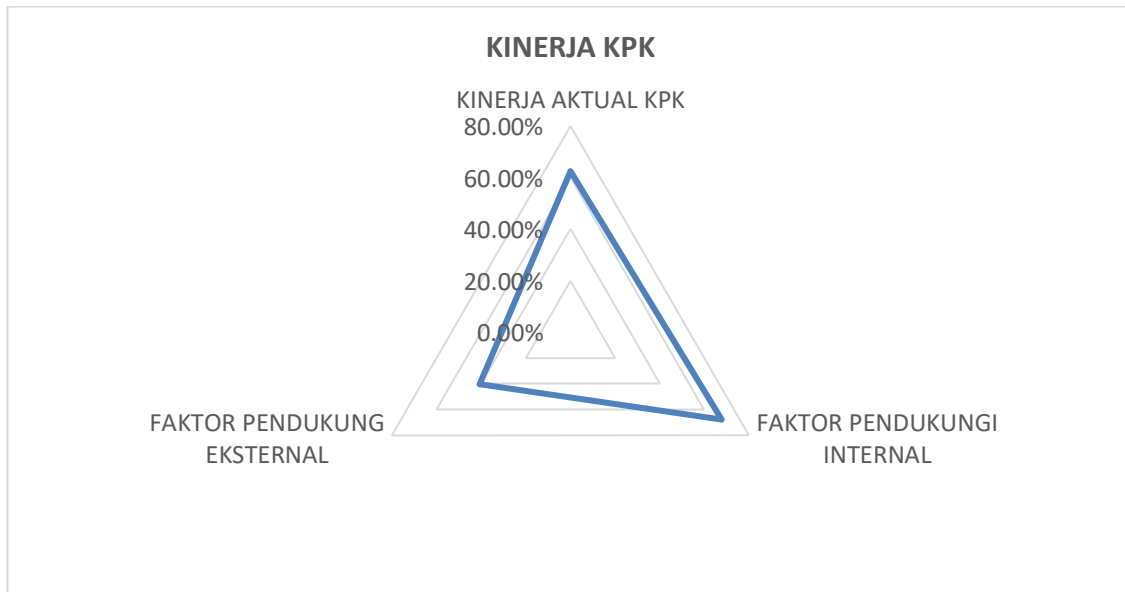
Based on performance appraisals using six predetermined dimensions, the KPK obtained a final result of 57% in 2023. This figure is down dramatically from the previous assessment in 2019 which was 80%. This result is proof that the KPK is currently performing and is in a very bad situation. All dimensions assessed also decreased, and none of the dimensions improved.

Graphs 2. KPK Performance Appraisal Results



In internal supporting factors, the KPK has regressed from the previous percentage of 85.71% in 2019 to 62.50% in 2023. Meanwhile, external supporting factors also experienced turbulence from the previous 78.13% in 2019 to 67.86% in 2023. In addition, the actual institutional performance of the KPK has degraded from having a percentage of 80% in 2019 to 40.63% in 2023.

Graphs 3. KPK Performance Results Data and Supporting Factors 2023



CLASSIFICATION	NUMBER OF INDICATORS	MAXIMUM VALUE	ACTUAL VALUES	PERCENTAGE
Internal Supporting Factors	14	28	25	62,50%
External Supporting Factors	16	32	19	67,86%
KPK Performance	20	40	13	40,63%
Total	50	100	57	57%

The above results show that in the last four years, the KPK has experienced major turbulence to become increasingly critical. The level of public trust has fallen sharply. In the period before 2019, the KPK was always one of the institutions trusted by the public with a trust level above 80%; while in 2021 the results of the Political Indicators survey showed a figure of 65%.

This means that the public is now increasingly doubtful about the independence of the KPK as seen in the handling of strategic cases, especially those involving politicians. The KPK is also plagued by internal problems with rampant ethical violations committed by

KPK personnel, both leaders and employees. Even at the end of 2023, the Chairman of the KPK becomes a corruption suspect processed by the Indonesian National Police.

The poor situation of the KPK is also in line with the poor corruption climate as indicated by the decline in the *Corruption Perception Index* (CPI). In the last year, namely in 2022, Indonesia's CPI dropped dramatically from a score of 38 to 34. This means that there has been a drastic setback so that Indonesia's CPI 2022, the position is the same as in 2014—the beginning of President Widodo's administration.

This situation can also be read by meaning that the nine years of President Joko Widodo's administration did not have a significant contribution in the eradication of corruption. This is inseparable from the government's top priorities in the last nine years, namely in the field of infrastructure and economic development, which clearly abandons the development of legal institutions and the agenda of eradicating corruption. So that reliable development programs are difficult to be free from legal problems.

The revision of the KPK Law resulted in the KPK losing a high degree of independence. The framers of the law denied the concept of *Anti-Corruption Agencies* in the context of *the fourth branch* that is outside the legislative, executive, and judicial branches of power. The placement of the KPK in the executive power cluster was followed by various arrangements that eventually subordinated the KPK to the influence of other powers, especially the government.

This change in legal politics stems from the basic assumption that the KPK is so wild that it cannot be controlled. Anti-corruption agencies are considered difficult to synergize with other law enforcement officials. The KPK is also considered to prioritize enforcement rather than prevention. KPK enforcement work is considered to have a negative influence on perceptions of corruption eradication in Indonesia. The number of corruption cases handled by the KPK is considered to give the impression that Indonesia is very corrupt, thus harming Indonesia's image in the international eye. The KPK is also considered to have left the government system, because it has its own civil service system apart from the civil service system.

The impact is clearly visible, for example, in the KPK personnel who changed their status to the State Civil Apparatus (ASN), the President appointed the Supervisory Board for the first time without selection, the president's authority to regulate the institution of the supervisory implementing organ, the KPK supervision mechanism is determined by the President, KPK investigator education must be carried out in collaboration with the

police or prosecutor's office, and other forms of arrangements that open intervention to the KPK.

New legislation has succeeded in subjecting the KPK to executive power. In addition, the KPK is also designed to get along with other law enforcement. In fact, the mandate of the establishment of the KPK is precisely to clean up law enforcement agencies so that they can work effectively to eradicate corruption. The spirit of *the trigger mechanism* no longer appears in the new KPK Law.

The anti-corruption institution eroded its independence, resulting in public doubts about the work of the crackdown. Against politicians from the ruling group, the KPK seems so loose. As for politicians outside of power, the KPK (at least its leadership) is so persistent that it insists even though the investigators refuse, because they think the case is not worthy of going up to investigation. The big concern is not only about the declining performance of the KPK, but the KPK is being used as a tool of power to suppress political rivals of the ruling party.

Even less than a year after the revision of the KPK Law was passed, three major scandals of corruption in the executive realm erupted in early 2020. There are two cases within the ministry, the first is a lobster seed export corruption case involving Edhy Prabowo, Minister of Maritime Affairs and Fisheries with state losses reaching Rp 900 billion. Next, corruption of social assistance rations with suspected Social Minister Juliari Batubara who was accused of accepting bribes worth Rp 32 billion. Previously, General Elections Commission (KPU) commissioner Wahyu Setiawan was caught accepting bribes for the 2019 legislative election.

Some KPK operations, such as the investigation of the Harun Masiku case, for example, ended anticlimactically. The name of the PDI-P faction DPR member was dragged in the case of KPU commissioner Wahyu Setiawan, but Masiku managed to escape after allegedly receiving information leaks related to the KPK's enforcement operation plan. Many parties accused the KPK Supervisory Board (Dewas) of involvement in the failure of Masiku's arrest. The prejudice is well-founded: the amended provisions in the latest version of the KPK Law require that every wiretap, search and seizure must first obtain written permission from the Dewas (Article 12B juncto Article 47 paragraph (1) of the KPK Law). In that scenario, only the investigator or Dewas knew the plan to handle the case at the KPK.

The need to obtain written permission from Dewas made the search effort a bureaucratic process. As a result, the evidence that the perpetrator wanted to find was already eliminated. The requirement to have Dewas' written permission to make this forced attempt was later disallowed by the Constitutional Court which in its decision said that written permission was not needed, but was sufficiently notified (Constitutional Court, in Decision Number 70/PUU-XVII/2019 dated April 19, 2021, pp. 331-335).

In addition, 2020 was also marked by bribery scandals that tarnished the names of the Attorney General's Office and the National Police. Prosecutor Pinangki Malasari meets corruption fugitive Djoko Tjandra in Malaysia. The irregularity was sniffed when in the investigation of the Pinangki case, the Attorney General's Office suddenly issued Guideline Number 7 of 2020 which requires that searches, summons against prosecutors suspected of being involved in corruption must obtain the permission of the Attorney General first. It is difficult to resist the notion that the release of the guidelines gives the impression that the Attorney General's Office is protecting Pinangki.

In addition to Pinangki, two active police generals at the National Police Headquarters, Napoleon Bonaparte and Prasetyo Utomo were also involved in the Joko Tjandra bribery case. With a bribe of IDR 7 billion, the former Head of the International Relations Division of the National Police deleted Djoko Tjandra's red notice, so that the fugitive in the Bank Bali billing rights case was not easily detected by Interpol radar abroad.

Not only at the central level, in areas corruption cases are also fertile. At the provincial level there were sasus arrests of former South Sumatra Governor Alex Noerdin, South Sulawesi Governor Nurdin Abdullah, Papua Governor Lukas Enembe and most recently North Maluku Governor Abdul Gani. Previously, the Mayor of Cimahi, Regent of Probolinggo, Regent of Nganjuk, Regent of Malang, as well as Mayor of East Kotawaringin were included in the list of those who had been arrested for corruption.

The emergence of the fact of corruption of regional heads is not new. From 2004 to January 2022, no less than 22 governors and 148 regents/mayors were arrested by the KPK. That number is certainly greater when combined with data from the police and prosecutors. Data from Indonesia Corruption Watch (ICW) recorded that from 2010 to June 2018 no less than 253 regional heads were designated as corruption suspects.

The absence of a concrete legal political orientation also has serious implications for the future of the KPK. Not enough with that, the package of legislation to support law enforcement has also not been promulgated by the government and DPR, such as the Asset Forfeiture Bill and the Bill on Restriction of Currency Transactions. Clearly, the corruption eradication ecosystem in Indonesia is strongly influenced by factors outside the law enforcement institutions themselves.

Especially in relation to the election of KPK Commissioners 2019-2023—which was later extended to five years by the Constitutional Court—instead of being able to show achievements, both Firli Bahuri, Lili Pintauli Siregar, Nawawi Pomolango, Alexander Marwata, and Nurul Ghufron, often show controversy. This can be seen starting from a series of ethical violations, leadership filled with political gimmicks, to the dismissal of dozens of KPK employees because they were considered not to have passed the National Insight Test.

The existence of the KPK Supervisory Board also does not function effectively to supervise and evaluate the performance of KPK employees and Commissioners. In fact, the authority to enforce the code of ethics has also failed to be demonstrated by the Supervisory Board, at least based on a number of ethical decisions so far.

Two key sectors that are the main tasks of the KPK such as enforcement and prevention are getting further away from public expectations. The decline in the number of prosecutions followed by poor quality in handling major cases made the KPK lose its direction to maximize law enforcement. Similarly, in terms of prevention, the grand construction of the agenda did not work and drew a lot of criticism.

The ACA Assessment 2023 study once again confirms that the current significant decline in KPK performance cannot be separated from the revision of the KPK Law carried out in 2019. The revision had a major effect on the decline in the degree of independence of the KPK. As a result of reduced independence, it then affects the performance of institutions, operations, and ultimately the performance of the KPK as a whole; which in turn leads to decreased public trust in the KPK.

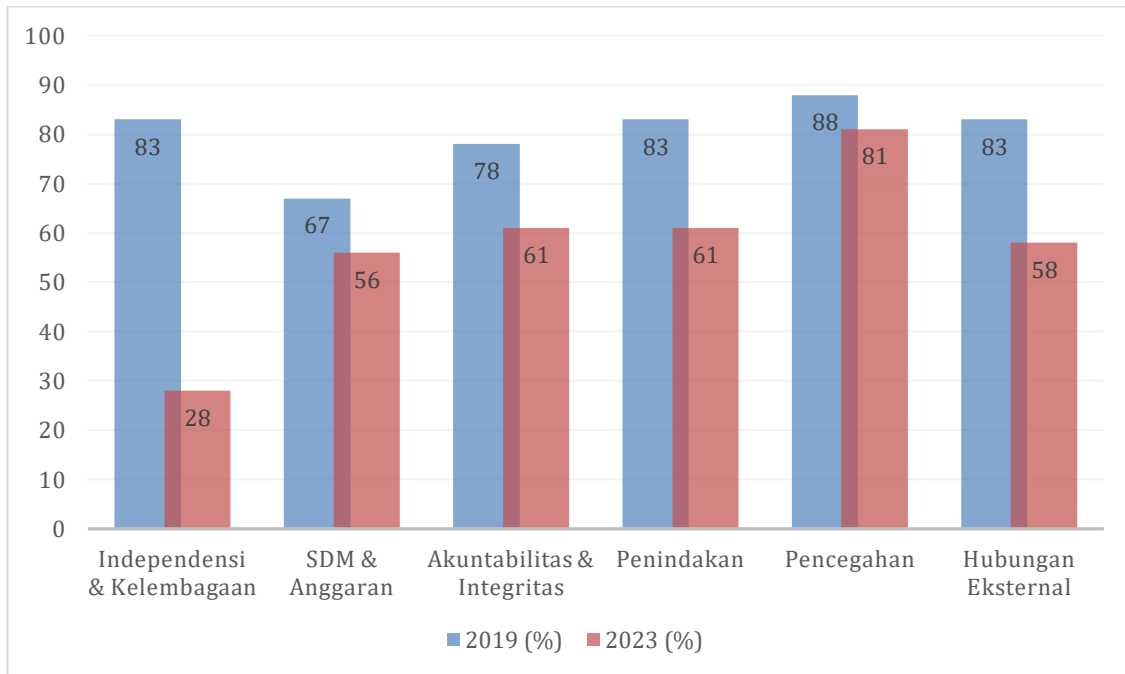
FINDINGS PER DIMENSION

Based on performance appraisals using six predetermined dimensions, one of the worst dimensions is Independence and Status which only obtained a score of 28%. Even though in 2019 this dimension is quite good with a score of 83%. This is proof that the

revision of the KPK Law in Law Number 19 of 2019 has a very serious impact on the fading of the KPK's institutional independence. The Human Resources and budget dimensions are also poor, only getting 56%. This figure has also decreased from 2019 with a score of 67%.

In fact, this dimension is the main recommendation in the 2019 assessment for improvement. The dimension of Cooperation and External Relations is also in a bad position of 58%. Down dramatically from the 2019 period with a score of 83%. This decline was as a result of the KPK's policy of leaving civil society as the main partner, especially during the period of Firli Bahuri's leadership.

Graphs 4. Comparison of KPK Performance Percentage 2019 and 2023



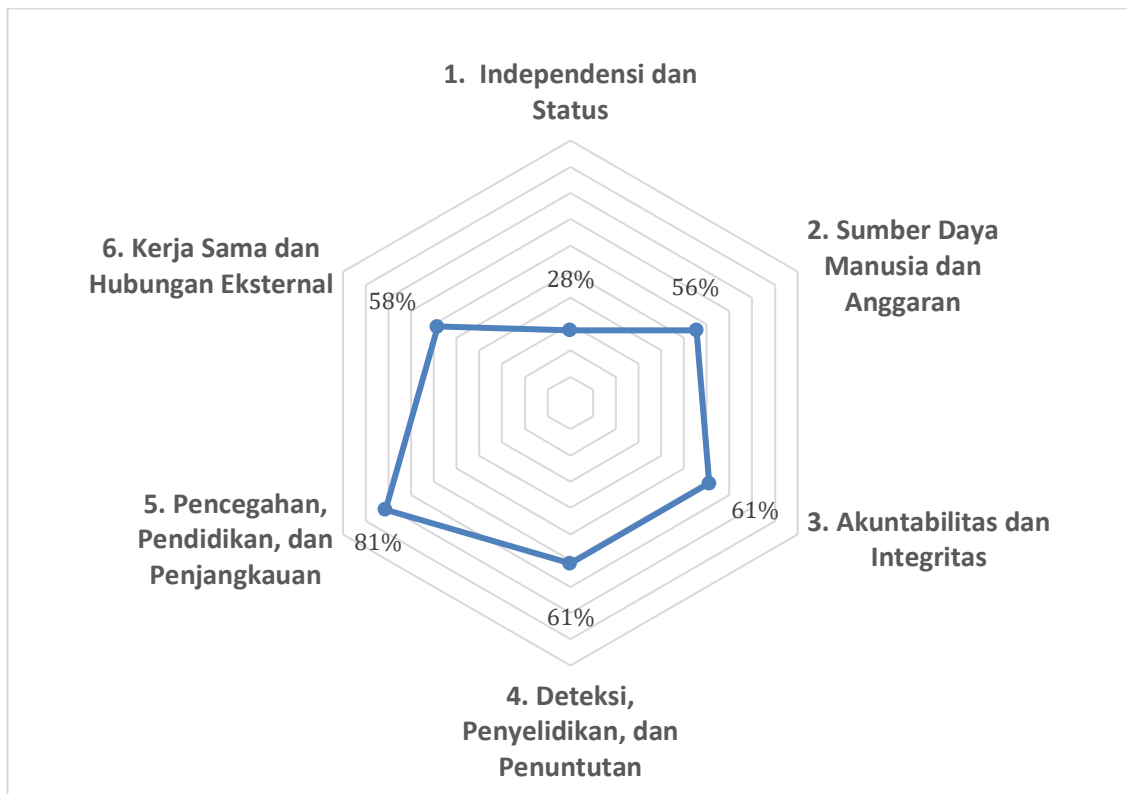
Two dimensions obtained the same score, namely the Accountability and Integrity dimension at 61%, and the Detection, Investigation and Prosecution dimension at 61%. However, both also experienced a drastic decline from the 2019 assessment period which placed Accountability and Integrity at 78% and Detection, Investigation and Prosecution at 83%.

This decline occurred because the internal KPK was plagued by various serious ethical issues that eroded the moral legitimacy of the KPK as an institution that carries the

values of integrity. The decline in the ability of Detection, Investigation and Prosecution occurs because enforcement is weakened through various restrictions in Law 19 of 2019. Not to mention the issue of alleged leakage of information and case documents that interfere with enforcement work.

The KPK only obtained one dimension that has a percentage above 80 percent, namely the Prevention, Education and Outreach dimension of 81%. This number is the highest among various other dimensions. Of course, it is understandable considering that the design of the KPK in Law Number 19 of 2019 has changed its orientation to prioritize prevention. However, this relatively high prevention rate has also decreased from 2019 which obtained a score of 88%. This means that the revision of the KPK Law does not fully contribute to improving prevention work, but clearly undermines enforcement work.

Graphs 5. Corruption Eradication Commission Performance Value 2023



The dimensions of Cooperation and External Relations are also in a bad position (58 percent). Two dimensions obtain the same score, namely, a). Accountability and Integrity (61 percent), b). Detection, Investigation and Prosecution (61 percent). The

KPK only obtained one dimension that has a percentage above 80 percent, namely the Prevention, Education and Outreach dimension (81 percent). It should be noted that there are differences in composition between indicators per dimension so it does not have to be directly comparable.

1. INDEPENDENCE AND STATUS

The Independence and Status dimensions have decreased the most, putting the KPK in a bad condition. Legally, Law Number 19 of 2019 still refers to the KPK as an independent state institution, under the cluster of executive power. However, such independent claims mean little.

The institutional independence of the KPK is on the verge of collapse when all aspects that should be ensured without interference from the branches of power are co-opted into the executive realm. Starting from the institutional model, staffing concept, intervention of other law enforcement officials within the scope of enforcement, to the individual actions of the KPK Commissioner.

Since the KPK was decided to firmly enter the executive power cluster through the Constitutional Court decision Number 40 / PUU-XV / 2017, institutional independence has become one of the serious weakening points. Article 3 of Law 19/2019 uses the Constitutional Court's decision as a basis to force the KPK to submit to the executive branch of power.

The concept of KPK personnel is also the target object of Law 19/2019 to be included in the State Civil Apparatus. In fact, Article 24 of Law Number 30 of 2002 (Law 30/2002) has provided flexibility for the KPK to appoint employees and not depend on the government.

In another part, Law 19/2019 is also known to change the requirements to become an investigator and investigator of the KPK. This is stated in Article 43 A and Article 45 A of Law 19/2019, which is coordinated between the KPK and the Police and Prosecutor's Office to conduct education for prospective KPK Investigators and Investigators.

Although it seems formally that there is no fundamental change in terms of the qualifications of individuals who can register as Investigators or Investigators at the KPK, the necessity of prospective investigators and investigators to attend education organized by the Police or Prosecutor's Office can certainly affect the KPK's control in ensuring institutional independence is maintained.

Not to mention the problem of investigators with assistance status who can be called back to their respective corps at any time. A concrete example occurred when dozens of KPK investigators from the National Police were withdrawn while the anti-corruption agency was investigating a SIM simulator corruption case. Another substantial problem with this pattern of recruitment and education is the potential for dual loyalty that is highly counterproductive to law enforcement work in the KPK, as happened in the KPK's "Red Book" incident.

The decline in KPK independence was exacerbated by KPK Chairman Firli Bahuri who was still an active member of the National Police when he was appointed as KPK Commissioner on December 20, 2019. The deterioration in the independence of the anti-corruption agency is also reflected in the behavior of KPK Commissioner Lili Pintauli Siregar who is known to be in direct contact with the litigants in the KPK, namely the Mayor of Tanjung Balai, M. Syahrial. Not only that, he was also widely reported to have also established communication with one of the candidates for Regent and Vice Regent of North Labuhanbatu.

In theory, including the KPK in the executive power cluster is clearly a fundamental mistake. This is because the mandate of the establishment of the KPK due to the stagnant situation of law enforcement by the Police and the Prosecutor's Office became legitimacy to include it in a new branch of power, namely an independent state institution. Indeed, this issue was also affirmed in the Constitutional Court rulings in 2006 and 2011 which mentioned the independence of the KPK so that there is no hesitation when taking action against parties who hold or exercise state power.

Further arrangements, such as the mechanism for appointing and dismissing commissioners, mandates, authorities, investigative and prosecution powers, legal authority, operational authority, no longer indicate that the KPK is an independent state institution. At least the degree of independence of the KPK has decreased sharply.

This dimension has decreased so that the degree of independence of the KPK is much reduced. Including the KPK as a cluster of executive power means ignoring the concept of independent state institutions as the *fourth branch*. Indeed, this problem did not suddenly arise from the framers of the law, namely the House of Representatives and the President. However, there was a contribution from the Constitutional Court through Decision No. 36/PUU-XV/2017 which placed the KPK in an executive position.

Various KPK institutional arrangements in Law Number 19 of 2019 clearly show efforts to subordinate the KPK to the government, for example by transferring its employment status to civil servants. The President's interference in the KPK institution is also

reflected in the preparation of the supervisory implementing organ. Even though the KPK is not an institution under the President, but the institutional organs within it can be determined unilaterally by the President. This can actually be interpreted as a form of intervention. The supervisory implementing organ should be regulated in the KPK Law or if it is considered too technical, it should be left to the KPK to regulate it independently internally.

The institutional independence of the KPK diminished after it was placed in the executive power cluster. Indeed, the KPK is not placed under the ministry or the National Police. However, being in the executive power cluster was then translated into the status and staffing model of the KPK which was eventually changed to ASN. This change is a major setback for the independence of the KPK. Law Number 19 of 2019 also provides a way for the President's interference in the KPK institution which is clearly reflected in the preparation of the supervisory implementing organ, even though the KPK is not an institution under the President.

The filling of the position of KPK leader is still using an open selection model, but a new body formed within the KPK is the Supervisory Board for the first time directly elected by the President. This violates the principle of independence in filling positions in the KPK. So that the process of appointing Dewas is very subjective, not transparent, and erodes the independence of the KPK. The president can place his "person" in the KPK without adequate supervision. That the President finally appoints great figures still cannot justify a violation of the principle of independence.

In terms of independence, Law Number 19 of 2019 does not contribute to improving the KPK institution. For example, it does not adopt the appointment of KPK leaders with a *staggering system model* that makes the term of office of KPK leaders not completed simultaneously. In addition, there is also no regulation of immunity rights for KPK leaders when carrying out their duties and authorities.

The independence of the KPK in conducting investigations was also disrupted due to the obligation to ask permission from Dewas when wiretapping. This obstacle was later changed by the Constitutional Court Decision which no longer requires the KPK to ask Dewas' permission when conducting wiretaps and replace it with a notice.

In terms of jurisdiction, the KPK has also experienced a narrowing, which can only handle cases involving state administrators and state financial losses above one billion rupiah. The KPK can no longer handle corruption cases that attract attention and disturb the public. In terms of supervision, the independence of the KPK is also disrupted, with the regulation in Law Number 19 of 2019 that supervision of agencies authorized to

eradicate criminal acts of corruption, the regulation is left to a Presidential Regulation. Once again the President is authorized by law to regulate the workings of the KPK.

Related to the strength of the investigation, the problem of wiretapping that currently still has not received attention is the obligation to destroy immediately the results of wiretapping that are not related to corruption crimes being handled by the KPK. If the obligation is not carried out, the official and/or person who keeps the wiretap proceeds is subject to criminal penalties. But the problem lies in the definition or category of wiretapping results that are not related to criminal acts. The absence of definite indicators can eventually open up space for criminalization of KPK personnel, due to unclear regulations in the law. Another thing that has also changed in the new legislation is that the KPK leadership no longer acts as investigators and public prosecutors.

From the operational side, the KPK is also increasingly losing its independence. Anti-corruption agencies can no longer independently recruit and educate their own investigators, and require cooperation with the police/prosecutor's office. In fact, operationally the KPK is often disrupted, especially due to human resource problems. At the same time, the KPK continues to have dependence and even dominance of human resources from other ministries/agencies, especially investigators from the National Police. This greatly affects the independence of the KPK. In the event that there is a dynamic of the KPK-Polri relationship that has ups and downs, the KPK operations are also affected because many KPK employees come from the National Police. At any time the police investigator at the KPK can be withdrawn to the National Police so that it can affect the resolution of the case being handled.

The KPK also cannot be free from the use of force for political gain. For example, in cases close to practical politics, namely the case of Formula E and the Migrant Worker Protection System of the Ministry of Manpower. The problem in the Formula E case is that there is pressure from the leadership to the Deputy Enforcement and Director of Investigation to raise the status of the case, even though in the opinion of the investigator there is not enough evidence. Meanwhile, in the case of the Ministry of Manpower's Migrant Worker Protection System, the examination time raises a question mark because it is processed after the program has passed more than 11 years.

A report by *Tempo Magazine* (December 17, 2023) shook the public because it described the desire to weaken the KPK as coming from President Jokowi himself. *Tempo* said the President considered the KPK too strong to "interfere with development". For the President, many regional head programs are stuck because their

movements are supervised by the KPK. At that time, the Commission had just named Aceh Governor Irwandi Yusuf as a suspect of corruption in infrastructure projects using special autonomy funds.

The President's refusal to maintain the independence of the KPK was later affirmed by the Chairman of the KPK 2015-2019, Agus Rahardjo. In an interview with *Kompas TV*, Agus admitted that he had been 'scolded' and asked by the President to stop investigating corruption in the procurement of electronic KTP (e-KTP) around 2017 which ensnared the Speaker of the House of Representatives and Chairman of the Golkar Party at that time, Setya Novanto. It is calculated that there are even two to three direct requests from the President to stop the case, even though the President later denied the accusation (December 4, 2021). The State Palace's intervention against the KPK was not only experienced by Agus Rahardjo. TEMPO also said a senior minister in Jokowi's cabinet had tried to contact former KPK commissioner Saut Situmorang when the KPK was preparing to name Setya as a suspect.

Ahead of the 2019 presidential election, the President is building a coalition with the Golkar Party which was led by Setya. The President's request proved that he had moved to weaken the Commission long before the KPK Law was revised. In other words, Jokowi's developmentism is the culprit behind the weakening of the KPK, which is also supported by DPR politicians. During the KPK's 20 years of existence, it has arrested 344 corruption cases involving DPR members—the third most after businessmen and government officials.

After that, the President's intervention was also seen during the selection process for the 2015-2019 KPK leadership candidate. Four *Tempo* sources interviewed separately revealed that there was a role for a minister and Istna official during the process of selecting candidates to replace Lili Pintauli Siregar, who was dragged into a bribery scandal and resigned. The Palace summoned the candidates separately, and was asked to declare its commitment to government policy. Candidates, for example, were asked not to push for legal proceedings at the KPK involving families of political party officials and a national bank. The reason is that the government wants to maintain economic stability. The candidates were also asked for their views on the handling of the alleged Formula E corruption case at the KPK.

Attorney General Sanitiar Burhanuddin's instruction to stop investigations and investigations into cases involving participants in the 2024 elections also attracted the attention of the KPK. In December 2023, KPK Deputy Chairman Nurul Ghufro had

proposed that the KPK postpone the examination of a number of cases until the election was over, which he claimed did not want the legal process at the KPK to be politicized.

Tempo sources revealed that two law enforcers in the KPK said that the leadership had decided to postpone the investigation of corruption cases in a number of ministries. For example, leaders are reluctant to sign summonses and examinations until the determination of suspects submitted by the investigation team. One of the delays is allegations of corruption in the Ministry of Agriculture related to procurement projects, which will only be opened after the 2024 elections.

Another case whose witness examination has been postponed is the investigation into rail project corruption at the Directorate General of Railways of the Ministry of Transportation. This case initially ensnared the Head of the Central Java Perkerataapian Engineering Center (BTP) Putu Sumarjaya and Central Java BTP commitment-making official Bernard Hasibuan. The KPK arrested businessman Dion Renato Sugiarto. During the trial, the names of Transportation Minister Budi Karya Sumadi and businessman Muhammad Suryo appeared. But later, when investigators wanted to recall Minister Budi on December 6, the letter disappeared from the internal system.

Another example relates to the summons and examination of former Deputy Minister of Law and Human Rights, Edward Omar Sharif Hiariej. The KPK had previously named Eddy as a gratification suspect in September 2023. Investigators planned to re-examine Eddy on Dec. 15, but the summons again disappeared. Until now, investigators do not know who removed the summons.

A similar pattern of intervention was also very visible in the social assistance corruption case that dragged the Minister of Social Affairs at that time, Juliari Batubara. This case had brought up the names of DPR members from PDIP, Herman Hery and Ihsan Yunus. However, the KPK only ended up ensnaring Juliari. In addition, until now, another PDIP politician, Harun Masiku is also still a fugitive and there is no clarity, even though his existence is important to expose bribery practices in political parties. A number of precedents above, clearly indicating the stalling of a number of investigations and cases that drag government officials and politicians, prove the interference of the authorities against the KPK.

2. HUMAN RESOURCES AND BUDGET

In general, this dimension is rated poorly. Ideally, the KPK is given 0.1% budget support, but in its implementation, the average proportion of the KPK budget to the total

government budget is always less than 0.1%. In the last four years, the average KPK budget has been 0.041%. In 2022, the KPK budget is IDR 1,303,673,972,000.00 from the state budget of IDR 2,463,024,911,395,000.00 or (0.05293%). This problem is a latent issue since the 2015 and 2019 measurements, which unfortunately were ignored in the scheme of the new law.

In human resource management, the KPK no longer has independence in employee selection, because currently employees have the status of civil servants. Employee selection is the authority of the State Civil Service Agency (BKN) and its policies follow the Ministry of Civil Affairs. This employee selection indicator greatly affects the independence of the KPK. After the revision in Law Number 19 of 2019, KPK employees were transferred based on PP Number 41 of 2020 concerning the Transfer of KPK Employees to ASN.

The transfer of the status of KPK employees to civil servants is carried out based on the Corruption Eradication Commission Regulation (Perkom) Number 1 of 2021 concerning Procedures for Transferring Corruption Eradication Commission Employees to State Civil Apparatus Employees. In this regulation, one of the requirements for employees to be transferred status is loyalty and obedience to Pancasila, the Constitution of the Republic of Indonesia Year 1945, the Unitary State of the Republic of Indonesia, and the legitimate government. In fulfilling these requirements, a national insight test assessment was carried out by the KPK in collaboration with BKN.

The process of transferring status through the *National Insight Test* (TWK) is what triggers two problems at once. First, the KPK lost or at least reduced its independence in managing employees. By changing the status to ASN, KPK personnel management follows ASN management. KPK employees are subject to the rules that bind civil servants. In fact, one of the tasks of the KPK to monitor is government management, including those carried out by civil servants.

Problems in Transferring KPK Employee Status

On June 1, 2021, all employees of the Corruption Eradication Commission (KPK) officially changed their status to State Civil Apparatus (ASN). This happened due to the impact of changes to Law Number 30 of 2002 (Law 30 /2002) in 2019. As is known, the KPK was co-opted into the executive power cluster, both institutionally and its personnel model with the promulgation of Law Number 19 of 2019 (Law 19/2019). Of course, this condition further complicates the performance of the KPK and is considered a form of weakening the corruption eradication agenda.

There are at least two articles that are the basis for transferring the KPK's employment status, namely Article 3 and Article 69C of Law 19/2019. Each of these articles explains that the KPK is a state institution in the executive power family which in carrying out its duties and authorities is independent and free from the influence of any power.

Meanwhile, Article 69C mentions KPK staffing, which basically explains that KPK employees who have not had the status of ASN employees for a maximum period of 2 years from the time Law 19/2019 came into force can be appointed as ASN employees in accordance with the provisions of laws and regulations.

Then, shortly after Law 19/2019 was promulgated, the government and KPK also issued derivative regulations to strengthen the legality of transferring KPK employee status. Meanwhile, the derivative derivatives in question are Government Regulation Number 41 of 2020 and Commission Regulation Number 1 of 2021 .

However, the change in the KPK's staffing model will have serious implications for several crucial aspects. First, the independence of the KPK is increasingly eroded because all its employees become civil servants. Since the beginning of the employee recruitment process, the KPK is required to coordinate with the government through the Ministry of State Civil Apparatus Empowerment and Bureaucratic Reform and the State Civil Service Agency. Thus, the characteristics of the KPK as an independent state institution that has the authority *of self-regulatory bodies* cannot be realized due to this transfer of employment status.

Second, corruption eradication work carried out by KPK employees, ranging from prevention, coordination, supervision, enforcement, and monitoring , can be disrupted at any time due to the employment status of this civil servant. Because, with this staffing model, the government has the authority to transfer them to other state agencies. On this basis, it is not impossible that when the KPK is cracking down on individuals in the internal government who have strategic positions, its employees can immediately be transferred.

Third, the KPK's staffing model is contrary to the historical establishment of the anti-corruption agency. The consideration of Law 30/2002 expressly states that the presence of the KPK is because government institutions (Police and Prosecutors) that handle corruption cases have not functioned effectively and efficiently in eradicating corruption.

The basis for the formation of the regulation implicitly mandates that the KPK institutional formation model is not equated with other law enforcers. However, with

the transition of KPK employee status to ASN, the framer of the law has reneged on the initial commitment to the establishment of the KPK.

In addition, the TWK process terminated 57 KPK employees for being declared unqualified. This means that these employees are accused or at least doubted about their loyalty and adherence to Pancasila, the 1945 Constitution of the Republic of Indonesia, the Unitary State of the Republic of Indonesia, and the legitimate government. Those who did not qualify included senior employees.

The TWK process was reported to Komnas HAM in terms of alleged human rights violations and the Ombudsman in terms of alleged maladministration. Based on the examination of these two institutions, it was concluded that in the TWK process there were human rights violations and maladministration. However, unfortunately the KPK is not willing to review the problematic status transfer process through TWK.

A total of 57 employees were fired by the KPK, but instead were offered and transferred to ASN of Polri. This proves that employees who were fired through the TWK process, not as alleged, were doubtful about their loyalty and adherence to Pancasila, the 1945 Constitution of the Republic of Indonesia, the Unitary State of the Republic of Indonesia, and the legitimate government. Of course, the National Police accepts employees if they have problems in these aspects. The National Police also accepted former KPK employees as employees with civil servant status.

On the other hand, no less important, in terms of budget adequacy, budget submissions by the KPK always cannot be fulfilled by the DPR and the government. The stability of the KPK budget fluctuates, but in 2020 the KPK budget actually decreased.

Investigation and prosecution expertise has decreased, it can be seen from the cases handled by the KPK from the quantity and quality have decreased. This can be seen from, for example, many problems in handling cases, ranging from leaks of wiretap information to arrests, the number of fugitives, to ethical and criminal problems of KPK personnel, especially those in charge of handling cases.

The indicator that is still good can be seen in the salary element of KPK employees, where after their status changes to ASN income remains good. Article 11 of PP Number 41 of 2020 still guarantees that the income received by current KPK employees will still be given until the entire process of transferring Corruption Eradication Commission Employees to ASN Employees is completed.

In the aspects of prevention expertise and education to employee training are also still very well maintained, considering that the KPK has had a fairly advanced institutional modality for a long time. Likewise, in terms of employee stability, it is still good, outside of employees who were dismissed by the KPK on the pretext of not passing the TWK.

3. ACCOUNTABILITY AND INTEGRITY

In general, this dimension is rated poorly. Internal integrity mechanisms are a major issue in this dimension. Institutionally, the KPK has indeed completed the code of conduct, but the process carried out to overcome violations of the code of ethics is so weak that there are continuous repetitions of violations both committed by the same perpetrators and other actors.

A number of indicators are considered moderate, including internal review mechanisms, adherence to due *process*, willingness of complainants to identify themselves, handling complaints, and complaint results. The indicator that is considered good is the KPK's annual report which makes it easier for readers and the KPK's responsiveness to requests for good information.

Ethical violations continue to be committed by KPK personnel and become a serious pattern after the new law. The increasingly serious trend of violations indicates a loss of integrity value within the KPK. In addition, the factor of loss of example is also suspected to have contributed. Two KPK leaders have been convicted of ethical violations by Dewas.

Table 8. KPK Ethics Violation Data

Penalty	2020	2021	2022
Light	3	3	2 and medium
Keep	0	1 and light 1	2
Heavy	1	3	0

Dewas oversees the implementation of the code of conduct in the KPK. Here are some violations committed by KPK personnel. First, the use of luxury helicopters by the Chairman of the KPK, Firli Bahuri. Dewas imposed a light sanction in the form of a written reprimand to Firli for violating the code of ethics. He is considered to have

violated Article 4 Paragraph (1) point n and Article 8 Paragraph (1) letter f of KPK Supervisory Board Regulation Number 2 of 2020 concerning the Enforcement of the KPK Code of Ethics and Code of Conduct.

Table 9. List of Ethical Violations in the KPK that Attract Public Attention

No	Name	Position	Case	Development	Year
1	Firli Bahuri	Chairman of the KPK	The use of helicopters is categorized as a luxurious lifestyle. Alleged helicopter lease gratuities not followed up	Proven misdemeanor	2020
2	Stepanus Robin Patuju	KPK Investigators	Accepting bribes by promising to take care of cases at the KPK	Convicted of gross misconduct, dismissed	2021
3	Lili Pintauli Siregar	Vice Chairman of the KPK	Communicating with litigants	Proven to have committed moderate violations	2021
4	Lili Pintauli Siregar	Vice Chairman of the KPK	Moto GP Mandalika ticket and accommodation gratuities	Resigned	2022

5	--	KPK Employees	Pungli Rutan KPK with a value of 4 billion	The ethical matters are unclear, because they involve many employees. Criminal case still under investigation	2023
6	M	KPK Employees	Harassment of families of KPK detainees	Convicted of moderate misconduct, dismissed	2023
7	I Gede Ary Suryanthara	KPK Employees	corruption evidence 1.9 kg gold	Convicted of gross misconduct, dismissed	2021
8	Firli Bahuri	Chairman of the KPK	Meeting litigants Agriculture Minister Sahrul Yasin Limpo Alleged extortion Alleged receipt of gratuities	Still in the ethical process at the KPK Dewas	2023

Interestingly, in every activity the KPK always campaigns for a simple lifestyle. In fact, the KPK also often explains that the factor causing corruption is due to the demands of

a luxurious lifestyle. Therefore, the ethical sanction of the luxurious lifestyle of the Chairman of the KPK is really ironic. One of the biggest disadvantages is that the KPK is increasingly losing moral legitimacy when it invites state officials to live a simple lifestyle.

Second, ethical violations committed by Stephanus Robin Patuju, a former KPK investigator. Robin is suspected of taking bribes in a number of corruption cases. The KPK Dewas imposed severe sanctions in the form of dishonorable dismissal. Robin is guilty of three violations of the code of ethics, namely dealing with parties or people who have authority related to cases being handled by the KPK.

Abuse of authority in order to request and receive sums of money from parties contacted, and show identity cards as KPK investigators to those who have no interest. Robin's case shows the existence of a mafia case in the KPK by building relationships with politicians involved in cases.

Third, ethical violations committed by KPK Commissioner, Lili Pintauli Siregar. Lili is known to have established communication with Syahrial, the former Mayor of Tanjung Balai who is in litigation at the KPK. For this action, Lili was then sentenced to severe sanctions in the form of a 40 percent cut in basic salary for 12 months after being found to have violated the KPK's code of ethics.

Dewas' verdict was very light when viewed from the seriousness of the actions committed by Lili. In fact, communicating with people in the investigation of cases is a criminal offense according to the provisions of Article 36 juncto Article 65 of the KPK Law. However, by the KPK Dewas, the commissioner was only given a light sentence in the form of a basic salary cut of Rp 1.85 million for 12 months.

The sanctions received by Lili for her violations are not comparable to the case of ethical violations experienced by Praswad Nugraha, who was accused of bullying in the form of cursing witnesses in the Social Aid case. Praswad, who is also the investigating team of the Social Aid case, had to experience a 10% salary cut for 6 months.

Lili was also released from criminal charges because the National Police Criminal Investigation Agency rejected the public report against Lili on the grounds that the case was the territory of the KPK. In fact, if you look further, the President can play a role in enforcing the code of ethics of the KPK Leader considering that based on article 32 paragraph (1) letter c of the KPK Law, which states, commissioners can be dismissed for committing reprehensible acts based on presidential decrees.

Four, ethical violations committed by I Gede Ary Suryanthara (IGAS), a KPK employee assigned to store, manage, and secure evidence. IGAS embezzled evidence of corruption in the form of gold weighing 1.9 kilograms. Dewas imposed severe sanctions by being expelled from the KPK and continued with criminal proceedings. The embezzlement carried out by IGAS shows that the SOP for storing evidence is still weak.

In addition to ethical problems, the KPK also made changes to the official travel mechanism through KPK Chairman Regulation No. 6 of 2021. The new mechanism contained in the regulation is official travel within the KPK for meetings, seminars, and the like is said to be borne by the organizer.

The regulation opens a loophole to reduce the integrity and independence of KPK employees by providing special facilities during official trips. In addition, this can also be used as a tool to build closeness with KPK employees by interested parties.

In its clarification, the KPK stated that the new regulation was a consequence of the shift in employment status to the state civil apparatus and also an adjustment to the Minister of Finance Regulation related to official travel (PMK 113/PMK.05/2012). Furthermore, the Secretary General of the KPK stated that the new rules for the travel of leaders and employees only apply within the scope of ministries and government institutions or civil servants.

The Acting Spokesperson of the KPK revealed that this rule does not apply to cooperation with private parties and travel related to enforcement. But if examined carefully, the regulation does not contain further explanation regarding the criteria for the organizers referred to by the KPK. So far, the gap in corruptive behavior in the official travel budget at the KPK can be closed with an at cost system *with standard costs applied by the KPK*, so that unreasonable official travel costs can be avoided. This system has always been maintained by the KPK leadership in previous periods.

It is conceivable if then the inviter presents various facilities with standard fees determined by the organizer. It is not impossible for the organizer to provide business travel facilities beyond reasonable, such as first or business class flights, luxury lodging, daily money or meeting allowance above the standard KPK fee, welcome , or other preferential treatment. This can not only interfere with the integrity and independence of KPK employees, but also potentially lead to gratification and conflicts of interest.

Integrity and independence are things that have always been upheld by the previous KPK. Any opportunity that can reduce the value is avoided. With this regulation, the principle of independence and integrity is slowly eroded. The former KPK Commissioner

said this regulation has the potential to build a permissive attitude towards corruptive behavior or even an effort to legalize gratification.

In addition, after the revision of the KPK Law, various approaches and policies have been seen that seem to normalize corruption. The KPK had come up with the idea of changing the term 'corruptor' as a survivor of corruption – although it was later canceled. The KPK also wanted to invite corruption prisoners to become extension workers for its anti-corruption program to the community.

4. DETECTION, INVESTIGATION AND PROSECUTION

These dimensions as a whole are rated medium. Indeed, there are several indicators that are considered good, including the accessibility of whistleblowers that are quite good at the KPK, responsiveness to corruption reporting is also good, proactive investigations carried out by the KPK, efficiency and professionalism, *prosecution rate is still relatively high, conviction rate is also relatively maintained, investigations of influential people are also still being carried out.*

However, there are indicators that are considered moderate are restitution and return on assets. The KPK still has very limited results in returning assets resulting from crime. The bad indicator is the perception of the performance of the KPK. Although the survey results by the KPK still show good results, the 2022 Kompas R&D survey shows that more respondents are dissatisfied than satisfied with the KPK's performance.

One of the main tasks of the KPK based on the mandate of Law 19/2019 is to carry out a series of investigations, investigations, and prosecutions of corruption cases. Not only that, the KPK is also required to actively supervise the law enforcement process in other law enforcement agencies with supervision actions. However, since there has been a political change in the law to eradicate corruption through the Revision of the KPK Law along with the problems of electing KPK leaders in 2019, the enforcement efforts carried out by the anti-corruption agency have become increasingly worrying.

In the context of enforcement, there are several material defects in the content of the revision of the KPK Law which are very influential. For example, the loss of the status of investigators and prosecutors to the KPK leadership, the misinterpretation of supervision, the granting of excessive authority of Dewas, and the granting of a Notice of Termination of Investigation (SP3) which was previously unknown in corruption cases (Ramadhana & Oktaryal, 2020). In fact, there was an error in setting the age limit that made one of the elected commissioners at that time unable to be sworn in – the DPR

argued that it was only a typing error, although the numbers and written statements were also not aligned.

The feared situation later occurred; The number of KPK enforcement after the revision of the law has decreased. However, the decline is not an achievement of prevention success, but rather thanks to the loss of KPK spurs in carrying out enforcement, especially in Hand Capture Operations (OTT) (Ramadhana & Nicola, 2020, pp. 12-13). Infographics published by Kompas (14/09/21) show that the pattern of corruption enforcement by the KPK has continued to decline since 2019 until today. From 718 cases successfully executed in 2019, it dropped to 477 in 2020, and the number shrank to 137 in 2021 ("Enforcement of Corruption Cases in the Hands of the KPK 2004-2020", p.22).

OTT enforcement itself is only one of the KPK's approaches in prosecuting corruption cases. But the drastic decline in cases has more or less given the impression to the public that after the new law and commissioners, Indonesia's corruption eradication has not moved forward at all.

Based on Article 6 of Law 19/2019, the KPK has a number of duties, one of which is supervision of the anti-corruption function carried out by other law enforcement agencies. However, in the last two years, this function has not been carried out properly by the KPK. As a result, a number of major cases handled by other law enforcers also reaped many problems.

As is known, in 2020, the public paid attention to the case involving fugitive Joko S Tjandra. In the development of the handling of the case, it was found that there were criminal acts of corruption committed by Joko S Tjandra, Pinangki Sirna Malasari (Prosecutor), Anita Kolopaking (Advocate), and Andi Irfan Jaya (Private).

These perpetrators plan to arrange a fatwa in the Supreme Court so that the fugitive for corruption in Bank Bali's billing rights cannot be executed. Unfortunately, the Attorney General's Office does not seem serious in exposing this corrupt practice. In fact, there was an impression of a conflict of interest because one of the suspects involved internal elements of the Attorney General's Office itself. For this problem, soon the KPK issued a supervision warrant. But until now the supervision seems to be just a formality. This is because there are no concrete steps from the KPK, other than conducting a joint case with the Attorney General's Office and the Police.

In fact, not just supervision, the KPK was even allowed to take over the handling of the case from the Attorney General's Office. The reason is strong, outside the legal process

at the Attorney General's Office is problematic, based on Article 11 paragraph (1) letter a of Law 19/2019, the KPK has *lex specialis* authority *when dealing with law enforcers involved in corrupt practices*.

Concrete evidence of the Attorney General's irregularity in handling the Joko S Tjandra case is actually not new. ICW noted that there are at least two things that should be used as a basis for the KPK to conduct intense supervision of this matter.

First, the Attorney General's Office seemed to want to protect Pinangki when planning to provide legal assistance to the prosecutor. In fact, the Attorney General's Office also did not file a legal remedy for cassation when Pinangki was given a light sentence at the appeals court. Second, the Attorney General's Office failed to expose the intellectual actors behind the Supreme Court's fatwa request to release Joko S Tjandra. In fact, the instructions to explore this matter are clear, for example through *the action plan* offered by Pinangki to Joko S Tjandra.

To improve the performance of KPK supervision, at the end of October 2020 the President then issued Presidential Regulation Number 102 of 2020 concerning the Implementation of Supervision for the Eradication of Criminal Acts of Corruption. As stated in the regulation, the KPK conducts supervision in the form of staffing, research, and review. Instead of these three things being done, in the case of Joko S Tjandra, the KPK actually allowed a series of irregularities to occur during the legal process.

In addition to suboptimal supervision of cases, KPK enforcement entered the worst phase as long as the anti-corruption agency was established. The method of prosecuting cases by conducting Hand Capture Operations (OTT) has also decreased dramatically since the last two years. In fact, so far, OTT has often been a mainstay for the KPK to expose corrupt practices that involve many public officials. In addition, the KPK's OTT success rate is also perfect or has never been declared free or released in the court process.

Based on ICW data, throughout 2021 the KPK only conducted six OTTs, including, 1) the Governor of South Sulawesi (Nurdin Abdullah), 2) the Regent of Probolinggo (Puput Tantriana Sari), 3) the Regent of Banjarnegara (Budhi Sarwono), 4) the Regent of East Kolaka (Andi Merya Nur), 5) Regent Musi Banyuasin (Dodi Reza), and 6) Regent Kuantan Singingi (Andi Putra). Of course, this number is relatively small when compared to previous years, for example, 20 (17 OTTs), 2017 (19 OTTs), 2018 (30 OTTs), 2019 (21 OTTs), and 2020 (7 OTTs). With this data, one can conclude that the KPK under the leadership of Firli Bahuri did not pay more attention to enforcement efforts.

The downward trend in the number of OTTs is caused by five things. First, there is no commitment from the KPK leadership to support OTT carried out by the KPK. In ICW's observation, three of the five KPK leaders, namely Firli Bahuri, Nurul Ghufron, and Lili Pintauli Siregar, once said that OTT is not a powerful method to eradicate corruption. With conditions like this, the lack of KPK OTT is not a surprise.

Second, the high level of information leakage when the KPK team wants to carry out a series of enforcement actions. As understood, the KPK enforcement process, especially OTT, is carried out with a closed investigation model. This means that any information regarding a planned arrest, search, or seizure is confidential. However, in recent times, the KPK has often failed, one of which occurred in South Kalimantan in prosecuting tax bribery cases. Unfortunately, information leaks that allegedly came from within the KPK were never investigated by the Supervisory Board.

Third, KPK leaders ignore and allow threats received by employees while conducting OTTs. This point refers to an incident at the Police Science College when the KPK wanted to arrest Harun Masiku and a political party official. At that time, KPK employees were intimidated by searching, detained for several hours, and asked for urine tests. Instead of being defended, the KPK leadership wanted to forcibly return the investigators who were present there to their home agency (the Police).

Fourth, the fact is that the KPK is preoccupied with polemics created by the KPK Leadership. One of the many polemics was the implementation of the National Insight Test which ultimately dismissed dozens of KPK employees. With the rampant polemics that arise, of course, the main focus of the KPK to eradicate corruption has been disrupted.

Not only that, in addition to the low quantity, the quality of handling KPK cases resulting from the OTT process is also poor. Starting from the inability of the KPK to detect fugitive Harun Masiku, the low demands of Edhy Prabowo, to the disappearance of a number of politicians' names in the investigation of Covid-19 social assistance corruption cases. So, this explanation also refutes the arguments of a number of parties who say the era of Firli Bahuri's leadership has brought the KPK to a better direction.

In the next point, the KPK avoids prosecuting strategic matters. In fact, one of the considerations for the establishment of the KPK as stated in the KPK Law is because conventional law enforcement agencies, both the Police and the Prosecutor's Office, have not functioned effectively in eradicating corruption. Thus, on the basis of these considerations, the KPK is mandated to act optimally in order to carry out the function

of *trigger mechanism* for other law enforcers. However, in recent times, that function has regressed.

Article 11 paragraph (1) letter a of the KPK Law clearly regulates *the lex specialis* for the anti-corruption agency in carrying out enforcement efforts. Especially regarding actors who can be used as objects of handling cases, the regulation specifically mentions law enforcement officials. This means that the framers of the law believe that the eradication of corruption committed against law enforcement officials must be handled by special agencies such as the KPK. This concept is appropriate, because, if law enforcement is still held hostage by corrupt practices, then law enforcement will find it difficult to run objectively and independently.

Unfortunately, in the last four years the KPK has not taken the slightest action against law enforcement officials. In fact, the opportunity is wide open, especially in the case involving Joko S Tjandra. By law, the KPK is actually allowed to participate in investigations, investigations, and prosecutions by taking over the case. However, in its development, the KPK only issued a supervision warrant.

Another important aspect is that currently the quality of case handling has greatly decreased. First, it can be seen from the low prosecution of the KPK. Based on a study of ICW conviction trends, the average KPK prosecution dropped sharply in 2020. Conceivably, the average KPK prosecution last year was only 4 years and 10 months in prison. This number is far different from 2019 which reached 5 years and 2 months in prison. In fact, not only is the investigation and investigation filled with controversy, it turns out that the prosecution part is also problematic.

To see the poor quality of KPK prosecutions, we can refer to two major cases that have become public attention over the past year, namely bribery of lobster seed exports and corrupt practices of Covid-19 social assistance. The two cases involved public officials at the ministerial level, respectively Edhy Prabowo (Minister of Maritime Affairs and Fisheries) and Juliari P Batubara (Minister of Social Affairs).

Unfortunately, the two public officials were prosecuted lowly by the KPK. Edhy himself was only charged with one year above the minimum sentence in the indictment article (5 years in prison) and Juliari was only sentenced to 11 years in prison. In fact, given his work background and the momentum of his corrupt practices, the two men deserve and deserve to be prosecuted to a maximum or life in prison. From the quantity of public prosecutors' demands, the public can see the extent of law enforcement's perspective on the corruption case.

Second, the follow-up handling of cases carried out by the KPK is far from satisfactory. This can at least be seen from the handling of the Covid-19 social aid corruption case involving the former Minister of Social Affairs, Juliari P Batubara. The ICW identified at least four irregularities in the KPK's legal proceedings. The anti-corruption agency was slow to call several important witnesses. As is known, since this case was investigated by the KPK, there have been two names of DPR members who have been reported to have received social aid procurement projects from the Ministry of Social Affairs (Kemensos), namely Herman Herry and Ihsan Yunus. Similarly, for example, the detention of the former Vice Minister of Law and Human Rights, Eddy Hieariej is the latest.

The KPK has also been slow to conduct searches. In this process, the KPK is known to have searched several important objects, for example, the office of PT Dwimukti Graha Elektrindo which allegedly belonged to Herman Herry, then the residence of Ihsan Yunus' parents on January 12, 2021, and Ihsan Yunus' own house in February 2021. When viewed in terms of the time of the search and then associated with the start of the case investigation in early December 2020, the KPK's steps are fairly slow. As a result, the KPK did not produce any significant findings when searching these places. Apart from time issues, not a few parties also indicated a leak of information from the KPK internal related to the search plan.

In addition, the indictment made by the KPK public prosecutor does not contain the names of politicians who have been widely discussed so far. This is certainly odd, because, from the beginning it was known that the procurement of social aid programs by the Ministry of Social Affairs was distributed to four large groups, two of which were Herman Herry and Ihsan Yunus. In fact, during the reconstruction made by investigators, the names of Ihsan Yunus and his operator, Agustri Yogasmara, had appeared because they received money and Brompton brand bicycles from Harry Van Sidabukke (bribe giver). In that context, their names should be included in the indictment.

The KPK also seems reluctant to develop bribery cases under the pretext of investigating state financial losses. In early February 2021, the KPK's Deputy Enforcement Officer, General Inspector Karyoto, said that if there are new suspects in this case, it will be developed to investigate the procurement sector, namely investigating state financial losses. Even though the statement of the high-ranking KPK official seemed to want to deny the involvement of other parties in bribery cases that could actually still be developed. It is noteworthy that the investigation of state financial losses cannot be carried out in a short time, because, you have to wait for the calculation of state

financial losses first. In addition, the investigation phase does not recognize forced attempts.

Third, there is an impression of reluctance in arresting a number of fugitives. As is currently known, the KPK has arrears in the search for fugitives, including Kirana Kotama, Izil Azhar, Surya Darmadi, and Harun Masiku. Of the fugitives, practically the name Harun Masiku has always been the center of public attention. Since the beginning of handling bribery cases between the time of members of the House of Representatives of the Republic of Indonesia, the KPK has shown a desire not to process the bribery law of the KPU Commissioner, Wahyu Setiawan. Starting from the lack of protection of KPK leaders against employees allegedly held captive in PTIK, the failure to seal the DPP PDIP office, the forced return of KPK investigators to the National Police agency, and the dismissal of employees assigned to find Harun Masiku through the selection of the National Insight Test.

Table 10. List of Fugitives for Corruption Cases (KPK)

No	Name	Case	Status	Fugitive Year
1	Kirana Kotama	Alleged bribery of a revised application for forest conversion in Riau province to the Ministry of Forestry in 2014	Fugitive	2017
2	Izil Azhar	Alleged receipt of gratuities related to the construction of the Sabang dock project in 2006-2011	Fugitive	2018
3	Surya Darmadi	Alleged bribery of Philippine government SSV procurement in 2014-2017	Fugitive	2019
4	Aaron Masiku	Alleged bribery of the Inter-Time Substitute (PAW) of the House of	Fugitive	2020

		Representatives of the Republic of Indonesia		
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Over the past four years, the KPK has also practically not settled arrears of stalled cases that often get attention from the public. In fact, looking at the legal facts so far, it is possible for the KPK to be able to follow up these cases to the court process. In ICW records, there are at least 14 arrears in cases at the KPK.

Table 11. List of KPK Case Arrears

No	Case	Case Year	Progress of Case Handling
1	<i>Century Bank</i> Bailout	2013	The KPK has only ensnared 2 perpetrators, namely former Deputy Governors of Bank Indonesia, Budi Mulya and Siti Fajrah. The main actor behind the Century scandal has yet to be revealed.

2	Development Projects in Hambalang	2010-2012	For the gratuity case, the KPK determined one perpetrator, namely the former Chairman of the Democratic Party, Anas Urbaningrum. Meanwhile, in the case of alleged abuse of authority: Andi Malaranggeng (former Minister of Youth and Sports), Teuku Bagus Muhammad Noor (former official of PT. Adhi Karya), Deddy Kusdinar (Head of Finance and Household Bureau of Kemenpora), and Machfud Suroso (Director of PT. Dutasari Citralaras). In the results of the BPK audit, it is stated that there are still many parties involved in the Hambalang project corruption case.
3	Wisma Atlet Kemenpora Project in South Sumatra	2010-2011	So far, the KPK has processed the laws of a number of parties, including Mindo, Wafid, Angelina , and Nazzarudin. However, politicians from the PDIP party with the initials IWK who are said to receive money have not been followed up by the KPK.

4	Bribery for the Election of Bank Indonesia Deputy Governor (Traveler's Cheque)	2010	The KPK only ensnares bribe recipients (DPR members), intermediaries (Nunung Nurbeti), and beneficiaries (Miranda Goeltom). However, the KPK has not yet processed the law granting the visitor's check.
5	Ministry of Forestry SKRT Project	2009	The KPK has just ensnared the Director of PT. Masaro Radiokolom, Putranefo, and the owner of PT. Masara Radiokolom, Anggoro Widjojo. The names of other perpetrators such as the DA who together with Anggoro bribed and 2 Ministry of Forestry officials who received bribes have not been named as suspects. Likewise with MS Kaban, a former Minister of Forestry who is said to have received bribes from Anggoro Widjojo.

6	Railway Grants from Japan at the Ministry of Transportation	2010	<p>The KPK only took action against Soemino, the former Director General of Railways. Meanwhile, a number of other perpetrators in the ranks of the Ministry of Transportation have not been / are not clearly processed legally. In addition, state losses/corruption proceeds of Rp 20 billion are also suspected to have not been seized by the KPK. In fact, the indictment has stated that Soemino together with Asriel Syafei as Director of Safety and Engineering Facilities of the Directorate General of Railways. He was also charged with corruption along with three Japanese businessmen, Hiroshi Karashima, Hideyuki Nishio and Daiki Okhubo.</p>
7	Medical Device Procurement Project at the Ministry of Health	2009	<p>The KPK has just ensnared former Health Minister Achmad Sujudi. The money from corruption amounting to Rp 41.9 billion has allegedly not been seized and deposited into the state treasury by the KPK. A number of bribe recipients (from the Ministry and the private sector) have also not been processed to the investigation stage.</p>

8	Procurement of SIM Simulator at Dirlantas Polri	2012	The recipients of money laundering funds belonging to Djoko Susilo and members of parliament who allegedly received bribes have not been charged by the KPK.
9	Construction of Tarahan PLTU Project in 2004	2013	Only Emir Moeis was named as a suspect and sentenced to 3 years in prison (April 13, 2014). PT. Alstom and Marubeni Incorporate through the intermediary of Pacific Resource Inc. President Pirooz Muhammad Sarafi who gave bribes to the Emir amounting to USD 357,000 have not been prosecuted.
10	"Fat Account" of Police General	2010	The investigation against Komjen Budi Gunawan failed after a pretrial ruling from Judge Sarpin Rizaldi. The case was then forwarded to the Prosecutor's Office and then to the Police. In fact, there is no firm explanation from the KPK regarding coordination and supervision of the handling of this case.

11	Bakamla Bribery Case	2020	Fahmi Al-Habsy, who is said to be the mastermind behind the Bakamla bribery case and has been named in court, has not yet been followed up by the KPK.
12	Bribery of the Clerk of the Central Jakarta District Court	2016	There are 2 names of judges of the central Jakarta district court who are allegedly involved in allegations of corruption in the form of bribery to the clerk of PN Jakpus related to a lawsuit involving Lippo Group and has not been followed up by the KPK.
13	Corruption of KTP-EI	2014	In the indictment, Irman and Sugiharto mentioned the names of politicians who allegedly received funds from the KTP-EI procurement project.
14	Social Aid Corruption	2020	In social aid program corruption, the KPK only took action against the Minister of Social Affairs, Juliari P Batubara, two Ministry of Social Affairs officials , and two private parties. In fact, there are still a number of politicians who know the ins and outs of this matter, and are even suspected to be involved.

The number of stalled cases based on ICW records actually decreased compared to the previous year. However, instead of being resolved, a mega corruption case such as the BLBI corruption case was stopped through the issuance of SP3. Thus, practically the

KPK under the command of Firli Bahuri has not carried out any follow-up on the arrears of these cases.

The follow-up of this stalled case should be resolved if the KPK leadership can fix the problem of personnel shortages in general. In the KPK's 2020 annual report, it was recorded that the anti-corruption agency had a total of 1,589 employees with the Enforcement Deputy Department, which included investigators and investigators in it, totaling 413 people. This compares to almost double the number of employees in Hong Kong's Independent Commission Against Corruption (ICAC) which reached 2,928 employees with a detailed operations department of 1,044 people.

The lack of employees, especially in the section of investigators and investigators, was actually responded by the KPK leadership by firing 58 employees through the National Insight Test (TWK) process. Even though in it there are several investigators who handle several major cases that are still the responsibility of the KPK. In the name of the fired employee, there is a name that handles the corruption of Electronic ID Cards as well as corruption of social assistance in the Ministry of Social Affairs.

Dispute over Termination of BLBI Case Investigation

The eradication of corruption carried out by the KPK continues to regress. The revision of the KPK Law resulted in restrictions and changes to a number of authorities previously owned by the KPK based on the mandate of Law 30/2002. One of these changes is the granting of the authority to issue a Cease Investigation Warrant (SP3).

Article 40 paragraph (1) of Law 19/2019 states that the KPK can stop investigating and prosecuting corruption crimes whose investigations and prosecutions are not completed within two years. The change has a serious impact on the work of the KPK, because the complexity of corruption crimes makes investigations and prosecutions of cases can run for more than two years.

On April 1, 2021, the KPK issued its first SP 3 since the authority was granted through Law 19/2019. Unmitigated, the SP3 was issued to suspects on behalf of Sjamsul Nursalim and Itjih Nursalim, husband and wife fugitives for corruption cases of Bank Indonesia Liquidity Assistance (BLBI) which cost the state Rp 4.58 trillion.

The KPK argued that the issuance of SP3 was carried out because Syafruddin Arsyad Tumenggung, Head of the National Bank Restructuring Agency (IBRA) as the state organizer, had been decided off by the Supreme Court (MA).

The issuance of SP3 is certainly problematic, especially because neither Sjamsul nor Itjih Nursalim have ever shown good faith to attend an inspection by the KPK, despite being properly summoned. Another thing, the SP3 was issued when the case was almost entering its expiration period, which actually fell in 2022 or 18 years¹ since the BLBI Paid Certificate was issued.

The KPK itself actually still has the opportunity to continue the case to the court level *in absentia*. This opportunity existed between the period of properly summoning up to three times to Sjamsul and Itjih Nursalim around June 2019 until before the Supreme Court decided to release Syafruddin Arsyad Tumenggung on July 9 , 2019. Although the KPK has always stated that SP 3 can be revoked if new evidence or *novum* is found, the possibility will be even smaller considering that the BLBI case is also approaching its expiration date.

Finally, the revision of the KPK Law has also complicated the bureaucratization of coercive efforts and other authorities related to the enforcement of corruption cases in the KPK. Powers such as wiretapping, searching, and seizure must be carried out with written permission from the Supervisory Board, as stipulated in Article 12B, Article 37B letter b, and Article 47 of Law 19/2019. Although the norms of these articles have been canceled by the Constitutional Court through decision Number 70/PUU-XVII/2019, the KPK has suffered losses due to the implementation of Law 19/2019.

Throughout 2020 to 2021, bureaucratization of corruption enforcement as a result of the KPK Law Revision has been real. ICW noted that there are at least three events that are strongly suspected to be the result of Law 19/2019 in the enforcement sector. First, the search for perpetrators by the KPK team at the Police Science Higher Education (PTIK) building and the sealing plan at the DPP PDIP office in a bribery case to the Commissioner of the General Elections Commission, Wahyu Setiawan carried out by PDIP cadres, Harun Masiku.

The failure of the arrest and sealing was allegedly the result of information leakage at the KPK, so that the person concerned could not be arrested at the PTIK Building. Until now, the KPK has also never conducted a search at the DPP PDIP, even though at that time the case had risen to the level of investigation. Even KPK investigators involved in handling the case were eventually forcibly dismissed through the National Insight Test.

Second, the KPK's failure to search and confiscate evidence from the home of politician Ihsan Yunus, whose company was registered as a provider in a social assistance

¹ Article 78 of the Penal Code: The right to demand the death penalty for overdue, eighteen years for all crimes punishable by death or life imprisonment.

corruption case involving former Minister of Social Affairs, Juliari P. Batubara. As a result, until now the companies allegedly controlled by PDI-P politicians have not been able to be prosecuted, although in court statements, witnesses have mentioned the involvement of companies allegedly controlled by Ihsan Yunus in social aid corruption cases.

Third, the failure of the search and seizure at PT. Jhonlin Baratama, South Kalimantan. When KPK investigators were in the field to carry out forced efforts, the location and items that were supposed to be searched and confiscated had already changed. This incident is also strongly suspected to have occurred due to bureaucratization of enforcement in the KPK, which widened the gap in information leakage of case handling.

5. EDUCATION, PREVENTION, AND OUTREACH

This dimension is considered to be good. Starting from budget allocation, strategic planning, training and education, research, dissemination and campaigning. Three indicators are considered moderate, namely organizational review, prevention strategy recommendations, and online communication. It is in the areas of prevention, education, and outreach that the KPK's performance remains. Indeed, prevention is also important, but if only the prevention dimension is good, the KPK will undoubtedly not be able to effectively eradicate corruption.

The corruption prevention sector can be said to be an anti-corruption priority program carried out by the KPK for the 2019-2023 period. This spirit is actually also seen from Law 19/2019. Operationally, a number of internal regulations such as the General Policy Direction (2020) and Commission Regulation Number 7 of 2020 (hereinafter referred to as Perkom 7/2020) concerning Organization and Work Procedures (Ortaka) which gave birth to many new positions, reflect this spirit.

However, the monitoring of the writing team during 2020 actually shows that adjustments to the anti-corruption approach encouraged by the state and the KPK have not shown significant results. The revision of the KPK Law, which is claimed to strengthen the prevention sector, at the same time does not adequately accommodate the need to strengthen the prevention program itself. This condition is caused by several reasons which include:

First, the need to regulate strict sanctions for State Administrators who do not report the State Administrator's Property Report (LHKPN) remains unregulated. The level of

compliance with state administration remains at a suboptimal percentage, because there is a vacuum in criminal sanctions to ensure this obligation is carried out.

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

And third, the KPK's authority to supervise is reduced. Article 10 which regulates the KPK's authority to conduct supervision, research, or review of (...) and agencies that perform public services is no longer listed. Even though corruption that occurs in institutions that perform public services will be felt directly by the community, including corruption in the licensing sector. At the same time, data from the Global Corruption Barometer 2020 also confirms that bribery in public services is still rife, with a percentage rate of 30% of the public admitting to having committed bribery. This situation may also be the impact of the KPK's authority to supervise reduced public services.

The overhaul of the structure and work procedures of the KPK contained in Perkom 7/2020 is also considered to have the potential to create dualism of authority in corruption prevention work. In addition, other problems also arise from the absence of an empirical study base related to the overhaul of organizational structures that are publicly accessible.

This potential overlap can be seen in the new structure, for example in the Directorate of Community Participation Development with the Directorate of Socialization and Anti-Corruption Campaigns. The regulation in the Perkom indicates the potential for overlapping authority and scope of work. In addition, the new structure above also has the potential to overlap with the functions carried out with the Directorate of Education Networks and the Directorate of Anti-Corruption of Business Entities.

Likewise, a new Coordination and Supervision Deputy was also formed, not the answer to the problem of stalled exchange of information about SPDP with other law enforcers or the problem of overlapping assistance programs to local governments with programs from Stranas PK. At the same time, the Anticorruption Learning Center (ACLC), which

was previously a center for capacity building of law enforcement and the public, has been abolished.

So instead of increasing effectiveness, this actually increases the "bureaucratic burden" and potential overlapping authority. The birth of this regulation also further emphasizes the further orientation of the KPK to build a modern organizational climate which is reflected in the many overlapping functions and structures. In particular, the performance of the KPK prevention sector after the revision of the Law, there is still a lot of work that is not optimal, especially in strategic sectors such as politics, the business world, natural resources, and law enforcement.

Corruption prevention in the political sector has become a priority for the KPK, especially considering the trend of the Corruption Perception Index (CPI) and the demographic of corruptors processed by the KPK with backgrounds as politicians and public officials. The stagnation of CPI from year to year itself is due to fluctuations in the trends of the World Justice Project, PERC Asia Risk and Varieties of Democracies indices.

However, in contrast to the urgency above, the KPK's intervention in political sector corruption has also not been significant, where more or less similar strategies are still being implemented. The first program, for example, the KPK together with political parties still promotes anti-corruption education for party members, such as socialization of Smart Politics with Integrity (PCB). Furthermore, the KPK also continues to encourage political parties to implement the Political Party Integrity System (SIPP) as it did during visits to DPP political parties.

Unfortunately, the results of the political corruption prevention strategy carried out by the KPK above, have not been measured and can be seen (if not none). Instead, a number of politicians' names have resurfaced as perpetrators of corruption. Last September, Azis Syamsuddin, who is a senior politician of the Golkar Party and also Deputy Speaker of the House of Representatives of the Republic of Indonesia, was arrested by the KPK. Less than a month before the arrest of Azis Syamsuddin, 2 NasDem party politicians, Puput Tantriana Sari (Regent of Probolinggo) and Hasan Aminuddin (member of the House of Representatives) were also caught in the KPK's hand-catching operation (OTT). Another name, Andy Merya (Regent of East Kolaka, PPP politician) also suffered a similar fate. In short, political corruption is far from a preventable conclusion.

One reliable instrument to prevent political corruption is LHKPN. But the KPK seems to need to exert more efforts to establish compliance with this instrument. High percentages generally coincide with election momentum. The KPU at that time required

every candidate to report his wealth to the KPK. But after the election was over, the level of compliance dropped dramatically. That is, there is a structural problem that reporting is only carried out by political actors for electoral purposes, not as part of public accountability. In this case, the KPK needs to seriously fix the issue of disclosure of assets so that it is not limited to the political cycle.

Another note that is no less important is the prevention of political corruption involving local governments. Since 2018 at least, the KPK has introduced the *Monitoring Centre for Prevention* (MCP) program for 542 local governments. However, MCP's achievement as of August 2021 is only 22%. This shows the slow outreach to prevent political corruption in the regions. In fact, as mentioned in the examples of corruption cases above, not a few were found to be involved in local governments.

Meanwhile, in the business sector, from the beginning of 2020 to October 2021, the KPK has handled 162 corruption cases, 59 of which are business actors. ICW monitoring in the report "Results of Monitoring Corruption Enforcement Trends in Semester 1 of 2021" shows that in the first half of 2021 there were at least 105 corruptors from the private sector.

Actually, the KPK has carried out several initiatives and initiated plans related to corruption prevention in the private sector throughout 2021. For example, the KPK formed a new directorate which became a good initiative in preventing corruption in the private sector, namely the Directorate of Anti-Corruption of Business Entities (Directorate of AKBU).

This unit acts as a facilitator for business actors in developing anti-corruption efforts, especially in preventing corporate punishment as regulated in Perma No. 13 of 2016. Within the directorate, there are five sectors that are the main focus of attention of the AKBU Directorate, namely the food, forestry, health, infrastructure, oil and gas (oil and gas) sectors.

The rise of corruption involving business actors is an important reason for the KPK to take a corruption prevention approach in this sector. The KPK noted that from the beginning of 2020 to October 2021, the KPK had handled 162 corruption cases in which at least 59 business actors participated in the crime. If the data is drawn further, since 2004 until now, the KPK has handled corruption crimes involving business actors totaling 356 people out of a total of 1,333 perpetrators.

In encouraging the implementation of anti-corruption standards in the form of ISO 37001: 2016 concerning the anti-corruption *management system or Good Corporate*

Governance (GCG), AKBU has obligations related to technical guidance for system improvement in managing the anti-corruption management system, especially observing criminal acts of corruption committed by corporations.

In addition to the role of AKBU, during the first semester of 2021, the KPK has conducted field visits with the East Java Regional Advocacy Committee (KAD) involving 31 agencies and business entities to monitor and map business entities, especially in the infrastructure sector and the food sector. In addition, the KPK also carries out the same activities with 13 other agencies and business entities engaged in the financial, oil and gas, forestry, and other sectors. However, besides that, it seems that there have been no significant achievements from the AKBU Directorate so far this year.

In addition, in November 2021 the KPK and Kadin had just made a memorandum of understanding for anti-corruption prevention in the private sector. Previous cooperation between the KPK and Kadin in encouraging the implementation of the National Advocacy Committee (KAN) and Regional Advocacy Committee (KAD) since 2019, also seems to have found stagnation in its implementation and in the end it is very difficult to track its progress by the public.

KPK prevention efforts in the private sector in 2021 are also coupled with the development of one of the National Strategy for Corruption Prevention (Stranas PK) programs related to Beneficial Ownership (BO) Transparency. However, few corporations have reported BO to date. Of course, this is quite a heavy homework for the government and KPK as coordinators of Stranas PK in promoting the implementation of BO transparency which is widely used by corporations to avoid taxes.

The KPK also conducted a public campaign involving 139 SOEs and Minority State Owned Companies (PKNM) in Indonesia, including state-owned companies engaged in the energy and oil and gas, coal and mineral, food and fertilizer, health, infrastructure, plantations and forestry, finance, insurance and pension funds, logistics, telecommunications and media, manufacturing, and tourism and its supporters.

Third, in the natural resources sector, it is one of the sectors that is very vulnerable to corrupt practices, but the KPK is increasingly turning a blind eye. In response to this condition, the KPK has had a National Movement to Save Natural Resources (GNP-SDA)

program since 2012². Unfortunately, a search found that the program is currently inactive.

Meanwhile, in the law enforcement sector, anti-corruption agencies are also absent. In fact, consistency and commitment are important keys in preventing corrupt practices in law enforcement officials and all law enforcement institutions. The KPK as an institution in charge of enforcement, prevention, internal management, and monitoring of state administration certainly needs to integrate with all law enforcement institutions in the prevention of corrupt practices.

The Indonesian Corruption Perceptions Index released by Transparency International has experienced a significant decline. In the *World Justice Project Rule of Law Index* indicator, Indonesia's score has improved in the quality of bureaucratic services but stagnated in relation to corruption. It should also be underlined that this indicator always gets the lowest value on the CPI indicator. This indicates that weak law enforcement and abuse of public authority remain the greatest risks in the executive, legislative, judicial and police/military institutions.

If referring to the KPK Roadmap 2011-2023, the National Integration System (SIN) launched by the KPK will have an impact on the rule of law, sustainable development, and quality of life, with the aim of achieving people's welfare which is the ideal of nation and state.

Especially the strategic plan of the KPK prevention sector in relation to integrating with Law Enforcement Officers (APH), the KPK has launched policy directions and strategies carried out in an effort to streamline KPK supervision of related agencies, including:

1. Increase synergy with other law enforcement officials (APH) in building a Reporting System for Handling TPK Cases carried out by related agencies.
2. Increase monitoring efforts to ensure the transfer of cases to APH to obtain court decisions through the implementation of the online SPDP system.
2. Ensure the takeover of cases from APH to obtain court decisions.

However, in its executions throughout 2021 related to prevention and development efforts, as well as the functions of supervision and case takeover in other law enforcement agencies, the KPK did not show significant progress compared to the

² GNP-SDA is one of the initiatives to save natural resources that serves as a mechanism to overcome problems in natural resource management and increase state revenue in the sector. This activity is a form of cooperation signed by 29 leaders of Ministries and Institutions on March 19, 2015, but closed during the Firli era.

previous year. This can also be seen from Indonesia Corruption Watch (ICW) data related to the crackdown on corruption cases carried out by APH during the first semester of 2021 still did not meet the target. Of the target of 1,109 corruption cases, the realization is that there are only 209 cases handled by APH.

In the context of disclosure of assets, the KPK is also criticized for rarely disclosing information about assets owned by officials in law enforcement institutions, such as members of the National Police, the Prosecutor's Office, and the KPK. Announcements on reporting compliance are almost inaudible to the KPK. This announcement relates not only to active officials, but also to those who are retiring and no longer serving office.

In addition, the APH Integrity Strengthening Action program 2021-2023 launched in the National Strategy for Corruption Prevention is also noteworthy considering that its implementation is also related to the enforcement of the APH code of ethics and code of conduct. The monitoring carried out also needs to be reviewed considering that violations that occur in judicial institutions are also quite high.

The low achievement of actions related to APH actually confirms the role of the KPK which is not optimal, both in the context of being the coordinator of the implementation of Stranas PK and in coordinating and supervising. The low percentage above has not shifted much from the achievements in previous periods. This means that technical problems and commitments are also not responded to much.

6. COOPERATION AND EXTERNAL RELATIONS

This dimension is generally categorized as poor, because there are two bad indicators. Namely the poor cooperation of the KPK with civil society organizations. Relationships have become so tenuous in the past four years. During Firli Bahuri's leadership, civil society organizations were no longer used as strategic partners of the KPK.

This can be seen in the absence of forums created for civil society to interact with the KPK either to provide suggestions, criticisms, or various information about the condition of an area, especially in terms of potential corruption. Whereas in the previous period the KPK leaders were always open to various civil society inputs by creating discussion forums.

In addition, accessibility to *marginalized groups* has not been a concern for the KPK. Until now, the KPK does not have accessible service standards for persons with disabilities. In fact, this has been required in various laws and regulations, including

those specifically discussing the judiciary, for example in Government Regulation (PP) Number 39 of 2020 concerning Adequate Accommodation for Persons with Disabilities in the Judicial Process. This regulation requires each law enforcement agency to provide reasonable accommodations for persons with disabilities, including establishing standards for hearing cases involving persons with disabilities. The KPK has not shown any effort to fulfill this obligation.

The performance of the KPK in indicators of state and international institutional cooperation is all good. With other related institutions good, strong international networks, cooperation with anti-corruption agencies of other countries is also still quite good. Meanwhile, the indicators of government support aspects are in the medium category, because the government and the DPR are the ones who revise the KPK Law. The resource support needed by the KPK is also still not ideal.

4. CONCLUSIONS AND RECOMMENDATIONS

CONCLUSION

The final results of the assessment showed that the KPK's performance in eradicating corruption received a score of 57 percent. In 2023, the KPK will experience a drastic setback compared to 2019 with a percentage of 80 percent. The internal and external environmental factors of the KPK both contributed to the setback for the KPK. Internal supporting factors amounted to 67.86%, while external supporting factors amounted to 40.63%.

It is clearly seen that external factors are the main cause of the decline of the KPK. Political changes in the law to eradicate corruption through the revision of the KPK Law are an agenda to subordinate the KPK to power. Due to the loss of independence, the KPK was unable to show good performance as an instrument to eradicate corruption.

Table 12. Assessment Summary - Indicators by Dimension

DIMENSION	INDICATORS								
Independence and Status	Independence of the institution	Mechanism for appointment and dismissal of Commissioners	Mandate	Jurisdiction	The power of investigation and investigation	The power of recommendations	Legal authority	Operational authority	Use of political power
Human Resources and Budget	Proportion of budget	Budget adequacy	Budget stability	Employee salaries	Employee selection	Investigation and prosecution skills	Prevention and education expertise	Employee Training	Employee stability

Accountability and Integrity	Annual reporting	Responsiveness to requests for information	External monitoring mechanism	Internal review mechanism	Due process compliance	Willingness of the whistleblower to self-identify	Handling employee reporting	Results of employee reporting	Internal integrity mechanism
Detection, Investigation, and Prosecution	Reporter accessibility	Responsiveness to corruption reports	Proactive investigation	Efficiency and professionalism	Prosecution rate	Suspect determination rate	Investigation of influential people	Restitution and asset recovery	Perception of performance
Prevention, Education and Outreach	Budget allocation	Strategic planning	Training and education	Organization review	Prevention strategy recommendations	Research	Dissemination and campaigns	Online communication	
Cooperation and External Relations	Government support	Cooperation with other law enforcement agencies	Cooperation with non-governmental organizations	International network	Cooperation with anti-corruption agencies of other countries	Accessibility of marginalized groups			

Changes in external supporting factors are followed by a decline in internal supporting factors. From the internal side, the most problematic at the moment is the internal integrity mechanism. Integrity is at the heart of the KPK's values as an institution that instills anti-corruption values to organizers, the business world, and the community. Various violations of the code of ethics and even criminal committed by KPK leaders and employees in the past four years put the KPK in a difficult position. The KPK loses *moral high ground* in ethics enforcement. The KPK lost its moral legitimacy as an institution that propagates the value of integrity.

RECOMMENDATIONS

KPK improvement must start from improving external supporting factors. The first step that needs to be done is to restore the independence of the KPK. The aim is to prevent the KPK from all forms of power intervention. Improvement of these external supporting factors cannot be done from within the KPK.

To restore the performance of corruption eradication by the KPK, it is necessary to have clear state legal politics and favor the independent KPK institution. This means that it cannot only expect the KPK to improve itself, while the KPK's legal basis places it not independent. Without high independence, the KPK is unlikely to be able to eradicate corruption effectively. Meanwhile, the improvement of internal supporting factors must start from the enforcement of integrity values within the KPK.

In such a situation, there needs to be a constitutional effort to correct the decision of the Constitutional Court No. 36/PUU-XV/2017 through re-examination of the new KPK Law. This test is based on the consideration that after the amendment of the KPK Law it is increasingly not independent, performance is getting worse, there are indications that the KPK is being used as a tool of power; as well as abuse of power and allegations of corruption by the Chairman of the KPK.

Moreover, if traced in the Constitutional Court decision there is a very sharp dissenting opinion because four of the nine constitutional judges said that before the decision No. 36/PUU-XV/2017, there had been many previous Constitutional Court rulings, all of which clearly led to the same conclusion: the KPK is not a branch of executive power. If it is related to the constellation that is currently occurring in the Constitutional Court, there is a possibility that retesting the revision of the KPK Law is very feasible.

Independence and Status dimensions

1. The President and the House of Representatives must re-amend the KPK Law to restore the KPK as an independent state institution with a high degree of independence. The KPK must be excluded from the cluster of executive power. The appointment and dismissal of KPK leaders including the KPK Dewas must be carried out using an independent selection mechanism and approval by the DPR.
2. The KPK must be given the flexibility to regulate the internal affairs of its institutions, including the supervision mechanism. The KPK's authority in dealing with corruption needs to be restored, including matters that attract public attention. Criminal threats related to the obligation to destroy wiretap results that are not related to the case need to be removed or at least given clear limits and mechanisms in law. The authority of SP3 must be taken again from the KPK, so that the KPK is careful.
3. The KPK must detach itself from meeting the human resource needs of other ministries/institutions. More specifically, the KPK must divest from filling the position of investigator from the police institution. The KPK must recruit its own investigators.

4. The KPK must resist all forms of intervention from any party, especially those in power. If there is an attempt to interfere with an investigation from any party, the KPK is advised to use article 21 of the Law on Obstruction of Investigation.

Human Resources and Budget Dimensions

5. Alignment towards the eradication of corruption needs to be shown by the House of Representatives and the President by allocating sufficient budget for the KPK with an ideal figure of 0.10% of the State Budget. The level of budget support reflects the level of commitment to eradicate corruption from the state.
6. KPK employees must be returned from ASN to KPK employees. KPK human resources must be fully managed and filled by the KPK independently and independently. The KPK must stop recruiting human resources by relying on other ministries and institutions. Unless employees from other ministries/institutions are transferred to KPK employees, thus avoiding *dual loyalty*.
7. The government and parliament need to restore the opportunity for the KPK to establish offices in the regions and support its realization.
8. If changes are made later to the KPK Law, the KPK structure also needs to be reviewed, because currently the KPK bureaucracy is very fat with the potential for task redundancy so it is still very possible to be simplified.

Accountability and Integrity Dimensions

9. The KPK needs to admit that there has been a lot of corruption and ethical violations within the KPK in the last four years. Denial as shown by KPK Deputy Chairman Alexander Marwata who stated that he was not ashamed of the KPK Chairman being a corruption suspect only added to public anger. The KPK should institutionally apologize to the public, for setting a bad example in upholding the value of integrity.
10. The KPK needs to conduct a thorough internal review. The KPK needs to map the weaknesses of the system that have caused so many ethical violations committed by KPK personnel in the past four years, including those that lead to criminal acts committed by KPK employees and leaders. After that, the KPK must take corrective measures.
11. If a revision of the KPK Law is carried out, it is necessary to evaluate the internal supervision system. The existence of two internal supervisory institutions of the KPK, namely the inspectorate and the Dewas, does not necessarily improve the quality of supervision. Indeed, the two institutions have different tasks, but

there are also the same, namely in the field of supervision and performance appraisal. The existence of a wedge of authority actually causes unnecessary overlap, even can rely on each other.

12. Dewas needs to conduct a self-evaluation, especially regarding the Dewas rulings that are very lenient on violations of the code of ethics. It can be seen in the case of Lili Pintauli Siregar who established communication with the litigant only under moderate ethical sanctions, even though this act was not only a violation of the code of ethics, but also a criminal act because it violated article 36 of the KPK Law. Due to very soft sanctions, there is no deterrent effect in the KPK. As a result, Lili Pintauli Siregar repeated the violation of the code of ethics by receiving gratuities in the Moto GP Mandalika event. In the end, Lili Pintauli Siregar resigned. Dewas must again make the KPK a very serious institution in enforcing the code of ethics, firm and strict in imposing sanctions for all forms of violations of the code of ethics.

Dimensions of Detection, Investigation, and Prosecution

13. The KPK needs to review the quality and quantity of case handling that continues to decline. The KPK must close the gaps in case information leakage, because it can affect the success of handling cases. The KPK needs to evaluate several stagnant cases, as well as those that have not been resolved because they stopped at certain parties. For example, the E-KTP case that has no continuation, the Ministry of Social Affairs social aid case that does not touch the perpetrators of parliamentarians even though there are strong allegations of involvement, and the case of Harun Masiku which does not appear to be a pursuit effort by the KPK. These cases not only affect the quality and performance of prosecution, but directly determine the level of public trust in the KPK. The public makes the handling of these cases as one measure of the independence of the KPK.
14. The KPK also needs to optimize the return of state financial losses due to corruption through the use of the TPPU Law. The low return of state financial losses by the KPK also aroused public skepticism, as it was considered a large peg rather than a pole. Although this opinion is not entirely correct, the public's desire for the KPK to deal with *big fish* is very reasonable in accordance with the limits of cases that can be handled by the KPK, namely carried out by state administrators or causing losses above one billion rupiah. The KPK can use several cases handled by the prosecutor's office as examples, such as the corruption cases of Jiwasraya, Asabri, cooking oil, Duta Palma Group, and BTS BAKTI. Some of these cases can be referred to as *big fish* that contribute to the return of state financial losses of up to tens of trillions of rupiah.

Prevention, Education, and Outreach Dimensions

15. This dimension is the main strength of the KPK remaining today so it must be maintained and improved. Education investments can pay off in the long run. Education today determines Indonesia's future. Anti-corruption education activities organized by the KPK directly need to target state administrators, because they are most at risk of corruption. As for the wider community, it can cooperate with various stakeholders such as formal and non-formal educational institutions, religious and community leaders, as well as artists and culturalists.
16. The function of coordination and supervision in both the field of prevention and enforcement of the KPK needs to be maintained. Although the perception of the KPK is no longer the same as before Law 19/2019, the KPK is still effective in carrying out its corrupt function as seen from various recommendations to K/L/D which are still considered.
17. The KPK must improve online communication. Based on the release of IPAK in 2023, this has decreased drastically. In the digital era, online communication is a very influential tool in the battle of ideas and the formation of public opinion.

Dimensions of Inter-Agency Cooperation

18. In terms of cooperation, the KPK needs to re-realize the importance of civil society as the main partner. Civil society as a supporter of the existence of the KPK, a fighting partner, as well as an instrument of detection. Without strong civil society support, the KPK will not be able to effectively eradicate corruption. Even the existence of the KPK is very fragile if civil society does not show strong support for the KPK. Because in fact the power would prefer no KPK or still have KPK, but not interfere with power.
19. The KPK needs to make changes to become an inclusive institution, especially accessible to vulnerable groups such as people with disabilities. The KPK must improve its public services to be disability-friendly, both in infrastructure, ethics of interaction, and ensuring accessibility of persons with disabilities in participation in corruption prevention and enforcement. The KPK also needs to develop standards for examining cases involving persons with disabilities, solely to respect and fulfill the rights of persons with disabilities.
20. The KPK needs to improve relations with fellow law enforcers, especially the police, prosecutors, as well as the Supreme Court and the judiciary below. The relationship is in the form of KPK support for law enforcement agencies to carry out internal reforms, considering that there are still various corruption cases that occur in law enforcement agencies. The KPK can provide the expertise and

resources needed for law enforcement reform. For example, by conducting post-enforcement research in law enforcement agencies, then followed by prevention programs so that improvements occur. The research can map the weaknesses of the system objectively, followed by policy choices that must be taken so that the KPK's efforts do not stop just enforcement, but are followed by prevention and improvement of the system.

ANNEX

Table 13. Details of ACA Supporting Factors and Performance

DIME- NSI	INDICATORS	SUPPORTING FACTORS		PERFORMANCE	
		EXTERNAL	INTERNAL	ACTIVITY	IMPACT
INDEPENDENCE AND STATUS	Independence of the institution	X			
	Mechanism for appointment & dismissal of Commissioners	X			
	Mandate	X			
	Jurisdiction	X			
	Power of investigation & prosecution	X			

	The power of recommendations	X			
	Legal authority	X			
	Operational authority	X			
	Use of political power	X			
HUMAN RESOURCES & BUDGET ALLOCATION	Proportion of budget	X			
	Budget adequacy	X			
	Budget stability	X			
	Employee salaries		X		
	Employee selection		X		
	Investigation & prosecution skills		X		
	Prevention & education expertise		X		

	Employee training		X		
	Employee stability		X		
ACCOUNTABILITY & INTEGRITY	Annual reporting		X		
	Responsiveness to requests for information		X		
	External monitoring mechanism	X			
	Internal review mechanism		X		
	Due process compliance			X	
	Willingness of the whistleblower to identify themselves				X
	Handling employee reporting			X	
	Results of employee reporting				X
	Internal integrity mechanism		X		
DETECTIVE, INVESTIGATION	Reporter accessibility			X	

	Responsiveness to corruption reporting			X	
	Proactive investigation			X	
	Efficiency and professionalism			X	
	Prosecution rate				X
	Suspect determination rate	X			
	Investigation of influential people				X
	Restitution and asset recovery			X	
	Perception of performance				X
PREVENTION, EDUCATION, & OUTREACH	Prevention budget allocation	X			
	Strategic planning			X	
	Training and education			X	
	Organization review			X	

	Prevention strategy recommendations			X	
	Research			X	
	Dissemination and campaigns			X	
	Online communication			X	
COOPERATION & EXTERNAL RELATIONS	Government support	X			
	Cooperation with other law enforcement agencies		X		
	Cooperation with non-governmental organizations		X		
	International network		X		
	Cooperation with anti-corruption agencies of other countries		X		
	Accessibility of marginalized groups			X	

Table 14. ACA Assessment 2023

The measurement of KPK performance assessment based on the six dimensions consisting of 50 indicators is described in more detail as follows. The assessment results per indicator are given in green, medium indicators in yellow, and bad indicators in red.

Indicators	Indicator Explained	Comparison		Valuation
		Law 30/2002	Law 19/2019	
a. Independence and Authority				
1. Institutional independence	This indicator reflects the level of independence of the KPK from the government	The Corruption Eradication Commission is a state institution that in carrying out its duties and authorities is independent and free from the influence of any power. (Article 3)	The Corruption Eradication Commission is a state institution within the executive power family which in carrying out its duties and authorities is independent and free from the influence of any power. (Article 3)	This dimension has decreased so that the degree of independence of the KPK is much reduced. Including the KPK as a cluster of executive power means ignoring the concept of independent state institutions as the <i>fourth branch</i> . Various KPK institutional arrangements in Law 19/2019 clearly show efforts to subordinate the KPK to the government, for example by transferring its employment status to civil servants.

			<p>Law 19/2019 also created a new institution, namely the Supervisory Board. Dewas then created a supervisory implementing organ regulated in Article 37 C</p> <p>(1) The Supervisory Board in carrying out its duties as referred to in Article 37B shall establish a supervisory implementing organ.</p> <p>(2) Provisions regarding supervisory implementing organs as referred to in paragraph (1) shall be regulated by Presidential Regulation.</p>	<p>The President's interference in the KPK institution, for example, is reflected in the preparation of the supervisory implementing organ. Even though the KPK is not an institution under the President, but the institutional organs within it can be determined unilaterally by the President. This is a form of intervention. The supervisory implementing organ should be regulated in the KPK Law or if it is considered too technical, it should be left to the KPK to regulate it independently internally.</p>
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2. Mechanism for appointment and dismissal of Commissioners	This indicator describes the process of appointment and dismissal of KPK Commissioners, including the composition of the committees or persons responsible for their appointment and the conditions for their appointment or replacement. Safeguards to ensure impartiality include objective selection criteria and transparency of appointment and removal procedures.	The head of the Corruption Eradication Commission is elected by the House of Representatives based on candidate members proposed by the President. To facilitate the selection and determination of candidates for the Chairman of the Corruption Eradication Commission, the Government formed a selection committee. The membership of the selection committee consists of government and community elements. In Law 30/2002 there is an Advisory Team that functions to provide	The process of appointing and dismissing KPK Commissioners is still the same as Law 30/2002. The only difference is in the reason for dismissal, which is added one reason, namely committing a despicable act Law 19/2019 abolished the Advisory Team and established a Supervisory Board with broader duties in the field of supervision. The Chairman and members of the	Law 19/2019 does not correct the weaknesses of Law 30/2002 in the process of appointing and dismissing KPK commissioners. For example, the non-adoption of the appointment of KPK leaders with a <i>staggering system model</i> that makes the term of office of KPK leaders not completed simultaneously. In addition, immunity rights are also not granted to KPK leaders when carrying out their duties and authorities. Other things that are contrary to the principle of independence such as the appointment of the Board of Trustees for the first time become the absolute authority of the President, without a selection committee

		<p>advice and consideration in accordance with its expertise. The Advisory Team is appointed by the KPK from the names submitted by the election selection committee. The selection committee was formed by the Corruption Eradication Commission.</p>	<p>Board of Trustees are appointed and appointed by the President. In appointing the chairman and members of the Supervisory Board, the President establishes a selection committee consisting of elements of the Central Government and elements of the community. Article 69 A of Law 19/2019 stipulates that the Chairman and members of the Supervisory Board are for the first time appointed and appointed by the President.</p>	<p>mechanism and not involving the DPR either for election or just approval. So that the process of appointing Dewas is very subjective, not transparent, and erodes the independence of the KPK. The president can place his person in the KPK at will. That the President finally appointed big names still cannot justify a violation of the principle of independence.</p>
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3. Mandate	<p>This indicator focuses on the KPK's mandate and function, with high scores given when the KPK performs investigation, education and prevention functions. Intermediate scores are given when the KPK focuses primarily on investigations. The KPK scored low if it did not investigate corruption cases and focused only on education and prevention.</p>	<p>The Corruption Eradication Commission has the following duties:</p> <ul style="list-style-type: none"> a. coordination with agencies authorized to eradicate criminal acts of corruption; b. supervision of agencies authorized to eradicate criminal acts of corruption; c. conduct investigations, investigations, and 	<p>The task of the KPK in Law 19/2019, although with a different structure, has not undergone substantive changes, only added with one task, namely: actions to carry out the determination of judges and court decisions that have obtained permanent legal force (Article 6 letter f).</p>	<p>The KPK is still given the task and authority of enforcement, education, and prevention of corruption.</p> <p>However, in terms of supervision of agencies authorized to eradicate criminal acts of corruption, the regulation is left to a Presidential Regulation. Meanwhile, what is meant by Presidential Regulation is a law and regulation stipulated by the President to carry out the orders of higher laws and</p>

		<p>prosecutions of criminal acts of corruption;</p> <p>d. take measures to prevent criminal acts of corruption; and</p> <p>e. monitor the administration of the state.</p> <p>authorized to conduct investigations,</p>	<p>Changes also occur in the task of supervision. Article 10 paragraph 2 stipulates that the provisions regarding the implementation of supervision duties as referred to in paragraph (1) are regulated by Presidential Regulation.</p>	<p>regulations or in exercising government power (Article 1 number 6 of Law 12/2011 concerning PPP). The KPK is not an institution under the President.</p> <p>Delegating the authority of the KPK to be further regulated in the Presidential Regulation is inappropriate. This is a form of interference with the KPK. Supervision arrangements should be handed over to the KPK. Of course, the KPK in developing a supervision mechanism can hear input from other law enforcement.</p>
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<p>4. Authority</p>	<p>This indicator focuses on the sectoral and geographical scope of the KPK. A high score is given if the KPK covers corruption of the public and private sectors (including state-owned enterprises) at all levels of administration. An intermediate score is given if only part of these conditions are met, while a low score given to the KPK only covers public sector corruption at the central/local government level.</p>	<p>In enforcement, the KPK has the authority to investigate, and prosecute criminal acts of corruption which:</p> <ul style="list-style-type: none"> a. involving law enforcement officials, state administrators, and other persons related to criminal acts of corruption committed by law enforcement officials or state administrators; b. receive attention that is troubling to the community; and/or c. involving state losses of at least Rp. 1,000,000,000.00 (one billion rupiah). <p>(Article 11 Law 30/2002)</p>	<p>The KPK's investigative authority is reduced by one case criterion, namely receiving attention that disturbs the community.</p> <p>(Article 11 paragraph 1 of Law 19/2019)</p>	<p>The KPK is authorized to handle corruption cases in the public and private sectors, which are related to criminal acts as stipulated in the Tipikor Law. Indeed, the KPK is still unable to handle corruption cases in the internal private sector, because it has not been criminalized in the Tipikor Law.</p> <p>The reduction in the KPK's investigative authority in Law 19/2019 is on the criteria for cases whose nature receives attention that disturbs the community. This closes the opportunity for the KPK to handle corruption cases with non-state organizers and the value of losses below 1 billion rupiah, even though the case is troubling to the community. Even though it is very likely that there are cases with small typologies but disturbing the</p>
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				community, for example cases of corruption that occur during disasters or corruption in the village
5. Power of investigation and prosecution	This indicator focuses on the KPK's power to carry out its mandate (as described in indicator 3). High scores are given if the KPK has the power to proactively initiate processes and has a range of other powers (e.g. to compel other government agencies to cooperate; arrest and search arrests; examine suspects' bank accounts, safe deposits, income and property tax records; search and entry of buildings, etc.). KPK is given a medium score if it has only a few	Article 12 (1) In carrying out the duties of investigation, investigation, and prosecution as referred to in Article 6 point c, the Corruption Eradication Commission has the authority: a. wiretap and record conversations; b. order the relevant authorities to prohibit a	The KPK's powers in investigation and prosecution have not changed much. One thing that has changed quite a bit is the matter of eavesdropping. Article 12B (1) Wiretapping as referred to in Article 12 paragraph (1), shall be carried out after obtaining	Wiretapping permits cannot be handed over to Dewas, because they are not law enforcement officials. While wiretapping is a coercive effort that is pro judicial. The problem of wiretapping that currently still exists is the obligation to destroy instantly the results of wiretapping that are not related to the Corruption Crime that is being handled by the Corruption Eradication Commission. If the obligation is not carried out,

	<p>strengths above and a low score if it is purely reactive and/or has only one or two strengths above</p>	<p>person from traveling abroad;</p> <p>c. request information from the bank or other financial institution about the financial condition of the suspect or defendant being examined;</p> <p>d. order banks or other financial institutions to block accounts suspected of proceeds of corruption belonging to suspects, defendants, or other related parties;</p> <p>e. order the leader or superior of the suspect to temporarily dismiss the suspect from his position;</p> <p>f. request wealth data and tax data of suspects or defendants to the relevant agencies;</p>	<p>written permission from the Supervisory Board.</p> <p>(2) To obtain a permit as referred to in paragraph (1) shall be carried out based on a written request from the Chairman of the Corruption Eradication Commission.</p> <p>However, the wiretapping permit provision was finally changed by the Constitutional Court to a notification in Constitutional Court Decision No. 70/PUU-XVII/2019</p>	<p>the official and/or person who keeps the results of the Wiretap is subject to criminal penalties.</p> <p>The problem lies in the understanding or category of wiretapping results that are not related to criminal acts. How to determine it? What is the measure of relevance? What if it is not related to the matter being handled but related to another matter? What if it is not related to corruption but related to other crimes? What if it is not related to the case being handled, but related to other matters in the future? Meanwhile, Law 19/2019 orders immediate destruction. How to translate instantly? Is it shortly after the tapping is done? Or after the case has been handled? Criminal threats to KPK officials</p>
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		<p>g. suspend financial transactions, trade transactions, and other agreements or temporarily revoke licenses, licenses and concessions made or owned by suspects or defendants allegedly based on sufficient preliminary evidence related to the criminal act of corruption being examined;</p> <p>h. request the assistance of Interpol Indonesia or law enforcement agencies of other countries to conduct searches, arrests, and seizures of evidence abroad;</p> <p>i. request the assistance of the police or other relevant agencies to make</p>	<p>Further wiretapping is regulated in Article 12D</p> <p>(1) The results of wiretapping as referred to in Article 12 paragraph (1) are confidential and only for judicial purposes in the Eradication of Criminal Acts of Corruption.</p> <p>(2) Wiretapping results that are not related to the Corruption Crime being handled by the Corruption Eradication Commission must be destroyed immediately.</p> <p>(3) In the event that the obligations</p>	<p>or employees who are considered not carrying out their extermination obligations can be an entry point for criminalization from other law enforcement.</p> <p>Another thing that has also changed in Law 19/2019 is that the KPK leadership no longer acts as an investigator and public prosecutor.</p>
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		<p>arrests, detentions, searches, and seizures in cases of corruption crimes being handled.</p> <p>Article 21 paragraph 4 of Law 30/2002</p>	<p>referred to in paragraph (2) are not carried out, the official and/or person who keeps the results of the Wiretap shall be sentenced to criminal penalties in accordance with the provisions of laws and regulations.</p> <p>Deleted</p>	
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<p>6. The strength of recommendations</p>	<p>The KPK receives a high score if it has the power to develop and enforce binding recommendations on other institutions or on the government's anti-corruption policy more generally. This includes the power to publicly report complaints, to uncover issues and public hearings and investigations. The KPK receives a medium score if it has only a few of the above strengths and a low score if it does not have the power to enforce its recommendations.</p>	<p>Article 14</p> <p>In carrying out the duties of the monitor as referred to in Article 6 letter e, the Corruption Eradication Commission has the authority:</p> <ul style="list-style-type: none"> a. reviewing the administrative management system in all state and government institutions; b. advise the leaders of state and government institutions to make changes if based on the results of the study, the administrative management system has the potential for corruption; c. report to the President of the Republic of 	<p>Article 9</p> <p>In carrying out the monitoring duties as referred to in Article 6 letter c, the Corruption Eradication Commission has the authority:</p> <ul style="list-style-type: none"> a. reviewing the administrative management system in all state institutions and government institutions; b. advise leaders of state institutions and government institutions to make changes if based on the results of the study, the administrative management system 	<p>In substance, there are no changes to the KPK Law, only a slight editorial reformulation. The strength of the KPK's recommendations is quite strong.</p>
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		<p>Indonesia, House of Representatives</p> <p>The people of the Republic of Indonesia, and the Audit Board, if the advice of the Corruption Eradication Commission regarding the proposed changes is not heeded.</p>	<p>has the potential to cause Criminal Acts of Corruption; and</p> <p>c. report to the President of the Republic of Indonesia, the House of Representatives of the Republic of Indonesia, and the Audit Board if the advice of the Corruption Eradication Commission regarding proposed changes is not implemented.</p>	
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<p>7. Legal authority</p>	<p>High scores are given where the KPK has full discretion with respect to decision-making on investigations and/or prosecutions and where Commissioners and senior employees have immunity from criminal/civil prosecution for actions taken in the exercise of their mandate. An intermediate score is given if the KPK is subject to some level of ministerial direction or if the KPK Commissioner and staff are responsible for prosecutions. Low marks are given if the KPK and its staff are subject to ministerial directives and may be subject to penalties</p>	<p>Article 3</p> <p>The Corruption Eradication Commission is a state institution that in carrying out its duties and authorities is independent and free from the influence of any power.</p> <p>Article 40</p> <p>The Corruption Eradication Commission is not authorized to issue letters</p> <p>order to stop investigation and prosecution in case of acts</p> <p>criminal corruption.</p>	<p>Article 3</p> <p>The Corruption Eradication Commission is a state institution within the executive power family which in carrying out its duties and authorities is independent and free from the influence of any power.</p> <p>Article 40 paragraph 1</p> <p>The Corruption Eradication Commission may stop investigating and prosecuting cases of Corruption Crimes whose investigation and prosecution are not completed within</p>	<p>Although institutionally the KPK is in the executive power family, its employees become civil servants, but in terms of legal authority the KPK has flexibility in making decisions about investigations or prosecutions. Although the right to immunity has not been granted for KPK personnel in carrying out their duties and authorities.</p> <p>Unfortunately, Law 19/2019 gives SP3 authority to the KPK and even mentioned for cases that do not complete their investigation and prosecution within 2 years. Even though the Criminal Procedure Code alone does not provide a time limit like this</p>
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			a maximum period of 2 (two) years.	
8. Operational authority	<p>High scores are given if the KPK has operational control over the selection, transfer, and transfer of senior staff (including mechanisms to ensure continuity in the absence of a KPK chief) and where there is no evidence of political interference from the government. An intermediate score is given where there is some evidence of external influence either on the election, removal and transfer of staff or political interference in other aspects of the KPK's operations. A low score is given if this type of disorder is felt to be present. If the KPK faces political interference in its daily operations from the</p>	<p>Article 39</p> <p>Investigators, investigators, and public prosecutors who were employees of the Corruption Eradication Commission were temporarily dismissed from the police and prosecutor's offices while they were employees of the Corruption Eradication Commission.</p> <p>---</p>	<p>Same</p> <p>Article 43 A</p> <p>Corruption Eradication Commission investigators must meet the following requirements:</p> <p>paragraph (1) letter b. attend and pass education in the field of investigation;</p> <p>The requirements referred to in paragraph (1) point b are organized by the Corruption</p>	<p>The KPK can no longer independently recruit and educate its own investigators. Must cooperate with the police/prosecutor's office.</p> <p>Operationally, the KPK is often disrupted, due to HR problems. The KPK still has dependence and even dominance on human resources from other ministries, especially investigators from the National Police. This greatly affects the independence of the KPK. In the event that there is a dynamic of the KPK-Polri relationship that ups and downs, the KPK operations are also affected because there are KPK employees who come from the National Police. At</p>

	<p>government, the number and details of these cases should be provided, including media reports where available.</p>		<p>Eradication Commission in collaboration with the police and/or the prosecutor's office</p>	<p>any time police investigators at the KPK can be withdrawn.</p> <p>For example, the return of Investigator Rossa to the National Police related to the Harun Masiku case.</p> <p>Source:</p> <p>"Chronology of Rossa's Investigator's Return to the National Police KPK Version" (CNN Indonesia 2020)</p> <p>https://www.cnnindonesia.com/nasional/20200206215743-12-472464/kronologi-pengembalian-penvidik-rossa-ke-polri-versi-kpk</p> <p>Likewise, when the KPK wants to dismiss officials from the National Police who are considered unwilling to obey the wishes of the leadership, it</p>
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				<p>is quite easy, namely returned to the National Police.</p> <p>Source:</p> <p>"Sitting Firli Returns Endar & Karyoto, Formula E Issue Erupts" CNN Indonesia (2023)</p> <p>https://www.cnnindonesia.com/nasional/20230210084942-12-911321/duduk-perkara-firli-pulangkan-endar-karyoto-isu-formula-e-menyeruak.</p>
9. Political power	<p>This indicator assesses the government's dependence on the KPK to use corruption as a tool against political opponents or for other political motives. If the government uses corruption as a tool against political opponents, details of opposition political leaders are investigated</p>			<p>The use of the KPK as a political tool is not easy to ascertain. However, some cases can be noted that the KPK may not be sterile from political interests.</p> <p>The case of the migrant worker protection system in the Ministry of Foreign Affairs. This case is interesting, because it</p>

	<p>by the KPK and the results of the investigation must be provided.</p>			<p>appeared after 12 years. The examination of Muhaimin Iskandar was carried out after stating that he would run for Vice President.</p> <p>Source:</p> <p>KPK examines Cak Imin about his policy regarding the migrant worker protection system (Antara, 2023)</p> <p>https://www.antaraneews.com/berita/3717660/kpk-periksa-cak-imin-soal-kebijakannya-terkait-sistem-proteksi-tki</p> <p>The case of Formula E. This case is interesting because there is resistance from the deputy enforcement and director of investigation to raise it to the stage of investigation despite orders from the leadership. In fact, this case is suspected to be the</p>
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				<p>trigger for Karyoto and Endar's return to the National Police.</p> <p>Source:</p> <p>KPK Denies Removal of Brigadier General Endar Related to Formula E (Kompas.com, 2023)</p> <p>https://nasional.kompas.com/read/2023/04/05/12313321/kpk-bantah-pencopotan-brigjen-endar-terkait-formula-e</p> <p>In addition to the two cases above where the KPK leadership seems to want the case to immediately rise to the investigation stage, in the case of the Wamenkumham it is the opposite. Although the investigators were very confident that the case could be escalated to investigation, it was hampered by the KPK</p>
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				<p>leadership and the Director of Investigation.</p> <p>Source:</p> <p>Why did the KPK delay the determination of alleged bribery suspect Eddy Hieriej? (Tempo Magazine, 2023)</p> <p>https://majalah.tempo.co/read/laporan-utama/170087/tuduhan-suap-eddy-hiariej</p>
b. Human Resources and Budget				
10. Proportion of budget	<p>This indicator assesses the average proportion of the KPK budget to the total government budget over the last 3-5 years. If the KPK performs both corruption-related and non-corruption functions, only the budget for corruption functions (if this information is available) is calculated as a proportion of the total government budget</p>			<p>The KPK budget is far below 0.1% of the total state budget. This shows low support for the eradication of corruption.</p> <p>2022: IDR 1,303,673,972,000.00 from the State Budget IDR 2,463,024,911,395,000.00</p>

	<p>over the past 3-5 years. If there is more than one KPK, the proportion of their budget for corruption functions to the total government budget is calculated for each KPK.</p>			<p>2021: IDR 1,048,171,819,000.00. from the state budget IDR 2,750,028,000,000,000</p> <p>2020: IDR 920,280,999,000.00. from the state budget IDR 2,739,165,900,000,000</p> <p>2019: IDR 923,670,466,000.00. from the state budget IDR 2,461,112,000,000,000</p> <p>Source: List of KPK annual reports List of APBN data</p>
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<p>11. Budget adequacy</p>	<p>This indicator assesses the adequacy of the KPK's budget to carry out its functions. In addition to quantitative data, consider whether the KPK has the autonomy to establish and seek approval for its own budget requirements and whether it holds cases due to limited resources, as additional indicators of budget adequacy. If the KPK also relies on donor agencies for funding to increase its budget, interviews should be conducted with representatives of relevant donor agencies and CSOs to obtain details of funding provided over the past three years.</p>			<p>2019 KPK submits Rp 985 billion approved Rp 923 billion</p> <p>In 2020, the KPK proposed a budget of IDR 1.4 trillion. While the indicative ceiling is only Rp 920 M</p> <p>2021 KPK submits a budget of IDR 1,881 M. While the approved IDR 1,048 M</p> <p>2022 KPK submits a budget of IDR 1,496.31 M. While the approved IDR 1,303</p> <p>Budget submissions by the KPK always cannot be fulfilled by the DPR and the government. Especially in 2020 where the KPK asked for a budget of 1.4 T but what was provided was not up to 1 T</p>
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12. Budget stability	This indicator ascertains from interviews with Commissioners and senior KPK employees whether the KPK is having problems obtaining approval for its annual budget requests. This indicator also assesses whether the budget is distributed on time.			<p>2022: IDR 1,303,673,972,000.00</p> <p>2021: IDR 1,048,171,819,000.00.</p> <p>2020: IDR 920,280,999,000.00.</p> <p>2019: IDR 923,670,466,000.00.</p> <p>The KPK's budget fluctuates. However, in 2020 the KPK's budget actually decreased. Meanwhile, in that year there was a Covid 19 pandemic. The KPK budget should be increased as needed to oversee corruption-prone Covid-19 mitigation programs.</p> <p>Source: List of KPK annual reports</p>
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<p>13. Employee salaries</p>	<p>Details of the pay scale and benefits of KPK employees should be provided in the KPK profile in Section 2. Any significant changes in salary and benefits over the past 3-5 years should be highlighted and described. The usual comparison to assess whether salaries compete with the private sector (e.g. Banks, auditing firms, etc.), which usually pay better than the public sector. However, it is also necessary to see how the salaries of KPK staff compare with the salaries of other civil servants. Sometimes KPK staff are paid better than other public sector bodies to attract qualified candidates to join and remain within the KPK. Details of benefits should also be provided as they form a significant part of the monthly pay package of KPK employees</p>			<p>For the welfare of the leadership, it still refers to the Government Regulation (PP) of the Republic of Indonesia Number 82 of 2015 concerning the Second Amendment to PP Number 29 of 2006 concerning Financial Rights, Protocol Position, and Security Protection of KPK Leaders.</p> <p>As for KPK employees, after their status changes to ASN, of course, they must follow the welfare provisions of ASN. However, the salaries of KPK employees are guaranteed by the government not to decrease. Most recently, the government issued Presidential Regulation 51 of 2023 concerning Special Allowances for Employees within the Corruption Eradication Commission. In this Presidential Regulation, special</p>
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	<p>in some countries. When comparing with private sector bodies, it should focus mainly on mid-level staff as the salaries and benefits of senior-level staff are less comparable.</p>		<p>allowances can be given to employees within the Corruption Eradication Commission who are transferred to the state civil apparatus and who experience a decrease in income, compared to the income received in accordance with the provisions of laws and regulations governing the KPK's human resource management system.</p> <p>This special allowance is given every month in the amount of the difference between the monthly income received by employees within the KPK as state civil servants which includes basic salary, family allowance, position allowance, food/rice allowance, food allowance, performance allowance with employee income within the KPK in</p>
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				accordance with laws and regulations governing the human resource management system of the Corruption Eradication Commission which includes salaries, Monthly fixed incentives, monthly non-fixed incentives, annual fixed incentives that are at GI 12 (twelve) months.
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<p>14. Employee selection</p>	<p>This indicator focuses on the KPK's internal procedures for recruiting employees (regardless of existing civil service rules). High scores are awarded if, in practice, the selection procedure is meritocratic (based on educational qualifications and qualifications) and transparent. An intermediate score is given if the procedure is meritocratic but not transparent, or vice versa. A low score is given if the procedure is opaque and based on patronage.</p>	<p>Article 24</p> <p>(2) Employees of the Corruption Eradication Commission as referred to in Article 21 paragraph (1) point c are Indonesian citizens who because of their expertise are appointed as employees of the Corruption Eradication Commission.</p> <p>(3) Provisions regarding the terms and procedures for the appointment of employees of the Corruption Eradication Commission shall be further regulated by the Decree of the Corruption Eradication Commission.</p>	<p>Article 24</p> <p>(1) Employees of the Corruption Eradication Commission as referred to in Article 21 paragraph (1) point c are Indonesian citizens who, because of their expertise, are appointed as employees of the Corruption Eradication Commission.</p> <p>(2) Employees of the Corruption Eradication Commission shall be members of the professional corps of employees of the state civil apparatus of the Republic of</p>	<p>The KPK no longer has independence in employee selection, because it currently has the status of an ASN. Of course, employee selection is the authority of BKN and its policy follows the RB Ministry.</p> <p>Source:</p> <p>https://rekrutmen.kpk.go.id/cpns</p>
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			<p>Indonesia in accordance with the provisions of laws and regulations.</p> <p>(3) Provisions regarding procedures for appointing employees of the Corruption Eradication Commission shall be implemented in accordance with the provisions of laws and regulations.</p>	
15. Investigation and prosecution expertise	<p>This indicator assesses the expertise of KPK employees in corruption investigations and prosecutions. This evaluation is largely qualitative and is based on information provided on the educational and training qualifications of its employees (particularly on investigative</p>			<p>Matters handled by the KPK when viewed from the quantity have decreased. However, it is actually still at a relatively high position. In 2019 it handled 145 cases, in 2020 it handled 91 cases, in 2021 it handled 108 cases, and in 2022 it handled 120 cases. This means that per</p>

	<p>techniques), as well as the average length of service of KPK employees, if this information can be provided. It is also based on interviews with senior KPK employees, CSO leaders, donor agency representatives, and anti-corruption experts. The number of unfilled staff positions for investigative and/or prosecution functions can also serve as an indicator of skill level.</p>			<p>year an average of 116 cases are handled. Compared to the average number of cases handled by the KPK in 2015-2018 of 119 cases. In terms of quantity, the number of decreases is not too drastic.</p> <p>However, in terms of quality, it has decreased. More and more KPK corruption defendants are released or acquitted.</p> <p>For example, the BLBI case where Syafruddin, Sjamul and Ijtih were sentenced to release.</p> <p>President Director of PT PLN, Sofyan Basir was sentenced to acquittal in the bribery case of the Riau-1 PLTU project</p> <p>Supreme Court Justice Gazalba Saleh acquitted in bribery case</p> <p>Andri Wibawa and M Totoh Gunawan were sentenced to acquittal in the Covid 19 social</p>
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				<p>aid corruption case in West Bandung Regency</p> <p>Samin Tan acquitted in gratuity case</p> <p>The decline in the quality of case handling has not been corrected by the KPK, a new situation has arisen. Although cases such as BLBI were decided before TWK, expertise in the KPK declined because many senior employees were fired via TWK</p>
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<p>16. Prevention and education skills</p>	<p>The evaluation of KPK employees' level of expertise in corruption prevention and education is largely qualitative and is based on information provided on the education and training qualifications of its employees, as well as the average length of service of KPK employees, if this information can be provided. It is also based on interviews with senior KPK employees, CSO leaders, donor agency representatives, and anti-corruption experts. The number of unfilled staff positions for preventive and educational functions can also serve as an indicator of skill level.</p>			<p>Based on the 2022 KPK report, the National MCP Average Achievement: 71%</p> <p>As for the LHKPN side, compliance is actually relatively high. From 2020-2022 the average compliance rate was 95.41%</p> <p>Unfortunately, so far LHKPN has not been used as a tool for handling corruption cases. For example, in the case of Rafael Alun, LHKPN, although it was irregular, still did not proceed with investigations. Cases can arise because of netizens' insistence triggered by child abuse.</p>
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17. Employee training	<p>Details of the number and types of training courses attended by KPK employees as well as the training available to them over the past 3-5 years should be provided. Details of the budget allocated by the KPK for training over the past three years should be provided where available. As a general rule, from 1%-3% of the human resources budget will be considered adequate. Less than a 1% allocation would suggest that training is not a priority.</p>			<p>In 2020 there were 116 trainings. In 2021, there were 155 knowledge sharing work units. In 2022, capacity building of KPK personnel will be carried out through domestic scholarship programs, In-house training (IHT), Induction, Public training, Procurement of Goods and Services (PBJ), Money Laundering (TPPU), digital asset tracking, data analysis, risk management, Code of ethics, and others. KPK continues to adopt learning utilizing information technology with the SMART application</p>
18. Employee stability	<p>If KPK employee turnover is high, the reason for the KPK's inability to retain its staff should be ascertained in interviews with KPK employees and employees who have resigned recently if possible. Personal</p>			<p>2020 Number of employees: 1589 2021 Number of employees: 1551</p>

	<p>turnover refers to the movement of employees resulting from staff recruitment and resignation. If employees are seconded or transferred to the KPK from another government agency or vice versa, details of such assignment or transfer should be recorded as well. If the KPK conducts exit interviews of employees who have resigned in recent years, investigators should request this information from the KPK.</p>			<p>2022 Number of employees: 1632</p> <p>However, there is no data on the number of employee turnouts.</p> <p>According to the Jakarta Principles, a turn out if more than 10% indicates personnel instability.</p>
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c. Accountability and Integrity

19. Annual report	<p>This indicator assesses the completeness of the information provided, and the accessibility of, the KPK's annual report. Analysis of information provided in the KPK's annual report to assess its completeness and accessibility to the public. "moderately limited" information refers to, for example, high-level data on KPK activities, budgets, and corruption cases that are not adequately disaggregated and therefore of limited use.</p>			<p>There is a very accessible annual report. It's just that the report uses global figures, including for example in listing the budget. So if you need exact numbers, you must open the financial statements. There is also a lack of detailed data such as employee turnout. However, overall the KPK's annual report is relatively complete and easy to read.</p> <p>https://www.kpk.go.id/id/publikasi/laporan-tahunan</p>
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<p>20. Responsiveness to requests for information</p>	<p>This indicator assesses the transparency of the KPK in terms of responsiveness to specific requests from the public (in contrast to proactive transparency, which was the previous indicator).</p>			<p>The KPK is responsive in responding to specific requests from the public</p> <p>https://www.kpk.go.id/id/publikasi/laporan/laporan-pelayanan-informasi-publik</p> <p>Note: PIP 2020 report not found on website</p>
<p>21. External monitoring mechanisms</p>	<p>This indicator assesses the strength of the KPK's external oversight mechanism as a whole, with a particular focus on the KPK's supervisory committee. An effective committee requires a review process and a mechanism to act on committee recommendations. The KPK can describe what additional oversight mechanisms exist (e.g. Regular reporting to parliament, external audits, judicial</p>			<p>The KPK prepares reports as a form of accountability to the public.</p> <p>The KPK is also supervised by the DPR through various RDPs held.</p> <p>https://www.kpk.go.id/id/berita/berita-kpk/3094-bahas-kinerja-pemberantasan-korupsi-kpk-gelar-rdp-bersama-komisi-iii-dpr</p>

	<p>reviews). If the KPK is to be reviewed by PPATK, the number and details of incorrect audit memoranda or observations over the past 3-5 years should also be provided.</p>			
<p>22. Internal review mechanism</p>	<p>This indicator describes the KPK's internal review process including whether it has a corporate plan, M&E framework, and performance evaluation measures and whether it collects public perception data on KPK performance. Wherever possible, ascertain whether this</p>		<p>Article 37B of Law 19/2019</p> <p>Dewas conducts periodic performance evaluations of Leaders and Employees of the Corruption Eradication</p>	<p>The performance evaluation of KPK leaders and employees is guided by Supervisory Board Regulation Number 1 of 2023 concerning Guidelines for the Implementation of Performance Evaluation of Leaders and Employees of the Corruption Eradication Commission. However, it is not illustrated how Dewas</p>

	is being used to inform KPK learning and improvement		Commission 1 (one) time in 1 (one) year.	conducts performance evaluations.
23. Adherence to <i>due process</i>	This indicator assesses public confidence in the KPK's compliance with due process, impartiality, and fairness in exercising its powers and treatment of persons under investigation. To the extent possible, assessments should be based primarily on survey findings and supplemented by interviews with KPK employees, CSO leaders, donor agency representatives, anti-corruption experts, and journalists where appropriate. Profile of survey respondents in terms of their age, gender, occupation and			The KPK measures the level of public trust through surveys. For example, in 2022. However, it is not illustrated how public trust in the field of enforcement. https://www.kpk.go.id/images/Laporan Tahunan KPK 2022.pdf In the KPK, there are many alleged obstacles in cases, for example, illustrated by the case of Harun Masiku. This obstacle is also inseparable

	<p>educational qualifications should be provided. If the KPK has conducted a public perception survey, researchers can request a report of this survey.</p>			<p>from the internal sincerity of the KPK.</p> <p>KPK Loses Track of Harun Masiku Around PTIK, Polri: We Continue to Search (Detik, 2020)</p> <p>https://news.detik.com/berita/d-4880808/kpk-kehilangan-jejak-harun-masiku-di-sekitar-ptik-polri-terus-kami-cari</p>
24. Complainant's willingness to self-identify	<p>This indicator assesses the willingness of complainants and whistleblowers to identify themselves with the KPK. The number of signed and anonymous complaints over the past 3-5 years should be compared with the overall number of complaints received as an indicator of complainants'</p>			<p>There is a tendency for CSOs to be less willing to report to the KPK. This is caused by none other than <i>the trust issue factor</i>. From various FGDs held in the regions, CSOs showed hesitancy to report to the KPK because they doubted the</p>

	<p>willingness to identify themselves, and hence their confidence in the KPK process. If the KPK provides protection for whistleblowers, the details of that protection should be explained, with specific examples where possible.</p>			<p>independence and professionalism of the KPK.</p> <p>Source:</p> <p>FGD Report on KPK Performance Appraisal organized by TII</p> <p>Although in fact the KPK still provides protection and security guarantees for whistleblowers.</p> <p>Source:</p> <p>https://www.kpk.go.id/id/statistik/pengaduan-masyarakat</p>
25. Handling of complaints	<p>This indicator assesses the procedure for handling complaints against KPK personnel and its effectiveness. Where available, a profile of the complainant including their gender, age, occupation and</p>			<p>Complaint handling, especially through KWS and other media for the KPK internal reporting category, has very minimal data availability. For this type of alleged violation of the code of ethics, it is followed up by the KPK Dewas. Meanwhile, allegations of disciplinary</p>

	educational qualifications must be obtained from the KPK.			violations are followed up by the KPK Inspectorate.
26. Results of the complaint	This indicator assesses the results of complaints against the KPK or its employees in the last 3-5 years. The KPK may provide the number of valid complaints against KPK employees for violations along with details of penalties imposed. If only a few legitimate complaints result in the imposition of penalties or if the complaints are ignored by the KPK.			The annual report does not display complaints against KPK employees, particularly those related to employee discipline. The Dewas report presents data on the ethical enforcement process of KPK leaders and employees.
27. Internal integrity mechanism	This indicator assesses the completeness of the KPK's code of conduct (e.g. asset declarations and conflicts of interest, rules on rewards and hospitality, post-employment restrictions) and the processes put in place to address code violations and other			There are regulatory instruments, but the substance still has shortcomings such as cooling periods. A bad example of conflict of interest management in the KPK is that FB signed the arrest letter of the Minister of Agriculture SYL,

	malpractices as well. such as to deal with internal complaints.			while FB is under investigation by the National Police.
d. Monitoring, Enforcement and Investigation				
28. Whistleblower accessibility	This indicator assesses the KPK's accessibility to corruption complainants/informants, even though data on corruption-related complaints were received by the KPK over the past 3-5 years. An assessment for this indicator will be carried out after comparing this data with the population of Indonesia. The thresholds used will be considered in the context of perceived levels of corruption in each country, using data such as CPI and GCB TI. If the level of corruption is			Number of case complaints 2019: 6.084 2020: 4.151 2021: 4.040 2022: 4.427
				To report to the KPK is very accessible through various reporting media. Complaints by the public can be submitted through various ways, both letters, telephones, sms, fax,

	<p>very high, then the threshold should be increased, and vice versa if the perceived level of corruption in the country is low.</p>			<p>direct arrival, social media, and the KWS website.</p> <p>Source: KPK https://www.kpk.go.id/id/publikasi/laporan/laporan-tahunan Annual Report</p> <p>https://www.kpk.go.id/id/statistik/pengaduan-masyarakat</p>
<p>29. Responsiveness to corruption reporting</p>	<p>This indicator assesses the KPK's responsiveness to corruption complaints and information received over the past 3-5 years. See the KPK's annual report for data on the number of corruption-related complaints received. Then calculate the proportion of these complaints investigated over the past 3-5 years. Also consider whether there seems to be a reluctance of the KPK to conduct investigations and</p>			<p>The number of complaints in 2019 reached 6,084 reports and 2,780 reports have been verified.</p> <p>2020 Report Volume 4151 Verified 1429</p> <p>2021 Number of Reports 4040 Verified 1531</p> <p>The purpose of verification is that the report is forwarded to the reviewer.</p>

	whether there is a significant backlog of cases. If so, these qualitative factors will most likely point to a low low score.			Source: KPK https://www.kpk.go.id/id/publikasi/laporan/laporan-tahunan Annual Report
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<p>30. Proactive investigation</p>	<p>This indicator assesses how proactive the KPK is in initiating investigations of its own volition. Compare data on the number of corruption investigations initiated by the KPK over the past 3-5 years with the total number of investigations conducted by the KPK during the same period (including those instigated as a result of complaints). A high proportion of proactive investigations will be more than 10% of all investigations, a moderate proportion between 5-10%, and a low proportion less than 5%. If the KPK has initiated important investigations into influential individuals, this should also be considered when assessing the level of proactivity.</p>			<p>2019 OTT number 21</p> <p>2020 OTT 12, case building 22</p> <p>2021 OTT 6, case building 49</p> <p>2022 OTT 22, case building 15</p> <p>Source: KPK https://www.kpk.go.id/id/publikasi/laporan/laporan-tahunan Annual Report</p> <p>The KPK intends to change the orientation of case handling from OTT to case building with the aim of optimizing state loss returns. The note is that OTT and case building are not a matter of conflict, as long as both operate in accordance with the authority of the KPK and have priority in the designated intervention areas.</p>
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<p>31. Efficiency and professionalism</p>	<p>To assess this indicator, the KPK can provide data on the average time taken to complete corruption investigations over the past 3-5 years to assess its level of efficiency in corruption investigations. The professionalism of the KPK in investigating corruption cases is reflected in the number of cases successfully prosecuted, the number of people convicted over the past 3-5 years, and the assessment of anti-corruption experts interviewed. The reason for the very long length of the case must be explained if there are special circumstances. More important is the average length taken by the KPK to complete corruption investigations.</p>			<p>From the KPK's annual report, it can be seen that the number of investigations and prosecutions is not much different. Indeed, there is no exact data on the time of settlement of cases in the KPK's annual report. However, the case handling data shows that there are not many case arrears.</p> <p>2019 Investigation 142, Investigation 268, Prosecution 234</p> <p>2020 Investigation 114, Investigation 91, Prosecution 81</p> <p>2021 Investigation 128, Investigation 107, Prosecution 122</p> <p>2022 Investigation 113, Investigation 120, Prosecution 133</p>
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32. <i>Prosecution rate</i>	<p>This indicator assesses the average prosecution rate of corruption cases investigated by the KPK</p>			<p>2019 prosecution 234 2020 prosecutions 81 2021 prosecution 122 2022 Prosecution 133</p> <p>Source: KPK https://www.kpk.go.id/id/publikasi/laporan/laporan-tahunan Annual Report</p> <p>In terms of the number of cases at the prosecution stage in the KPK leadership for the 2019-2022 period, it decreased and then rose again.</p>

<p>33. <i>Conviction rate</i></p>	<p>This indicator assesses the average conviction rate of corruption cases investigated by the KPK</p>			<p>This success rate can be seen in the inkracht verdict</p> <p>In 2020 there were 92 rulings</p> <p>In 2021 there were 87 rulings</p> <p>In 2022 there were 121 rulings</p> <p>Source: KPK https://www.kpk.go.id/id/publikasi/laporan/laporan-tahunan Annual Report</p>
<p>34. Investigation of influential people</p>	<p>This indicator assesses the KPK's willingness to investigate influential individuals for corruption over the past 3-5 years. The KPK can provide details of the number and names of influential people investigated over the past 3-5 years. Relevant details of these cases should be provided, including the results of the investigation and the sentence imposed. Influential people</p>			<p>The KPK was quite successful in investigating influential people.</p> <p>2019 suspects 76 (OTT only)</p> <p>2020 suspects 109</p> <p>2021 suspects 127</p> <p>2022 suspects 149</p> <p>Among the suspects are state officials, central and regional</p>

	<p>refer to political leaders, political party leaders, senior civil servants, business leaders, and prominent citizens. The thresholds for "some" and "sufficient" are indicative and will depend on the overall number of investigations in a country and the most common forms of corruption (e.g. petty or political corruption). If necessary, the time period may be extended to include investigations of influential persons over the past 10 years, with the threshold increasing accordingly.</p>			<p>political elites, and businessmen</p> <p>Source: KPK https://www.kpk.go.id/id/publikasi/laporan/laporan-tahunan Annual Report</p>
35. Restitution and return of assets	<p>This indicator assesses the role of the KPK in restitution, asset return, freezing, and confiscation over the past 3-5 years. The KPK can provide information on the number of cases and the number and details of assets recovered,</p>			<p>Return on assets</p> <p>2020 IDR 294,778,133,050</p>
				<p>2021 IDR 416,941,569,376</p> <p>2022 IDR 575,743,073,509</p>

	<p>frozen, or confiscated by the KPK over the past 3-5 years. This indicator will evaluate whether the KPK's active role in the process should take into account the number of cases in which this measure has been implemented and the overall number recovered, frozen and confiscated, compared to the estimated volume of assets stolen in the country (where such estimates are available).</p>			<p>This figure is actually relatively small judging from the country's financial losses. For example, ICW mentions losses in 2022 due to corruption of up to 62 trillion.</p> <p>Source:</p> <p>LAKIP KPK</p> <p>https://www.kpk.go.id/id/publikasi/laporan/laporan-akuntabilitas-kinerja/</p> <p>State Losses due to Corruption Reach IDR 62.93 Trillion in 2021</p> <p>https://dataindonesia.id/varia/detail/kerugian-negara-akibat-korupsi-capai-rp6293-triliun-pada-2021</p>
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<p>36. Perception of performance</p>	<p>This indicator assesses public perception of the KPK's performance. To the extent possible, this assessment will be based primarily on survey findings and supplemented by interviews with senior KPK employees, CSO leaders, donor agency representatives, anti-corruption experts, and journalists where appropriate. Profile of survey respondents in terms of their age, gender, occupation and educational qualifications should be provided. If the KPK has conducted a public perception survey, researchers can request a report of this survey.</p>			<p>The KPK created the Organizational Reputation Index, which is a combination of the Public Perception Index based on News and Publications combined with the KPK Performance Perception Index. Scale 1-5. In 2020 the score was 3.79, 2021 was 3.42 and 2022 was 3.89</p> <p>Source:</p> <p>LAKIP KPK</p> <p>https://www.kpk.go.id/id/publikasi/laporan/laporan-akuntabilitas-kinerja/</p> <p>However, pollsters photographed the KPK with very blurry images. Public trust in the KPK plummeted. Even in 2021, Political Indicators conducted a survey on the level of public trust in the KPK with a result of 65.1%.</p>
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				<p>Source:</p> <p>"Survey: Public Trust Trend in KPK Has Not Recovered Since Sagging in 2020"</p> <p>https://www.cnnindonesia.com/nasional/20230702162516-12-968573/survei-tren-kepercayaan-publik-ke-kpk-belum-pulih-selak-melot-2020</p> <p>Not to mention the Kompas R&D survey report in 2022 which shows the level of public dissatisfaction with the KPK's performance is at 48.2%. Only 43.7% of respondents were satisfied</p> <p>Source:</p> <p>https://databoks.katadata.co.id/datapublish/2022/03/24/survei-kompas-mayoritas-wargata-puas-dengan-kinerja-kpk</p>
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e. Prevention, education and outreach

<p>37. Budget allocation</p>	<p>This indicator assesses the average proportion of KPK operational expenditures allocated to public outreach, communication and prevention over the past 3-5 years. The KPK can provide data on KPK expenditures on public outreach and prevention and calculate the average proportion of these expenditures from the KPK's total operating expenditures</p>			<p>KPK budget in 2020 for Prevention Deputies amounted to 40 billion</p> <p>The Budget of the Deputy for Education and Community Participation in 2021 is 31 Billion</p> <p>2022 amounted to IDR 64 billion.</p> <p>Budget of the Deputy for Prevention and Monitoring 2021 of 35 Billion</p> <p>2022 of 59 Billion</p> <p>Prevention and education budget more than 5%</p> <p>Source: KPK https://www.kpk.go.id/id/publ</p>
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				ikasi/laporan/laporan-tahunan Annual Report
38. Strategic planning	<p>This indicator assesses the KPK's strategic plans for prevention, education and outreach and their implementation. The KPK can provide long-term strategies for outreach and prevention, including the sectors covered and the extent of implementation. A comprehensive plan should cover all three areas: prevention, education and outreach.</p>			<p>The KPK's strategic plan for prevention, education and outreach is well laid out.</p> <p>However, in terms of implementation, of course, there are still many things that must be pursued, such as the value of the IPAK index, SPI, percentage of asset recovery, and institutional effectiveness and accountability</p> <p>Source:</p> <p>https://cms.kpk.go.id/storage/429/Renstra-FINAL-for-User.pdf</p>

39. Training and education	This indicator assesses KPK training and education initiatives over the past 3-5 years, including the number of people attending KPK talks and seminars, the number of foreign nationals and delegations visiting the KPK, and the number of training courses for officials.			<p>The KPK has initiated and actively engaged in various anti-corruption training and education activities, including through ACLC.</p> <p>Source: KPK https://www.kpk.go.id/id/publikasi/laporan/laporan-tahunan Annual Report</p>
40. Organization review	This indicator assesses the number of reviews of organisational procedures, systems, capabilities, and risks undertaken by the KPK to prevent corruption over the past 3-5 years, including details of the organisations involved and whether the KPK has initiated reviews or been asked to do so			<p>The KPK's internal money is relatively accountable as presented in the report</p> <p>The KPK also provides recommendations to other institutions. However, the KPK's review of the system in other organizations has not shown its effectiveness.</p> <p>This includes the KPK's korszupgah and korszupdak against other institutions. The</p>

				<p>KPK's corrupt partners cannot be separated from various corruption problems in its institutions.</p> <p>Source: KPK https://www.kpk.go.id/id/publikasi/laporan/laporan-tahunan Annual Report</p>
41. Prevention strategy recommendations	<p>This indicator assesses the frequency of including corruption prevention recommendations in KPK investigation reports over the past 3-5 years. The KPK can provide the number of investigative reports completed over the past 3-5 years and identify the number of corruption prevention recommendations in these reports so that the frequency of those recommendations can be determined. This is important to ascertain whether the</p>	<p>Article 6 letter e of the KPK monitors the administration of state government</p> <p>Article 14</p> <p>In carrying out the monitoring duties as referred to in Article 6 letter e, the Corruption Eradication Commission has the authority: b. to advise the leaders of state and government institutions to make changes if based on the</p>	<p>Article 9 In carrying out the monitoring duties as referred to in Article 6 letter c, the Corruption Eradication Commission has the authority:</p> <p>a. reviewing the administrative management system in all state institutions and government institutions;</p>	<p>The KPK has made many recommendations for corruption prevention strategies to K / L / D. However, what still needs to be improved is to assist and recommend post-enforcement system improvements to a K / L / D</p> <p>Source: KPK https://www.kpk.go.id/id/publikasi/laporan/laporan-tahunan Annual Report</p>

	<p>investigation is actively identifying systemic problems and making recommendations. If the KPK is largely inactive in producing investigative reports, it should only assign low (or possibly moderate) scores, regardless of the proportion of those reports that contain recommendations.</p>	<p>results of the study, the administrative management system has the potential for corruption;</p>	<p>b. advise the leaders of state institutions and government institutions to make changes if based on the results of the study, the administrative management system has the potential to cause Corruption Crimes</p>	
42. Research	<p>This indicator assesses KPK research and exploration of corruption risks, contexts, and conditions. Provide information about research projects conducted by KPK employees and other academics on corruption if available or applicable. Research included here must be initiated and coordinated by the KPK.</p>			<p>In 2019, the KPK conducted 21 studies, covering various sectors including state revenue and law enforcement, food and natural resources, energy and infrastructure, public services</p> <p>Source: KPK https://www.kpk.go.id/id/publikasi/laporan/laporan-tahunan Annual Report</p>

43. Dissemination and campaigns	This indicator assesses the type of corruption prevention information disseminated by the KPK and whether the KPK relies on campaigns to disseminate corruption prevention messages.			<p>The KPK uses various mediums for corruption prevention campaigns. The KPK created several programs, including the Anti-Corruption Film Festival (ACFFest), Appreciation of Journalists Against Corruption (AJLK). Also the musicians in the album B-Side SAKSI.</p> <p>Source: KPK https://www.kpk.go.id/id/publikasi/laporan/laporan-tahunan Annual Report</p>
44. Online communication	This indicator assesses the KPK's use of online/social media channels to disseminate information on corruption prevention. Analysis of the KPK's website and other online channels is required to identify the amount and type of information provided on its activities. The use of KPK social media to reach the public must			<p>The use of digital media by the KPK continues to reach a wider public.</p> <p>Source: KPK https://www.kpk.go.id/id/publikasi/laporan/laporan-tahunan Annual Report</p> <p>However, based on the release of IPAK BPS 2023, there is a drastic decrease in online</p>

	<p>also be ascertained, including whether the KPK has an extensive online communication strategy.</p>			<p>communication. For example, in 2022, the percentage of people who have received anti-corruption appeals/campaigns through TV is 100%, decreasing to 81.06% in 2023.</p> <p>In addition, there is a record that in the year the KPK recruited a problematic KOL, namely Indra Kenz, a person who had problems with the law in the field of investment.</p> <p>Source: "KPK Admits to Collaborating with Indra Kenz to Sing Anti-Corruption Song"</p> <p>https://nasional.kompas.com/read/2022/03/15/14024911/kpk-akui-pernah-kolaborasi-dengan-indra-kenz-nyanyikan-lagu-antikorupsi</p>
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f. Inter-agency cooperation

<p>45. Government support</p>	<p>This indicator assesses public confidence that the government has given the KPK the necessary authority and resources to combat corruption.</p>			<p>The public considers that the revision of the KPK Law shows a decrease in government support for the KPK. The revision of the KPK Law cannot be implemented without mutual agreement between the DPR and the President.</p> <p>The government then collaborated with the KPK to implement the TWK which led to the dismissal of employees who did not qualify. The government's contribution in TWK includes BKN, Kemenpan RB, LAN, and Kemenkumham.</p> <p>Then the assessment was carried out by the Army Psychological Service (DISPSIAD), the Strategic Intelligence Agency (BAIS-TNI), the Army Intelligence Center (PUSINTEL AD), the National Counterterrorism Agency</p>
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				<p>(BNPT) and the State Intelligence Agency (BIN).</p> <p>Once again the government's role in TWK is considerable. This TWK was later judged by the Ombudsman to contain maladministration. Komnas HAM is considered to violate human rights.</p> <p>Source: FGD Report on KPK Performance Assessment by TII</p>
46. Cooperation with other relevant institutions	<p>This indicator assesses the relationship between the KPK and other relevant institutions e.g. in Indonesia with PPATK, Ombudsman, Tipikor Court, KSP, etc.</p>			<p>The KPK continues to build cooperation with ministries/agencies/regions. In the 2019 KPK report, for example, there are 35 national-level cooperations. However, there is little record of the KPK's relationship with other institutions. For example, in 2019 there was a KPK rejection of the Ombudsman's hearing regarding the management of KPK detention centers. There is</p>

				<p>also a suggestion from the Supreme Court that the KPK be more cooperative in terms of access to LHKPN by Bawas MA.</p> <p>Source: KPK https://www.kpk.go.id/id/publikasi/laporan/laporan-tahunan Annual Report</p> <p>Source: "The Ombudsman Was Refused to Review the Detention Center, This is the KPK's Explanation" https://nasional.kompas.com/read/2019/06/11/09042041/ombudsman-sempat-ditolak-tinjau-rutan-ini-penjelasan-kpk</p>
47. Cooperation with civil society organizations	This indicator assesses cooperation between the KPK and other organizations in Indonesia including CSOs, donor agencies, private companies and SOEs in terms of prevention/outreach activities.			<p>In the past four years, the KPK has become increasingly distant from civil society groups, especially NGOs and anti-corruption activists. Indeed, in terms of cooperation, MoUs are still being carried out between the</p>

				<p>KPK and certain civil society groups, as reflected in the KPK report every year.</p> <p>However, judging from the interaction between the KPK and CSOs, it has changed a lot and even there is a tense relationship. This is consistently conveyed by civil society groups in various regions that are the location of FGDs for this ACA assessment, including in Yogyakarta, Balikpapan, Lombok, Makassar, Padang, Pontianak, Medan and in Jakarta.</p> <p>Source: FGD Report on KPK Performance Assessment by TII</p> <p>Source: KPK https://www.kpk.go.id/id/publikasi/laporan/laporan-tahunan Annual Report</p>
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48. International networks	This indicator assesses the KPK's participation in international networks and the level of its involvement. These networks include, for example, the ADB/OECD Anti-Corruption Initiative or the UNCAC Coalition. If the KPK does not participate in any international networks, it can explain why.			<p>The KPK is very active in participation with international networks. In 2019 the KPK held a workshop on Private Sector Corruption which was attended by SEA-PAC countries.</p> <p>Throughout 2020 the KPK attended 7 multilateral forums such as UNCAC COSP, ACWG, ACTWG, ASEAN PAC, Anticorruption Initiative for Asia Pacific, IACC, and IACA</p> <p>Source: KPK https://www.kpk.go.id/id/publikasi/laporan/laporan-tahunan Annual Report</p>
49. Cooperation with anti-corruption agencies of other countries	This indicator assesses the KPK's cooperation with anti-corruption agencies and law enforcement agencies in other countries. If the KPK cooperates, it can outline the details and extent of the			<p>The KPK continued to cooperate with law enforcement agencies and anti-corruption agencies of other countries. In 2019, the KPK carried out 13 implementations of</p>

	<p>cooperation, including joint projects and technical assistance provided. If the KPK does not cooperate with the KPK in other countries, the reasons for this lack of cooperation must be explained</p>			<p>multilateral cooperation, 20 implementations of bilateral and international cooperation. in 2020 KPK.</p> <p>Source:</p> <p>KPK https://www.kpk.go.id/id/publikasi/laporan/laporan-tahunan Annual Report</p> <p>KPK RI - ACRC South Korea Agrees to Strengthen Cooperation in Eradicating Corruption</p> <p>https://kemlu.go.id/seoul/id/news/26488/kpk-ri-acrc-korsel-sepakati-penguatan-kerja-sama-pemberantasan-korupsi</p>
<p>50. Accessibility to <i>marginalized groups</i></p>	<p>This indicator assesses the responsiveness and accessibility of the KPK for marginalized groups. These indicators were included to understand whether</p>			<p>The KPK does not yet have a policy to ensure public participation from vulnerable groups. For example, the KPK website is not yet</p>

	<p>the KPK was aware of different community needs and the different ways people experienced and reported corruption, including women, persons with disabilities or racial and ethnic minority groups. Ultimately, having disaggregated data will enable the KPK to be more inclusive, accessible and effective in reaching all sections of society.</p>			<p>accessible/inclusive for people with disabilities.</p> <p>The KPK also does not have a <i>Preventing Sexual Exploitation, Abuse, and Harassment (PSEAH) Policy</i>. In general, the KPK does not have programs or concerns for minority and vulnerable groups</p>
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