



**Cicak vs. Buaya:
How Indonesia's Anti-Corruption Agency Challenged the
Establishment and Lived to Tell the Tale**

Introduction

Indonesia's Corruption Eradication Commission (*Komisi Pemberantasan Korupsi*), popularly known by its Indonesian initials KPK, has been called the most effective federal agency in Indonesia today, as well as one of the most effective anti-corruption agencies in the world. This is an astonishing accomplishment, considering the country's decades-long history as a kleptocracy and its ongoing struggle to excise corruption as a cultural norm. Such designations would have been considered absurd just five years ago, when the KPK appeared on the verge of being neutered out of meaningful existence -- a fate suffered by so many developing-country anti-corruption agencies.

Yet the agency rebounded where others before it had folded. Its budget and staff are growing quickly. It has maintained an excellent record of convictions, including winning every case it has brought to trial at the main court in Jakarta. Its arrests are often high-profile and include high-ranking members of the judiciary, parliament, and the powerful political parties. It has faced down a number of attempts to dilute its authority and, for the most part, won those confrontations. It enjoys high popularity among the people, who have offered shows of support urging it to continue its work. Its ability to remain effective in a difficult political environment has earned international acclaim. It can even be credited with influencing public debate in a way that led to this summer's election of young reformer Joko Widodo as president.

The KPK's success is paradoxical. History is littered with the bodies of anti-corruption agencies that were undermined by entrenched interests. Why should this one have survived? And why should it have survived in Indonesia, ranked 80th out of 85 countries in corruption by Transparency International in the late 1990s?

No public entrepreneur can be credited with insulating and guiding the KPK. The KPK has had five chairmen during its 12-year existence. None were especially influential, as the literature never frames the KPK as a personality-driven organization. When its second chairman, Antasari Azhar, was convicted of murder in 2009 -- a case many believe to be a conspiracy to destroy the agency -- it endured its biggest crisis to date, but the crisis derived more from the distraction of the trial than the loss of Antasari's leadership.

There is no one explanation for the KPK's success. Instead it appears that several factors, internal and external, contributed; the KPK may have just happened to be the right solution at the right time. This paper attempts to outline four of the factors that played the greatest role: the pervasive and destructive role of corruption in Indonesian society; the unusually broad powers granted to the KPK upon its creation; the agency's willingness to use those powers; and the public's active support.

Factor 1: The Extent of Corruption in Indonesia

From 1966 to 1998 Indonesia was ruled by military strongman Suharto, who established a centralized, mafia-like power structure in which illicit profits flowed upward through the ranks of government. Pay for civil servants was set very low, but his administration gave tacit

permission to its employees to collect private taxes to supplement their income (McLeod 63). He encouraged his closest associates and advisors to enrich themselves through their positions, thereby providing himself with co-conspirators and cover to do the same. He had final say over federal contracts and procurements, so members of the business community were forced to offer bribes in exchange for access and political favors. He in turn offered patronage and state resources to keep old allies and curry favor with new ones. When Indonesia began a massive privatization campaign of state-owned enterprises in the 1980s – lauded by the international economic community as a competition-enhancing policy – it was in reality a massive transfer of public resources to a few well-connected elites (MacMillan 591).

It is unknown how much wealth Suharto – annual salary \$200,000 – and his family amassed during his 33-year reign, but estimates range anywhere from \$15 billion to \$73 billion. Transparency International in 2004 named him the most corrupt world leader of the previous 20 years. The lowest estimate of his misappropriation was still billions more than the amount stolen by the number two and three men, Ferdinand Marcos of the Philippines and Mobutu Sese Seko of Zaire. His actions were tolerated in part because of the country's steady increase in standard of living. GDP increased by an average of over 5% per year during his presidency.

The ouster of Suharto during the 1998 financial crisis did not unwind the culture of graft that his administration created. While Indonesia has become the most democratic country in Southeast Asia, its operations have only transitioned from a dominant-personalized framework to a competitive-personalized framework. Citizens complain constantly about corruption while politicians consistently run on promises to crack down on it. Indonesia is annually on the wrong end of Transparency International's Corruption Perceptions Index.

Misbehavior is rampant at all levels of government, from multimillion-dollar graft by cabinet members to daily police demands of small bribes from citizens. People routinely pay extra fees for services that are supposed to be free, such as business licenses, identification cards and other state-issue documents, and medical care (Freedman and Tiburzi 137). Health and safety inspections produce a passing grade only if a bribe is attached. The police are regarded as little more than tax collectors, especially traffic cops, who make routine stops in order to solicit bribes. They often demand pay to investigate crimes; a common refrain among villagers is that reporting a stolen chicken requires a goat's worth of bribes, and reporting a goat requires a cow's worth of bribes (Butt 23).

At higher levels, politicians skim off significant sums or accept bribes in exchange for steering government contracts. In a 2008 survey, 45% of public officials admitted taking bribes. The body with the highest percentage of admitted bribe-takers was the national legislature, or DPR (Freedman and Tiburzi 138). When caught, politicians are often able to bribe the police or prosecutors to muck up their case or drop it entirely, or bribe the judge to find in their favor. In contrast to the KPK's near-100% conviction rate, the conviction rate for corruption cases in the general court is 50%. There have been instances in which government officials were acquitted when they returned the stolen funds – thereby admitting guilt for the crime for which they were being exonerated (Butt 36). The courts, prosecutors, and police are sometimes referred to as the mafia peradilan, or justice-sector mafia, because of the way they protect and enable each other's illegal behavior (Butt 1).

Even after the KPK secures a conviction, the justice-sector mafia has been known to intervene. After tax department official Gayus Tambunan was convicted of embezzling \$8 million, he paid police and corrections officers to let him escape, whereupon he was spotted vacationing in Bali and Singapore. Parliament member Muhammad Misbakhun, convicted of forging documents to obtain loans, was later spotted at a computer repair store in a mall (Freedman and Tiburzi 138). In a rare crackdown by the pre-KPK authorities, Tommy Suharto, son of the ex-dictator, was given 18 months in prison by the Indonesian Supreme Court for corruption in 2000. He fled before he could be imprisoned, then ordered the assassination of the judge who had sentenced him. Captured and imprisoned for murder, he was suspiciously released after four years for good behavior. In 2009 he was indicted again, this time for illegally selling a state-owned car company, but prosecutors later dropped the charges without explanation (Macmillan 596).

Even the media in Indonesia is tainted. While supposedly acting as a watchdog, some reporters extort bribes from public officials in exchange for positive coverage. Those who refuse to pony up get punished with bad press (Rizal 205).

The classic problem of information asymmetry between principal and agent are a major cause of petty corruption. Honest politicians and supervisors must rely on their field agents – tax collectors, meter maids, and the like – for information about how much revenue should be collected. It is easy for the agent to underreport the number and instead accept bribes for nonpayment (“Measuring” 25). Civil servant salaries remain low in Indonesia, with some living near the poverty line (“Measuring” 5). In addition, the decentralization of the national bureaucracy during the post-Suharto *reformasi* period made agents less accountable to the principals in Jakarta.

Effect on the Economy

Though some of Suharto’s economic policies contributed to Indonesia’s GDP growth, part of that growth was built on a foundation made fragile by the rampant corruption. Non-performing loans to political elites littered bank balance sheets. Many banks were set up by wealthy businessmen exclusively for the purpose of making interest-free loans to themselves or their companies. The extent of the fraud was exposed when the currency, the rupiah, dramatically bottomed out during the 1997-98 Asian financial crisis. Rioting and mass killings of Chinese residents led to Suharto being forced from office. People came to realize that, though their standard of living had improved over the years, it might have improved faster had there not been economic distortions caused by corrupt practices, like monopolies in commodity industries.

Corruption is more than a nuisance. It continues to have an effect on the macroeconomy today. Public procurement, which represents 30% of the federal budget, is rife with malfeasance, especially in public works and construction (Rizal 202). A common scenario is that of a contractor paying an official to rig the bidding process, pocketing the money from the contract, then paying a subcontractor to do a shoddier job for less (Bellman). Sometimes they will create a bunch of dummy corporations to “compete” with, so that there aren’t even other bids to ignore (Rizal 203). Up to 40% of the money slated for some procurement projects has been stolen in the past, according to former KPK vice chairman Haryono Umar (Bellman). The country’s Supreme

Audit Agency says the state lost \$218.5 million in this way between 2009 and 2013. Illegal mining, sanctioned by bribed officials, costs the government another \$460 million every year (Gunn). Economists agree that Indonesia needs to upgrade its crumbling infrastructure if it is to keep expanding long-term. Yet it is estimated that 30% of the \$205 billion earmarked for development will end up in the wrong hands (“Indonesia’s most”).

Corruption as a Way of Life

Corruption today is as prevalent as ever, despite the good work of the KPK. A 2013 poll was damning: 89% of respondents said the legislature is corrupt; 86% and 79% said the same about the judiciary and civil service, respectively. Worse, 71% said corruption was more common than it was two years earlier (“Measuring” 2). Indonesia ranks 107 out of 175 countries in the Transparency International Corruption Perceptions Index – only a slight improvement on its ranking in 2003, the year the KPK was founded (“Transparency”).

It is worth asking if corrupt practices have become too entrenched for any organization to remove them from Indonesia’s culture, and if, therefore, KPK is really having a long-term effect. A 2011 survey showed that, although a majority of people oppose corruption, four out of five would not make any concrete action to stop an official who they personally knew to be engaging in corrupt practices (Dore, Jae, and Jackson 91). A KPK spokesman, pointing to arrests of officials in their early 30s, called the country’s young professionals “the corrupter generation” (“Indonesia’s most”). Australian media coverage of scandals in the former president’s administration wryly noted that such arrests had become so commonplace that, while they would have been sufficient to bring down the Australian government, Indonesian president Susilo Bambang Yudhoyono (SBY) “was not even moved to comment” (Bachelard).

There is strong evidence, however, that the KPK can make a difference. Bo Rothstein (2011) argues that corruption is not culturally determined. Singapore, which has a significant population of ethnic Indonesians, is among the least corrupt countries in the world. Neighboring Malaysia is in the top third. Hong Kong had severe corruption problems before establishing its anti-corruption agency; now it is among the 20 best in the world. Furthermore, the Indonesian public has loudly voiced its support for the KPK and its disgust with corrupt officials on many occasions. They seem to recognize the scope of their country’s corruption problem and the damage it continues to cause.

Factor 2: The KPK’s Broad Powers

Changes were sweeping in Indonesia after the fall of Suharto. *Reformasi* is remembered for its quick and permanent democratization, but the 1999 law establishing the KPK, which began operations in 2003, was a stark piece of legislation itself, particularly because it ran counter to the interests of some of the legislators who passed it. It created an agency with broad powers not granted to the police, and allowed that agency to circumvent and overrule the police and prosecutors. It represented an admission that the existing law enforcement organizations were so tainted that they could not be trusted to handle corruption cases even with Suharto gone.

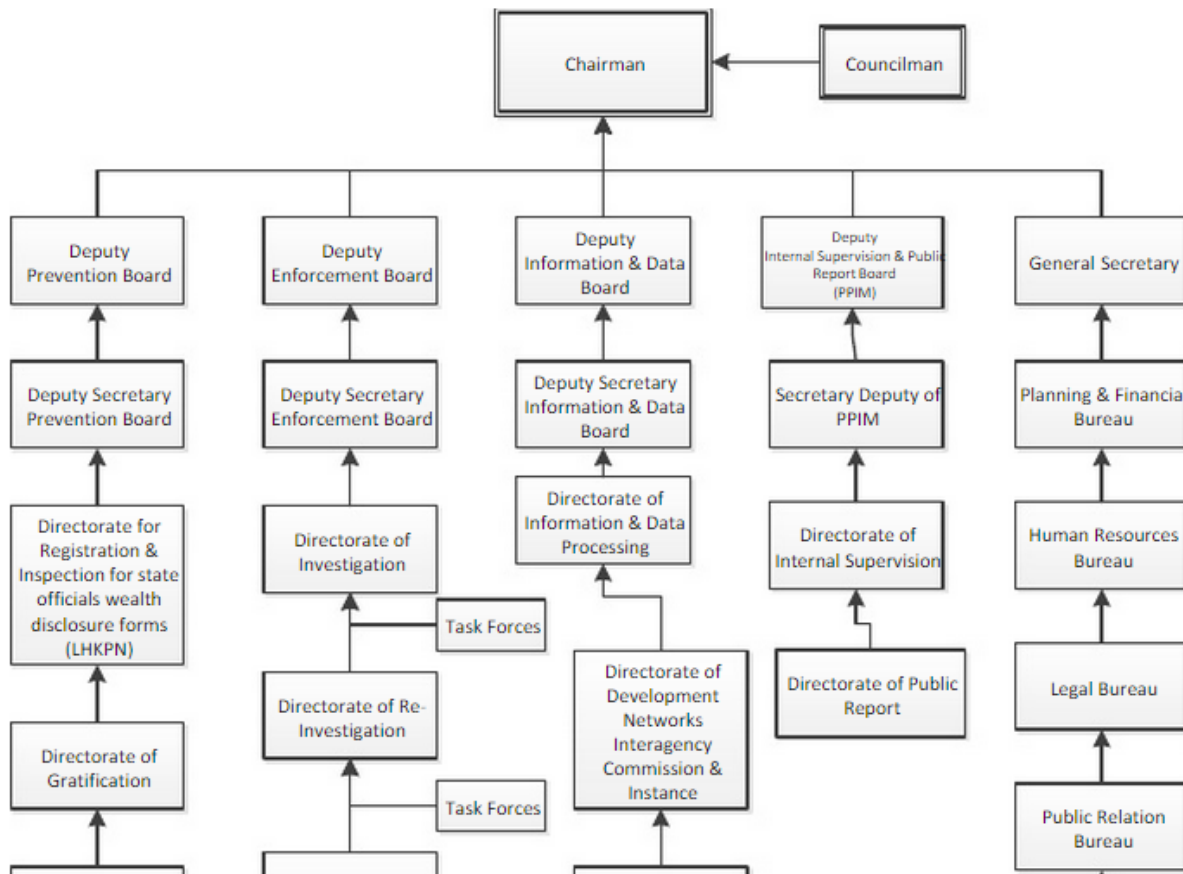
That has proven prescient. Not only are the old courts constantly coming under fire, but now even the Constitutional Court, which was created in 2001 to review laws and oversee disputed elections, is under a cloud. The Court's chief justice, Akil Mochtar, was arrested in 2013 for taking bribes from a parliament member for swinging an election (Ulla, Siwage, and Hui 121). The Constitutional Court was only established because of corruption in the Supreme Court. Now that it, too, has been infiltrated, the clean KPK becomes that much more necessary.

The KPK was modeled after the powerful Hong Kong Independent Commission against Corruption (ICAC). Indonesia's Ministry of Justice hired a consultancy run by former ICAC commissioner Bertrand de Speville, who, with funding from the Asian Development Bank, wrote the KPK charter. The powers it granted went beyond those of the ICAC, which does not have prosecutorial authority like the KPK (Bolongaita 25). Among the powers given to the KPK to fulfill its investigative and prosecutorial mandate were: tapping phones without a court order, imposing travel bans, freezing bank accounts, accessing suspects' private financial records, and compelling cooperation from other government agencies (Macmillan 604). It can take over cases that are already being handled by other authorities, and is not subject to direct interference by any branch of government – though its budget is determined by the parliament (Butt 32). It was also permitted to establish preventative measures like audit procedures and wealth reporting rules (Magsaysay).

It is not all-powerful, however. Though it chooses its own cases, it lacks the resources to generate suspects from scratch and tends to rely on whistleblowers or other agencies, like the National Auditing Body, that spot irregularities (Butt 38). Only government employees can be suspects, and only if their crimes have cost the government more than Rp 1 billion (US\$80,000) (“Measuring” 10.) Once the KPK officially names a person as a suspect, it is required to bring the person to trial under a certain deadline even if new evidence leads the agency to doubt the suspect's guilt. This is a failsafe to prevent KPK prosecutors from accepting a bribe in exchange for dropping a case (Macmillan 605).

There is also one major group that is exempt from KPK scrutiny – the military. The KPK can investigate but not prosecute active members of the military. This exclusion arguably works in the agency's favor, at least in terms of self-preservation. While it has faced retaliation from all branches of government, retaliation by the military would carry the greatest risk of physical violence (Bolongaita 25).

KPK Structure



The KPK is led by five commissioners who serve four-year terms. A 13-person selection committee, chosen by the president, screens applications and publishes its shortlist in the media for public comment. It submits 10 names to the DPR, which selects the final five. For all other positions, the KPK uses an independent consultant to fill jobs, in order to avoid pressure to bring in political appointees (Bolongaita 25). The pool of candidates is drawn from the regular police and prosecutor's offices, as they are generally the only people with the necessary skills. Because of the endemic corruption in those offices, candidates are given extensive background checks to search for any hint of past impropriety. Out of 34,000 annual job applicants, only about 150 pass the background checks (Hutton).

Employees are required to maintain a "Balanced Scorecard" that tracks their performance. Every day they mark it according to their progress in achieving goals set for them by their supervisors (Bolongaita 17).

From a staff of a few hundred in 2003, the payroll has grown to over 1,000. Yet it is still only able to chase a fraction of the 30 leads per day it receives on average. In 2013 it investigated 81 cases (Jaaffar). Between 2005 and 2009 it prosecuted 0.4% of national corruption cases, although the staff was far smaller (Butt 31).

Recently the KPK has put more resources into education campaigns. In August it launched KPK TV, a television channel that will carry everything from talk shows to news to animated children's programming, all carrying an anti-corruption message. It already has a radio station and a social media presence, including a Twitter account with a million followers ("Indonesia launches"). It has trained teachers at primary schools and universities to pass anti-corruption values on to students. Earlier this year, in advance of national elections, it launched a public service campaign asking voters to take candidate's backgrounds into account in their vote (Hutton). Indonesian voters are prone to forgive shady connections in the voting booth, sometimes because there are no clean candidates in some races.

Anti-Corruption Court

Part of what makes the KPK effective is the presence of the special anti-corruption court, or TIPIKOR. Just as the KPK was created to circumvent the police and prosecutor, TIPIKOR was created to circumvent the normal court system. It tries only corruption cases, and only those brought by the KPK. Where other trials feature a three-judge panel, TIPIKOR have a five-person panel. Its makeup was originally prescribed as two career judges and three ad-hoc judges, who were usually lawyers, legal scholars, or retired judges. Ad-hoc judges were seen as less susceptible to bribery.

TIPIKOR trials are much faster than outside corruption trials. KPK prosecutors must pass through an internal three-stage panel review, in which the commissioners try to tear down every proposed strategy, before taking a case to trial (Bolongaita 14). Cases that survive the review are near unassailable, and prosecutors are well-prepared for all defense strategies.

The court and the KPK do not always agree on sentencing. KPK prosecutors have often complained about defendants receiving light sentences, even though the sentences they get at TIPIKOR are longer on average than those handed out by the regular courts. Current KPK chair Abraham Samad has even called for the death penalty to be handed out in some cases (Wirdana).

TIPIKOR's structure was radically altered by parliament in 2011 in what was widely seen as an effort to undermine the courts. The details of the alterations will be covered later. Shortly after the changes, the KPK lost its first case. The changes may represent the greatest threat to KPK effectiveness in the near-future.

Factor 3: The KPK Vigorously Fulfills its Mandate

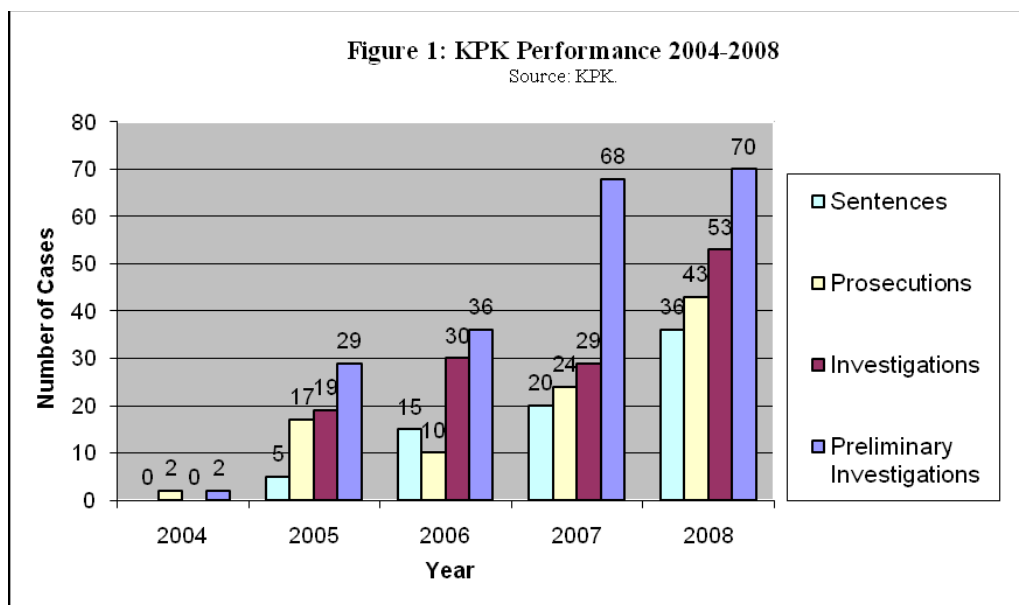
Despite the unusually strong powers granted to the KPK upon its inception, the public did not embrace it as a real weapon against corruption. People were skeptical of its ability to perform. The KPK was the seventh such agency to be rolled out since the 1950s (Kurtzleben). First Sukarno, then Suharto, then the interim government had promised crackdowns on government misconduct. All six previous agencies had died with barely a whimper, victims of tremendous political resistance and little political support. Most had been little more than showpieces to begin with. During *reformasi* but before the KPK, the National Police and the Attorney General each set up their own anti-corruption directorates. From 2001-03, they closed just 17% and 16% of their cases, respectively ("Measuring" 22).

This experience was typical for many countries, especially developing ones. Corruption is endemic in many parts of the world and even when honest attempts are made to combat it, the forces of opposition are almost always more motivated than the forces of support. The World Bank declared in 2010 that, among its borrowers, anti-corruption laws and commissions “rarely succeeded.” Those that did make early headway were often wiped off the map by anxious officials (Bolongaita 5).

The structure of the KPK suggests that lessons were learned from the series of prior failures. It is independent and not under the control of the executive branch, who may have political reasons to clip its wings even if the president is fundamentally honest. It had its own investigators and prosecutors and did not rely on overworked, undertrained, and morally questionable police and prosecutors. Its selection process of commissioners is transparent and includes respected members of the private sector rather than political cronies. It makes efforts to change the culture rather than concentrate exclusively on punishing individuals (Kurtzleben). Finally, it took a lesson from the Judicial Commission, a body set up in the early 2000s to preserve the integrity of judges. The Judicial Commission went after high-ranking judges right away and in reply had its legs cut out from under it (Butt 38). The KPK was ridiculed in its early years for not chasing big fish, including Suharto. But that discretion may have kept it alive, allowing it to find its feet and set its sights higher.

KPK’s Famous Cases

The KPK’s first case resulted in a 10-year conviction for former Aceh governor Abdullah Puteh for overcharging \$1 million for a helicopter. Following that splash, the fledgling agency mostly chased lower- and middle-rung bureaucrats for a few years. Activists urged it to be more aggressive, but it impressed others with its perfect record of convictions. After 2008 its indictments began to feature bigger names. It earned respect from citizens for going after members of many parties and showing no political bias.



The first arrest that made everyone take notice was that of Aulia Pohan, whose daughter was married to SBY's son. He was sentenced in 2009 to 4.5 years in prison and fined \$20 million for diverting funds from the Indonesian central bank's development foundation, of which he was the chairman, toward legal defense funds for five senior central bank officials facing graft charges.

That same year, the KPK uncovered another scandal at the central bank. A candidate for deputy governor of the bank, Miranda Gultom, had disbursed \$2.6 million worth of traveler's checks to members of parliament in exchange for voting her in. Twenty eight lawmakers were eventually convicted, and Gultom got three years in jail.

Muhammad Nazaruddin, treasurer of the ruling PD party, was bagged for graft involving the construction of an athlete's village for the Southeast Asia Games ("Indonesia politics"). PD chairman Anas Urbaningrum and Youth and Sports Minister Andi Mallarengeng were both busted in a separate case involving the construction of a sports complex in West Java (Irawaty).

The last two years have been the KPK's busiest yet. Rudi Rubiandini, chief of the agency responsible for selling state-owned oil, was sentenced to seven years for accepting \$1.6 million in bribes (Fionna, Siwage, and Hui). Religious Affairs Minister Suryadharma Ali was arrested for allegedly stealing \$100 million in funds meant to pay for a pilgrimage to Mecca (Bachelard). Luthfi Hasan Ishaq, head of the PKS party and Minister of Agriculture, was given 18 years for taking bribes in exchange for buying an extra 8,000 tons of beef. Then there was the aforementioned conviction of the Constitutional Court chief justice, Akil, who was caught red-handed accepting a bribe. He was found to have routinely sold his vote to swing elections, and further, to have laundered billions of his illegal rupiah ("Disgraced"). He received a life sentence – the first ever handed out in a corruption case.

Considering the ill will Indonesians bear for traffic cops, the KPK's biggest bust may have been Djoko Susilo, commander of the National Police traffic division. Offering around a government contract to supply driving simulators for driver's license tests, Djoko awarded the deal to a company that produces bottle tops, which then subcontracted to another company. When 1,100 of the contracted 1,200 simulators never showed up, the KPK investigated and found that Djoko had taken \$18 billion in kickbacks – the largest sum ever in a KPK corruption case (Gunn 52). He was sentenced to 18 years.

Making an Impact

The high-profile cases are starting to add up. Between 2003 and 2012, before the latest surge, the KPK had handled 332 cases that it deems high-profile, 169 of which went to trial (Magsaysay). Among its pelts are 72 members of parliament, eight governors, and dozens of executive branch officials (Hutton). By 2010 it had returned \$80 million to the treasury; it claims to have "saved" hundreds of millions more, though it doesn't explain how it arrived at that figure.

The press follows the agency closely, reporting almost every day on its case developments. A study showed that the word "corruption" was uttered 2,308 times in July 2012 – a 5,000% increase from July 1995, when it was mentioned 15 times ("Measuring" 15). In a bureaucracy

where favors and money are traded liberally, and consequently many government services don't work as they should, the public believes that the KPK is clean, stays true to its mission, and has the gravitas to take chances its predecessors didn't. Its transparent campaigns have generated plenty of attention and goodwill.

The agency's reputation went global in 2013 when it received the Ramon Magsaysay award for Emergent Leadership. The award is referred to by some as the Nobel Prize of Asia.

In January, the KPK got a court to block the inauguration of a local elected official for the first time, after he was caught in the same sting that netted the Constitutional Court judge, Akil. The official, Hambit Bintih, would have been allowed to assume his office from prison had the KPK's legal intervention not worked. Three other local regents who had been arrested following election victories had previously been sworn in from their prison cells (Wahyudi).

Perhaps the most singular effect the KPK has had on policymakers is not in frightening the dirty ones, but in promoting the clean ones. Joko's election as president represented a rejection of the old guard. While SBY talked a good game about corruption, his actual record was hit-and-miss, especially during his second term. Joko is seen as a committed reformer based on his actions as governor of Jakarta. For instance, he began issuing welfare payments via electronic cards that are charged a set amount, so that service providers can't squeeze people for extra fees. A generation of younger leaders has been taking positions in the countryside, away from the cronyism of the big cities (Cochrane). They appear to be actively avoiding potentially corrupt environments – an attitude that is in vogue thanks in part to the work of the KPK.

During the presidential election, Jokowi and his opponent Prabowo Subianto, as well as both of their running mates, visited KPK headquarters to be vetted. It was not certain if Prabowo or Jokowi's vice-president Jusuf Kalla, both of whom have opaque ties to the old guard, would receive a clean bill of health. Both did. Jokowi went so far as to voluntarily hand over a bass guitar gifted him by Metallica's bassist. As governor he had issued a concert permit to the band and didn't want the guitar to be seen as a kickback ("Metallica"). He and Prabowo signed "integrity pacts" vowing to stay clean while in office and not to impede the KPK's work (Bachelard).

The new president has paid deference to the KPK since his victory. He enlisted its help in vetting his cabinet appointments. Each of the 43 candidates was duly sent to meet with KPK officers. Eight were tabbed as likely corruption offenders or probable ones and were removed from consideration (Alford).

Factor 4: Public Support

The three factors accounting for the KPK's achievements that have been outlined thus far – harmful levels of corruption, unusually broad powers, and the willingness to exercise those powers – made the agency stand out, but in so doing it has repeatedly put itself in danger from powerful members of the ruling class. There are many people in all three branches of government, as well as the police, who will take any opportunity to pull the teeth out of the

organization. By threatening it so much, the corrupt establishment seems to have pushed it deeper into the arms of the public, which has grown vocal in its support.

No law has been challenged in the Constitutional Court more than the one establishing the KPK (Butt 49). Defendants have also filed motions denying the KPK's right to enforce other laws. With the Constitutional Court's chief justice sitting behind bars thanks to the KPK, it is fair to wonder how sympathetic the remaining justices will be. The court already ruled, years ago, that corruption occurring before the KPK's founding in 2003 cannot be prosecuted.

Members of parliament have proposed 11 bills that would weaken the KPK, says watchdog group Indonesia Corruption Watch, including one that would prohibit wiretapping until a suspect is charged with a crime, thus eliminating the advantage of secret investigation (Freedman and Tiburzi). The legislature's most effective strike against the KPK came not via a direct attack but by an attack on TIPIKOR, the anti-corruption court. Following a series of arrests of legislators in 2009, the body voted to fundamentally alter the structure of the court, making it less independent from the regular court system. Starting in 2011, TIPIKOR was to decentralize out of Jakarta and create satellite courts in all 33 of Indonesia's provincial capitals. This presented two problems. One was that the KPK did not have the resources to effectively manage 33 branch offices. Another was that it was difficult to find qualified ad-hoc judges in some of the far-flung provinces. In a related move, the law also gave district court chairs, out of whose courthouses TIPIKOR would operate, authority to appoint the members of the five-judge panel (Bolongaita 22). Between that discretion and the lack of ad-hoc judges, it was assumed that most TIPIKOR panelists would be career judges, who were less inclined toward KPK prosecutors. It was in one of these district courts that the KPK lost its first case in 2012.

As the legislature was passing the TIPIKOR law in 2009, the police department was also planning a brazen assault on the KPK. In May it arrested the institution's chairman, Antasari Azhar, claiming that he had orchestrated the murder of his lover's husband, who was allegedly blackmailing him. Antasari protested his innocence but was nonetheless found guilty in 2010 after a trial that Indonesian law scholar Simon Butt calls "brimming with irregularities." "It is hard to see," Butt adds, "how a competent and impartial court could decide that Antasari was validly and convincingly proved to have ordered the murder (Butt 89)."

During the trial, the police also arrested commissioners Chandra Hamzah and Bibit Samad Rianto on charges of extortion and bribery. Three of the KPK's five commissioners were now behind bars. The two men immediately claimed that they were being framed as a way to hurt the KPK. With weak evidence being presented by the prosecution, SBY appointed a team to examine the case independently. Shortly after, defense attorneys obtained audio of tapped phone conversations that revealed a conspiracy to frame the men. Charges were dropped, but the police continued to insist they had incriminating call recordings of their own, yet would not release them. A police chief later confessed that there were no recordings, but said that they had call records which nonetheless proved Bibit and Chandra's guilt. Eventually it came out that that, too, was a lie.

The justice-sector mafia has power to punish KPK officers even if it can't get a conviction. The organization's bylaws state that commissioners are automatically suspended upon arrest, and

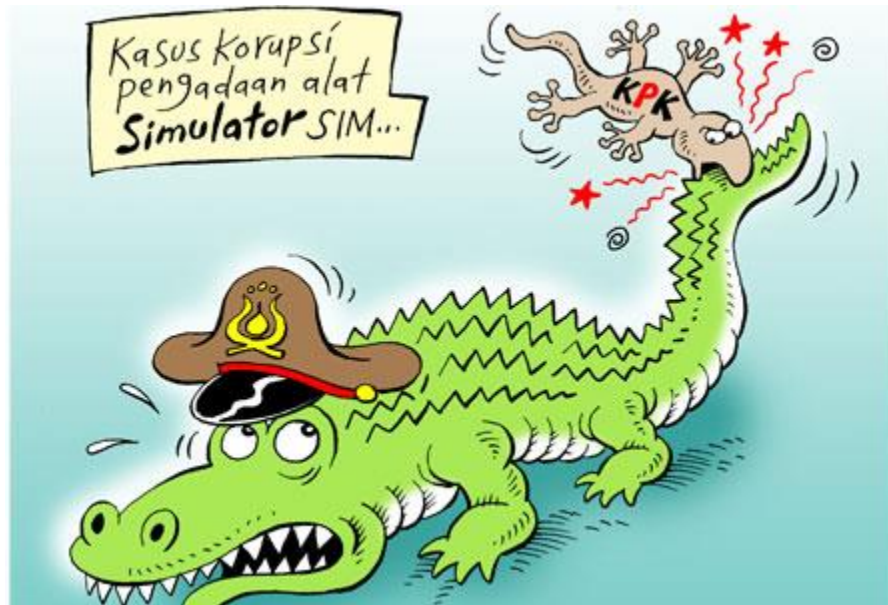
automatically fired upon indictment, not conviction. This is to prevent guilty commissioners from using their post to illegally aid in their defense and is supposed to protect the integrity of the organization. But it does make individual commissioners vulnerable to punitive action.

Notably, it was the very exercise of that punitive action that former commissioner Amien Sunaryadi believes turned the KPK into a hero to the Indonesian public. Cautiously optimistic but skeptical before 2009, people were outraged by the case against Bibit and Chandra. Activists used Facebook to mobilize support, organizing protests around the country, including a 5,000-person street rally in Jakarta. As cynical as they'd grown over corruption, the arrests of Bibit and Chandra were so blatant that people felt it necessary to take a stand. It was their loud displeasure that pushed SBY to appoint his special investigative team. Once the conspiracy was proven true, public pressure pushed SBY to call for the dismissal of those on the audio recording, who were still employed in the police and prosecutor's offices (Kurtzleben).

Rally the People

With three of its commissioners in jail, TIPIKOR weakened, and the parliament considering further legislation to strip the KPK of virtually all its powers, the KPK was under siege in late 2009. News coverage from 2009 and 2010 openly doubted whether the agency would survive much longer. Yet in 2014 it is larger and bolder than ever. This turnaround can be fairly laid at the feet of an angry public, whose sudden activism carried the KPK through its vulnerable period. Energized by the Bibit and Chandra result, they returned to the streets of Jakarta to express their resistance to the proposed legislation to weaken the KPK. They dressed as gorillas, rabbits, and bears, carrying signs that said "Even animals want a stronger KPK" (Macmillan 622). Young people wore t-shirts that challenged legislators on their Islamic morals: "*Sang Koruptor: Apa Agama Kamu?*" – "Mr Corruptor: What is your Religion" – and "*Jalan Lain Ke Neraka: Ayo Jadi Korup*" – "The other way to hell: be corrupt" (Jaafar).

But the biggest rallying cry of reporters and activists was based on an analogy coined by one of the KPK's enemies. Susno Duadji, chief of police in West Java, was a suspect in the Bank Century case, in which an Indonesian bank had been bailed out during the 2008 global financial crisis. Some of the bailout money was unaccounted for, and several public officials were suspected of taking bribes to facilitate the bailout. Upon learning that his phone had been tapped by the KPK, Susno scoffed at the agency's ability to touch him. In an interview with *Tempo* magazine he said it was like a *cicak*, a small lizard common in Indonesia, challenging a *buaya*, or crocodile. KPK supporters immediately seized on the analogy, depicting the country's entire corrupt system as an ugly crocodile being pestered by an underdog lizard. Banners read "Cinta Indonesia, Cinta Kpk," with the capital letters spelling out *cicak*. "Cicak vs buaya" has become common shorthand for the 2009 conflicts and for the larger struggle between the KPK and the National Police.



Bowing to public demand, the DPR rescinded its anti-KPK legislation, although not its TIPIKOR legislation. In theory the parliament could shutter the KPK at any time through its power of the purse. Though the KPK's budget has been squeezed at times, it has still risen steadily through the years. At \$74 million, it is more than double what it was in 2009. That figure represents 0.03% of the annual federal budget; de Speville, the former head of ICAC, says an anti-corruption agency needs 0.5% to be effective ("Measuring" 13).

The biggest single budget battle with Parliament was over extra funds to build a new headquarters. The legislature stalled for years on providing the money even as the agency crammed 750 people into a building meant for 350 (Pramudatama). Activists responded by started a private fundraising drive that quickly gained support in high places. The Law and Human Rights Minister asked to be the first donor, while the Minister of State-Owned Enterprises pledged six months of salary. Religious groups promised to chip in. So did the Association of Indonesian Street Vendors, a trade group of 54 million. Each member, most of whom had tiny incomes, pledged a nominal amount to the cause. In the end the "*Koin untuk KPK*" movement raised only \$38,000 dollars, but it served its purpose nonetheless. The legislature, seeing poor people pitch in for the cause, sheepishly approved the necessary funds (Jaaffar).

The most remarkable example of how much people had embraced the KPK came after the 2012 attempted arrest of Susilo, the police chief accused in the driving simulator case. The police refused to hand Susilo into custody, then threatened to raid KPK headquarters and arrest the investigator in Susilo's case. Word spread on the street. By the time 300 armed officers showed up and surrounded the building, there were already scores of people blocking the entrances with their bodies. The police gave in and retreated. Only after SBY intervened did they hand over Susilo, who was eventually sentenced to 18 years and fined \$2.6 million (Ismar and Joko). The police responded by recalling 20 of their officers who were contracted with the KPK. Though 20 replacements were offered, none passed their background checks (Bayuni).

Making Allies

As far back as 2008, a poll showed that 82% of Indonesians thought of the KPK as the most trustworthy law enforcer. The police and Attorney General received 6% and 2% of the vote, respectively (Khalik). The KPK has crafted public opinion shrewdly; it releases news at regular intervals in order to stay in the public eye. Indonesia's media, suppressed under Suharto, is growing its first generation of investigative reporters. The KPK has cultivated relationships with those reporters and has received almost universally positive press. Its close relationship with the public has all but cut out politicians as a principal/agent and made the KPK a direct agent to the people. The situation is illustrative of the so-called "short route of accountability."

The KPK also has allies in civil society organizations like The Indonesian Society for Transparency, Indonesia Corruption Watch, and Transparency International Indonesia, which rally the public and put pressure on elected officials (Bolongaita 19). Religious organizations have taken up the corruption cause as a spiritual issue. The largest one, Nahdlatul Ulama, has called for serious corruption offenses to merit the death penalty (Bayuni). Celebrities and musicians have also aligned themselves with the movement. Slank, a popular rock group, performed at KPK headquarters during the Bibit and Chandra saga. It has written several songs about *korupsi*, including one that had legislators threatening to sue for damaging their reputation. One hundred lawyers volunteered to defend Slank if the lawsuit was ever filed (Kurtzleben). Finally, KPK does have partners in the government despite the oft-confrontational relationship. It is believed that SBY's tacit support from 2004-09 shielded the group from early attack.

Conclusion

With no powerful patron and no crafty public entrepreneur, Indonesia's anti-corruption agency hasn't had a hand to guide it through its decade of existence. Improbably, it managed to not only keep rolling along but to gain steam through the years. It has shown a willingness to go after corrupt public officials in any department and at any rank. Today it is commonly referred to as the most trusted government institution in the whole of the country.

The history of developing countries is rife with anti-corruption agencies that were either too weak to be impactful or too strong to be allowed to survive. The KPK's unlikely journey can be attributed to four factors: massive corruption that is seen as harmful to the economy and the people; the granting of unusually broad powers at its inception during *reformasi*; a willingness to pursue high-profile cases against powerful officials at the risk of serious backlash; and active and vocal support by the Indonesian public.

The KPK has stepped up its high-profile pursuits of late, meaning it will face continued resistance from segments of the police, judiciary, prosecutor, parliament, and executive branch. Opponents will always be searching for ways to undercut it. Barring direct intervention by the president, its best chance is to keep the public behind it. It must maintain the short route of accountability by staying clean, staying effective, and keeping people believing that it is a rare example of an institution that is truly serving the public good.

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