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Testing the Limits of Public Integrity: The Impact of Vested Interests and Countervailing Forces on Indonesia's KPK

Ahmad Khoirul Umam* 
Brian Head†

The establishment of Corruption Eradication Commission (KPK) is as a crucial instrument for fighting systemic corruption and improving public integrity. However, corrupt forces in post-Soeharto Indonesia found opportunities to develop powerful coalitions built on the legacy of pre-reform power relationships. This article examines the extent to which the KPK's initiatives have been impeded by these vested interests. By examining two major cases involving conflicts against senior law enforcement officers – we identify some of the conditions where vested interests have exerted a significant influence in resisting anti-corruption efforts. Their greatest impact occurred when their attempts to exploit KPK's institutional weaknesses occurred in a permissive environment where political stakeholders were indecisive or unassertive. The fragmentation within civil society and independent media also seriously undermined on the capacity of anti-graft supporters to hold corrupt official to account in Indonesia.

Key words: anti-corruption, democratization, Indonesia, KPK, market liberalization

检验公共诚信的限制：既得利益与抵抗势力对印尼肃贪委员会产生的影响：

肃贪委员会（KPK）的建立是作为打击系统性腐败和提升公共诚信的一个关键工具。然而，印度尼西亚后苏哈托时期的腐败势力找到机会建立基于改革前权力关系影响的强大联盟。本文检验了KPK提出的倡议计划在多大程度上受到这些既得利益的阻碍。通过检验两

Ahmad Khoirul Umam is a Senior Lecturer at the Department of Political Science & International Relations, University of Paramadina, Jakarta. He achieved his PhD from School of Political Science & International Studies, The University of Queensland, Australia. He has strong interests in Public Integrity & Anti-Corruption Studies, Democratization in Southeast Asia, and Islam in International Politics. He is currently a Managing Director of Paramadina Public Policy Institute (PPPI), Jakarta.

Brian Head is Professor at School of Political Science & International Studies, The University of Queensland, Australia. His major interests are evidence-based policy, program evaluation, early intervention and prevention in public policy and governance, environmental policy, public accountability and leadership. He is also (acting) Director of the Centre of Policy Futures, Faculty of Humanities & Social Sciences, The University of Queensland, Australia.

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个涉及反对高级执法官员的冲突的重要案例，我们识别了一些联盟，既得利益在这些联盟中对抵制反腐工作一事施加了显著影响。当既得利益为利用KPK的制度弱点所做的尝试出现在一个对政治利益攸关方的犹豫不决或不够果断进行放任的环境中时，既得利益则会发挥最大的影响。公民社会的分化和独立媒体也严重削弱了反腐支持者在让印尼腐败官员承担责任一事上的能力。

关键词: 反腐, 民主化, 市场自由化, 肃贪委员会 (KPK), 印度尼西亚

Prueba de los límites de la integridad pública: el impacto de los intereses adquiridos y las fuerzas compensatorias en el KPK de Indonesia:

El establecimiento de la Comisión de Erradicación de la Corrupción (KPK) es un instrumento crucial para combatir la corrupción sistémica y mejorar la integridad pública. Sin embargo, las fuerzas corruptas en Indonesia post-Soeharto encontraron oportunidades para desarrollar coaliciones poderosas basadas en el legado de las relaciones de poder previas a la reforma. Este artículo examina la medida en que las iniciativas del KPK se han visto obstaculizadas por estos intereses creados. Al examinar dos casos importantes relacionados con conflictos contra altos funcionarios encargados de hacer cumplir la ley, identificamos algunas de las condiciones en las que los intereses creados han ejercido una influencia significativa en la resistencia a los esfuerzos anticorrupción. Su mayor impacto ocurrió cuando sus intentos de explotar las debilidades institucionales de KPK ocurrieron en un ambiente permisivo donde los actores políticos eran indecisos o inseguros. La fragmentación dentro de la sociedad civil y los medios de comunicación independientes también socavaron seriamente la capacidad de los partidarios de la lucha contra el injerto para hacer que los funcionarios corruptos rindan cuentas en Indonesia.

Palabras Clave: anticorrupción, democratización, liberalización del mercado, KPK, Indonesia

The post-Soeharto regime in Indonesia introduced many processes for democratization and market liberalization. One anticipated benefit was a reduction in patronage and corruption. The new governance arrangements were reinforced by a set of anti-corruption laws, including the establishment in 2002 of an independent and powerful anti-corruption agency, the Corruption Eradication Commission (KPK), to enhance transparency and accountability in public governance and thus combat systemic corruption. By integrating the functions of investigation and prosecution, the KPK was gradually able to demonstrate its professionalism and improve the government’s anti-corruption efforts, including attempts to target previously untouchable corrupt actors and to dismantle their networks. The KPK has successfully promoted public integrity and “changed the unchangeable” by prosecuting and jailing ministers, governors, mayors, members of parliament, judges, senior bureaucrats, senior police officers, senior prosecutors, ambassadors, and other prominent figures. Hence, the secretariat of the United Nations Convention Against Corruption (UNCAC) commended the KPK for its “best practice” in the global anti-corruption agenda (*Kompas*, 9 October 2017). The agency also won the prestigious Manila-based Ramon Magsaysay Award in 2013, widely considered as Asia’s equivalent of the Nobel Prize, in recognition for its tireless anti-corruption campaign in Indonesia,

thus increasing public trust and optimism concerning the anti-graft agenda (*The Jakarta Post*, 25 July 2013).

However, behind the good news, the KPK's achievements have encountered serious resistance from the networks of corrupt forces deeply embedded within political parties, the executive branch of government, and some law enforcement institutions. These countervailing forces have tried to slow down the anti-corruption initiatives, particularly when the KPK has posed serious threats to the corrupt networks and alliances. Some public officials who should be partners in fighting corruption have joined in direct and indirect counter-attacks on the anti-corruption agency. In the face of the KPK's strong commitment to unravel corruption, vested interest groups that had benefited from the corrupt environment under the previous regime sought to reorganize to secure their interests.

Specific strategies aimed at disrupting and impeding the KPK's efficacy have included conducting a judicial review of the law governing the KPK, undermining thorough probity testing for the selection of the KPK's top leaders, depicting the KPK as an irresponsible super body that violates human rights, reducing the KPK's budget, attempting to revoke its authority to wiretap, attempting to restore prosecutorial powers within the Attorney General's Office (AGO), recalling seconded investigators back to their home agency, and attempting to taint or criminalize the KPK's senior officials (Butt, 2011; Choi, 2011, pp. 45–63; Schutte, 2011). All these experiences have demonstrated the vulnerabilities of the KPK, suggesting a need to re-assess its reputation as a "super body" with extraordinary powers.

The main objective of this article is to answer, to what extent have the KPK's corruption eradication efforts been impeded by the evolving dynamics of vested interests? This article also seeks to advance understanding of the methods used by corrupt forces in opposing and neutralizing the KPK's anti-corruption operations, and thus to shed light on how such Anti-Corruption Agencies (ACAs) in other countries can be strengthened. Against this backdrop, this article also draws attention to the capacity of civil society and media to support the Anti-Corruption Agency (ACA) in improving public transparency and saving it from "near-death" experiences due to the vested interests' powerful attacks. This article draws on evidence from two major cases to examine the KPK's resilience and capacity in dealing with the evolving dynamics of a nexus of vested interests in post-Soeharto democratic Indonesia. Both major cases involve clashes with senior law enforcement officers with strong political support, illustrating more clearly the KPK's weaknesses in an otherwise strong agency. Therefore, it is our aim to elaborate in detail how these two key case studies draw attention to the complex political dynamics of anti-corruption activities.

The first case from 2009 to 2010 involved a clash with senior police officials concerning alleged corruption in the provision and use of bank funds, in particular protecting the interests of tycoons and politically connected depositors from potential calamity following the 2008 global economic crisis. While the second case concerned the alleged "fat bank accounts" scandal (2014–2015) involving the candidate of police in chief who is politically connected to the ruling power. These two major cases are examples of where the KPK was embroiled in vulnerable and politically dangerous situations. These cases are, therefore, very useful for understanding how the vested interests have been able to challenge the

KPK's corruption control initiatives and how these challenges might be countered within the broader context of democratization.

The findings of this article are primarily based on fieldwork conducted in Indonesia by the first author in 2013–2019. More than 30 in-depth semi-structured interviews were conducted with the KPK commissioners and investigators, politicians, government representatives, case-related parties, anti-corruption activists, independent journalists, academics, and policy advisors in Jakarta and Yogyakarta.¹ This research was intended to assess the KPK's capacity for dealing with both the more powerful and less powerful resistance efforts from vested interest groups. Two corruption cases have been selected based on the interviewees' suggestions as both not only seized enormous public attention, but also represented the varying abilities of civil society groups to defend the KPK. Both cases made observation and analysis more feasible for assessing the KPK's different vulnerabilities or durabilities in facing powerful resistance from accountability. Primary and secondary data and resources, in English and Indonesian, were also gathered from numerous governmental and nongovernmental institutions in Indonesia.

Political-Economic Challenges of Anti-Corruption Reforms

It was widely expected that democratization and market liberalization would enhance the capacity to address corruption in the Indonesian post-reform transition, but empirical work has shown the ongoing impact of vested interests in limiting the effectiveness of anti-corruption strategies (Bliss & Di Tella, 1997; Goel & Nelson, 2005; Graeff & Mehlkop, 2003). There has been a considerable literature on developing countries emphasizing the importance of democracy and market liberalism in the fight against corruption, with claims that these liberal transitions are crucially important in providing a supportive environment for tackling corruption (Kramer, 2019; Saha & Su, 2012; Schopf, 2011; Treisman, 2000).

Moreover, there are counter-claims that liberalization may not be associated with reduced corruption and in fact may create new opportunities for corrupt practices (Dick, 2002; Hadiz, 2006; Robison & Hadiz, 2004; Robison & Rosser, 2000). The move toward democracy in conjunction with market liberalization can lead to a myriad of demands from new and old players for official assistance, various types of government support, and concessions. The concession examples are such as greater flexibility in the application of rules and regulations in order to facilitate business survival in the face of stronger competition. To the extent that state officials respond to such demands, there is potential for the development of patterns of mutually beneficial alliances based on reciprocity.

In developing countries, the aspects of political and economic liberalism thought to be the most conducive to successful democratic reform and accountability include freedom of the press, a well-organized civil society, and an independent judiciary. These may support the emergence of well-informed citizens able to effectively monitor the processes of institutional change. However, the delivery of such reforms, involving a complex combination of elements, may require an extended period of contestation and transition, during which the very demands of democratization may open up opportunities for corruption (Doig &

Theobald, 2000; Hamid, 2014; Rose-Ackerman, 1999). These deficiencies may be maintained and exploited by private interest groups, including corrupt elements seeking to retain their privileges to extract rents and to create opportunities for private benefits (Webber, 2006). In alliance with powerful state officials and public decision makers, these networks constitute “vested interests” seeking to use corrupt political-economic processes.

The literature on the role of vested interests in undermining corruption reforms has noted that during the transition period, vested interest groups find new opportunities to reconstitute themselves to be “new but old players” in the political and economic reform processes (Hadiz, 2006; Whitehead, 2000). These groups involved interactions among old and also new elite politicians, government officials, law enforcement officers, business actors, including top-tiered public, police force, and military officers who together consolidated the power of vested interests (Hadiz, 2013; Umam, Whitehouse, Head, & Khan, 2020). In the newly liberalized political-economic environment, many economic elites have more deeply embedded in the political party system. The networks among the actors have played influential roles in public office’s decision-making process, including in deciding state budget based-contracts and expending national budget, both in parliament and also the executive branch (Aspinall, 2019).

These groups keen to maintain the state’s deficiencies and block progressive reform agendas, including the anti-corruption agenda. They have the capacity to reduce technocratic competence and thus erode the power of anti-corruption reform policies; manipulate the judicial system; and co-opt the democratic governance machinery and law enforcement institutions to serve and protect their political-economic interests (Geddes, 1991; Haarhuis & Torenvlied, 2006).

In the fluid and weakly regulated context of the reform transition, interest groups have the opportunity to gradually reinforce their powers by insulating themselves from scrutiny, for example by creating political and bureaucratic barriers to effective deployment of legal policy instruments. In many developing countries with corrupt public bureaucracies, where reformist governments are politically weak and are dependent on broad and unstable coalitions, groups with vested interests can isolate and neutralize weak reformers leading to an uncertain future for democracy, economic development and the anti-corruption agenda (Brinkerhoff, 2000, p. 246; Haarhuis & Torenvlied, 2006, p. 43; Harsch, 1993).

As a result, many ACAs across the globe, such as Sri Lanka’s Commission to Investigate Allegations of Bribery or Corruption (CIABOC), the Anti-Corruption Agency of Bhutan, the Philippines’ Office of the Ombudsman (OMB), the Anti-Corruption Agency of Bangladesh, and also India’s Central Bureau of Investigation (CBI), have experienced and encountered formidable legal, bureaucratic and political difficulties, resistance and threats in developing their capacities, while the corrupt political-economic environment remained unchanged (Bolongaita, 2010; Kramer, 2019; Quah, 2017).

The threats against reformers will be strongest when the vested interest groups form a network or informal coalition to unify their power and resources. The nexus of vested interest groups may be much more capable than individual firms in opposing political-administrative reforms and blocking the anti-corruption agenda. They have the potential to reconstitute patronage machines based

on petty and high-level corruption. If vested interest groups can successfully build key positions in the new regime, it will be much more difficult to distinguish between those representing vested interests and reform-oriented interests. In that situation, the vested interests can become an integral part of the reform process, and thus infiltrate and influence the reform policies. They could have opportunities to weaken or threaten the reformers, and even drive them out of their positions within the reformist government. A weak government, with formal political power but limited capacity in practice to support anti-corruption reforms, may be powerless before such a network. In such situations, the task of eradicating corruption will be highly vulnerable to manipulation and political pressures (Umam, 2014; Umam et al., 2020). In sum, the strength of vested interests is a pivotal factor determining either the success or failure of anti-corruption policy implementation.

In confronting corrupt forces, civil society and independent media may be able to play a crucial role in supporting measures to promote public integrity. This might be evident through pressure on state leadership to be resolute in disrupting corrupt networks or through wider political pressures against entrenched vested interests (Aspinall, 2013; Haarhuis & Torenvleid, 2006; Rose-Ackerman, 1999; Stuart-Fox, 2006). In particular, public pressure for integrity reform might increase the social and political costs to politicians and state officials involved in the corrupt network. The collaborative actions of NGOs, academics, public figures, the free press, and reform-oriented business actors, may also together strengthen public support for the integrity agenda in politically challenging environments (Bolongaita, 2010, p. 19; World Bank, 2000). However, civil society groups may not be powerful enough to overcome resistance and counterattacks from these groups, especially if civil society groups and the press are financially dependent on those vested interests' networks (Kjaer, 2004, p. 160; Rodan, 1996, p. 5; Sudibyo & Patria, 2013).

Understanding Indonesia's KPK

This article examines the extent to which the nexus of corrupt vested interests has impeded anti-corruption efforts in post-reform Indonesia, has the ability and strategies of corrupt forces to resist investigation by the KPK changed over time. We focus in particular on two cases initiated by the key anti-corruption agency, the KPK. There is some evidence that the KPK's efforts to combat corruption have been especially challenging when the corrupt protagonists occupy the inner circles of power.

KPK itself was established in 2002 based on the *lex specialis* Law No. 30/2002, while its first commissioners were sworn in December 2003 and its first investigated corruption case was finally convicted in 2005. Since then, the KPK has faced severe threats and challenges from corrupt politicians and government officials (especially from other law enforcement institutions such as the police and the AGO). For the opponents of reform, the KPK has often been perceived as "the common enemy" that needs to be undermined. In order to assess these issues, it is important to understand the KPK's institutional capacity.

The KPK is one of the several agencies with a role in addressing corruption but it has a special role in working with and improving the quality of law

enforcement and justice agencies such as the police and Attorney General Office (AGO). Therefore, most of its early staff members were borrowed (known as a “secondment”) from the two ordinary law enforcement agencies. Based on the UNCAC, the anti-graft agency should be independent of other law enforcement agencies. However, this is not the case in KPK as part of the political negotiation with existing law enforcement agencies institutionally threatened by the KPK. This ACA is assigned with extraordinary powers – such as wiretapping suspected corruptors, ability to override certain standard legal provisions (*lex generalis*), amalgamating the functions of investigation and prosecution within a single entity, accessing confidential banking data to track potential money laundering, and taking over corruption cases from the other anti-graft agencies (Butt, 2011; Schutte, 2011).

While the KPK has strong powers in principle, it faces practical weaknesses arising from its high dependence on the supply of investigators from the police and prosecutors from the AGO. This pattern of secondments has made it highly vulnerable to conflict of interests when trying to confront corrupt networks working with corrupt elites in those same agencies (Butt, 2011; Choi, 2011). In line with the theoretical perspectives outlined above, the following sections outline the two case studies that provide insights into how vested interests have affected the KPK.

The Century Bank Case: The First “Gecko versus Crocodile” Confrontation

After overcoming the post-1998 economic crisis, Indonesia again faced the impact of the global financial crisis in the third quarter of 2008. The failure of American financial companies and their heavy reliance on borrowing that led to the sub-prime mortgage crisis triggered the global crisis. The world was in shock and most Asian countries, which relied directly on the American financial system (McLeod, 2010; Mietzner, 2009), were at risk.

The World Bank (2008) had classified Indonesia as a “high exposure country” vulnerable to the deceleration of growth and a significant increase in poverty (Islam & Chowdhury, 2009). Several crisis symptoms were felt including a drop in the Stock Exchange’s (IDX) market capitalization by fifty percent in October 2008 and a fall in the prices of trade, service, and investment (by around sixty-five percent compared to the registered price at the beginning of the year). Simultaneously, the rupiah’s exchange rate significantly depreciated by twenty percent of its value reaching Rp 12,000 to the dollar within the same month, which was the lowest in the last ten years (Basri, 2013; McLeod, 2010).

The Bank of Indonesia (BI) was worried about the national banking sector’s vulnerability due to uncertainties in the macro-economy in the last quarter of 2008. To avoid a full-blown crisis as in 1997., the government issued a package of government regulations such as establishing a Financial System Stability Committee (KSSK) which consisted of the Minister of Finance and the BI Governor, while the Deposit Insurance Agency (LPS) was positioned as an “outsider” which must obey any KSSK’s decisions.

Tension started when the Indonesian banking sector in 2008 was in good condition, in which the banks’ capital adequacy ratios (CARs) were mostly above

the central bank's requirement of eight percent. The average CAR was 10.4% in September 2008. However, Century Bank (CB) was well below the average with a CAR of only 2.35% (Bank Indonesia, 2010; Supreme Audit Agency, 2009). After bribing Rp 1 billion for having a private consultation, CB's owner, Robert Tantoelar, consulted with the Deputy Governor for Monetary and Foreign Exchange Management of Bank Indonesia (BI), Budi Mulya, on 11 August 2008 to propose liquidity assistance (credit asset repo) worth Rp 1 trillion from the Central Bank to recover its lack of capital adequacy (Supreme Court, 2014).

Although CB was not eligible for the liquidity assistance, the macroeconomic uncertainty in the last quarter of 2008 led to the BI's decision to reduce the requirement to just have a positive CAR. CB was eventually eligible for financial assistance, where the central bank (BI) partially approved the request and directly disbursed the short-term liquidity assistance (FPJP) amounting to Rp 689 billion on 14–18 November 2008. As the recipient of FPJP, CB was classified as under the central bank's special surveillance which is prohibited from conducting transactions with any parties except as permitted by the central bank itself.

However, CB management ignored this prohibition and conducted transactions for depositors who were concerned about large amounts of money saved in the ailing bank. On 15 November 2008, one of the CB's biggest depositors, Budi Sampoerna, who had deposits worth US\$18 million in the bank, asked CB management to gradually withdraw his money. Sampoerna appeared to be taking advantage of CB's short-term liquidity assistance (FPJP) worth Rp 689 billion. Realizing that the withdrawal was illegal, Sampoerna allegedly asked for help from a close friend who was serving as the Head of the Criminal and Investigation Department in the Police Headquarters Office (Kabareskrim) Commissaries General Police, Susno Duadji: The request was to streamline the withdrawal process by providing a guarantee letter to legalize the withdrawal.

As CB was "intentionally robbed" by the owners and its big depositors, despite the financial injection from the central bank, CB's liquidity gradually dropped, with the CAR plummeting to minus 3.53% by 20 November 2008. Nevertheless, the BI's Board of Governors was concerned about CB's plummeting CAR, not only because of uncertain national economic conditions, but also because its deposits belonged to many big state enterprise-companies (Supreme Court, 2014, p. 64).

The BI Board of Governors believed that if CB was allowed to go bankrupt, this would have a significant impact not only on the state-owned enterprises with large deposits in the ailing bank but also for the stability of the national banking system. In such circumstances, a decision to close even a small bank would potentially increase the risks of systemic effects, create market panic, and trigger depression. Although the systemic effects of CB's situation could not be determined precisely, on 21 November 2008, KSSK eventually decided to categorize CB as a "failed and insolvent bank with systemic risks" in the interests of the stability of the national financial system and saving assets of the national banking sector worth Rp2400 trillion. Furthermore, KSSK commanded the LPS to follow-up its decision by taking over CB's management and subsequently bailing it out to achieve an eight percent CAR and pay overdue customer funds (Interview,

a journalist at Kompas, Jakarta, 7 January 2015; Interview, a journalist at Jawa Pos, Jakarta, 1 February 2015; Interview, KPK official 2, Jakarta, 30 October 2015).

KPK conducted a preliminary investigation (*penyelidikan*) and put this case under secret surveillance when the illegal withdrawals of money belonging to the CB biggest depositor Budi Sampoerna were started. In the wiretapping process, the KPK “unintentionally” found a phone conversation between Sampoerna and the Head of Criminal Investigation Department National Police, Com. Gen. Susno Doadji, who was allegedly asked to put pressure on CB’s owner, and to provide administrative letters to legalize the withdrawal process to avoid potential legal problems in the future. In return, Susno was accused of demanding a bribe of “ten,” which was thought to be either ten percent of the total disbursed money or Rp10 billion, from Sampoerna. He was subsequently accused of abusing power for personal gain and disrupting the fairness of the process as lower-middle-class depositors had not yet received payment as stipulated in LPS’s consumer protection.

Before the KPK intended to catch Susno, information about the KPK’s investigation was leaked. Com. Gen. Susno, who was also the third highest official in the Indonesian Police’s command structure, was angry and asserted to conduct a “counter-intelligence action” against the KPK. He also asked all of the KPK’s investigators, who were predominantly his subordinates within the structure of the Criminal Investigation Department, to remain “loyal” to the institution (police), rather than to be “traitors” supporting the KPK (Tempo, 2009b).

Susno expressed his anger in the emerging “battle of words” between KPK commissioners and the police leadership. The turmoil led to public criticism toward the police after Susno coined the phrase “How dare a gecko challenge a crocodile” to describe the KPK’s challenge toward the Police. Susno was subsequently seen as having had misused the *l’esprit de corps* or institutional loyalty to protect the vested interests (Interview, a member of National Police Commission, Jakarta, 3 February 2015). In the words of a KPK official 1 (interview, Jakarta, 28 October 2015):

Why did Susno react so seriously? Because he panicked and was scared of the situation. We believed the first bribery transaction was already accepted. However, we were careless and could not directly catch them when they were doing the transaction. We assumed that the transaction was not the last one, there would be further transactions. Unfortunately, our investigation was leaked and already known by the Police’s headquarter. This leaking information was not only caused by our commissioner’s carelessness in delivering a public statement to media but was also most likely leaked by KPK seconded investigators who still felt a dual loyalty to their original institution.

In order to prevent the KPK from proceeding with its investigation, police leaders attempted to exploit loopholes in Law No.30/2002 on KPK. In particular, they sought to use Articles 32 (1) and 32 (2) which provide a legal mechanism to suspend KPK commissioners and ultimately force their resignation if they are suspected of wrongdoing by other law enforcement agencies, such as the Police or the Attorney General Office (AGO). This would disrupt the KPK’s institutional decision-making system. Since the KPK used a collegial system in which

all decisions relating to the handling of cases must be decided by all five commissioners, the lack of support from one or more commissioners would hinder the KPK from making a decision. .

One by one, the KPK commissioners faced criminal allegations “suddenly” found by the police. The KPK’s Chairman Antasari Azhar (2007–2009) was arrested by police on 4 May 2009 due to an allegation that he was involved in ordering the murder of the executive directors of the state-enterprise company PT Rajawali Banjaran and Nasrudin Zulkarnaen. Many believed the police investigation and the trial process on Antasari’s case were highly questionable due to the limited credible legal evidence and the exclusion of proof from forensic and ballistic tests (Butt, 2011, p. 387). However, the court found him guilty and sentenced him to eighteen years in prison.

Before his punishment, Antasari allegedly tried to negotiate with police investigators to secure a more lenient prosecution in the murder case by giving a controversial piece of testimony. This was further used by the police to criminalize two other KPK commissioners, Chandra Hamzah and Bibit Samad Riyanto by accusing them of taking bribes from Anggoro Widjojo related to Integrated Radio Communication System (SKRT) corruption case. The Police subsequently named the other two KPK leaders as suspects and arrested them on October 29, 2009. Claiming they had completed the investigation, the police then coordinated with the Attorney General Office (AGO) to take what had been regarded as a “fabricated case” to the prosecution phase to suspend the KPK’s investigation on CB illegal withdrawal. In the words of a KPK official:

We believed that the kickbacks from the Century Bank’s depositor not only flowed to one person but also to other high ranked officials and maybe also other parties. That is why their reaction was very strong. The power of elites attempted to mobilise institutional capacity to protect their vested interests or maybe even those of bigger vested interest groups. (KPK official 1, interview, 28 October 2015)

The police and Attorney General Office’s attacks on the KPK gradually escalated into a public outcry. Ordinary and middle-class Indonesians were particularly disappointed that most politicians in the House and the government kept silent and allowed the police and the AGO criminalize the leaders of the KPK. After some facts of “fabricated case” were revealed by the Constitutional Court (MK), people across the country who were increasingly frustrated with the situation gradually formed a large-scale protest movement, holding rallies and demonstrations attended by thousands of people and student organizations on 8 November 2009 in downtown Jakarta and other twenty-four big cities throughout the country on 9 December 2009.

These “people power” actions involving many public figures, academics, student organizations and the networks of civil society elements such as Indonesia Corruption Watch (ICW), Transparency International Indonesia (TI-I), Indonesian Society for Transparency (MTI), Indonesian Legal Aid Agency (YLBHI), Impartial, and also local pro-democracy and anti-corruption NGOs were widely covered by almost all media mainstream, which subsequently placed enormous political pressure on the police and AGO. The working coalition played a significant

role in raising questions over these allegations of the government. To pacify the growing public anger, President Yudhoyono subsequently forced the police and AGO to stop the bribery allegations case and release the two KPK commissioners who had been detained.

However, those responsible for the initiation of these allegations remained a secret. While the public believed that Com. Gen. Susno Duadji was the mastermind behind the Police's attack on the KPK, Susno claimed that he did not totally understand and was not involved in the fabricated cases (MetroTV, 19 February 2010; Tempo, 2009a). He stated that there were other, bigger, interests controlled by more powerful entities.

Who the masterminds behind the counterattacks on the KPK were still unclear, the KPK was experiencing tremendous shock and uncertainty internally. The KPK's commissioners and investigators suffered serious trauma after experiencing the Police and AGO's counterattack, while it had very limited political support from the House and the President. There was a serious decline in the number of investigators in the KPK as many left to return to their "home institution" (the Police). As a result, some major cases involving political and governmental elites stalled. A crisis of institutional confidence also occurred within the KPK. Employees felt a lack of leadership in the institution, while the leaders also felt insecure and did not trust the employees, especially the investigators seconded from Police and prosecutors seconded from the AGO. The situation had an impact on the quality of the KPK's prosecutions which demanded a minimal punishment of four years in jail on average, while the court's penalties were only 1.5 years of jail on average. This situation was exacerbated by the resignation of several middle-level KPK officials, particularly at director and deputy levels, some of whom finally chose to move to other state institutions (Tempo, 2010; Interview, KPK officer 3, Jakarta, 7 February 2015).

These unprecedented counterattacks had a severe impact on the KPK institutionally. Their "near-death" experience forced the KPK to consider its strategic options either for suspending its investigation or simply continuing, while knowing there would likely be further destructive counterattacks. In short, this case caused a great deal of confusion, Was the state's policy to bailout CB been an appropriate response to avert a financial meltdown triggered by the 2008 global economic crisis, or was it merely an orchestrated attempt to misuse state funds for individual business and political elites? (Interview, an Editor of Tempo, Jakarta, 12 January 2015; Interview, a lecturer and anti-corruption activist from Gadjah Mada University, 17 January 2015).

The Crocodile's "Fat Bank Account" Case: Another Near-Death Experience

This "near-death" experience was repeated in 2014 when the KPK attempted to uncover another corruption scandal allegedly involving the candidature of National Police Chief General Budi Gunawan. This confrontation began when the newly-elected President Widodo decided to consult with the KPK prior to his decision to appoint his new cabinet members by cross-checking the ministerial candidates' background, integrity, and anti-corruption track records. However, the KPK's role in the assessment was portrayed by critics as politically

problematic by limiting the president's prerogative and destabilizing the newly-formed political coalition (Interview, a senior researcher ICW, Jakarta, 27 January 2015; *Jakarta Post*, 11 September 2016).

In response to this reaction, the president decided not to involve the KPK in the appointment process for the new National Police Chief. Through a more accommodative approach, President Widodo recommended General Budi Gunawan as the sole candidate for approval by the House of Representatives. General Budi was publicly identified as part of the ruling party's inner circle as he was the aide of former president Megawati Soekarnoputri (2001–2004), the top leader of the ruling Indonesian Democratic Party of Struggle (PDIP). As President Widodo is also from the same party but with limited bargaining power within the party, it was essential for the president to ensure success for the police chief candidate proposed by his own party (Aspinall, 2019; Muhtadi, 2015, p. 366; Interview, a senior journalist at Kompas, Jakarta, 5 January 2015).

The KPK was disappointed with being excluded from the appointment process and gathered further information related to General Budi, eventually uncovering the fact that he had been named as one of 17 high-ranking officers suspected of corruption. He had been identified by a 2010 PPATK investigation as having an "odd and fat bank account." Subsequently, on 13 January 2015, the KPK named the general as a suspect in a corruption scandal when he had led the Career Development Bureau (*Kalemdikpol*) at the National Police from 2004 to 2006. He was said to have accumulated around Rp 95 billion, allegedly acquired through gratuities and bribes from low-level police officers seeking promotion. Although some informants mentioned that the funds were not used for his personal needs but to cover the police's lack of budget, the KPK felt called upon to pursue the case in order to protect the national police from "dirty-hands" leadership.

This situation inevitably re-escalated serious political tensions between the KPK, the presidential palace, and the Indonesian police. As with the first "Gecko versus Crocodile" drama in 2009 under the Yudhoyono administration, President Widodo in 2015 was inclined to use face-saving strategies. On the one hand, the president did not want to humiliate the police institution or criticize his party for politically endorsing the chief of police candidates. On the other hand, he also did not wish to confront the KPK as that would be politically damaging to his newly established administration's political popularity and legitimacy. While the president was inclined to keep silent, the opposition in parliament used this situation as a political opportunity to attack the government's credibility by approving a "controversial" national police chief candidate and entangling the president in the political turbulence. Meanwhile, other parties seriously questioned the timing and methods of the KPK's decision to name General Budi as a suspect, while he was being appointed to lead the police. They suggested that if the KPK was serious in enforcing its anti-corruption agenda, it should have prosecuted the General much earlier. The KPK's tactics were seen as similar to those of the ordinary law enforcement agency when using information about people's past mistakes to paralyze their opponents. The late intervention was perceived not only as humiliating the police institutionally, but also "politically slapping" the face of the president. Due to the legal and political uncertainties, the president was forced to postpone the new police chief inauguration.

In this political deadlock, police leaders re-launched a strong attack against the KPK. In January 2015, KPK Commissioner Bambang Widjojanto was detained by the Police Criminal Investigation Department (*Bareskrim*) on matters arising in a local election dispute in the Constitutional Court (MK) (*Tempo*, 23 January 2015). Within a few days, another KPK commissioner Zulkarnaen was reported by a group that suddenly existed to the police concerning the corrupt handling of grants in a social-economic program (P2SEM) in East Java during 2008. On 9 February 2015, KPK Chief Commissioner Abraham Samad was formally named by police as a suspect in the falsification of a residence document which was a misdemeanor. Having directly targeted the KPK's commissioners, police also conducted investigations into 21 KPK investigators on matters related to the misuse of firearms licenses (*Hukumonline.com*, 17 February 2015). On 1 May 2015, police tried to re-open an old case against the KPK's senior investigator Novel Baswedan, in relation to alleged violence against a witness when he had been a police officer.

The police pursued the same strategy as in the first "Gecko versus Crocodile" confrontation by exploiting a provision in Law No.30/2002 establishing the KPK, whereby the KPK commissioners and employees must be suspended from their positions when accused by law enforcement agencies. Police asserted that this was a normal law enforcement operation in accordance with the Criminal Procedure Code (KUHAP) (Interview, Indonesian Police's communication officer, Jakarta, 2 February 2015). However, one of the KPK commissioners (who served during 2011–2015) perceived these actions as attempts to indict key KPK staff. The KPK felt under intense pressure also because the primary loyalties of some staff seconded from other agencies were seen as unreliable, and some were believed to be gathering counter-intelligence to probe the KPK's weaknesses. The KPK Commissioner (2011–2015) stated:

We knew that many of them (former KPK investigators) were sent by the elites to surround KPK offices for 'unclear purposes'. They might be forced and instructed by the higher-level officers to conduct a counter intelligence by intercepting the KPK. Since they were former KPK investigators, they must know many secret things in the KPK. To be honest, we were very concerned about our corruption data that we stored here. (Interview, Jakarta, 6 February 2015)

These tensions and hostilities clearly illuminated the blocked communication and mutual distrust among the primary anti-corruption agencies. This situation was explicitly acknowledged by the KPK officer 3 (Interview, Jakarta, 2 February 2015), and also by the middle-level Police officer in the Corruption Eradication Directorate of Police headquarter who is also a former KPK investigator (Interview, Jakarta, 2 February 2015). Both recognized that mutual distrust between the institutions remained unsolved. The KPK was in a difficult position. As the key new law enforcement agency mandated to improve the performance of existing law enforcement agencies, the KPK felt compelled to undertake fundamental reforms.

However, the KPK's enforcement activities suffered from inadequate communication and coordination with the other institutions necessary to build and maintain trust and confidentiality. As a result, the KPK's anti-graft operations

were frequently perceived as attempting to publicly humiliate the targeted institution, such as the police. Hence, conflict and rivalry between the KPK and police became entrenched, and severely impacted the overall capacity of the KPK at that time. The crisis of institutional confidence in 2015 demonstrated for a second time how the KPK's institutional machine could be undermined by outsiders exploiting its legal and organizational deficits.

In this situation, President Joko Widodo was inclined to use a "face-saving political strategy" to muffle the political turbulence. The President was inclined to avoid direct confrontation with the KPK and also his political party. President Widodo also seemed to be confused either to rescue or sacrifice the KPK. He expected that the KPK can be more controlled. Thus, it did not cause political commotion which was troublesome for the newly elected government. Meanwhile, parliamentary members were also divided by the post-Presidential election's political environment. Both opposition and pro-government parties tried to take advantages of this critical situation for their respective political interests, either by delegitimizing the government's political credibility or asking additional compensation for supporting the government to deal with this difficult situation, without thinking seriously about the fate of the country's corruption eradication agenda.

²⁶ At the same time, the media, previously seen as a crucial supporter in the first round of Gecko versus Crocodile confrontation (2009–2010) did not provide strong support to the KPK. Media companies controlled by political elites or business tycoons linked to political parties were divided into two groups: pro-government and pro-opposition. Whereas in the first round of "Gecko versus Crocodile" (2009–2010) most of the media used the tagline "Save KPK, Save Indonesia" in their headline news, the media in the post-2014 presidential election seemed more divided in covering the second confrontation between the KPK and police by the broader tagline "Save KPK, Save Police, Save Indonesia".

²⁷ At the same time, civil society's response to the case was fragmented. The contentious 2014 presidential election massively exploiting identity politics including ethnicity, race, and religion had made a number of anti-corruption activists took sides politically. Consequently, when the subsequent round of "Gecko versus Crocodile" confrontation re-occurred, the KPK did not have solid support from the civil society element. Some senior anti-corruption figures such as the founder of ICW Teten Masduki and the founder of Indonesian Transparency Society (MTI) Todung Mulya Lubis who have been part of the ruling circle in Indonesia seemed unable to move flexibly to ease tension between police and the KPK. In addition, anti-corruption activists were also relatively reluctant to deal directly with the police because the police have been increasingly less controlled in utilizing law enforcement authority. A number of anti-corruption activists and who were critical to the police were immediately named as suspects for dubious offenses. These approaches have successfully polarized the civil society network.

¹⁶ In February 2015, this tension gradually eased when General Budi lodged a pre-trial hearing to the South-Jakarta District Court. The court controversially decided that the KPK's investigation into Budi's case was illegitimate and KPK finally suspended its investigation. At that time, following the suspension of the fearless KPK commissioners Bambang Widjojanto and Abraham Samad,

the KPK was temporarily led by a former police general and also the founder of KPK Taufiequrrahman Ruki, who had been appointed by President Widodo allegedly to ensure the KPK did not cause political commotions (Interview, a senior researcher of ICW, Jakarta, 27 January 2015). The KPK officer 2 stated:

We have discussed with our interim leader and been given some choices by our leader, whether we will selfishly continue our investigation on this case but at the same time must let the KPK be severely destroyed as it will consequently face a lot of elites in the police force, or we must succumb or take a step back for the sake of the KPK's future survival. This is a big dilemma in our corruption eradication agenda. (Interview, Jakarta, 28 October 2015)

The suspension seemed to facilitate an agreement between the KPK and police for withdrawing all cases processed by both institutions. While General Budi was subsequently inaugurated as a vice-chief of police, the police investigations into the two KPK commissioners were stopped to ease the public outcries. Political compromise had become a solution, while the corruption case remains unclear until today.

Learning from this critical situation, ¹⁰ President Jokowi do not want his credibility to be undermined again due to a conflict between the KPK and the police in the future. For this reason, an effective strategy to tame the KPK is to put the Police elite into the KPK's top leadership structure. President Jokowi finally appointed Brigadier General Police Basaria Panjaitan to serve as the KPK commissioner for 2015–2019 period with the intention to improve its performance. However, the existence of a police general in the KPK's leadership has raised a number of issues. In April 2019, around 114 KPK investigators signed a petition demanding KPK leaders to eliminate internal elements within the KPK who had prevented them from investigating major cases involving high-level officials, corporations, and also those implicated in money laundering. Those elements have caused a lot of information leakage in the process of investigation and red-handed operations (OTT). The KPK's seconded employees from other government agencies and police officials are the most likely involved in this petition. This complaint has been conveyed through a forum of KPK employees, Deputy for Enforcement, and also directly to the KPK leaders, but did not yield any concrete results. As a consequence, a crisis of confidence has remained within the KPK. KPK officials do not trust their key employees again, especially the investigators sourced from the police, while the employees also felt that the KPK has been often sabotaged by its own leaders (Interview, KPK officer 3, Jakarta, 7 February 2015; Interview, KPK Commissioner (2011–2015), Jakarta, 6 February 2015).

Lessons on the Limits of Anti-Corruption Reforms

Both case studies above have confirmed that vested interests exist and actively opposed anti-corruption reforms in post-democratic Indonesia. These two case studies also uncovered the disastrous role of vested interests in anti-corruption efforts in new democracies (Brinkerhoff, 2000; Haarhuis & Torenvlied, 2006; Harsch, 1993). The democratized and economically liberalized Indonesia has produced mixed outcomes. Indeed, the political and economic structural

transformation of the Indonesian state provides several foundations for anti-corruption efforts, but has not significantly shifted the patterns of elite-level corruption. In fact, the convergence of illicit interests between politicians, government officials and business actors allied together based on reciprocity and mutual trust (labeled here as a “coalition of vested interests”) has allowed corruption at the highest levels to persist despite the establishment of the KPK as an anti-graft institution.

The KPK as a symbol of reform has been perceived as a disruption to a highly beneficial status quo. This coalition of vested interests naturally displayed their antagonism toward the KPK by through retaliation in order to protect their corrupt fortunes and livelihoods. In this situation, the KPK’s strong determination and commitment to fight against these forces have naturally produced a destructive reaction to the anti-corruption agency (Bolongaita, 2010). The more effective the KPK’s anti-graft efforts are, the more intense the corrupt forces fight back against it.

Learning from both cases above, the KPK’s experience in dealing with powerful corrupt forces in the first and second “Gecko versus Crocodile” cases has successfully revealed possible valuable lessons for Anti-Corruption Agencies (ACA) in other countries. *First*, ACAs will continue to face threats to its operations so long as political elites are not committed to reform. It is apparent that the KPK is highly vulnerable to political pressure. No matter what powers and constitutional authority are available to this agency, powerful and well-organized coalitions of vested interests are able to exploit its institutional weaknesses. The KPK “super body” given that its limits were tested in these two cases, it appears to be an extraordinarily powerful agency when it deals with actors who are politically weaker. However, it can find itself in a vulnerable position when facing against more politically powerful entities that can have direct or indirect influence over its internal operations.

Second, while the KPK is seen as an “independent institution,” it is in fact highly politicized. Both cases highlighted the importance of political support of the highest political authority to provide adequate protection to the ACA’s anti-corruption work (Quah, 2017; Umam et al., 2020). No matter how well-financed the special anti-corruption agency is, it will continually face challenges to its authority that must be repelled from government’s leaders. A silent and permissive leadership offers space for vested interests to further weaken the institution. When the ACAs in other countries do not have sufficient political support, it will be weak and helpless against powerful vested interests. A silent and permissive state leader provides an open space for vested interest groups to attempt to weaken the ACA institutionally or intimidate its employees individually. The unassertive leadership style adopted by the political leadership will provide a serious barrier to the ACAs’ ability to bring any case to a successful conclusion.

As the “supreme commander” of the corruption eradication agenda, the President must be firm and clear in supporting the actions of law enforcement, including when this involves accusations of corrupt behavior among his own inner circle. The leader’s indecisiveness and unassertiveness will, indeed, have

the potential to lead to serious problems for the anti-graft agencies making them vulnerable to retaliatory attacks from vested interests.

Third, while the KPK has had many successes in prosecuting corruption cases, there are some who remain “untouchable” and this relates back to the lack of political will among state leaders. Coalitions of vested interests in both case studies successfully reinforce their powers to insulate the masterminds from scrutiny by creating bureaucratic, political, and legal barriers to protect their interests and positions from the KPK’s anti-corruption operations. In both cases, the KPK had to face high-profile actors who potentially had the highest political and legal powers in the country. While their legal capacities could freely exploit the KPK’s institutional weaknesses, their political capacity could also create a more permissive political culture to allow or even encourage the ordinary law enforcement agencies to attack the KPK. When the KPK forced itself to deal with these risks without proper calculation and anticipation, this extraordinary anti-corruption agency faced a near-death experience. The KPK’s high self-confidence based on its powerful institutional design made the agency negligent: It did not anticipate how these external forces could have direct power over the organization internally. Regardless of the ACA’s powerful authority, its institutional design which is usually dependent upon Police investigators and the AGO’s prosecutors made it weak when facing the powerful vested interest group which collaborated with the corrupt elites of these ordinary law enforcement agencies (Bolongaita, 2010; Quah, 2017, p. 18).

Fourth, apart from illustrating the impact of indecisive political leadership, the KPK’s experience also offers a new perspective on the role of an independent media and active civil society in mobilizing the anti-corruption movement. Indeed, the coalition between civil society elements and the independent media played significant roles in exerting public pressures on the government leader to provide political backup and save the ACA from the devastating counterattacks mounted by predatory vested interest groups. However, the strength of civil society networks and the free press cannot be assumed as they are characteristically fragmented and not well-organized (Hadiz, 2013; Robison & Hadiz, 2004). Therefore, it is highly recommended for ACAs and reformist governments across the globe to maintain positive relationships and strengthen civil society groups and the free press as allies in the anti-corruption struggle.

These perspectives, based on the two outlined case studies above, are currently confirmed by the recent Indonesian political situation after the 2019 presidential election. Political parties and the newly re-elected President Joko Widodo clandestinely amended the Law on the KPK between August to September 2019 that systematically crippled the KPK’s powers and capacities. Overall, it is proven that the stronger and more solid the coalition of vested groups and the more pervasive their networks are, the more effective they can be in undermining the KPK. In the critical situation, the KPK became weaker when it received limited and inadequate political support from the leader of the government as well as from media and civil society which are supposedly the advocates of the country’s anti-corruption agenda (Interview, a senior researcher of Transparency International Indonesia, Jakarta, 12 December 2019).

Due to the fact that the legal amendment was done in merely thirteen days, the KPK is weakened systematically by the amended Law No.19/2019. As the

KPK is now an executive agency under the president (Article 24), it can be vulnerably compromised as it lost much of its independence. Its functions of investigation and prosecution were also weakened as it will have no longer capacity to directly take over cases from the police and AGO (Article 10A). It is also not allowed to impose travel bans, ask for banking and taxation data, and halt financial transactions during a preliminary investigation (Article 12). It is now also equipped with authority to issue a Warrant for the Halting of an Investigation and Prosecution (Article 40) if the case cannot be resolved within two years, which will make it difficult to deal with big cases and drive it to focus primarily on lower-risk cases. In addition, because of the amendment, the coalition of vested interests have successfully imposed the establishment of the Supervisory Body with functions of approving or rejecting wiretapping, searches and seizures proposals from its investigators (Article 37B) and its members are appointed by the president (Article 37D), which will open potential for direct and undue political intervention.

Given President Widodo's unclear support to KPK and other ACAs in Indonesia and his subsequent decision to select controversial figures for the KPK's new leaders (2020–2024), the future prospects of KPK and anti-corruption agenda in Indonesia appears to be uncertain and possibly discouraging (Interview, a senior researcher of LP3ES, Jakarta, 18 September 2019; Interview, a senior researcher of ICW, Jakarta, 24 September 2019).

Conclusion

The strong pressures against the KPK outlined in both case studies have demonstrated that vested interest groups have managed to gain significant leverage in law enforcement, elite politics, and state institutions to actively oppose anti-corruption reform initiatives in Indonesia. The existence of the KPK as a champion of anti-corruption has been perceived as disrupting their pattern of illicit benefits. In responding to this challenge, these corrupt forces will naturally retaliate to protect their illicit fortunes and livelihoods.

Both case studies which have been confirmed by the post-2019 political developments that further systematically weakened the KPK. This has exposed the persistence of the illiberal characteristics of Indonesia's law enforcement institutions in particular and its democracy in general. The state structures have been strongly influenced by vested interests which remain very eager to protect the social ascendancy of the corrupt environment. The greatest impact of the coalition of vested interests occurred when their exploitation of the KPK's institutional weaknesses met with a permissive political environment in which most of the major political stakeholders, civil society, and independent media were indecisive, unassertive, powerless or fragmented in supporting the anti-graft agency.

This article throws light on more recent circumstances in which corrupt vested interests in post-Soeharto Indonesia still exerted considerable influence in resisting anti-corruption efforts. Moreover, under the current permissive leadership style and weak anti-corruption commitment evidenced by President Widodo, the prospects of the anti-corruption agenda and actors in Indonesia will face more serious challenges to their commitment, professionalism, independence, and neutrality amid these power struggles. As a result, the future of anti-corruption

reforms in Indonesia tends to be much more highly political, rather than simply a legal-technical or administrative matter.

Note

¹Ethics approval for the research was obtained from the University of Queensland, including confidentiality provisions to protect informants with anonymity.

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