

**School of Social Sciences and Asian Languages
Department of Social Sciences**

**Making a New Democracy Work:
the Role of Civil Society Organisations (CSOs) in Combating Corruption
during Democratic Transition in Indonesia**

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Declaration

To the best of my knowledge and belief this thesis contains no material previously published by any other person except where due acknowledgment has been made. This thesis contains no material which has been accepted for the award of any other degree or diploma in any university.

Budi Setiyono

Date:

Abstract

Corruption has often stimulated the collapse of authoritarian regimes and was followed by democratisation in a number of developing countries. Many new democratic regimes, however, have also been failed to control corruption because during the transition to democracy, their institutional structure of governance has typically not functioned well. In Indonesia too, corruption has been a highly pertinent issue that has both stimulated and compromised the regime's transition to democracy. This has provided a platform for civil society organisations (CSOs) to take an active political role. Yet insufficient empirical examination exists on the role of CSOs in combating corruption during democratic transition and the implication for democratisation.

This thesis documents and critically examines the contribution of CSOs (more specifically anti-corruption CSOs) in Indonesia, an examination essential to the study of democratisation and anti-corruption efforts. It investigates how and to what extent CSOs can fight corruption during democratic transition. Owing to the ineffectiveness and unwillingness of the state, civil associations have undertaken initiatives in fighting and underscoring corruption into the domain of public debate. They work at two levels of battle: strategic and practical. At the strategic level, CSOs have contributed to the creation of the legal and institutional frameworks necessary for eradicating corruption. Many of their advocacies have brought about the creation of anti-corruption regulations and supervisory bodies to combat corruption. At the practical level, CSOs have organised social monitoring to call state officials to account. It has been CSOs that have mobilised the public to take civic action against corruption. By successfully taking a number of government officials and politicians to court, CSOs have also enhanced the legal system against corruption.

Given the significance of the contribution of CSOs, this thesis argues that they have a real nascent force to advance democratisation: not only because the anti-corruption movement that they initiated has been instrumental in shaping political transformation, but they have also opened channels between the state and civil society that work as a system of accountability, part of a long-term project of establishing a democratic principle rooted in grassroots participation.

This thesis argues, however, that despite their important role, the activities of CSOs have not been perfect and, accordingly, should not be interpreted as a panacea for all problems of corruption and democratisation. Therefore, it should be a concern for all the stakeholders involved – including the government, donor agencies, and the general public – to enhance the capacity of CSOs.

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Table of contents

Abstract	iii
Acknowledgements	iv
Table of contents	vi
List of Tables	x
List of Figures	x
List of Boxes	x
Abbreviations	xi
Introduction	1
Defining civil society	4
Civil society in Indonesia	9
The argument	12
Aims and objectives of the study	13
Research methods	15
<i>Questionnaire</i>	15
<i>Interviews</i>	17
<i>Participatory observations</i>	18
<i>Analyses of secondary material</i>	19
<i>Focus group discussion (FGD)</i>	19
The structure of the thesis	20
PART ONE	22
Chapter 1. The Theoretical Framework: Corruption, Democratic Transition & The Role of CSOs	23
Corruption: the conception	24
Corruption in developing and democratic transition countries	28
Controlling corruption: the importance of accountability	35
What role can civil society organisations play?	40
Concluding comments	44
Chapter 2. The socio-political context: Democratisation and the persistence of corruption in Indonesia	46
Indonesia's path to democratisation	48
Governance reform following democratisation	52
<i>Constitutional amendments for a democratic framework</i>	53
<i>The end of the military's role in business and politics</i>	54
<i>Privatisation and economic liberalisation</i>	55
<i>Devolution of power: the establishment of independent governance agencies</i>	55
<i>Returning sovereignty to the people: citizens' rights and general elections</i>	56
<i>Regional decentralisation</i>	57
The unresolved problem of corruption	58
The spread of corruption to the regional government level	66
The reform deficits	68
Concluding comments	72

Chapter 3. A weak state: ineffective and ambiguous responses to corruption.....	74
Government anti-corruption initiatives	76
<i>The Burhanuddin Jusuf Habibie Administration (1998-1999)</i>	77
<i>The Abdurrahman Wahid Administration (1999-2001)</i>	77
<i>The Megawati Administration (2001-2004)</i>	79
<i>The Susilo Bambang Yudhoyono (SBY) Administration (2004-present)</i>	79
Why didn't government initiatives work?.....	81
<i>Presidents' lack of commitment</i>	81
<i>Political parties' illicit gains</i>	85
The weakness of judicial institutions	88
Lack of parliamentary supervision.....	92
Constraints on the KPK.....	93
Concluding comments.....	95
 PART TWO.....	 97
Chapter 4. CSOs in battle: the multifaceted anti-corruption agents.....	98
Background: pre- <i>reformasi</i> actions against corruption.....	100
Consolidation after <i>reformasi</i>	105
Assistance from foreign donor agencies	111
Strategic level activities: endorsing legal/institutional reforms for enhancing accountability 115	
<i>Contributing to constitutional amendment and other legal reforms</i>	116
<i>Contributing to the establishment of TGPTPK</i>	119
<i>Contributing to the formation of the KPK and the Special Court for Corruption (SCC)</i>	120
<i>Contributing to the selection of KPK members</i>	122
<i>Advocating for the establishment of other anti-corruption institutions</i>	124
<i>Participating in the formulation of the witness and whistleblower protection act</i>	125
<i>Undertaking surveys and analysis on corruption</i>	128
<i>Endorsing the ratification of UNCAC</i>	129
Practical level activities: monitoring government and increasing public awareness	131
<i>Bringing corrupt figures to justice</i>	131
<i>Monitoring government budgets</i>	136
<i>Overseeing public service</i>	138
<i>Enhancing accountability on environmental issues</i>	139
Concluding comments.....	142
Chapter 5. The Empire Strikes Back: the revenge of state actors against the CSOs campaign..	144
Attempts to remove anti-corruption regulations & institutions	145
<i>Abolishing TGPTPK</i>	146
<i>Attacking the KPK</i>	149
<i>Attacking the Special Court for Corruption (SCC)</i>	154
<i>Attacking the Judicial Commission (KY)</i>	155
<i>Attacking the National Ombudsman Commission</i>	158
<i>Impairing judicial institutions</i>	159
Attempts to confront anti-corruption activists	162
<i>Launching terror and intimidation</i>	163
<i>Criminalising CSO activists</i>	166
Co-optation of activists	167

Concluding comments.....	169
Chapter 6. Organisational Challenges for the Anti-corruption CSOs: Resources, Integrity and Public Support.....	171
Internal organisational limitations.....	172
<i>Organisational capacities</i>	173
<i>The Question of Accountability</i>	180
Networking as a means to overcome internal deficits.....	183
<i>GeRAK</i>	184
<i>WT (Watch Terminal)</i>	187
Co-operation with various social sectors	189
<i>Collaboration with the media</i>	189
<i>Collaboration with universities</i>	192
<i>Collaboration with the private sector</i>	193
<i>Collaboration with politicians</i>	194
<i>Collaboration with 'reform minded' bureaucrats</i>	195
<i>Collaboration with students</i>	196
Seeking a broader influence by entering politics	197
Concluding comments.....	199
 PART THREE.....	 200
 Chapter 7. Case Studies of National Level CSOs: Indonesia Corruption Watch (ICW) and Masyarakat Transparansi Indonesia (MTI).....	 201
Background of action at the national level.....	202
ICW	206
<i>ICW in action</i>	209
<i>Organisational capacity</i>	213
MTI.....	217
<i>MTI in action</i>	218
<i>Organisational capacity</i>	222
Concluding comments.....	223
Chapter 8. Case Studies of Four Provincial and Local CSOs: PIAR, KP2KKN, GA & ASA ...	225
Corruption and CSOs in local politics.....	226
PIAR (<i>Perkumpulan Pengembangan Inisiatif dan Advokasi Rakyat</i> , Association of Development Initiatives and People Advocacy)	230
<i>PIAR activities: combating corruption for democracy and human rights</i>	231
<i>Capacity and constraint</i>	235
KP2KKN (<i>Komite Penyelidikan dan Pemberantasan KKN</i> , Committee for Investigation and Eradication of KKN)	236
<i>KP2KKN activities: fighting and empowering</i>	238
<i>Capacity and constraint</i>	240
GeRAK Aceh (GA).....	242
<i>GA in action: casting webs to catch the mouse</i>	243
<i>Capacity and constraint</i>	246
ASA (<i>Aksi Sosial dan Advokasi</i> , 'Social Action and Advocacy')	249
<i>ASA in action: political competition as a boon</i>	251
<i>Capacity and constraint</i>	255

Concluding comments.....	256
Chapter 9. Contribution of Islamic CSOs: Case studies of Nahdlatul Ulama and Muhammadiyah	
.....	258
Islamic CSOs and the anti-corruption movement	259
NU: fighting corruption from the <i>pesantrens</i>	262
<i>Making pesantrens ‘pools of resistance’ against corruption</i>	264
<i>Installing anti-corruption issues on ‘bahtsul masail’</i>	266
<i>Establishing watchdog institutions</i>	267
<i>Generating grassroots awareness of anti-corruption movement</i>	268
<i>Undertaking policy advocacy</i>	270
<i>Internal capacity-building for organisational governance</i>	271
Muhammadiyah’s contribution on anti-corruption	272
<i>Organising ‘Halaqoh Tarjih’ Forum</i>	274
<i>Establishment of Muhammadiyah politicians’ caucus</i>	274
<i>Formulating an anti-corruption curriculum</i>	275
<i>Establishing an interfaith coalition against corruption</i>	275
The challenges for effectiveness	276
Concluding comments.....	278
Conclusion: towards democratic consolidation, anti-corruption CSOs at the crossroads.....	281
Democratisation does not cure corruption	282
Civil society can take the lead.....	285
Significance of anti-corruption CSOs’ contribution to democratic consolidation	291
Proposals for further research	297
Bibliography.....	299
Appendix 1 Letter of Introduction	335
Appendix 2 Consent participation in research	337
Appendix 3 Questionnaires and interview framework.....	339
Appendix 4 Frameworks for focus group discussion.....	347
Appendix 5 Suharto’s legacy on corruption.....	348
Appendix 6 Ambiguous resolution on Akbar Tandjung case of corruption	349
Appendix 7 Examples of some prominent corruption cases resolved by CSOs contribution.....	351
Appendix 8 Chronological sequence of the handling of Suharto’s case.....	356
Appendix 9 Example of unresolved corruption in Indonesia: BLBI (Bank of Indonesia Liquidity Assistance) case.....	358
Appendix 10 PGRI, a central focus for the donors’ anti-corruption stimulus	359
Appendix 11 Example of violence experienced by anti-corruption CSO activists in several regions	361
Appendix 12 Island of Integrity in Solok distict.....	363
Appendix 13 The chronology of KP2KKN’s work in taking legal action against a corruption case committed by DPRD members in Central Java province.	364

List of Tables

Table 1: Comparison between public, private and civil society organisations	5
Table 2: Level of CSOs' function on accountability and anti-corruption reform	42
Table 3: PERC's corruption mark in Asian countries (2007-9).....	60
Table 4: Corruption remains a problem: Indonesia's CPI records	61
Table 5: The Four Most Corrupt Institutions in Indonesia.....	63
Table 6: Reports of corruption received by KPK.....	132
Table 7: Examples of corruption cases revealed by CSOs.....	134
Table 8: Legal processes on corruption.....	161

List of Figures

Figure 1: The chain of accountability in the democratic setting	37
Figure 2: A theoretical framework for the analysis of the rise of CSOs in combating corruption during democratic transition.....	44
Figure 3: Composition of post- <i>reformasi</i> anti-corruption CSOs	107
Figure 4: Typical CSOs' approach in dealing with poor public services.....	139
Figure 5: Framework of organisational performance.....	172
Figure 6: Organisational structure of ICW	213
Figure 7: Possible path for the evolution of anti-corruption CSOs in the process of democratic consolidation	297

List of Boxes

Box 1: Accountability remains weak: the World Bank analysis.....	70
Box 2: The Police predicaments.....	91
Box 3: The establishment of FPSB (West Sumatra Care Forum).....	109
Box 4: Social capital drove the establishment of Duta Sumbreng	114
Box 5: Anti-corruption and Oversight Bodies in 2010	124
Box 6: Reporter of corruption sent to jail in Larantuka	126
Box 7: Typical stages of CSO activity in overseeing a budget.....	137
Box 8: Handicaps of Prosecutors and Police in handling corruption.....	160
Box 9: Classification of CSO by an activist.....	176
Box 10: The capacity-building process of Indonesian Procurement Watch (IPW)	179
Box 11: PuKAT (Centre for Anti-corruption Studies) of Gadjah Mada University.....	193

Abbreviations

ABRI	<i>Angkatan Bersenjata Republik Indonesia</i> , Indonesian Armed Forces (now TNI)
ADB	Asian Development Bank
AGRESU	<i>Aliansi Gerakan Reformasi Sumatera Utara</i> (Alliance of Reformasi Movements of North Sumatera)
AJI	<i>Aliansi Jurnalis Independen</i> (Alliance of Independent Journalists)
AKAK	<i>Advokasi Untuk Komisi Anti Korupsi</i> (Advocacy for Anti-Corruption Commission)
Aldera	<i>Aldera (Aliansi Demokrasi Rakyat</i> , the People's Democratic Alliance)
AMPD	<i>Aliansi Mahasiswa Peduli Demokrasi</i> (Student Alliance for Democratic Awareness)
AOB	<i>Aliansi Ormas Bersatu</i> (Community Organisations Unity Alliance)
APBD	<i>Anggaran Pendapatan dan Belanja Daerah</i> (Regional Government Budget)
APBN	<i>Anggaran Pendapatan dan Belanja Nasional</i> (National Government Budget)
APHI	<i>Asosiasi Pengusaha Hutan Indonesia</i> (Indonesian Forestry Association)
ASA	<i>Aksi Sosial dan Advokasi</i> (Social Action and Advocacy)
AusAID	Australian Agency for International Development
Bappeda	<i>Badan Perencana Pembangunan Daerah</i> (Local Development Planning Agency)
Bawasda	<i>Badan Pengawas Daerah</i> (Local Supervisory Agency)
BDNI	Bank Dagang Negara Indonesia
BKMT	<i>Badan Kontak Majelis Taklim</i> (Union of Islamic Forums)
BPK	<i>Badan Pemeriksa Keuangan</i> (State Auditing Agency)
BPKP	<i>Badan Pengawas Keuangan dan Pembangunan</i> (Financial and Development Supervisory Agency)
BPPN	<i>Badan Penyehatan Perbankan Nasional</i> (The Indonesian Bank Restructuring Agency, IBRA)
BPS	<i>Biro Pusat Statistik</i> (Central Bureau of Statistics)
BP MPR	<i>Badan Pekerja Majelis Permusyawaratan Rakyat</i> (Working Committee of People's Representative Council)
BRR	<i>Badan Rehabilitasi dan Rekonstruksi</i> (Aceh Reconstruction and Rehabilitation Agency)
BTA	Bank Tiara Asia
Bulog	<i>Badan Urusan Logistik</i> (State Logistics Agency)
Bupati	Head of District Government
BUN	Bank Umum Nasional
CIDA	Canadian International Development Agency
CPI	Corruption Perception Index
CSO	Civil Society Organisation
DDII	<i>Dewan Dakwah Islamiyah Indonesia</i> (Indonesia Islamic Missionary

	Board)
Depdiknas	<i>Departemen Pendidikan Nasional</i> (Department of National Education)
Depsos	<i>Departemen Sosial</i> (Department of Social Affairs)
DEMUD	<i>Dewan Mahasiswa Untuk Demokrasi</i> (Student Council for Democracy)
DMI	<i>Dewan Masjid Indonesia</i> (Indonesia Council of Mosques)
DPD	<i>Dewan Perwakilan Daerah</i> (Regional Representative Council)
DPR	<i>Dewan Perwakilan Rakyat</i> (Peoples Representative Assembly)
DPRD	<i>Dewan Perwakilan Rakyat Daerah</i> (Regional Peoples Representative Assembly)
EGP	P.T. Era Giat Prima (company)
Elsam	<i>Lembaga Studi dan Advokasi Masyarakat</i> (Institute for Policy Research and Advocacy)
FAF	<i>Fron Anti Fasis</i> (Anti Fascist Front)
FIM B	Front Indonesia Muda Bandung (Indonesian Front of Bandung Youth)
FITRA	<i>Forum Indonesia untuk Transparansi Anggaran</i> (Indonesian Forum for Budget Transparency)
FKMB	<i>Forum Komunikasi Mahasiswa Bandung</i> (Communication Forum of Bandung Students)
FKIBM	<i>Forum Kajian Ilmiah dan Bahtsul Masail</i> (Bahtsul masail and Scholarly Study Forum)
FKPPA	<i>Forum Komunikasi Pegawai Negeri Sipil Peduli Kendal</i> (Communication Forum of Civil Servants for Caring Kendal)
FKSMJ	Forum Komunikasi Senat Mahasiswa Jakarta (Communication Forum of Student Senate of Jakarta)
FMJK	<i>Forum Masyarakat Jepara Untuk Keadilan</i> (Jepara People's Justice Forum)
FMTL	<i>Forum Transparansi Masyarakat Lampung</i> (Lampung Society Forum for Transparency)
FOKAL	<i>Forum Kajian Alternatif</i> (Alternative Analysis Forum)
Forkot	<i>Forum Kota</i> (Urban Student Forum)
Formak	<i>Forum Kejar Korupsi</i> (Corruption Fighters Forum)
FORMAPPI	<i>Forum Masyarakat Peduli Parlemen</i> (Indonesian Community Forum for Parliamentary Care)
FPNR	<i>Forum Peduli Nurani Rakyat</i> (People's Conscience Care Forum)
FP-Otoda Buton	<i>Forum Pemerhati Otonomi Daerah</i> (Regional Autonomy Observers' Forum of Buton)
GBHN	<i>Garis-garis Besar Haluan Negara</i> (National Development Guideline)
Gebrak	<i>Gerakan Bersama Anti Korupsi</i> (Joint Movement for Anti-corruption)
Gemawan	<i>Lembaga Pengembangan Masyarakat Swandiri</i> (Swandiri People's Development Institute)
Gempita	<i>Gerakan Penyelamatan Harta Negara</i> (National Wealth Rescue Movement)

GeRAK	<i>Gerakan Rakyat Anti Korupsi</i> (Anti-corruption Peoples Movement)
Gerindo	<i>Gerakan Reformasi Indonesia</i> (Indonesia Reform Movement)
GTZ	<i>Deutsche Gesellschaft für Technische Zusammenarbeit</i> (German Society for Technical Cooperation)
GMNI	<i>Gerakan Mahasiswa Nasionalis Indonesia</i> (Indonesian Nationalist Student Movement)
GMPP	<i>Gerakan Moral Masyarakat Purwakarta</i> (Moral Movement of Purwakarta Society)
GNP	<i>Gerakan Nurani Parlemen</i> (Parliamentary's Inner Self Movement)
GNRHL	<i>Gerakan Nasional Rehabilitasi Lahan</i> (National Movement for Forest and Land Rehabilitation)
HMI	<i>Himpunan Mahasiswa Islam</i> (Association of Islamic University Students)
HUMANIKA	<i>Himpunan Masyarakat untuk Kemanusiaan dan Keadilan</i> (People's Association for Humanity and Justice)
IAI	<i>Ikatan Akuntan Indonesia</i> (Indonesian Accountants Association)
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICM	Indonesia Court Monitoring
ICMI	<i>Ikatan Cendekiawan Muslim Indonesia</i> (Association of Indonesia Islamic Intellectuals)
ICS	<i>Lembaga Penguatan Masyarakat Sipil</i> (Institute for Civil Society Strengthening)
ICW	Indonesian Corruption Watch
IKAHI	<i>Ikatan Hakim Indonesia</i> (Association of Indonesian Judges)
IMF	International Monetary Fund
IMM	<i>Ikatan Mahasiswa Muhammadiyah</i> (Association of Muhammadiyah University Students)
INPRES	<i>Instruksi Presiden</i> (Presidential Instruction)
IPNU	<i>Ikatan Pelajar Nahdlatul Ulama</i> (Student Association of NU)
IPPNU	<i>Ikatan Pelajar Putri Nahdlatul Ulama</i> (Female Student Association of NU)
Jail PK	<i>Jaringan Anti Illegal Logging, Money Laundering dan Korupsi</i> (Anti Illegal Logging, Money Laundering and Corruption Network)
JAGAT	<i>Jaringan Kerja Untuk Kedaulatan Rakyat</i> (People's Sovereignty Network)
JAK	<i>Jaringan Anti Korupsi</i> (Anti-corruption Network)
JAMAK	<i>Jaringan Mahasiswa Anti Korupsi</i> (Student Anti-corruption Network)
JAMAKS	<i>Jaringan Masyarakat Anti Korupsi Solo</i> (Network of Anti-corruption Society in Solo)
JAS	<i>Jaringan Advokasi Sulawesi Tenggara</i> (Southeast Sulawesi Advocacy Network)
JICA	Japan International Cooperation Agency
JKMA	<i>Jaringan Komunitas Masyarakat Adat</i> (Indigenous People Network)
JPAK	<i>Jaringan Perempuan Anti Korupsi</i> (Women's Network against

	Corruption)
JWI	Judicial Watch Indonesia
KAHMI	<i>Korps Himpunan Mahasiswa Islam</i> (Corps of Association of Islamic University Students' Alumni)
KAMK	<i>Koalisi Anti Mafia Kehutanan</i> (Coalition of Anti Forestry Mafia)
KAMPAK	<i>Kaukus Masyarakat Peduli Anti-Korupsi</i> (People's Caucus for Anti-corruption Concern)
KAMPAK	<i>Koalisi Mahasiswa dan Pemuda Anti Korupsi</i> (Coalition of Anti-corruption Student and Youth)
Kejari	<i>Kejaksaan Negri</i> (District Prosecutor Office)
Kejati	<i>Kejaksaan Tinggi</i> (Provincial Prosecutor Office)
KEPPRES	<i>Keputusan Presiden</i> (Presidential Decree)
KHN	<i>Komisi Hukum Nasional</i> (National Law Commission)
KIPP	<i>Komite Independen Pemantau Pemilu</i> (Independent Committee of Election Observers)
KK	<i>Komisi Kejaksaan</i> (Attorney General Commission)
KMMU	<i>Konsorsium Makuwaje Maluku Utara</i> (North Maluku People's Consortium)
KMRT	<i>Koalisi Mahasiswa dan Rakyat Tasikmalaya</i> (Coalition of Student and People Tasikmalaya).
KoAK	<i>Komite Anti Korupsi</i> (Anti-corruption Committee)
Kobar-GB	<i>Koalisi Guru Bersatu</i> (United Teachers' Coalition Front)
KOKB	<i>Koalisi Ornop Untuk Konstitusi Baru</i> (Coalition of NGOs for New Constitution)
KOMPOR	<i>Komisariat Pemuda dan Mahasiswa Anti Korupsi</i> (Anti-corruption Student and Youth Commission)
KON	<i>Komisi Ombudsman Nasional</i> (National Ombudsman Commission)
Kontras	<i>Komisi untuk Orang Hilang dan Korban Tindak Kekerasan</i> (The Commission for Disappearances and Victims of Violence)
KP2KKN	<i>Komite Penyelidikan dan Pemberantasan KKN</i> (Committee for Investigation and Eradication of corruption collusion and nepotism)
KPI	<i>Komisi Penyiaran Independen</i> (Independent Broadcasting Commission)
KPK	<i>Komisi Pemberantasan Korupsi</i> (Corruption Eradication Commission)
KPKPN	<i>Komisi Pemeriksa Kekayaan Penyelenggara Negara</i> (Commission to Audit the Wealth of State Officials)
KPMB	<i>Komite Pergerakan Mahasiswa Bandung</i> (Committee of Bandung Students Movement)
KPP	<i>Koalisi Pemantau Peradilan</i> (Coalition on Court Watch)
KPU	<i>Komisi Pemilihan Umum</i> (General Election Commission)
KRHN	<i>Komisi Reformasi Hukum Nasional</i> (National Legal Reform Commission)
KSSK	<i>Komite Stabilitas Sektor Keuangan</i> (Financial Sector Stability Committee)
KUHAP	<i>Kitab Undang-Undang Hukum Acara Pidana</i> (Indonesia's Criminal Code)

KY	<i>Komisi Yudisial</i> (Judicial Commission)
LARI	<i>Lembaga Advokasi Reformasi Indonesia</i> (Indonesian Reform Advocacy Institute)
LBH	<i>Lembaga Bantuan Hukum</i> (Legal Aid Institute)
LDNU	<i>Lembaga Dawah NU</i> (Islamic Preaching Institution of NU)
LeIP	<i>Lembaga Kajian dan Advokasi untuk Independensi Peradilan</i> (Institute of Study and Advocacy for Independent Court)
LIPi	<i>Lembaga Ilmu Pengetahuan Indonesia</i> (Indonesian Institute of Sciences)
LK2P	<i>Lajnah Kajian Kebijakan Publik</i> (Public Policy Study Committee)
LKAIP	<i>Lembaga Kajian dan Advokasi untuk Independensi Peradilan</i> (Indonesian Research and Advocacy Institute for an Independent Judiciary)
LKJ	<i>Lembaga Konsumen Jakarta</i> (Jakarta Consumers Institute)
LRPL-KT	<i>Lembaga Rakyat Penyelamat Lingkungan Kalteng</i> (People's Institute for Environmental Rescue of Central Kalimantan)
LP3ES	<i>Lembaga Penelitian, Pendidikan, Penerangan, Ekonomi dan Sosial</i> (Institute for Research, Education, Information, Economy and Social)
LPSK	<i>Lembaga Perlindungan Saksi dan Korban</i> (Witnesses and Victims Protection Agency)
LPSM	<i>Lembaga Pengembangan Swadaya Masyarakat</i> (Institutions for Developing Community Self-reliance)
LSM	<i>Lembaga Swadaya Masyarakat</i> (Non Governmental Organisation)
MAKI	<i>Masyarakat Anti Korupsi Indonesia</i> (Indonesian Anti-Corruption Society)
MAKS	<i>Masyarakat Anti Korupsi Surakarta</i> (Surakarta Anti-corruption Society)
MCW	<i>Madiun Corruption Watch</i>
MHI	<i>Maslahat Haji Indonesia</i> (Indonesian Hajj Welfare Foundation)
MHI	<i>Masyarakat Hukum Indonesia</i> (Indonesian Law Society)
MP	<i>Mitra Parlemen</i> (Friends of Parliament)
MP3	<i>Masyarakat Peduli Pelayanan Publik</i> (Communities Concerned with Public Services)
MPM	<i>Masyarakat Profesional Madani</i> (Professional Civil Society)
MPPI	<i>Masyarakat Pemantau Peradilan Indonesia</i> (Indonesian Judicial Watch Society)
MPR	<i>Majelis Permusyawaratan Rakyat</i> (People Representative Council)
MTI	<i>Masyarakat Transparansi Indonesia</i> (Indonesian Society for Transparency)
NGO	Non Governmental Organisation
NTT	<i>Nusa Tenggara Timur</i> (South East Timor Province)
NU	<i>Nahdlatul Ulama</i> (the Awakening of Ulema)
PAHAM	<i>Pusat Hukum dan Hak Asasi Manusia</i> (Center for Legal and Human Rights)
PATTIRO	<i>Pusat Telaah dan Informasi Regional</i> (Centre for Information and Regional Studies)

P3KKN-JN	<i>Pemuda Pelopor Pemberantas Korupsi, Kolusi, Nepotisme, Judi dan Narkoba</i> (Youth Pioneers of the Eradication of Corruption, Collusion, Nepotism, Gambling and Illegal Drug)
P3M	<i>Perhimpunan Pengembangan Pesantren dan Masyarakat</i> (Centre for Pesantren and Community Development)
PBHI	Indonesian Legal and Human Rights Association
Pemda	<i>Pemerintah Daerah</i> (Local/Municipal Government)
PERC	Political and Economic Risk Consultancy
PERSIS	<i>Persatuan Islam</i> (Islamic Unity)
PGRI	Partnership for Governance Reform Indonesia
PIAR	<i>Perkumpulan Pengembangan Inisiatif dan Advokasi Rakyat</i> (Association of Development Initiatives and People's Advocacy)
PIRAC	Public Interest Research and Advocacy Centre (PIRAC)
PKB	<i>Partai Kebangkitan Bangsa</i> (National Awakening Party)
PKS	<i>Partai Keadilan Sejahtera</i> (Justice and Prosperity Party)
PMII	<i>Pergerakan Mahasiswa Islam Indonesia</i> (Indonesian Islamic Students Movement)
PMKRI	<i>Pergerakan Mahasiswa Katolik Republik Indonesia</i> (Indonesian Catholic Student Association)
POLRI	<i>Kepolisian Republik Indonesia</i> (Indonesia National Police)
PPATK	<i>Pusat Pelaporan dan Analisis Transaksi Keuangan</i> (Centre for Financial Transactions Reporting and Analyses)
PPK	<i>Program Pengembangan Kecamatan</i> (Sub-district Development Program)
PPO	Public Prosecutor Office
PPP	<i>Partai Persatuan Pembangunan</i> (United Development Party)
PRD	<i>Partai Rakyat Demokratik</i> (People Democratic Party)
Propenas	<i>Program Pembangunan Nasional</i> (National Development Planning)
PSHK	<i>Pusat Studi Hukum dan Kebijakan Indonesia</i> (Centre for Indonesian Law and Policy Studies)
PuKAT	<i>Pusat Studi Anti Korupsi</i> (Centre of Anti-corruption Study)
PWI	<i>Persatuan Wartawan Indonesia</i> (Association of Indonesian Journalists)
RHI	<i>Rabithah Haji Indonesi</i> (Indonesian Hajj Association)
SACW	Students Association for Corruption Watch
SBY	Susilo Bambang Yudhoyono
SAMAK	<i>Solidaritas Masyarakat Anti Korupsi</i> (People's Solidarity Against Corruption)
SeTAM	<i>Serikat Tani Merdeka</i> (United Independent Farmers)
SIMAK	<i>Simpul Mahasiswa Anti Korupsi</i> (Anti-corruption Student Front)
SMID	<i>Solidaritas Mahasiswa Indonesia untuk Demokrasi</i> (Student Solidarity for Democracy in Indonesia)
SMUR	<i>Solidaritas Mahasiswa Untuk Rakyat</i> (Student Solidarity for the People)
SNTV	Single Non Transferable Vote
SoRAK	<i>Solidaritas Rakyat Aceh Anti Korupsi</i> (Aceh People Anti-corruption Solidarity Movement)

TGPTPK	<i>Tim Gabungan Pemberantasan Tindak Pidana Korupsi</i> (Joint Team for Corruption Eradication) Tim Operasional Penyelamatan Asset Negara RI Operational Team for Rescuing State Assets
Topan RI	<i>Tim Operasional Penyelamatan Asset Negara Republik Indonesia</i> (Operational Team for Rescuing State Assets of Republic Indonesia)
TNI	<i>Tentara Nasional Indonesia</i> (Indonesian Armed Forces)
UNCAC	United Nations Convention Against Corruption
UNDP	United Nations for Development Programme
USAID	United States Agency for International Development
WI	<i>Wanita Islam</i> (Islamic Women)
Y/JAK	<i>Yogyakarta/Jogjakarta Anti Korupsi</i> (Yogyakarta/Jogjakarta Anti-Corruption)
YLKI	<i>Yayasan Lembaga Konsumen Indonesia</i> (The Indonesian Consumer Protection Foundation)

Introduction

Can a strong and dense civil society facilitate the sustainability of democracy? This is a perennial question that has captivated and perplexed the minds of scholars since the early 19th century... (Tusalem 2007: 361).

State governments and the private sector had failed to control transnational corruption. It was the contribution of civil society, which was angry with corrupt leaders and institutions, that helped to produce change. In many countries in Latin America and Asia, people took to the streets to call for the resignation of their corrupt leaders. The discredited governments and business establishments were unable to rebuild legitimacy and trust. As in other areas of failed governance – such as environmental destruction and human rights violations – civil society organizations (CSOs) stepped into the void (Eigen 2004: 13).

Corruption is often quoted as the reason for overthrowing authoritarian regimes across the globe.¹ In Asia, Africa and Latin America authoritarian regimes have collapsed because of popular pressure due to the dissatisfaction associated with chronic corruption problems, as well as with other factors such as regime disunity, economic crisis, and international pressure (see Hope & Chikulo 2000; Gill 2000; Seligson 2002).² Yet democratisation processes following the end of these regimes do not always produce a capable government that is proficient at handling corruption effectively. In many cases, the problem of corruption becomes even worse since the new democratic governments become another source of corruption (Moran 2001). Not surprisingly, this has stimulated civil society in some countries to step forward in leading attempts to fight corruption (World Bank 2000; Eigen 2004).

In Indonesia too, corruption was the main reason for the emergence of the people's power movement (known as *reformasi*) to bring down President Suharto in 1998. When the movement was taking place, the demand to clean up corruption,

¹ This is, however, not to say that all authoritarian regimes are corrupt, nor to equate the prevalence of corruption with authoritarianism. In some cases such as Singapore's Lee Kwan Yew and Taiwan's Chiang Ching-Kuo, authoritarian regimes may also be capable to restrain corruption and relatively successful in developing clean government.

² The regimes include, for example, Shah Pahlavi in Iran (1979), Idi Amin in Uganda (1979), Duvalier in Haiti (1985), Marcos in the Philippines (1986) and Sani Abacha in Nigeria (1998).

collusion, and nepotism (KKN) in governmental agencies became a central objective of the *reformasi*, and appeared to be the most popular slogan being voiced in the streets (see e.g. Budiman, Hatley and Kingsbury 1999; O'Rourke 2002). Ironically, despite the success of the movement in liberating Indonesia from 32 years of dictatorial regime and the democratic transition process that followed, corruption in various governmental positions (committed by old and new power holders) persists, and has even increased. Almost all the media in Indonesia report that since democratisation corruption became more diversified and uncontrollable. In the judicial sector for example, Indonesian Corruption Watch maintained that with democratisation, systematic corruption did not decline; rather, it got worse (*The Jakarta Post*, 29/01/2003). Owing to this phenomenon, some people suggest that democratisation produced the 'decentralisation of corruption' or 'an eruption of corruption'.³ The new power holders and policy makers were ill prepared to use the opportunities with which they were presented to tackle corruption firmly. On the contrary, they tended to follow the patterns of behaviour of their predecessors, misusing the discretionary power they now possessed. This condition has frustrated and disappointed people in general, as they consider democratisation does not have any positive significance for their life. Rather, it has generated a new cohort of office holders who are no more than 'thieves of public goods'. The danger is clear: when such disappointment continues, people lose their trust in the democratic system. As Linz & Stepan (1996) argue, if democratic governments are not able to solve the problems that confront the daily life of the people, democratisation or even consolidated democracy may be abandoned and, at the same time, a non-democratic option could gain significant sympathy. In such situations, it is possible that democratisation will breakdown as the loyal supporters of democracy begin to lose respect for its products and procedures. Eventually, this could lead to the collapse and delegitimation of the whole democratic system (Anderson & Tverdova 2003: 105; Linz & Stepan 1996).

Indonesian governments have carried out a number of anti-corruption strategies since 1998 in the interest of gaining popular support. All administrations under the Presidents subsequent to the *reformasi*, namely B.J. Habibie, Abdurrahman Wahid,

³ For more details on corruption in Indonesia's democratic transition, see for example King (2000), Arifianto (2001), Cole (2001), Hornick (2001), Makarim (2001), McCreedy (2001), Kuncoro (2002), Henderson and Kuncoro (2004), Soule (2004: 1-3), World Bank (2004a), Bubandt (2006), ICW (2005; 2006).

Megawati Sukarnoputri, and Susilo Bambang Yudhoyono (SBY), promised to fight corruption by initiating anti-corruption strategies through various cross-institutional programs. These included, for example, formulating more transparent fiscal management systems, reforming the legal system, reforming civil service management, and creating a set of new supervisory institutions and anti-corruption task forces. Some people argue, however, that the governments were generally not very successful in dealing with corruption because of the massive scale of the problem, while at the same time elements of the programs tended to overlap and be incomprehensive or unsystematic (Hamilton-Hart 2001; Sherlock 2002; ICW 2005; MTI 2006a). Apart from that, these governments have been criticised for only paying lip service to the drive against corruption, having no clear measurable goals in combating corruption, and being selective in deciding which issues to address (ICW 2005; MTI 2006a).⁴

Responding to this situation, civil society organisations (CSOs) have attempted to accelerate the corruption eradication and fight at multiple levels of governance. The people formed hundreds of anti-corruption associations. Since 2000 these associations have tried to organise a nation-wide anti-corruption movement through the establishment of various anti-corruption networks and have attempted to push forward what some have called the ‘second wave of the *reformasi* movement’.⁵

These civil associations today play a significant role in exposing and taking the problem of corruption into the public domain, and have made a number of impressive achievements. As will be discussed later, CSOs in many places have been successful in bringing state officials who have engaged in corrupt practices to court, which has resulted in substantial jail sentences. In addition, the role of CSOs is not limited to playing the ‘watchdog’ for the government, but also encompasses the initiation of a number of strategic policies. Under the influence of CSOs, a number of institutional and legal frameworks to combat corruption have been established. The hard work of CSOs in

⁴ As discussed widely in the Indonesian media, some CSO activists argue that each President has tended to target the acts of corruption committed by their opposition rather than taking unbiased actions. With regard to the current President (Susilo Bambang Yudhoyono), for example, ICW argues that he tends to expose corruption committed by the followers of former President Megawati Sukarnoputri (his predecessor and rival in the 2004 election), while failing to notice corruption committed by one of his ministers (Hamid Awaludin — the former law and justice minister in Susilo’s cabinet – see ICW, 2005).

⁵⁵ ‘Second wave of reformasi’ is a term widely used by CSO activists and Indonesianists to describe actions that aim to maintain democratic principles in Indonesia. See for example, Sherlock (2004).

pushing the government to seriously tackle corruption paid off, when Indonesia's Corruption Perception Index (CPI) record increased slightly from 143rd in the world to 126th in 2008, and to 111th in 2009. Despite being small, this increase in the 2008 and 2009 CPI might be seen as a positive indication of the achievements of the corruption eradication effort in a country widely viewed as one of the most corrupt in Asia.

In spite of this positive progress, CSOs are still encountering numerous challenges to their effectiveness. As will be discussed later, the complex power relations during democratisation created huge obstacles for CSOs promoting their campaign. In addition, some CSOs are starting to lose their resilience, as they can no longer sustain their activities because of low morale, and financial and recruiting problems. In fact, some have also been contaminated by corruption, leading to damage to the reputation of the CSOs themselves. However, I suggest that, overall, the civil society sector can generate solutions to these challenges; in fact, some CSOs have made many efforts to revitalise their movement.

Defining civil society

Civil society generally refers to 'social arrangements that are apart from the state and the private sphere of the family' (Pietrzyk 2003: 8). It encompasses a sizable range of both formal and informal organisations undertaking activities with different goals in the areas of social, culture, economics, education and development. Civil society organisations may range from social movement organisations, non-governmental organisations (NGOs), sporting clubs, criminal organisations, professional associations, women's groups, trade unions, and human rights clubs, as well as nationalist and religious groups (Weisbrod 1988; Kaldor 2003: 12-14). In a broad definition, civil society is described by Diamond (1994: 5-7) as:

...the realm of organized social life that is voluntary, self generating, (largely) self-supporting, autonomous from the state, and bound by a legal order or set of shared rules. It is distinct from 'society' in general in that it involves citizens acting collectively in a public sphere to express their interests, passions, and ideas, exchange information, achieve mutual goals, make demands on the state, and hold state officials accountable. Civil society is an intermediary entity, standing

between the private sphere and the state...It is concerned with public rather than private ends and relates to the state not to gain formal power but rather to seek from the state concessions, benefits, policy changes, relief, redress, or accountability.

From an organisational perspective, CSOs have several characteristics that distinguish them from both public and private organisations. A useful framework in this regard is developed by Jo Baulderstone (2001) from Flinders University. She argues that the differences can be seen in terms of financial arrangements, governance, power, staff, responsibility-accountability, welfare service delivery, purpose, and structure. These differences are summarised in Table 1.

Table 1: Comparison between public, private and civil society organisations

Point of View	Government (public)	Private (profit)	Civil Society (non profit)
Financial	Non distribution of profit Revenue from taxation	Distribution of profit Revenue from commercial activity, sale of assets	Non distribution of profit Revenue mostly from third party donation and subsidies. Some also have revenue from commercial activity.
Governance	Elected government appoints management.	Board appoints CEO More staff in operations than administration	Board, committee, may appoint manager
Power	Legal power	Economic power	Moral power
Staff	Paid	Paid	Paid and volunteers
Responsibility-accountability	To electorate (majority) Primacy on appearance of social equity	To shareholders Primacy on responding to shareholders	May be to a minority, to stakeholders or to government Primacy on responding to needs of individual clients
Welfare service delivery	Emphasis on professionalism, rule based, must be seen to be equitable, appeal right for clients, service to majority	Less involvement, profit motive may conflict with service focus	Less rule based, mixture of professionals and amateurs, no appeal rights for clients, service majority or minority
Purpose	Serve public purpose	Serve private purpose	Serve public and private purpose
Structure	Formal	Formal	May be formal or informal

Source: Baulderstone (2001: 2)

Although over the last two decades the term civil society has been the topic of many socio-political debates; people still have no single agreement on its definition because one author may use different categories to include or exclude particular organisations. For example, while some regard civil society in a simple abstract sense as

an area that is neither business nor the state (Simon 1991), others refer only to particular movements that uphold democracy (Hyden 1997). Whereas some commentators exclude political parties from civil society (Biekart 1999), others consider them to be an ingredient (Stiglitz 2002). There is also an ongoing debate about whether the market economy is part of civil society: some consider that the capitalist economy belongs to civil society, others exclude the market economy (see McLaverty 2002: 305). In terms of organisation, some consider that CSOs are similar to pure nongovernmental organisation (NGO) (Eigen 1998); others hold the view that NGOs are only one type of organisation in civil society (World Bank 2004). The term civil society, accordingly, has been used interchangeably with a number of words including non-profit, nongovernment, voluntary, independent, charitable, philanthropic, associational, and third sector (Lyons 2001; Najam 1996b).

In addition, some people believe that civil society is not only about organisations but also about the people, their norms, values and ideas. Hefner (1998: 17), for example, describes civil society as an arena that mediates the vast expanse of social life between the household and the state, where citizens learn habits of free assembly, dialogue and social initiative that can help to bring about that delicate balance of private interests and public concerns, leading to a vibrant democracy. In line with these conceptions, Putnam (1993) introduces the term 'social capital' to describe the existence of community networks outside the government. These community networks and associations serve not only their community members, but possibly also the general public outside the community. Such networks, which are also known as 'associative democracy', commonly organise various activities such as community development, welfare service delivery, non-profit community enterprise, advocacy or community education programs (Kenny 1997: 42). Moreover, some argue that the central idea of civil society lies in its function for counterbalancing the state and opposing authoritarianism. As Gellner (1995: 32) maintains:

...civil society is that set of diverse non-governmental institutions, which is strong enough to counterbalance the state, and, whilst not preventing the state from fulfilling its role of keeper of the peace and arbitrator between major interests, can nevertheless prevent the state from dominating and atomizing the rest of society.

There is a continuing debate regarding the role of civil society in promoting democracy. For a diverse range of theorists, civil society is considered a prerequisite for a strong sense of democratic citizenship, institutional performance and good governance (Tocqueville 1966; Putnam 1993; Warren 2001). These theorists argue further that the distinction between civil society and the state could revitalise the meaning of democracy because democracy needs participatory and accountable government; while an effective participation and accountability mechanism requires the existence of independent civic institutions (Warren 2001; Gellner 1991: 495; Cornwall & Gaventa 2001). In this respect, CSOs play this role by channelling the concerns of disparate interest groups to the state to ensure legitimacy, accountability and transparency, which in turn could fortify effective and streamlined state's functions, and strengthen the state's capacity for good governance (Warren 2001: 61; Mercer 2002: 7). From a practical point of view, some scholars also have shown that civil society can counterbalance state power. Civil society groups not only can carry out activities to influence and monitor the role of the state, but also deliver functions that have historically been dominated by the state in a modern democratic system. In many parts of the world, CSOs have played significant roles in such areas as economic development, social and health services, education, humanitarian aid, conflict resolution, environmental protection, human rights protection, cultural protection, and leisure service provisions (see Clark 1995; Edwards & Hulme 1996; McNulty 1996; Salamon & Anheier 1996a; Shigetomi 2002).

For other scholars, however, civil society does not necessarily always play a positive role in promoting democracy. When examining the socio-political context of Europe in the 19th century, for example, Bermeo and Nord (2000) argue that civil society's excesses did not necessarily promote the longevity of democracy due to the complexity of its configurations. Some also argue that the concept of civil society should not be treated normatively as a positive contributor for democracy since it can be either good or bad, depending on how its actors make it (Berman 2003; Cavatorta 2006: 207). In this respect, Najem (2003: 186) points out 'it is important to note that civil society closely reflects class and social divisions in society, and that substantial groups within society can be anti-democratic'.

Moreover, from an organisational viewpoint, some people note that CSOs are not always strong and effective. McCarthy (2000: 11-12) for instance, proposes that CSOs, especially those in developing countries, can be poorly organised and dependent on foreign donors. If this is so there is no guarantee that CSOs can always perform effectively. In a paper discussing the performance of NGOs as an element of civil society, Zaidi (1999: 259) also proposes that their performance does not always meet the ideal as an independent force, mainly because many NGOs are dependent upon their donors, and are accordingly donor driven rather than people driven. In researching Indonesian CSOs, Fakhri (1996: 141-145) discovered at least five weaknesses that undermine their ability to achieve a significant social transformation. These are:

- 1) CSOs are relatively poor in basic theoretical and analytical frameworks for their actions, so they fail to determine clear visions, missions, and paradigms; they also tend to work without good strategies;
- 2) CSOs generally work under excessive state domination and have been unable to determine their own agenda so, not surprisingly, their work is strongly influenced by government programs and policy;
- 3) Too much reliance on donors, especially foreign agencies, as their attempts to raise public donations are still limited;
- 4) The lack of coordination among CSOs and alliance with other stakeholders. Each CSO is too concentrated on administering individual projects rather than developing alliances to organise social transformation; and
- 5) CSOs' fail to develop synergies with other sector to broaden their work's significance.

Taking the above debate (about the positive and negative role of CSOs in promoting democracy) into account, this study presents evidence that civil associations function as an important pillar for democracy; more specifically, they are a nascent force for stimulating the success of democratisation. As will be discussed later, while some limitations are obvious, CSOs do play important roles in building and strengthening a democratic political culture and a tradition of public accountability.

To make this research practical, the term CSO in this thesis refers to a private, non-profit, voluntary, grass roots organisation that has a concern to counter-balance the

state and to advance better governance; while financially, they may rely on fundraising ventures, local donations, foreign aid, or in some cases government support. They include NGOs, religious based-organisations, trade unions, workers or professional associations, women's rights groups, the media and student organisations.

Civil society in Indonesia

Until recently, there has been an ongoing dispute concerning suitable terminology for, and the meaning of, civil society in Indonesia. Some Indonesian scholars have translated civil society as '*masyarakat madani*', while others used various terms including *masyarakat warga*, *masyarakat beradab*, *masyarakat kewargaan*, *masyarakat berbudaya*, and *masyarakat sipil* (Nyman 2006: 31). Surprisingly, as Nyman argues, none of these terms can be seen as symmetrically fitting the definitions of civil society discussed above. Although *masyarakat madani*, for example, has been used as a synonym for civil society by prominent Indonesian scholar Nurcholish Madjid (2001), it refers to an ideal form of 'civilised' society, resembling the community that Prophet Muhammad established in Medina, wherein the state is included. Similarly, the other terms also generally refer to the concept of an ideal modern civilised society, which is characterised by rule of law, liberal outlook, tolerance, multiculturalism, participatory citizens, and an accountable government (Culla 1999; Dhakidae 2001; Sularto 2001).

This confusion has been unravelled by some writers. Hikam (1999), for example, prefers to use the original English term 'civil society' instead of translating it, and refers to it as in the Western world. Similarly, Fakhri (1996) maintains that civil society is best described in an international perspective to refer, in general, to organisations in the non-governmental space.

From this perspective, by any Western definition, civil society in Indonesia has existed for a long period of time. As maintained by Dawam Rahardjo (1990; 1999), the roots of civil society in Indonesia can be found in the traditional informal organisations of *paguyuban* (voluntary association) and *gotong royong* (mutual cooperation) that have operated from the era of pre-colonial traditional empires. These organisations provided

services to, and were run autonomously by, their members and society in general, mainly when they encountered troubled situations. During the era of colonial governments, some better-managed organisations emerged to deliver services needed by indigenous society. Autonomous Muslim associations such as the modernist *Muhammadiyah* (founded in 1912) and the traditionalist *Nahdlatul Ulama* (NU, established in 1926), as well as the indigenous educational institution of 'Taman Siswa' (founded in 1922), are examples of CSOs that flourished during this era, and survived through the era of independence up to the present day (Hedman 2001: 942-49; Eldridge 1995: 13).

The civil society tradition in Indonesia grew stronger in 1970-90s with the growth of development NGOs, especially in major cities. Some NGOs were established to advocate alternative solutions to social problems. The trend was stimulated by the emergence of a strategic group of people (including student activists, academics, and journalists) as social leaders, and the flow of technical and financial assistance from the international community (Sakai 2002: 163; Chalmers 2006: 261-265). At the beginning, NGO activities were limited to providing social services such as family planning, small business promotion, disease prevention, and education. In the mid-1980s, along with the decrease of government control over social organisations, the NGOs started to get involved in broader activities such as legal aid, environmental protection, village development, informal sector promotion, and gender education. Although the NGOs had limited activities, because the Suharto regime systematically suppressed broad popular movements, they frequently criticised government policies and projects. Along with NU and Muhammadiyah, as well as student unions, these NGOs later played an important role in fostering the *reformasi* movement by raising the demand for democratisation.

From a number of perspectives, the above organisations meet the criteria for constituting civil society. NU and *Muhammadiyah*, in particular, represent a typical form of CSO since they retain a significant measure of autonomy from the state. They run various socio-economic institutions in the area of education, health, charity and finance, services that are relatively independent from the intervention of the government. These organisations also frequently counterbalance the state. During the colonial period, for example, both organisations served as a base for the growing nationalist sentiment against the Dutch and short-lived Japanese colonial governments. These organisations

also played a crucial role in driving the democratisation process. When *Muhammadiyah* was under the leadership of Amien Rais and NU was under the leadership of Abdurrahman Wahid, they maintained critical positions against the Suharto regime and, eventually, became the broad-based *reformasi* movement to end the authoritarian government in 1998 (Hedman 2001: 498).

Following the democratisation era civil society sector grew rapidly, with a flourishing number of CSOs in almost all regions in Indonesia. Unlike the authoritarian era, these CSOs are not concentrated only in main Javanese urban centres, but also spread around districts across all Indonesian provinces. Today, this new generation of CSOs, which is estimated to reach up to 70,000 organisations, is trying to consolidate the democratisation process by undertaking activities in various sectors (Nyman 2006; Antlöv, Ibrahim & van Tuijl 2005; Hadiwinata 2003: 1; Sakai 2002: 165-67). The CSOs engage strongly in the discourse on good governance, accountability and transparency of public institutions, and actively monitor the state and other political institutions. This means that almost all aspects of state institutions are nowadays being watched by CSOs (Antlöv, Ibrahim & van Tuijl 2005: 8). The growing number of CSOs and their upsurge in activities, from demonstrations to workshops and other events, has led many analysts to assume that there is a strong and vibrant civil society in Indonesia.

Despite these positive developments, doubts about whether civil society plays an effective role in the consolidation of democracy still need to be examined. Without doubt, not all CSOs have sufficient capacity or enthusiasm to advocate the consolidation of democracy. This is partly related to the fact that for a long time civil society elements have been isolated from the political landscape and even from people in general. During the Suharto era, civil society in Indonesia was subordinated, co-opted and disorganised by the state (Robison & Hadiz 2004: 48-50). As a consequence, with the exception of perhaps religious organisations, most CSOs have been unable to represent grassroots popular interests (Hedman 2001: 496). For example, as shown by the experience of CSOs in the 1990s, despite their best attempt to relate specific issues and special interests to more general public interests, they tended to not find connections at the grassroots level or broaden their actions to a wider social basis (Eldridge 1995).

Taking this into account, the success of CSOs in consolidating democracy in Indonesia, including their role in combating corruption, will be determined partly by their capacity to redesign their approach and methods so as to attract backing from alliances at a broad grassroots level, especially from within the middle class.

The argument

The role of CSOs in the fight against corruption has been widely discussed in various theoretical discussions. Pope (2000: 129-30), for example, maintains that CSOs, alongside democratic, judicial and media institutions, constitute a pillar for accountability and are accordingly essential for limiting corruption. In line with this, Johnston (2005) states that a strong civil society sector is a critical component to effectively control corruption, since it can stimulate and facilitate colossal actions, while at the same time promoting policy reforms. In addition, in the discussion of corruption eradication issues, CSOs have been generally considered to play three key roles: 1) monitoring and increasing the flow of information about government activities to enhance transparency and prevent deception; 2) generating public awareness about corruption; and 3) formulating and promoting action plans to combat corruption (World Bank 2000: 45; 2005: 35-7; Pope 2000: 129-31).

However, existing studies do not provide much detailed information on how CSOs actually deal with corruption. Even fewer address CSO's work on anti-corruption in a democratic transition process. Information on this topic has come largely from a normative point of view; that is, there is not much empirical evidence available. As Fox (2000: 1) points out:

Civil society's contribution to accountable governance has been widely asserted, but the causal mechanisms that determine the patterns of civil society's influence on horizontal accountability have not been well specified.

There is, therefore, a need for an empirical test to verify whether, to what extent, and how civil society organisations contribute to improving the accountability and democratic legitimacy of multi-level governance arrangements. Also, there is a need for

research that examines CSOs' roles in specific political and social dynamics. As the World Bank (2000: xv) asserts:

Confronting corruption in transition countries requires a more complex approach that recognizes the diverse factors underlying the persistence of corruption and provides a foundation for tailoring strategies to the particular contours of the problem in different countries.

This research project provides an empirical context to the above area of study by examining the work of CSOs fighting against corruption during democratic transition in Indonesia. It is assumed that in a democratic transition process, where a 'good democracy' has not yet existed,⁶ the role carried out by civil society is a major determinant in shaping the transition. The findings of this research show that CSOs in Indonesia has played and will continue to play a very substantial role in the struggle against corruption, and in turn are expected to stimulate the success of the democratic consolidation and maturation. This study demonstrates that in addition to the above three roles, CSOs also play other important functions in dealing with corruption, namely (a) stimulating the establishment of legal and institutional frameworks for controlling corruption, (b) stimulating synergy between donors, government, private and civil society sectors in the anti-corruption campaign, (c) undertaking legal action to ensure the punishment of corruption offenders, and (d) providing protection for whistleblowers and other pro-reform actors from confrontation with those suspected.

Aims and objectives of the study

In general, this thesis examines both the important functions and limitations of CSOs in guarding democratisation from the infection of corruption. While many studies shed light on the political transition in Indonesia, few explore extensively the way Indonesian people have tried to prevent the democratisation process from being hijacked by corrupt elites. More specifically, this thesis addresses two goals. Firstly, it aims to contribute to

⁶ Good democracy is described commonly as 'a stable institutional structure that realises the liberty and equality of citizens through the legitimate and correct functioning of its institutions and mechanisms' (Merkel & Croissant 2004: 200).

the body of literature on democratic consolidation. By analysing the dynamics of relationship between the state and the society in the battle against corruption during the democratic transition, the study will not only examine the *process* of democratisation – the ‘hows’ and ‘whys’ of the process *per se* – but will also touch upon the social factors contributing to the democratic consolidation. Secondly, it contributes to the study of contra corruption on the democratic transition. It recognises what actions and initiatives can be taken, not only by CSOs themselves, but also by other actors. By depicting the practical dynamics of how CSOs actually work, what potential and limitations they have, and their key effectiveness in fighting corruption, this study provides a contextualised explanation of the political role of CSOs’ fight against corruption.

The central question of this study is: can CSOs take an effective role in leading and delivering anti-corruption campaigns during a democratic transition, thereby contributing to the consolidation of democracy? To answer this question, this study addresses three objectives:

- 1) To identify the processes of involvement, organisational characteristics, programs, priorities and strategies that CSOs have employed to combat corruption;
- 2) To recognise the obstacles and limitations that they have faced to describe and the ways CSOs have responded to these problems; and
- 3) To investigate any significant impact of CSOs in strengthening accountability and consolidating democracy.

In order to achieve these objectives, this study broadens the scope of examination beyond the formal institutions of CSOs and examines the variables that limit or expand their actions. To this end, apart from examining the topic in general, the study also examines the cases of eight CSOs from quite different backgrounds. It reviews the work that has been done by ICW (Indonesian Corruption Watch) and MTI (Masyarakat Transparansi Indonesia) at the national level; then it examines CSOs’ work at the provincial level (represented by PIAR of East Nusa Tenggara, KP2KKN of Central Java, and GeRAK of Aceh) and the district level (represented by ASA of Kendal district);⁷ finally, it illustrates the contribution of Islamic CSOs, namely NU and Muhammadiyah.

⁷ See the abbreviation of these organisations in Chapters 7 and 8.

The eight case studies provide a complex picture of the process of CSOs' participation in the struggle against corruption. The cases cover a diverse range of geographical regions and social sectors, that allowing for more general findings.⁸

Research methods

Given the wide scope of this thesis in covering many different constituents, data collection relied on several methods. The data used includes both qualitative and quantitative types to achieve a degree of reliability and validity. Various methods were employed to deal with the objectives of the study, namely: (1) A questionnaire survey; (2) A large number of unstructured and semi-structured interviews with actors involved in efforts to combat corruption; (3) Observations of selected CSO activities related to the anti-corruption programs; (4) Analyses of archival collections, including online resources, printed media, government reports (national and local legislations on corruption eradication), and relevant research reports; and (5) Focus group discussion (FGD). Each method will be described below.

Questionnaire

Questionnaire survey was the first method employed to gain a general overview of the topic. The questionnaire aimed to avoid the possibility of information gaps in interviews and to enable a more objective collection of data. As May (1997: 84) maintains, questionnaires are more objective since:

if all respondents are asked the same question in the same manner and if they express a difference in opinion in reply to those questions, then these variations result from a true difference of opinion rather than as a result of how the question was asked or the context of an interview.

⁸ It is clear that ICW and MTI represent national/secular organisation; GeRAK Aceh represents organisations in the western provinces; KP2KKN represents Java-based organisations; PIAR represents organisations in the eastern provinces, ASA represents organisations at the district level, while NU and Muhammadiyah represent national-religious based organisations.

I began to develop the questionnaire in July 2007 when attending a number of survey methodology workshops conducted by the Division of Humanities at Curtin University, followed by discussions with supervisors and findings drawn from other research.

Electronic mail (email) and a subsequent mailed self-completion questionnaire survey were conducted between November 2007 and May 2008. I sent the questionnaires to 39 CSOs by email; 21 completed questionnaires were returned. The surveys were conducted as follows:

- (1) I made a database of all known CSOs with a record of involvement in anti-corruption activities. The database was derived from the lists of institutions in the anti-corruption network provided by MTI, ICW, GeRAK (Anti-corruption people movement), WT (Watch Terminal), and PGRI (Partnership for Governance Reform Indonesia).⁹ This listed the contact details of 192 organisations, including NGOs, student associations, worker unions, religious organisations, and professional organisations.
- (2) I then contacted the 192 organisations by email (and some organisations by phone) to confirm their addresses, the name of the current chairperson, and their involvement in anti-corruption activities. Only 128 out of the 192 could be contacted. The rest had simply become inactive, dispersed, or amalgamated with other organisation(s).
- (3) I asked all 128 organisations if they would be willing to participate in the research by fill out a questionnaire. For this reason, I sent them an email with an introductory and consent letter (see Appendix 1). For those with no email contact, I contacted them either via postal service or fax.
- (4) Of the 128 institutions, 39 gave their consent to answer the questionnaire. Most of the others did not give a clear explanation of why they did not want to participate, but some stated that they were not interested, that they were no longer engaged in anti-corruption activities, or that they were worried that their participation in the research could jeopardise their programs and safety.

⁹ These institutions provide a relatively comprehensive list (and contact details) of anti-corruption CSOs Indonesia-wide. GeRAK and WT are umbrella organisations for anti-corruption CSOs, while MTI, ICW, and PGRI play as training providers (and in some cases acts as donors' coordinator) for anti-corruption CSOs.

(5) Based on the letters consent provided, I sent a total of 39 questionnaires to CSOs.

The organisations were asked to complete the questionnaire within two months.

(6) For CSOs that did not return the completed questionnaire within two months, I followed up once again by contacting them via telephone. At this stage, some institutions decided not to participate in answering the questionnaire, for various reasons: that they were simply too busy with their activities and could not allocate time to answer the questionnaire; that no person in charge could answer the questionnaire; and some CSOs had no facilities to communicate via email or other means on a regular basis.

(7) In the end, I obtained 21 completed questionnaires.

The data gathered from the questionnaire was then used to construct an interview guide. It also inspired the selection of interviewees and case studies that were undertaken following the questionnaire survey. A copy of the questionnaire can be found in Appendix 3.

Interviews

Interviews were conducted in order to get first-hand accounts of CSO perspectives on their experience in fighting corruption. The interviews were both unstructured and semi-structured, using a questionnaire as a part of, or as a basis for, the interviews.

Interviewees were selected deliberately on the basis of their expertise. Again, the use of purposive sampling for identifying respondents is consistent with the nature of this research, that is, using descriptive analyses to portray a phenomenon. As suggested by Cochran, Mosteller, and Tukey (1970: 167), if a researcher does not wish to generalise to a wider population, choosing respondents is simpler using purposive sampling. In order to conduct a deeper analysis of the topic, it was necessary to make sure that the interviewees should be those with specific knowledge about the work of CSOs. Nevertheless, I am aware of the risks of using a purposive sampling method. As Chadwick, Bahr and Albert (1984: 66) and Bouma (1996: 19) note, the purposive sampling method may not accurately represent a wider population, so making generalisations from such research may be unfounded; they note the findings of such research may not be generalised to a wider population. Accordingly, this research does

not cover, or make a claim to represent a description of all anti-corruption CSOs in Indonesia.

Participants were mainly CSO activists who have engaged in at least one year of anti-corruption activities. Interviews with other related people, such as politicians, journalists, donor institutions staff, researchers, government officials, business association staffs and academics were also conducted to enrich and enhance the information obtained. Directories of likely interviewees were gained from the contact details of CSOs surveyed, press articles, seminars and discussions, government reports, and books or articles published by various relevant institutions. The interviews were carried out using sets of prepared relevant questions, depending on their area of proficiency.

Interviews were conducted during field trips to a number of places, including Jakarta, Semarang, Kupang, and Mataram in December 2007, and then Jakarta, Aceh, Yogyakarta, Surabaya, Malang, Mojokerto, and Kendal from February to September 2008. Interviews with some informants were conducted more than once, particularly when I wanted further information. Overall, there were 29 semi-structured and 25 non-structured interviews, all recorded and then fully transcribed. All interviews were conducted in the Indonesian language.¹⁰

Participatory observations

In order to observe and understand the nature of the CSOs' anti-corruption campaign, I joined CSO activities in a number of cities, including meetings, discussions, workshops, and seminars.¹¹ Attending the activities helped me gain some insight into what was going on and obtain ideas for further investigations. In addition, I also participated in a series of

¹⁰ For ethical and security reasons, this thesis does not disclose the name of the interviewees. However, detailed records of the interviews have been deposited with Dr. Ian Chalmers as the supervisor of this research.

¹¹ For example, on 26-28 February 2008 I had an opportunity to participate in a workshop on strategic planning by an anti-corruption network, Watch Terminal, in Yogyakarta. On 22 March 2008 I joined an anti-corruption CSO meeting in Semarang, discussing collaboration between universities and anti-corruption CSOs. I also attended two seminars on corruption eradication: a seminar on 'International cooperation on corruption eradication' on 22 May 2008 organised by Department of Law and Human Rights in Semarang, and a seminar on asset recovery from corruption crime on 14 August 2008 organised by the Centre of Anti-corruption Study at Gadjah Mada University, Yogyakarta.

round table discussions in a number of cities conducted by anti-corruption CSOs.¹² At each meeting the CSO typically discussed the current situation and progress in corruption eradication, and proposed ways to respond to these situations.

In order to gain a more detailed picture of the activities of the eight CSOs chosen for case studies, I observed and interviewed staff in these organisations in some depth. Typically, I spent two to seven days in the office of these CSOs and then attended one or two ongoing CSOs activities. In addition, I also met the leaders or activists of the CSOs in various anti-corruption forums, and communicated with them further.

Analyses of secondary material

To enrich the data, my research has also drawn upon online resources, magazine and newspaper articles, government reports, and previous research reports. News publications by journalists specifically have provided a large amount of basic information. I have also relied on a wide range of documents from various government sources, such as the National Planning Agency (Bappenas), the Department of Home Affairs (Depdagri), the State Audit Agency (BPK), and the Corruption Eradication Commission (KPK). I also consulted reports from research and international institutions, including the Indonesian Research Institute (LIPI), Centre for Strategic and International Studies (CSIS), the World Bank (WB) and the Asian Development Bank (ADB). Reports and other documentation from CSOs have also been an important source for analyses.

Focus group discussion (FGD)

At the end of the field research, I invited eight participants from various backgrounds to attend a one-day focus group discussion in Semarang on 9 September 2008. The participants were chosen on the basis of their knowledge and experience in the anti-corruption movement. The participants consisted of four CSO leaders who have at least two years experience in anti-corruption activities; two academics who specialise in corruption issues; and two journalists who have reported on corruption for more than two

¹² I attended such meetings respectively in Magelang on 26 April 2008, in Pekalongan on 31 May 2008, and in Jakarta on 17 July 2008. When visiting Aceh in August 2008, I also observed training for CSO activists on monitoring government procurement.

years. The discussion was held in order to extend and crosscheck the findings, as well as test the idea and preliminary analyses developed during field trips.

The structure of the thesis

The dissertation is roughly divided into three parts, each of which contains several chapters. Part One provides the theoretical framework and the historical background of the thesis: Chapter One explains the theoretical framework for examining interrelations between corruption, democratisation, and the role of civil society. This chapter introduces several theoretical concepts relevant to the topic of the research. Discussions among scholars about the topic and terms are examined. At the same time, definitions, terminologies, approaches, and some key words are explained. Chapter Two describes the democratisation process and the ‘corruption boom’ phenomena in Indonesia. This chapter provides a depiction of the processes of democratisation, governance reform following democratisation, and the nature of the corruption problem. Chapter Three discusses the government responses to the problem of corruption. This chapter describes the link between the state and civil society sectors in responding to corruption. Picturing how the state sector works in this area is important, because the work of civil society has mutual interaction with state processes. The chapter examines how the state considers, reacts to, and deals with the problem of corruption; the possible weaknesses of the state’s responses are also examined.

Part Two examines state-civil society relations in Indonesia, and the roles of CSOs in combating corruption during democratic transition: Chapter Four examines the activities of CSOs against corruption. It discusses the history of civil society involvement in the fight against corruption, its motives, scope and areas of collective action, strategies, as well as the general achievement of civil society in curbing corruption. Chapter Five explores the state actors’ responses to the civil society’s anti-corruption campaigns. The methods employed by state actors to undermine CSOs’ anti-corruption initiatives are examined. Chapter Six analyses the effectiveness of CSO anti-corruption activities. This chapter highlights the organisational problems that have weakened their effectiveness.

The chapter specifically focuses on the capacity to generate a mass-level mobilisation (or a lack thereof). In this context, relationships and interactions with other social actors, and the underlying factors that influence them, are examined.

Part Three provides case studies of eight CSOs: Chapter Seven contains two case studies of national level CSOs, namely MTI and ICW. Chapter Eight studies further the cases of CSO activities at the provincial and local levels, namely PIAR of NTT province, KP2KKN of Central Java province, GeRAK of Aceh province, and ASA of Kendal district. Chapter Nine discusses the contribution of Islamic CSOs, namely *Nahdlatul Ulama* and *Muhammadiyah*.

Finally, the dissertation concludes with a summary of research findings, an analysis of their implications for Indonesia's democratic consolidation, and recommendations for further research.

The earlier versions of some of the chapters in this thesis have been presented in various seminars and conferences. Chapter Two was presented at the International Seminar of Good Governance and Economic Growth, University of Western Australia, 29-30 June 2009. Chapter Three was presented at the Seminar of 'Strategic Issues on 2009 General Elections', Diponegoro University Semarang, 22 May 2008. Chapter Four was presented at the 25th International Conference of the Association of Southeast Asian Studies of United Kingdom, Swansea University, 11-13 September 2009. Chapter Nine was presented at the workshop of 'Research on Islam in Southeast Asia', Asian Muslim Action Network (AMAN) and Asian Resource Foundation (ARF) Bangkok-Thailand, 2-5 February 2008. Chapter Nine is also currently underway for publication by AMAN and ARF Thailand. In addition, a paper about the whole thesis was presented at the 3rd International Conference of Southeast Asia, University of Malaya, Kuala Lumpur, 8-9 December 2009.

PART ONE

Chapter 1. The Theoretical Framework: Corruption, Democratic Transition & The Role of CSOs

Through a multitude of monitoring and agenda-setting activities, civil society adds to the classic repertoire of electoral and constitutional institutions for controlling government. Studying civil society's efforts to hold government in check can shed new light on current debates on democracy and accountability by bringing into the analyses a realm of previously ignored activities that may compensate for many of the built-in deficits of traditional mechanisms (Smulovitz & Peruzzotti 2000: 149-50).

As mentioned in the introduction, this dissertation examines the role of CSOs in combating corruption during the democratic transition in Indonesia. It addresses three general areas of study: corruption, democratic transition, and civil society organisations.

Corruption is a problem in countries around the world. It is not an exclusive phenomenon for democratic, non-democratic, or transitional democratic countries. However, corruption exists in these countries in many different ways in terms of causes, forms, degrees and consequences. Hence, one should bear in mind that corruption is not a single phenomenon with a one-size-fits-all prescription as a cure. Subsequently, an effective effort to curb corruption needs to accommodate multiple socio-political factors, especially in transitional democracies where the situation is typically very complex.

Studies on corruption in transitional democracies – and more broadly in the developing world – have increased in the last two decades. This increased attention is partly driven by awareness among experts across disciplines that corruption potentially hampers economic development, reduces the quality of public services, and distorts democratic values in general. In many developing countries, corruption has undermined and jeopardised the democratic transition processes.

Recent studies generally have recognised the importance of understanding the social context of corruption and try explicitly to pinpoint the situations that make corruption more likely to occur in transitional democracies. As well, such studies offer

recommendations that suit the specific social dynamics of the countries. As described below, these studies generally consider that CSOs carry out significant – if not central – tasks in the struggle against corruption, for two reasons: (1) Civil society leaders have become leading actors in terminating authoritarian regimes, and subsequently need to continue their role in consolidating democracy; and (2) CSOs need to intervene in the political arena against corruption because of the failure of the state in dealing with the problem. Talking about the importance of the role of CSOs is one thing, but examining the ways in which CSOs actually influence the process of democratic consolidation, is quite another. This chapter will outline the theoretical framework for the empirical question of whether CSOs can play a positive role in fighting corruption.

Corruption: the conception

Despite the fact that corruption has come to be recognised universally as a major concern in public management (United Nations 1989), debate persists concerning its analytical definition. The definitions influence the preference about the way someone views corruption and subsequently what needs to be curbed in anti-corruption strategies. This will lead to an understanding that anti-corruption programs may not always have a single form, but may vary subject to various conditions including the definition being used.

In general, corruption is usually described as behaviour involving misuse or abuse of public office, powers, or resources for private interest (Rose-Ackerman 1978; Moodie 1980; Andvig et al 2000: 11; Huther & Shah 2000: 1). In this spectrum, as Shah & Schacter (2004) argue, corruption includes three broad types of category: (a) ‘grand corruption’, that is, small number of officials commit theft or misuse vast amounts of public resources; (b) ‘state capture’ or ‘regulatory capture’, that is, collusion committed by public and private agents for gaining private benefit; and (c) ‘bureaucratic’ or ‘petty’ corruption, that is, the involvement of a vast number of public officials in misusing public office for extorting small bribes or favours. Grand corruption and state capture is usually committed by political elites or senior government officials who design policies or legislation to benefit themselves by enabling them to misuse large amount of public

revenue and facilities as well as capturing bribes from national or transnational companies. Meanwhile, 'bureaucratic' or 'petty' corruption is usually committed by ordinary civil servants as part of the execution of government policy. Such corruption usually takes place at the point of exchange between the civil servants and the citizens to whom they deliver public services directly. For example, it occurs in the services of immigration, police, hospital, tax, school, or licensing authorities (Shah & Schacter 2004: 41).

Apart from the general descriptions, there are definitions of corruption from a narrower perspective based on the context of analyses used. Such perspectives are grouped into three: public-office-centred, market-centred, and public interest-centred (Heidenheimer 1989b; Collier 2000). From a public-office-centred view point, corruption is viewed as deviation of behaviour from the normal duties of public roles or violation of rules for serving private interest, including bribery, nepotism, and misappropriation (Nye 1967, cited in Heidenheimer 1989b: 150). From a market-centred perspective, corruption is defined as the use of public office by officials by monopolising their office, making laws and other regulations (such as taxes, subsidies, even privatization) as a mean of maximizing their self-interests (Van Klaveren 1989, cited in Heidenheimer 1989b; Rose-Ackerman 1999: 117). From a public-interest-centred perspective, corruption is identified an action of a power holder which favours whoever provides the rewards and thereby affecting damage to the public and its interests (Friederick 1966, cited in Heidenheimer 1989b).

While these definitions do provide valuable analytical tools to observe corruption, determining 'misuse' or 'abuse' as conceptualised by them is difficult. In practice, more particularly, the complexity occurs in defining what 'public' and 'private' interests mean due to cultural variations (Johnston 1996: 321-2). In a society that regards communalism highly (such as in most Asian countries), the distinction is even more blurred. In Japan for example, due to the existence of a gift-giving culture, the demarcation line between the public and private spheres is sometime not clear. Japanese people generally tolerate their politicians receiving various forms of gifts from business persons, in return for which they give favourable policies, as long as the gifts are distributed to their constituents and not for personal gain (Pharr 2005: 24-5; Rupp 2003). The Japanese

politicians may 'abuse their power' for 'private gain', but it could be in the interest of the 'public', that is, their constituents, and culturally this is not perceived as a corrupt act. Similarly, Indonesia with a strong Javanese influence has a strong tradition of patronage that makes all property, with the exception of personal effects, belong to the rulers, so it is therefore not unreasonable for government officials to dispense property according to their own will (Robertson-Snape 2007: 597). Therefore, in this culturalist explanation for corruption, it is considered to be a phenomenon subject to cultural deviation or public opinion which has no universal standard of definition.

From this point of view, one way to assess the significance of corruption uses a 'subjective' approach by considering 'how much and why a corrupt act *matters* to the population, the elite, or to various segments of them' (Johnston 1996: 322). Accordingly, a number of corruption surveys use 'people perception' as the mean to assess the significance of corruption. For example, Transparency International's survey on Corruption Perception Index (CPI) ranks the level of corruption in different countries by asking the perception of business people and country analysts. Another TI's survey of the Global Corruption Barometer (GCB) also measures corruption by asking how and where the ordinary people feel the impact of corruption.

Some theorists believe, however, that generating a common objective device to measure corruption would be the solution. The theorists argue that the law or other formal regulations need to lay standard criteria to determine what is legal and illegal: what is and is not detrimental to the public interest. Fackler & Lin (1995), for example, argue that corruption could be defined as any of a 'variety of unlawful . . . acts by political actors'. In this line, corruption could be measured within a particular historical period by counting the number of public officials convicted of some crime in state courts (Meier & Holbrook 1992). Defining corruption based on laws and other formal rules, the notion claims, are best from the perspective of precision, stability and broad application (Scott 1972a: 12). The use of legal devices for determining corrupt acts, however, is also sometimes less appropriate, particularly in countries with ineffective legal systems. Officials could do something that is ethically incorrect but still legal. As Sajo (2002: 3) points out, in some Eastern European countries, for example, officials used to claim a holiday trip as a comparative study of public administration. Similarly, the Philippine's

Ferdinand Marcos and Indonesia's Suharto amended segments of the state regulations to legalise their plundering of public assets (Wurfel 1988: 74-130; King 2000). In such circumstances, regulations do not necessarily always function as an objective tool; in fact, as Collier (2000: 194) argues, regulations can be adjusted for rent-seeking devices for officers to generate other form of illicit benefits such as bribes and extortions. On the other hand, some illegal actions may be morally justifiable. In a country with a poor public management system, officers may be ethically exempted from bypassing certain complicated bureaucratic procedures if they have to accomplish goals that benefit the public interest (Szeftel 2000: 300).

Alternatively, others have defined corruption by analysing interactions among actors according to the Principal-Agent-Client (PAC) framework. This model describes corruption by framing the workings of public agencies into the relationships between a Principal (a manager in charged of carrying out public services), an Agent (an officer who actually performs the operational functions of the public organisation), and the Client (the service user with whom the Agent interacts) (Rose-Ackerman 1978; Klitgaard 1988). In line with this, Klitgaard (1988: 24) maintains that 'corruption occurs when an agent betrays the principal's interest in pursuit of her own'. In a more narrow conception, Rose-Ackerman (1978: 6-7) argues that corruption is any third party payment that is not passed on to superiors even if it may not conflict with the principal's goals nor be formally declared illegal.¹³ In this sense, the PAC model emphasises manager's interests rather than the public interest; corruption is seen in terms of the divergence between the manager's (or where applicable the public's) interest and those of the agent or civil servant.

Although the PAC model is limited in distinguishing 'manager's interest' and 'public interest,' this model offers a realistic recognition of complexities surrounding relationships between officials and citizens within an institutional and political setting. The PAC model, accordingly, is probably the most useful one to detect the weaknesses of

¹³ Some theorists, however, are of the view that the PAC model deals with complexity when meeting the situation where institutional structure and public-private distinctions are vague. In some circumstances, it is difficult to determine who is the Principal, to whom the Agent is accountable, and accordingly the definition of client may not always be applicable to all kinds of corruption (Johnston 1996: 325). The PAC approach may be suitable to the analyses of bureaucratic corruption, but it does not fit other forms of corruption such as political corruption, 'black-market' corruption and extended patronage networks, or intra-elite forms such as cronyism and nepotism (Johnston 1996: 326).

the chain of accountability mechanism in preventing frauds and corruptions, as will be described later.

Corruption in developing and democratic transition countries

No matter which definition is employed, the situation around the world shows that corruption tends to be higher in developing rather than developed countries. This generates questions concerning its caused factors. One way to understand the cause of corruption is by using the theory of inequality of wealth distribution in a society. This notion suggests that the greater the income inequality, the higher the level of corruption in a country (Rothstein & Uslaner 2005; Husted 1999: 342). This is partly because, as maintained by Rothstein & Uslaner (2005), the distribution of resources and opportunities contributes to the establishment of a belief that people are willing to share common destiny and similar values. People are more likely to share with others and consider themselves part of a larger society when resources and opportunities are more equally distributed; on the contrary, in a highly unequal society, people tend to stick with their own interests, and they may use corruption as a means to fulfil their interests (p. 52). In this case, corruption is more a product of the unequal distribution of wealth rather than a project of wealth distribution (see Scott 1972a).

Other theorists hypothesise that corruption occurs with the opportunity of elite self-enrichment (Szeftel 2000; Treisman 2000). Despite the variation, the theories agree that the opportunity for corruption in a society is determined by the extent to which the society balances the probable risk against the probable benefit of the act in terms of psychological, social and financial dimensions (Treisman 2000). Countries that have legal, economic, political, and social systems that could maximise the probable risks (such as the risk of getting caught and punished) are likely to have less corruption. In this regard, high corruption records in developing countries are often caused by the dominance of hierarchy and authority of particular people above the law, which lessens the effectiveness of their system in maintaining resolute reward and punishment mechanisms (Treisman 2000: 400). Moreover, governance in developing countries is

typically influenced by a strong clientelist culture, poor legal enforcement, a high degree of state intervention in private activity, expanded public employment, poor accountability mechanisms, and authoritarianism (Heywood 1997; Adsera, Boix & Payne 2003).

From another perspective, the theory of capital accumulation views that corruption in developing countries is simply a form of primitive capital accumulation by the domestic elite or capitalist group (Iyayi 1986). Corruption is viewed as a way the elite exploit their people to pursue capital accumulation; just as the capitalist class in developed countries secured their initial resources and wealth through colonialism (Hicks 2004: 11). In this respect, Iyayi (1986: 28-9) maintains corruption occurs because the elite and capitalist groups in developing nations are handicapped by lack of opportunity for capital accumulation through the exploitation of external, less developed economies.

Given the complexities of the causal factors of corruption, as illuminated by the above theories, many people believe that democratisation is a panacea for eliminating corruption in developing countries. Democratisation is generally defined as a shift of political system whereby an authoritarian regime is replaced by a new democratic government through the mechanism of free and fair elections (O'Donnell & Schmitter 1986; Gill 2000: 8-42). In this respect, many scholars have expressed the idea that democratisation could lead to the consolidation of democratic governance, whereby a number of instruments could end the devastating misconduct of government in developing countries (Cunningham, 2002; Doig 2000; Johnston 2000b). In an ideal situation, these instruments include a wide range of mechanisms¹⁴ to create an open society that provides no room for manipulation. More particularly, in a democracy, the mass media is supposed to make politics more widely accessible to the public so there seems to be less likelihood for anyone to abuse power (see Randall 1993).

Surprisingly, however, although the democratisation process has taken place in many developing countries since the 'Third Wave' of democratisation began in the mid-1970s (Huntington 1991), many of the new democratic states have made little improvement in handling corruption. As some research shows, the situation in many

¹⁴ Theoretically democratic mechanisms typically include: the existence of elected officials, secret ballots, free, fair and frequent elections, political and economic competition, inclusive suffrage and citizenship, participation, freedom of expression, alternative sources of information, associational recognition, and the liberalisation of markets (see for example: Dahl 1998; Held 1995).

countries is even worse than the situation during the authoritarian period (Beichelt 2004; Fleischer 1997; White & White 1996; Hope & Chikulo 2000; Nickson, 1996; Seligson 2002). Evidence from Transparency International's Corruption Perception Index (CPI)¹⁵ also indicates that the scores of corruption in most new democratic countries are not much different from those under the previous authoritarian regimes.¹⁶ This raises the question of whether the democratisation process is sufficient to make improvements in the handling of corruption or does it simply consolidate the old types of corruption and cultivate new ones?

Many empirical studies conclude that democratisation, to some degree, has in fact created a favourable condition for the spread and dissemination of corruption. Moran (2001) for example, argues that any transition to democracy, whether from authoritarian rule or communism or in the process of decolonisation or the emergence of a new nation-state, has implications for the expansion of corruption (p. 378-9). In their research on democratisation processes in various countries, Rose & Shin (2001) also maintain that the democratisation process, while on the one hand producing a legitimate-democratic regime; on the other hand, has a strong potential to breed corruption. Similar findings are also maintained by the World Bank (2000). When analysing Eastern European and former Soviet Union countries, the World Bank found that democratic transition environments have created a fertile ground for corruption due to the upheaval of 'the simultaneous transition processes of building new political and economic institutions in the midst of a massive redistribution of state assets' (p. xix).

Contemporary analyses of the connection between democratic transition and corruption maintain that, generally speaking, democratic transition can be socio-politically unstable and chaotic, which then potentially creates a fertile ground for corruption (Rose Ackerman 2000; Campante, Chor & Anh Do 2008). This is not merely associated with the fact that the instability could generate greater opportunity for bad

¹⁵ CPI score refers to 'perceptions of the degree of corruption as seen by business people and country analysts, and ranges between 10 (highly clean) and 0 (highly corrupt)' (TI, 2006).

¹⁶ For example in 2008 the score of CPI in some new democratic countries are respectively: Albania (3.4), Argentina (2.9), Bangladesh (2.1), Brazil (3.5), Bolivia (3.0), Cambodia (1.8), Indonesia (2.6), Jamaica (3.1), Lebanon (3.0), Nicaragua (2.5), Philippines (2.3), Poland (4.6), Romania (3.8), Serbia (3.4), Thailand (3.5), Ukraine (2.5), and Uzbekistan (1.8). These scores are still far from the score possessed by developed democracies, for example Finland (9.0), New Zealand (9.3), Sweden (9.3), Denmark (9.3), Australia (8.7), Norway (7.9), United Kingdom (7.7), and Canada (8.7).

people to behave unlawfully, but also relates to a wide range of deeper problems, including lack of state legitimacy, the inability of public agencies to pay their employees a living wage, lack of preparedness of political leaders for competition, unequal distribution of power resources, and societal fragmentation (Johnston 2000a: 2-3; 2000b; Beichelt 2004: 127). Moreover, in emerging democracies, good governance structures that are necessary for controlling and managing society's resources have not been settled. Governance in the developing democracies is usually characterised by a number of defective conditions that contribute to the augmentation of corruption, including: lack of an independent judiciary, excessive state regulations and over-centralised government, top-down political parties, inadequate watchdog elements, ineffective law enforcement, and weak media (Moran 2001; World Bank 2004 & 2005a: 10-11; Gray & Kaufman 1998).

In other words, an effective accountability system, which can create a good climate for the de-escalation of corruption, does not yet exist. The existing accountability system, simply speaking, has not been able to bring power holders to account. Partly, this is because the shifts of the regimes were mostly not followed by a shift of political culture that suits a democratic structure and values (Moran 2001: 389-92). The new politicians and policy makers following democratic transition are generally inexperienced in formal governmental affairs and still learning to carry out their new job. Accordingly, legislative supervision of the executive and service providers is still ineffective. In the case of Argentina, for instance, the lack of political experience has made the politicians incapable of dealing with very experienced senior bureaucrats, who customarily exercised excessive discretionary power during the authoritarian period (Eaton 2003). Meanwhile, due to political uncertainty, as shown by the Indonesian case, politicians tend to focus their attention on short-term rather than long-term issues (World Bank 2003c; vii). After a long period of being detached from genuine political processes, political parties in new democratic countries usually tend to be 'power hungry': many of them want to stay in executive offices and fail to develop a strong oppositional culture in the parliament, making control mechanisms between parliament and government dysfunctional. The politicians in parliament also tend to pay less attention to

systematically accumulating information on the performance of government agencies that essentially could enhance accountability (World Bank 2003c: viii).¹⁷

Additionally, one should bear in mind that not all new politicians in the era of democracy are supportive of democratic principles or intend to make their country better governed. In fact, many have a self serving ambition to seek personal wealth through illegitimate means. Although they may follow democratic procedures in pursuing political positions and mask themselves with a 'reformist facade', once occupying power these politicians will use their discretion to preserve undemocratic practices in order to achieve their 'dirty intentions'.

Besides, the old formal and informal rules usually still apply, while the new formal rules have yet to be implemented effectively. For example, agencies charged with enforcing rules remain influenced by old authoritarian practices that have been customarily corrupt in serving the rulers instead of the people. The judiciary and police, as in the case of Indonesia, used to function as an instrument of corrupt regimes rather than enforcing the law. The disappearance of authoritarian figures can even provide corrupt officials with more freedom to pursue rent-seeking unchecked (Lindsey 2002a: 2-12).

These conditions are usually aggravated by the fact that during democratic transition, state agencies specifically designed to combat corruption have not been established. In many countries, these agencies are usually only formed when the situation of corruption has become extremely acute, if not out of control.

Meanwhile, citizens in developing democracies have a limited capacity to monitor the state. For instance, citizens cannot observe the performance of politicians because they are immature in relation to engagement in political activities. As in the case of Indonesia, although enthusiasm for voting in elections was high, most voters remained unaware of how choosing officials can promote official accountability (Soule 2004: 2). The voters also have insufficient knowledge to make judgements in voting over good politicians due to lack of information about the new political system and politicians' track

¹⁷ When dealing with government agencies, for example, politicians in democratic transition countries tend to pursue illicit deals rather than undertaking proper monitoring for the purpose of accountability (World Bank 2003c: viii; Reinikka & Svensson 2002). They do not have sound record keeping and documentation, which eventually undermines financial management (World Bank 2003c: viii).

records (pp. 2-3). On the other hand, politicians in newly established democracies lack credible policies to be contested in elections and rely on using money and ‘clientelist impulses’¹⁸ to attract voters (Scott 1972b: 92; Keefer 2004: 26). In some countries, moreover, new emerging parties prefer to choose a proportional representation system to make individual politicians heavily reliant on their party leaders for both political survival and success rather than on support from their constituents (Sidel 1996; Carothers 2002: 9-14). As a result, elections and other forms of political competition do not function appropriately.¹⁹

Furthermore, in newly established democracies the practice of citizens monitoring various functions of bureaucracy does not work well. Ordinary citizens are usually still learning the best way to voice their expectations of bureaucracy. Meanwhile, the bureaucracy generally is still overwhelmed by authoritarian culture to work as the protector of the rulers rather than as the impartial public service provider. In Indonesia, despite the growing awareness of the public’s rights, the price of collective action is typically high, so they may prefer to pay bribes that are much more convenient, and often cheaper, rather than to struggle for their rights (World Bank 2003c: viii).

At the same time, because reform groups, the market sector, and the media in general are weak, developing activities to monitor the government is, simply speaking, difficult if not impossible (Johnston 2000b: 10). Such conditions enable the establishment of monopoly systems within governmental structures, and make corruption institutionalised within the basic workings of politics and the economy (Johnston 2000b: 10). These deficiencies are usually maintained and exploited by a handful of private interest groups, which extort private ‘rents’ from public resources, as well as illicitly shaping the state laws, policies, and regulations. Together with powerful decision-makers, these groups represent those with a ‘vested interest’ in corruption (Kaufmann 2003: 21). In such circumstance, corruption is a problem of not merely the governmental sector, but also the market sector. In other words, corruption deals with the setting of

¹⁸ Namely using patron-client relationships ‘in which an individual of higher socioeconomic status (patron) uses his own influence and resources to provide protection or benefits, or both, for a person of lower status (client) who, for his part, reciprocates by offering general support and assistance, including personal services, to the patron’ (Scott 1972: 92).

¹⁹ For further examination of the dynamic of political competition and relationships between voters and politicians in some democratic transition countries, see for example: Moran (1999 & 2001), Rose & Shin (2001), Foweraker & Krznaric (2002), Keefer (2004), Soule (2004), Khan (2005: 717-21), Webber (2006).

political-economic structures and interconnections of power between the business sector and the government (Kaufmann 2003: 21).

Taking these views into account, overcoming corruption in democratising and developing countries is a complex and multidimensional challenge. The end of an authoritarian regime is not the only panacea for overcoming the problem. While it is a necessary and important step, it needs to be accompanied by a number of reform initiatives to make democracy effective. In mature democratic countries, the development of basic institutions of modern state such as the rule of law and the accountability of government took a very long time. As Johnston & Kpundeh (2004) maintain, the process takes hundreds of years, and is usually shaped by an historical momentum such as the signing of the Magna Carta in England in 1215 and political revolution in France (1789-1799), along with political development processes and the broadening of public participation. New developing democracies however, may not need to follow this long historical trajectory. Developing democracies can and need to accelerate the development of basic institutions of the modern state by mobilising reforms that promote the rule of law and accountability (Johnston & Kpundeh 2004: 5).

To this effect, initiatives for reform needs to be generated by credible actors that are able to persuade the elites and ordinary people that reform is important and it is in their interest to support reform (Johnston & Kpundeh 2004). In undergoing democratic transition countries, CSOs might be expected to take this role, partly because they have generally recorded a prominent role during the collapse of authoritarian regimes. As acknowledged in many sources, the role of civil society leaders was very crucial in toppling authoritarian regimes across countries and subsequently influencing the process of democratisation (see Diamond 1994; O'Donnell & Schmitter 1986; Rueschemeyer, Stephens & Stephens 1992; Haynes 1997).²⁰

In other words, CSOs' role is very important when the state is weak or has not been able to play its part in combating corruption. CSOs must take foremost roles because government and private actors are generally apathetic to the reform agenda since, as discussed above, they represent vested interests in corruption. Likewise, ordinary

²⁰ In the process of regime change, civil society actors have played a strong and significant role in fostering the end of authoritarian regimes in, for example, Eastern Europe countries (see Bernhard 1993; Miller 1992), in Indonesia (see Nyman 2006), and the Philippines (see Wurfel 1988).

citizens in developing democracies usually have little capacity to take significant action. In this regard, CSOs need to bridge the gap. CSOs commonly play the role of mediator between those who govern and the governed, and in enhancing responsibility as well as responsiveness on all sides (World Bank 2000: 44-5; Cornwall & Gaventa 2001).

From a broader perspective, CSOs have distinctive characteristics that enable them to be effective in carrying out the role of fighting corruption. For example, while political parties tend to represent particular interests in order to gain access to institutional power, which sometimes leads them to opportunistic attitudes, civil society generally has no intention of gaining political power, and accordingly can express a more genuine interest for public matters (Pietrzyk 2003: 42). Political parties also may not always want to initiate an anti-corruption reform agenda, especially when the reform potentially endangers their own interests. In such circumstance, CSOs serve as alternative independent bodies to apply pressure for accountability mechanisms to function.

In the long run, when CSOs are persistent in combating corruption, they can stimulate a successful process of democratisation and drive the formation of good governance.²¹ As independent associations, CSOs can foster state institutions to be accountable and effective in performing their duties.

Controlling corruption: the importance of accountability

Regardless of its cause and form, corruption usually occurs in a situation where power holders are not subject to strict social monitoring. As Klitgaard (1988: 75) maintains, corruption could be formulated as:

$$\textit{Corruption} = \textit{Monopoly} + \textit{Discretion} - \textit{Accountability}$$

²¹ The term ‘governance’ has multiple interpretations. Generally speaking, however, the term represents the decreasing role of government in organising the state. More importantly governance is not only about the institutions or actors; it is also about quality and values. The term ‘good governance’ usually contains some principles, including participation, transparency and accountability, effectiveness and equitability, and rule of law. These principles ensure that political, social and economic priorities are based on broad consensus in society and that the voices of all the people are counted in decision-making over the allocation of development resources (see Abdellatif 2003: 3-4).

This means that if someone possesses discretionary power without sufficient constraint, then s/he has the opportunity and tendency to act corruptly. In a similar vein, the World Bank (2005: 22) also argues that ‘...lack of transparency and accountability based on the rule of law and democratic values on the part of public officials and distortion in policy priorities’ have become a major cause of corruption in many societies. If this is the case, formulating an effective accountability mechanism and developing accountability traditions are necessary to prevent the likelihood of corrupt acts. As some theorists argue, an effective accountability system ensures the practice of good governance. It also, more specifically, reduces corruption, because it allows the punishment of government officials who behave corruptly or are incapable on delivering good services for their citizens (Fackler & Lin 1995; Bailey & Valenzuela 1997; Rose-Ackerman 1999; Laffont & Meleu 2001).

Accountability obligates actors ‘to act in ways that are consistent with accepted standards of behaviour and that they will be sanctioned for failures to do so’ (Grant & Keohane 2005: 30). In a democratic environment, accountability is an instrument of continuous correction of mistakes to preserve the sustainability of democratic mechanisms and to ensure the fulfilment of the rights and interests of the people. It works to uphold the ‘social contract’ between citizens and government (Blanchard, Hinnant, & Wong 1998). Basically, as maintained by Scholte (2004), government has to be responsible to the people for its actions and faults: only when government performs well, public support will continue; when government makes a mistake, citizens will ask for explanations, reparations or resignations of the responsible persons from office ‘or even shut down the agency in question’ (p. 211). As illustrated in figure 1, the chain of accountability consists of a number of relationships: between citizens and the politicians in the legislative body; between the legislature and the executive (head of government); between the head of government and cabinet ministries; between the ministries and the bureaucracy or the front-line service providers; and finally between the service providers and citizens (Quirk 1997). In this sense, an accountability mechanism functions as a map of the governmental processes where the outcomes of actions of public officials may end up with new sanctions from citizens (Philp 2001: 361).

such a way that the control from the principal could not make the agent consider that the benefit of corrupt acts would exceed the risk.

Referring to Figure 1 above, the link of accountability, broadly speaking, begins with the chain between citizens and politicians (1), where the popular monitoring mechanism can be carried out through free and fair elections. In this chain, people select politicians who are believed capable of realising the people's aspirations. Implicitly, besides facilitating leadership succession, elections function as a 'contingent renewal' of control mechanism, where the people decide to extend or terminate the tenure of government (Manin, Przeworski & Stokes 1999: 10). This ensures the politicians to obligate their ministries and service providers to serve the interests of the people. However, to be an effective accountability mechanism, elections need a degree of merit competition that enables the citizens to judiciously evaluate the performance of contestants in both a retrospective and a prospective manner (Adsera *et al.* 2003: 447-8). This, in turn, requires the ability of the citizens as well as a transparent political system to allow an exchange of information about what *should be* and what actually *is* happening in the political arena.

On the next link of the chain (2), the legislature controls and monitors the performance of executive and cabinet ministries through various means, including budget allocations, financial and performance reports, and through third-party institutions such as supervisory bodies (anti-corruption commissions and ombudsmen) and external auditors (auditor-general). However, despite these instruments, legislatures may still encounter, according to Strom (2000), two possible handicaps: *hidden information*, where politicians do not fully know the competencies or preferences of their agents or the exact demands of the task at hand; and *hidden action*, when politicians cannot fully observe the actions of their agents. Such a condition could lead to the rise of an *agency problem*, namely a situation when the agent acts in ways that are contrary to the interest of the legislature (Strom 2000: 270). In this respect, one may suggest that, although they may have technical support from assistants, politicians need to possess sufficient political skill in terms of both knowledge and experience to be effective in dealing with the agents. For example, in order to monitor the work of implementing agencies in carrying out programs

on public health insurance, the legislature needs to have at least basic knowledge of public health insurance issues; otherwise their monitoring will not be fully effective.

On the subsequent link (3), ministries control the bureaucracy or service providers using legal frameworks, internal auditors, and ethical conduct and reward-punishment systems (such as salaries, incentives, administrative sanctions, and legal actions). The more recent notion on public organisational configuration and management, called New Public Management (NPM), advocates that the accountability of bureaucracy should follow the forms of private organisations (Parker & Gould 1999). Taking this into account, part of the recipe for this link of accountability that requires the bureaucracy to comply with ministries would also include: sound policy management and implementation, efficiency, effectiveness and quality, performance evaluation and explicit targets, output and outcomes, strategic corporate plans, and quantified performance targets and benchmarking. The recipe transforms the bureaucracy from being administrators and custodians of resources to being accountable managers empowered with greater delegated authority, but accompanied by an orientation of results (Parker & Gould 1999: 111).

The accountability mechanism can be further strengthened by the existence of extra supervisory institutions such as Auditor General, Anti-corruption Commission and Ombudsman (link 4). These institutions are assigned to ensure that all public agencies work in accordance to rule of law. Such institutions function as the instruments of horizontal accountability that can call into question, and eventually punish, improper ways of discharging the responsibilities of a given office (O'Donnell 1999: 165).

Nevertheless, the mechanism of accountability is not an automatic instrument to curb corruption. Instead, to be functioning effectively, the mechanism needs a number of requirements such as: an adequate degree of competition in the political system, sufficiently competent actors in every link of the chain, the existence of clear regulations including reward-punishment and the checks-balances mechanism, free access of information, and a high degree of transparency in the governmental and political system (Lederman, Loayza & Soares 2005: 4; Quirk 1997; Strom 1997).

Most importantly, citizens need to monitor the government institutions to ensure that they work properly on their respective duties. Citizens need to voice their concern

and (dis)satisfaction about the quality of the institutions' performance. When citizen monitoring is strong, it brings the underperformance of public officials or institutions into public scrutiny, making them less likely to ignore or abuse their obligations and authorities. But again, in order to undertake such monitoring, citizens need a capacity to attain necessary information, analyse situations, and also organise actions; without which they will not be able to uncover the 'hidden information' that can be maintained by public agencies. Because individual action is usually not effective, citizens need to develop communal actions. In such circumstance, as illustrated in figure 1, CSOs can facilitate the communal actions on behalf of the citizens. CSOs act as mediators and advocates of citizens to hold every single government official to account. Thus, as will be discussed later, CSOs can play a role as a source of pro-accountability reform by 'asking', 'accelerating', and 'empowering' state actors to perform and deliver the expected outcomes (Schedler 1999: 338).

What role can civil society organisations play?

As mentioned above, CSOs have a great potential in improving the accountability mechanisms and significantly contributing to the corruption eradication effort. As illustrated in Figure 1, CSOs take a more prominent role when the formal accountability system does not work very well. CSOs can contribute by stimulating the formulation of effective and rational power relations between the state and its citizens (enhancing vertical dimension of accountability). They can elevate public expectations of state performance and organise popular pressure to make the state comply with citizens' demands. CSOs can also promote effective checks and balances between the state institutions (enhancing horizontal dimension of accountability) by initiating institutional oversight frameworks, reveal abuses of power, and also monitor and press the arms of law to act against the abusers. These activities usually correct erroneous institutions, and also eradicate systemic corruption or other distortions of accountability (Fox 2000: 1).

More specifically, as detailed in table 2, in the reform processes of enhancing accountability and anti-corruption protocols, CSOs can function at two levels:

- At the strategic level, by endorsing policy reform for strengthening checks and balances mechanisms between state institutions. CSOs can play this role by contributing to the creation of anti-corruption policies and initiating strong legal and institutional frameworks for fighting corruption.
- At the practical level, by organising social monitoring through mobilisation of the people in the battle against corruption. CSOs can play this role by encouraging citizens in monitoring state institutions and engaging them in demanding policy reform.

The work at strategic level is the activity which impacts less directly and less immediately on corruption. In this respect, CSOs should be able to analyse the causal problems of corruption and offer alternative solutions to policy makers. In addition, one should bear in mind that efforts to combat corruption needs the availability of strong laws and regulations, without which the efforts would be ineffective – if not counterproductive. Accordingly, CSOs must encourage (and sometimes support) politicians and policy makers to make anti-corruption regulations and policies that subsequently could stimulate the work of an effective accountability mechanism. Apart from these, CSOs also need to urge the formation of powerful anti-corruption agencies that are specifically assigned to eradicate corruption. The establishment of such agencies is important since usually the performance of the conventional judiciary institutions in developing democracies is poor and they act in favour of corrupt groups. Nonetheless, the strategic level activities have to be taken in conjunction with those at the practical level. The creation of legal and institutional frameworks will only succeed if citizens organise themselves effectively in overseeing the implementation of the regulations and the work of the anti-corruption agencies.

The activities at the practical level tackle corruption directly and immediately. At this level, CSOs mobilise citizens to actively monitor the behaviour and performance of state institutions and officials, as well as monitoring the implementation of anti-corruption regulations and the work of anti-corruption agencies. CSOs themselves can also function as independent bodies that keep an eye on every government activity. In this respect, as suggested by Fox (2000), CSOs impose accountability on the state by monitoring, scrutinising, detecting, and revealing abuse of power, elevating standards and

public expectations of state performance, and conducting political pressure. The watchdog role that has been played by CSOs in several countries has been able to decrease the likelihood of corruption. As reported by Transparency International and some researchers, CSOs around the world have been doing well to counter corruption, not only by detecting and revealing corruption cases, but also by bringing the corrupt figures to justice (TI 1997 & 1998; Gonzalez de Asis 2000; Pope 2000).

Table 2: Level of CSOs’ function on accountability and anti-corruption reform

Level of function	Possible activities
Strategic level (advocacy for reform)	Initiating codes of conduct for public officials and declaration of assets; initiating draft of anti-corruption regulations; pushing for decentralisation and deregulation; demanding the establishment of anti-corruption bodies; carrying out surveys on corruption; conducting public hearings and referenda on drafts, decrees, regulations, laws; ensuring freedom of the press by prohibiting censorship and encouraging diversity of media ownership; promoting high-quality political competition through free and fair elections; educating citizens for influencing decision making.
Practical level (social monitoring)	Educating citizens concerning corruption and state affairs; encouraging continuous popular participations; facilitating dialogues between people and the state, informing citizens about the state and government’s performance and behaviour; representing popular interest to the state; supporting law enforcement and social punishment against deceptive state actors; undertaking corruption inquiries; elevating standards and public expectations of state performance; monitoring the performance of arms of law (police, auditors, ombudsman, judges, attorneys, public prosecutors); publishing investigation reports; organising class actions; protecting whistle blowers; ensuring public access to government information; requiring transparency in administrative activities; monitoring government performance in areas such as large-scale public procurement bidding; using new web-based tools on the internet for transparency, disclosure, public participation and dissemination of information; piloting anti-corruption programs.

Source: compiled by the author, adapted from Kpundeh, S.J. (2005) ‘The Big Picture: Building a Sustainable Reform Movement against Corruption in Africa’ in Johnston, M. (ed.) *Civil Society and Corruption: Mobilizing for Reform*, Lanham, MD: University Press of America.

In playing this game, CSOs are not necessarily detached from the governmental process. Rather, as illustrated in Figure 1, they also participate in various dynamic relationships between government and citizen. For example, in his study on the evaluation of the World Bank’s multilateral development banks (MDBs) projects in several countries, Fox (1997) discovered that CSOs could contribute to the increased

effectiveness of the projects when they perform not only monitoring and supervising aid flows, but also helping in the execution of the projects. Similarly, the social monitoring and facilitation stimulated by CSOs has proved vital in preventing corruption in another World Bank project (Poverty Reduction Strategies, PRS) in several countries (Barbone & Sharkey 2006).

In spite of its potential, such endeavours may encounter resistance from the elite groups and their patrons. CSOs thus need to become professional and knowledgeable to be able to fight off pressures from the vested interest groups. Also, CSOs cannot work alone in combating corruption. They need a coalition to achieve a broader and more significant impact. For this reason, CSOs need to make a long-term sustainable effort to encourage all stakeholders to build collective action.²³ The media, academia, and business sector are important groups that can be involved to build a focus for the action. At the end of the day, this in turn encourages the elites and politicians to have an interest in the reform since all of them will receive the benefits of popularity, good international image, legitimacy, and enhanced development for their own political survival (Johnston & Kpundeh 2005: 162-3).

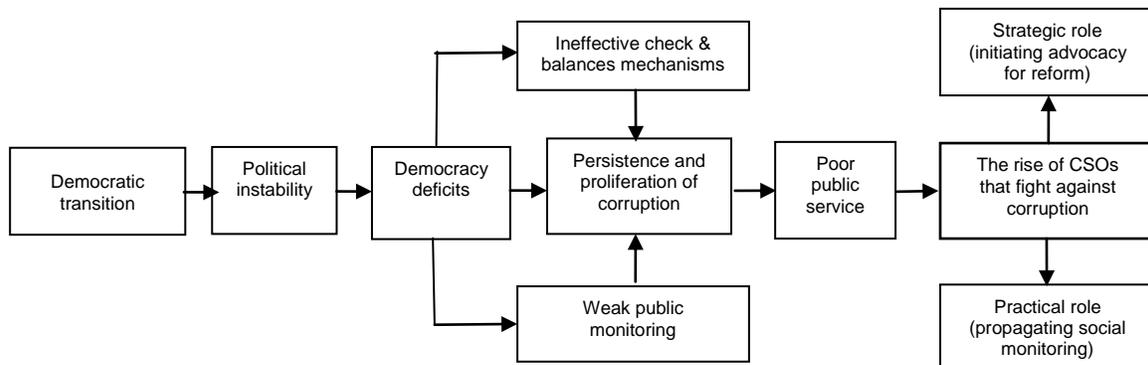
Despite the need for coalitions, CSOs in developing countries usually meet difficulties, however, in forming a political constituency for anti-corruption efforts, because they can generate risks (Klitgaard 1991: 97). For example, civil servants often find anti-corruption campaigns threatening: honest officials may fear being mocked by sneering accusations when they cooperate with CSOs, and the dishonest ones will raise obstacles to stop efforts that want to expose and punish their illicit activities. Accordingly, unlike lobbies for, say, soy production or education, only limited groups have a clear stake in fighting corruption. Although it is possible to launch an anti-corruption campaign during a wave of public resentment, institutionalising and sustaining public concern is not always easy (Klitgaard 1991: 97). Against this backdrop, the success of CSOs in combating corruption will be determined by their internal organisational capacity and ability to develop strong social networks.

²³ This idea has been clearly recognised by international anti-corruption forums. The United Nations, for example, has adopted the term of 'interagency coordination' to strengthen horizontal and vertical coordination as stipulated by the Concept of International Group for Anti-corruption Coordination (IGAC). See www.unodc.org/unodc/en/corruption_interagency.html.

Concluding comments

The above discussion suggests that democratisation alone is not an efficacious remedy for corruption. Unlike developed democratic countries, where check-and-balance mechanisms are relatively established, new democratic countries suffer from defective accountability system and are inexperienced in pursuing effective methods to combat corruption. Because of the insufficient role played by the state, civil society actors are largely responsible in strengthening accountability mechanisms. In such a condition, instead of the ineffective politicians, bureaucracy, and the market sector, CSOs must shoulder the responsibility of driving the unfinished process of democratic consolidation. The role of CSOs in dealing with corruption in transitional democracies is explained in Figure 2.

Figure 2: A theoretical framework for the analysis of the rise of CSOs in combating corruption during democratic transition



The lifting of restriction on civil rights following the fall of authoritarian regimes enables CSOs to take initiatives in coordinating collective action to control the behaviour and performance of political and bureaucratic agents, as conceptualized in the PAC theory. In line with this argument, CSOs may act as public representatives to make the principals able to hold the agent to account.

As illustrated in Figure 2, the role of CSOs in dealing with corruption is not limited to being watchdogs for any misappropriation in the state sector, but also being

advocates to endorse the smooth operation of every accountability chain within the government system. In other words, CSOs can not only increase the risk of being prosecuted for corruption by conducting external monitoring and bring the corrupt figures to justice, but can also reduce the likelihood of corruption by initiating reform and policy changes. This in turn makes CSOs a strong determining factor in the successful process of democratic consolidation.

Chapter 2. The socio-political context: Democratisation and the persistence of corruption in Indonesia

Indonesia suffers from a very poor international reputation regarding corruption, ranking near the bottom alongside the most corrupt countries in the world. It is also perceived as doing worse over time in controlling corruption. Indonesians agree. They liken corruption to a ‘disease to combat, denouncing every known case.’ While these perceptions may be overly influenced by the new openness of a democratic Indonesia, corruption is high and imposes severe social and economic costs. It also contributes to citizens’ loss of trust in governments (World Bank 2003c: 1).

For the last decade Indonesia has been sympathetically admired by commentators for its smooth democratisation and the reconstruction of governance arrangements following the end of the authoritarian regime. In conjunction with the transformation of the political rules of the game, the governance reform following the democratisation process has reformulated formal accountability systems and caused a major transformation in the political landscape. The reform has enabled citizens to enjoy a free liberal environment while fully receiving the rights of speech and association that are guaranteed by law. Regular free and fair elections have been conducted for the third time, electing the President, members of the House of Regional Representatives (*Dewan Perwakilan Daerah/DPD*) and the Parliament (*Dewan Perwakilan Rakyat/DPR*). Media restriction was revoked, enabling them to play an important role in scrutinising governmental and political affairs. Also, power has been significantly redistributed: a number of new independent institutions (currently there are about 40 semi-governmental institutions) have been formed for exercising different sets of power; also, Indonesia has carried out a broad decentralisation process where provincial and district/city governments are receiving a number of responsibilities for the provision of public services. In addition, the military has been removed from the political arena and no longer engages, at least in formal regulations, in business activities. In sum, as the World Bank (2003c) maintains,

Indonesia has been able to construct basic institutions for a strong, functioning democracy.

When it comes to the corruption issue, however, the extraordinary process of democratisation and governance reform seems to have had no effect. Despite the success story of many reform accomplishments, Indonesia continuously performs poorly in dealing with the problem. Despite ten years of democratisation, Indonesia is still ranked close to the bottom of the most corrupt countries in the world, according to Transparency International's CPI (Corruption Perceptions Index). The index score has not been far above the score that was achieved during the authoritarian era.

In the practical context, the appearance of corrupt acts can still be easily observed at almost all government buildings, especially places where any public service is carried out. The story of government officials maintaining red-tape bureaucratic procedures in order to attract bribes, the collusion between government officials and businessmen to capture public resources, the conspiracy of judicial authorities to take illicit profits from court cases, and the way politicians exercise power to grab public budget resources remain constant topics of public conversations and media reports. Owing to systematic corruption, the quality of public services remains extremely poor. Devolution and decentralisation of power only benefit the elites and the new power holders. Each year, the State Auditing Agency (BPK) keeps finding a huge number of irregularities in almost every government branch. In short, corruption has not only become endemic in contemporary Indonesian politics, but also, borrowing the words of anti-corruption activist Saldi Isra (*Media Indonesia*, 18/03/2003), it is turning into 'a new ideology' where everyone seems born to be corrupt. Given the fact that the current corruption problem is worse than during Suharto's era, it is not an exaggeration to say that corruption is an imminent and 'a significant threat to a successful political and economic transition for Indonesia' (World Bank 2003c: 17).

This chapter seeks to describe the process of democratisation in Indonesia, and the governance reform agenda following this democratisation. The chapter also discusses the persistence of corruption in the new democratic environment. It argues that governance reform has not been able to develop an effective accountability mechanism and, accordingly, is not sufficient to stop corruption; on the contrary, it complicates and

diversifies the problem. Similar to authoritarian actors, the new power holders tend to utilise their political discretion as a commodity, one to be sold in exchange for illicit kickbacks.

Indonesia's path to democratisation

Scholars explain the process of democratisation differently. However, as maintained by Hara (2001: 308), they generally argue that the process is divided into four stages: the collapse of a previous authoritarian regime, transition, consolidation, and the maturing of democracy. The process usually begins with the collapse of an authoritarian regime due to strong pressure from the people and possibly the international community. Then it is followed by a transition where the regime is replaced by a more democratic government through free and fair elections. In the next stage, democracy is consolidated when democratic values have been widely accepted as the only way to organise political life in the country. Finally, a mature democracy is achieved when political practice fully conforms to democratic traditions. An ideal situation at this stage requires two reciprocal requirements: on the one hand, all democratic institutions should function according to their mandates and deliver services that meet public demands; on the other hand, citizens should be able and have opportunities to fully participate in any governmental process.

In Indonesia, regime change started with tensions based on broad public criticism in 1995, prominently led by Amien Rais, the chair of *Muhammadiyah*, against the practice of corruption committed by Suharto's circle and his government officials. During this time, along with the growth of an independent press, public criticism was fuelled by the news of corruption scandals and the unscrupulous behaviour of Suharto's clique. The public generally had been disgusted by the practice of a monopolistic economy in the hand of an iron triangle: Suharto's family,²⁴ Chinese tycoons²⁵ and military generals.²⁶

²⁴ Suharto's children in particular, have taken up direct and dominant position in business. Suharto's business empire was estimated to be worth up to US\$ 7 billion: his eldest daughter Siti Hardijanti Rukmana was estimated to control assets of US\$2 billion, his second child Bambang Trihatmodjo's business was estimated to reach US\$3 billion, Hutomo Mandala Putra was reckoned to have assets worth US\$600 million, Sigit Harjojudanto was valued at US\$450 million, while the other two Suharto daughters were calculated to be worth US\$200 million and US\$100 million (Sender 1996).

Amien Rais called for the end of KKN (collusion, corruption, and nepotism) in government administration.

Public despondency also corresponded to the fact that Suharto had been in power for a long period. Suharto took power from a civilian government following a bloody coup in 1965: he was inaugurated as a temporary President in 1966 and then full President in 1967. He maintained an effective authoritarian regime by using three pillars of power: military, bureaucracy, and conglomerates. By manipulating elections, Suharto was repeatedly elected President in 1973, 1978, 1983, 1988, 1993, and 1998. The durability of Suharto's regime was ensured by his remarkable political skill to control subordinates by distributing patronage and manipulating conflict between them (Aspinall 2005: 26). Holding power for almost 32 years, the public considered that Suharto was too old and incapable of sustaining his presidency. Some people called him *Pak Tua* (Mr. Elder) as he was sixty-six years old when he was re-elected president in March 1998.²⁷

Another precondition for the democratisation process was an incident on 27 July 1996. This affair was a physical attack on Megawati Sukarnoputri's Indonesian Democratic Party (*Partai Demokrasi Indonesia*, PDI) office by elements of the PDI with

²⁵ Chinese conglomerates maintained close relationships with the Suharto family and top level government officials for mutual trade. They provided cash for the regime and in return received protection for their survival. Some of them acted as mentors for Suharto's children to build their business empires. Throughout Suharto's era, Indonesia's ethnic Chinese, numbering about 3 percent of the population, dominated the economic sector by holding approximately 70 percent of the private economy. Although there is no proof on this issue, at the end of the regime 80 percent of the 50 largest Indonesian conglomerates were Chinese businessmen, who obtained assets of around US\$100 billion (King 2000: 610).

²⁶ Military generals became engaged in business activities due to the idea of 'extra-budgetary financing' for armed forces whereby Suharto allowed the army to secure their performance by raising funds to supplement funds from the state budget (Crouch 1986: 274). This condition had enabled them to form a number of foundations that possessed big business companies. Yayasan Kartika Eka Paksi of the Army, Yayasan Dharmaputra of the Kostrad (Army Strategic Command), Yayasan Adhi Upaya of the Air Force, and Yayasan Bhumyamca of the Navy, to name a few, are the prominent foundations that operated Armed Forces businesses during Suharto's era. The military also had privilege to position a number of retired top military commanders on the board of state owned companies. These conditions made it possible for military personnel to broadly abuse their authority for private-individual gain. Most top and even middle-level military commanders possess luxurious properties and have accumulated wealth far beyond their official salary (Muna 2002: 7).

²⁷ Iwan Fals, a prominent artist and singer, wrote a famous and popular song entitled *Pak Tua*:

You, who have been old, how are you; People said you just recovered, they said you were sick; Heart, kidney, and rheumatic, little bit mad; be careful Mr. Elder, please have a rest... There is so much wind outside... You, who have generous smile, are touching your tummy; Your fatter body views the sky; The day is just about nightfall, Mr. Elder is sleepy; Sweet wife is waiting, please have a rest... There is so much wind outside... Mr. Elder, enough... you look tired o...yeah; Mr. Elder, enough... we are capable to work o...yeah; Mr. Elder... please sleep! (cited in iwanfals.wordpress.com/2006/10/25/pak-tua, translated by the author).

support from the Indonesian army.²⁸ Following the attack, the resistance of Megawati's supporters created riots in Jakarta and other cities, leading to nationwide action and contributing to the rise of the people power movement to end Suharto's regime. Later on, the supporters of Megawati transformed themselves into a new political party named *Partai Demokrasi Indonesia Perjuangan* (PDIP) and won the first democratic election after the end of Suharto dictatorship.

In mid-1997 strong momentum for commencing democratisation emerged due to an economic crisis that broke out in the middle of the year. The crisis, which stimulated the decline of Indonesian currency (Rupiah) from around 2,000 to the U.S. dollar to over 15,000 and caused the rising price of daily basic needs, created conditions for the birth of 'people power' and a call for the resignation of President Suharto. On May 1997, a general election was conducted, followed by the formation of the People's Consultative Assembly (MPR). Despite strong public pressure to abandon Suharto, the MPR re-elected Suharto for another five-year term. Suharto was installed in the presidency on March 1998 and formed a cabinet that consisted of his close circle.²⁹ The continuity of economic crisis and nepotism in the cabinet created strong public opposition to the MPR's decision to elect Suharto. Aware that the government was unable to control the deteriorating economy and KKN, people became angry and openly demanded the resignation of Suharto. In early 1998, pioneered by university students, demonstrations started to break out in every major city demanding Suharto step down.³⁰

²⁸ The attack correlated to internal conflict between PDI factions, specifically between the groups under Megawati's leadership versus Soerjadi's leadership. At the time, President Suharto disapproved of Megawati as a leader of PDI and preferred Soerjadi instead. Megawati who gained a growing political force was considered by government to threaten the stability of the regime. After several conflicts, a large clash between Soerjadi's and Megawati's supporters broke out in Jakarta on 27 July 1996.

²⁹ Among others, he appointed his daughter, Siti Hardiyati Rukmana as Minister of Social Welfare, and his close friend, Bob Hasan was appointed as Minister of Industry and Trade.

³⁰ As usual, the response from the regime was repression by sending troops to the streets. But this only intensified the protests. Nation-wide giant protests against Suharto's government mounted following the 'Trisakti Tragedy' on 12 May 1998, when a number of students from Trisakti University were killed in an clash between soldiers and the students near their campus. The incident triggered massive riots and public demonstrations in Jakarta and most major cities. Day by day the situation became more out of control. On 14 May, a massive number of students and public occupied the MPR-DPR building, staying on the building site to ensure Suharto would step down. Amien Rais called the public to attend a massive public demonstration on 20 May. On that day, although in Jakarta the action was cancelled due to intimidation from the military, massive student and public demonstrations took place elsewhere, bringing Indonesia to the point of public insurrection.

Pressure from the people forced Suharto to hand-over his power to his deputy, BJ Habibie, on 21 May 1998. The immediate years following the collapse of Soeharto were marked by efforts to unwrap the old regime, including curbing Suharto's KKN, bringing former President Soeharto and his equally corrupt cronies to court, making constitutional amendments, discontinuing the dual-function of the Army and Police, and granting autonomy to regional districts.

Under strong public pressure, Habibie's administration recorded a number of policies that fitted with public demands. He released political prisoners like academic Sri Bintang Pamungkas and labour activist Muchtar Pakpahan. He also ended restrictions on the media by removing regulations that provide authority for the government to licence and control the media. Under Habibie's initiatives, Indonesia for the first time carried out what the World Bank (2003b) called a 'big bang' decentralisation process. Habibie also promised to conduct a general election to refresh the authority of government. For this initiative, Habibie's government launched a new regulation that allowed political parties to freely participate in the general election (Hadiwinata 2003: 79).

The first internationally recognised free and fair elections for the parliament after the Suharto era was held on 7 June 1999 to elect 450 members of DPR.³¹ As mentioned above, Megawati's PDIP won the election by gaining 153 out of 450 seats in parliament. However, because of the indirect electoral system, whereby the MPR selects the president, the winner of the parliamentary election does not necessarily win the presidential seat. The presidency went to Abdurrahman Wahid, more commonly known as Gus Dur, who successfully assembled the votes of parliamentary members from the Golkar and Islamic parties. Megawati was consigned to the position of vice-president. Gus Dur, however, only stayed in power for less than two years. Still stimulated by the anti-corruption spirit, the public was discontented with corruption cases that were allegedly committed during Gus Dur's presidency, which popularly became known as *Bulog-gate* and *Brunei-gate*.³² On 29 January 2001 thousands of people conducted a mass

³¹ At this election, there were 141 political parties registered to join the political race, but eventually after verification conducted by the KPU (electoral commission), there were only 48 political parties that could meet the requirements to participate in the election.

³² *Bulog-gate* refers to some vague transactions involving various government officials, that appeared suspiciously corrupt involving the State Logistics Agency in 2000. *Brunei-gate* refers to a donation from

demonstration to put pressure on the MPR to expel Gus Dur from the presidential palace. Following the strong public pressure, Wahid was then dismissed by the MPR and replaced by Megawati Soekarnoputri on 23 July 2001.

Despite some positive achievements,³³ Megawati's administration was marked by threats of separatism, economic instability, domestic terrorism, and her unimpressive performance. She was repeatedly criticised by commentators for her habit of taking a nap during working hours while Indonesian people were struggling with conflicts and economic deterioration. President Megawati also had close bonds with military generals on many sensitive issues, creating rumours of the possibility of a resurgence of the military force in the political arena. Weakened by her party's disintegration, the popularity of Megawati dropped from her top position during the early days after the fall of Suharto. In October 2004, Indonesia, for the first time, conducted direct general elections to elect a president and parliament members. Megawati was defeated by Susilo Bambang Yudhoyono who became the first president to be elected directly.

Governance reform following democratisation

Strengthening the formal accountability system by reducing excessive government control became the central theme for governance reform during the democratic transition process in Indonesia. This is not surprising, because for over thirty years the regime effectively maintained a bureaucracy, military and police force, as well as a legal system that served the ruling elite rather than the people. The regime also did not give much power to regional government, positioning them merely as the agent of the central government. By oppression and manipulation, the government tightly controlled elections and political parties, thus representation in the parliament did not have substantial

the Sultan of Brunei for helping Indonesia encounter economic crisis, which was allegedly accepted by Gus Dur in his private capacity.

³³ Under Megawati's administration, for example, Indonesia improved public election mechanisms and began carrying out direct elections for president, members of parliament, governors, as well as heads of district and city. During the Megawati's presidency the KPK (Corruption Eradication Commission), as well as other independent commissions, were formed to deal with the persistent phenomenon of corruption. She was also quite successful in improving economic conditions by stabilising the value of *Rupiah* and maintaining economic growth around 2-3 % (Soesastro 2003: 9-11).

meaning because there was no real choice at the ballot box (see for example Heryanto 1996). Combined with ignorance of formal procedures and favouring informal personal relations, excessive government control created the growth of systemic corruption (see King 2000; Schwarz 2000).

Governance reform has been undertaken aiming to tackle this disarray. It has brought about a series of fundamental changes in Indonesia's social, political, and economic landscape, which previously was mismanaged by Suharto. With assistance, and occasionally pressure, from donors, international agencies and CSOs, Indonesia's new democratic regimes have undertaken, at least formally, a number of reform programs for practising good governance principles. Anti-corruption, in particular, turns out to be the most important issue for driving the reform. The following is the general description of the reform process to the extent that it relates to corruption eradication.

Constitutional amendments for a democratic framework

In order to install the necessary requirements for the operation of a democratic system and fortify the accountability of the government, the Indonesian constitution has been repeatedly amended by the MPR. Amendments include strengthening the position of the parliament (DPR) by asserting that DPR members shall be elected by general elections,³⁴ providing the institution with full legislative powers and the ability to call the government to account³⁵ and impeach the president.³⁶ Further in 2000, amendments were made to emphasize the importance of decentralisation,³⁷ recognise the importance of

³⁴ During Suharto's era, 20% of parliamentary seats were available for armed forces representatives who were appointed by the president. By this amendment, the constitution states that Indonesia is a fully democratic country.

³⁵ Article 20 (1) of the amended constitution, for example, mentions that the DPR holds the authority to make laws, which previously rested with the president. The DPR were also entitled with various authorities, including giving consideration and approval for the appointment of ambassadors, military chief commander, and head of the Indonesian police force. In article 20a, the DPR is given legislative, budgeting, and oversight functions.

³⁶ By at least two thirds of a quorum meeting, the DPR could submit a dismissal proposal to the constitutional court if they considered the president violated the law, had been involved in criminal acts, or behaved disgracefully. Within ninety days, the court decides whether the accusation of the DPR against the president is legally acceptable. After receiving the decision of the court, the DPR submits the proposal to the MPR. The MPR will decide the proposal within thirty days. The dismissal decision should be made at a meeting attended by at least three quarters of its members and supported by a minimum of two thirds of members present.

³⁷ Decentralisation aims to trim down the strong power of the central government. Article 18 of the new constitution maintains that Indonesia is firstly divided into provinces, secondly subdivided into regency,

human rights,³⁸ and make a clear distinction between defence and security forces.³⁹ Finally, amendments also covered a wide range of reforms in the system and institutional relations of governance. They include the modification of presidential and vice-presidential election system,⁴⁰ reconstruction of the MPR structure,⁴¹ and the establishment of ‘an independent central bank.’⁴²

The end of the military’s role in business and politics

The long extensive military role in Indonesian politics and business since the 1950s has meant that the military has been implicated strongly in much of the systemic corruption (see Muna 2002; Crouch 1986). Under military reform, the engagement of the military in politics and business has now been formally terminated. Although not complete, important steps have been taken to realise this goal. The repositioning of the military has involved removing the customary dual function (as ‘political’ and ‘armed’ forces) of Suharto’s era. Part of the military reform also includes the reduction of the military’s influence in formal politics, by reducing its membership in parliament from 20% to 10% in 1999. All military representation in legislatures was ended in 2004. Additionally, the military (and the police) have been set in a neutral position in elections, abandoning traditional support for Golkar. As well as the reposition, the military also have been forced to open their activities to audit, and are disbanded from business activities. Under law 34/2004, the armed forces were required to surrender all their commercial enterprises

and finally subdivided into municipalities. Each of these units ‘shall administer and manage their own affairs.’ This process is accompanied by democratic elections for governor, district head and mayor.

³⁸ In chapter Xa, especially articles 28a-j of the amended constitution, it is clearly expressed that all Indonesian people have an equal position before the law, have the right to work, and have freedoms to associate, to assemble, and to express opinions.

³⁹ Note that previously the military (TNI) and police (POLRI) were managed under ABRI (Indonesian Armed Forces). In chapter XII, the new constitution stipulates that defense and security affairs are separate domains. The separation, besides aiming to restrict military influence in the political arena, also aims to prevent the abuse of military forces for political and business interests.

⁴⁰ The right to elect the president no longer lies in the hands of MPR, but in the hand of the people through direct election. Article 6a of the amended constitution mentions that the people directly elect the president with the vice-president.

⁴¹ The MPR is, as regulated by Chapter VIIa, now divided into two chambers: DPD (Regional Representative Council) and DPR (People Representative Council). The members of DPD represent every province, and are elected through a direct election. This is a significant step strengthening democratisation and decentralisation, because unlike old institutions in which some members were appointed by the president, all member of the MPR are now a product of a democratic process.

⁴² As mentioned on article 23 and 33, it is stated that the creation of an independent central bank is important in order to increase national economy and stabilise the monetary value.

to the government within five years (Palmier 2006: 158). Despite refusals from conservative groups within the armed forces, some measures have been taken to ensure that their businesses be incorporated into the state's own enterprises and government's budget. In order to facilitate the transfer of military business, on 16 April 2008 the government formed a team responsible to carry out the transformation. The team was ordered to conclude the transformation by 16 October 2009 (*Republika*, 28/04/2008).

Privatisation and economic liberalisation

During Suharto's government, State Owned Enterprises (SOEs) were known as 'cashcows' for financing the regime and enriching government officials. By considering that the lessening role of the state in the economy can both improve performance and reduce corruption, Indonesian democratic government, under IMF (International Monetary Fund) policy prescriptions, started to privatise some SOEs in 1999. All the post-1998 presidents shared a common view that privatisation was necessary and made numerous announcements about restructuring programmes and plans for privatisation. During the first decade of democratisation, annually around 10 to 15 SOEs were lined up for privatisation. Based on IMF consultation, the government typically undertook privatisations in the sectors of telecommunication, mining, cement, air and sea ports, toll road, steel, plantation, fertilizer, surveyor, and pharmaceutical business (Habir, Sebastian, & Williams 2002).

Devolution of power: the establishment of independent governance agencies

In order to reduce the concentration of power within the government, one of the most significant reforms was that Indonesia undertook devolution of power through the establishment of independent institutions to exercise governmental functions that previously rested under state authority. Typically, the institutions were formed under regulation, and their members attained their position through selection processes in the executive and legislative body. Members of the institutions are usually representatives of CSOs, professional groups, and sometimes also the government. So far, Indonesia has

established around 46 transitional and extra-government institutions, which are relatively independent from the government.⁴³

Returning sovereignty to the people: citizens' rights and general elections

Along with the amendment of its constitution, Indonesia also abolished laws that contravened civil rights and created new laws considered necessary to protect the rights of citizens. The new laws, driven by the spirit of liberalisation from state domination, generally express the absolute right of citizens to live without tight government restrictions. This condition stimulated the mushrooming of various organisations, representing all sections of society.

For strengthening sovereignty of the people, laws on elections have been made to make sure that the people have the right to choose their political leaders. Since 1999 the election system had been administered by a number of different laws. Besides granting the people freedom of association, the regulations⁴⁴ also provide the opportunity for scrutinising closely every candidate running for elections. The laws position political parties as the central players in a new political system landscape, and allow the people to freely establish parties to attain political office. These conditions have created the incentive for people to form parties, leading to a flourishing of hundreds of new political parties over the last ten years.⁴⁵ The laws also stipulate a direct election system for electing the president and vice president,⁴⁶ multimember constituencies for electing DPD members,⁴⁷ and the open list system of proportional representation for electing DPR/D

⁴³ These institutions include, for example, the Corruption Eradication Commission (KPK), the Judicial Commission (KY), the Independent Broadcasting Commission (KPI), the Commission to Audit the Wealth of State Officials (KPKPN), the Centre for Financial Transactions Reporting and Analyses (PPATK), the National Ombudsman Commission (KON), the General Election Commission (KPU), the General Election Supervisory Agency (Bapilu), the Attorney General Commission (KK), the National Police Commission (Kopolnas), the Business Competition Supervision Committee (KPPU), and the like.

⁴⁴ Namely Law 12/2003 (revised by Law 10/2008) on general elections, Law No. 23/2003 on presidential and vice-presidential elections, and Law No. 31/2002 (revised by Law 2/2008) on Political Parties.

⁴⁵ In 1999 there were 141 political parties that intended to participate in the election, but only 48 qualified to participate. In 2004 there were 50 political parties, 24 of them qualified. In 2009 there are 69 political parties and 34 qualified; 18 of the 34 were new political parties that for the first time follows the election.

⁴⁶ Since 2004 Indonesia has had a direct election for electing the president and vice-president. A party or a coalition of political parties needs to attain at least 3 percent of the total seats in the DPR to participate in the presidential election, or at least 5 percent of the total registered voters in the DPR election. Similar to the presidential election, governors, regents or mayors are also elected through direct elections.

⁴⁷ DPD is a new institution in the Indonesian political landscape, established to accommodate the interests of provinces in the national government. The institution has a number of mandates including submitting

members⁴⁸. Moreover, these new regulations also enable the execution of relatively free and fair competition among candidates and political parties. The elections are now organised by an autonomous General Election Commission (KPU) that is independent from government intervention.

Regional decentralisation

In the same spirit of implementing democratic principles, as well as to tackle the threat of national disintegration, Indonesia introduced a decentralisation policy in 1999.⁴⁹ This policy resulted in a massive transfer of power from central to regional government, making Indonesia from 'one of the most centralized systems in the world into one of the most decentralized' (World Bank 2003b:1). The decentralisation regulations (Laws 22/1999, revised by law 32/2004) provide the provinces, districts and cities with new powers previously held by the national government. Regional governments are now responsible for planning, financing and implementing policies in major sectors of social

draft laws to the DPR in the areas of: regional autonomy; relations between central and provincial/regional governments; formation, separation, and merging of regions; management of natural resources and other economic resources; and the financial balance between centre and provincial/regional governments. The council also has rights for giving advices to the DPR concerning: the formulation of draft budget and expenditure bills; policies on taxes, education, and religion; and the selection of members of the State Audit Agency. The members of DPD are elected through multimember constituency and Single Non Transferable Votes (SNTV) where each province is considered a single electorate region. The participants are individuals, and voters have to vote for one candidate. Numbers of seat for each province is four, determined by the highest votes achieved by the candidates.

⁴⁸ Being considered in a weak position to supervise the government, DPR was reborn as a new institution with major renovations subsequent to democratisation. As discussed previously, the amendment of the Indonesian constitution has reshaped the position and function of the DPR as a full legislative body. The institution, which in the New Order era functioned merely as a rubber stamp, now emerges with a number of new authorities and powers. There is also a significant shift in its membership form. The 550 DPR members are elected through proportional open list system on every electoral boundary that is equivalent with province or sub-province. In this system, every voter elects one party or one candidate from the party list, or both. At the provincial and district level, the members provincial and local parliaments (DPRD) are also elected through a proportional open list system, under which every voter elects one party and one candidate from the electoral party list. At the provincial level, electorate boundaries are formed as equivalent to a district or incorporation of two districts, electing about 35 to 100 parliament members, depending on the population of each province. At the district level, electoral boundaries are formed in parallel with sub-district, for electing about 20 to 45 parliament members, depending on the population of each district.

⁴⁹ In 1998-99, independence movements were on the go in Aceh, Papua, Riau, and East Timor. This was followed by the occurrence of other potentially destabilizing events in 2000-1 when inter-ethnic and inter-religious conflicts broke out under odd circumstances in the Maluku, Papua, Sulawesi, and Kalimantan. The continuing violence and threat of violence underscored the need for stability, and this became a dominant premise in formulating and implementing the decentralisation process.

and political life.⁵⁰ The regulations also provide the regional councils (DPRD) with more powers to supervise and control the regional administrations.

The unresolved problem of corruption

Despite the achievements in formulating basic democratic institutions and attempts to strengthen accountability frameworks described above, Indonesia's governance situation is still unable to deal with corruption. As Hornick (2001: 9) maintains, there is much anecdotal evidence indicating that corruption in the post-Suharto era continues to be ubiquitous – despite a formidable array of legislation prohibiting it, and notwithstanding several successful and celebrated prosecutions of corrupt officials. Although a number of reforms have tackled certain parts of the problem of corruption, the failures are evident; many signs indicate that corruption is still widespread, has become systemic, and is ingrained in the power and social structure in the country (Widjojanto 2006: vii). Overall, accountability systems remain extremely weak, making government officials still relatively 'untouchable'.

In fact, patterns of corruption during the Suharto regime continue during democratic transition. The way power holders sell decrees and legislation to the corporate sector, the way the bureaucrats pursue illicit kickbacks for procurements, and the way judicial officers utilise legal process for bribery are still prevalent (Rais 2008). This can be seen, for example, in the case of BLBI (*Bantuan Likuiditas Bank Indonesia*—Liquidity Assistance of Bank Indonesia, see Appendix 9) that is tainted by systematic corruption practice. According to auditing agencies in Indonesia, the case has created total losses for the state of around Rp. 138 trillion (World Bank 2005b). The case took place in the last period of Suharto's presidency and so far has not been resolved and even

⁵⁰ Currently, the general feature of the decentralisation situation under Law 32/2004, which is defined further by GR no. 38/2007, stipulates that regional governments hold authority over all governmental sectors, with the exception of 7 sectors that remain the authority of the centre government: foreign policy; defense; security; judiciary; monetary and fiscal policy; religion; and 'other roles' including policy on macro national development planning and monitoring, fiscal distribution, state administrative system, national economic institutions, human resources, exploration of resources, strategic technology, conservation, and national standardization.

breeds more corruption. Despite some actions being taken, the achievement has been disappointing. Those who are responsible for tackling the case use their authority for personal benefit. Some prosecutors and judges who have handled the BLBI case have been proven several times to have made illicit deals with suspects in the case. They conducted secret meetings and received bribes from suspects to contrive the termination of an investigation or to soften the prosecution.⁵¹

Public sector services in particular have never retreated from making illegal charges or accepting bribes, creating inefficiency and aggravating the burden for the user of public services.⁵² Corruption hampers the investors who wish to apply for a business license because it takes a long time and is complicated with various charges. A report of a survey carried out in 2007 by KPPOD, a leading think-tank, notes that many regional governments maintain corrupt, costly, and overly complicated procedures for business licensing (KPPOD 2007). Not surprisingly, the record of Indonesia's global competitiveness remains poor. According to World Competitiveness Yearbook,⁵³ Indonesia's rankings since 2002-2008 are respectively 47th in 2002, 57th in 2003, in 2004 Indonesia was not included, 60th in 2006, 51st in 2007, and 54th in 2008. These ratings positioned the country on the spot between the second-to fifth-worst of the countries measured. This fact may reflect the poor confidence of international investors to invest in business in Indonesia.

The persistence of corruption in Indonesia is shown in many international surveys, which generally indicate that corruption does not stop following democratisation and governance reform. In June 2008, the World Bank Institute marked Indonesia as

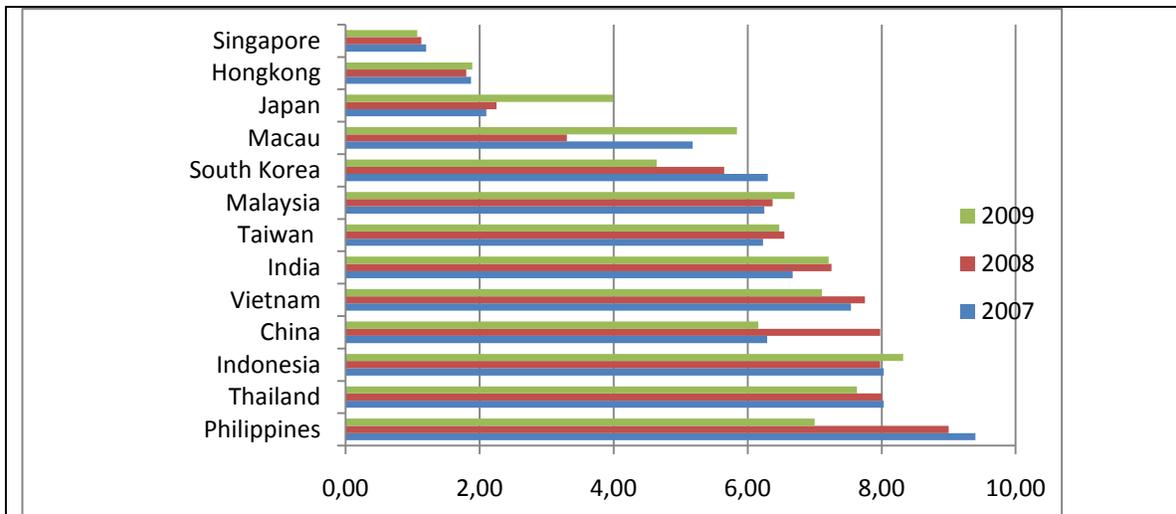
⁵¹ In 2008, a scandal involving the team leader of prosecutors probe for BLBI, Urip Tri Gunawan, was revealed by the KPK after his conversation via telephone was tapped. Urip was caught red handed for receiving a bribe of \$60,000 from Artalyta Suryani known as an accomplice of conglomerate Syamsul Nursalim. Following a series of investigations, it was suspected that some senior officials of AGO had been involved in the conspiracy. They included the Deputy Attorney General on Special Crime, Kemas Yahya Rahman, and Deputy Attorney General from the state and civil administration, Untung Udji Santoso (*Kompas*, 15/06/2008; *Suara Merdeka*, 27/09/2008).

⁵² This is not surprising. Despite democratisation, the salary of civil servant in Indonesia remains low. In a comparative research of bureaucratic corruption in Southeast Asian countries, Palmier (1985: 271-272) has identified that low salaries of civil servant as one of the important grounds of, corruption, along with opportunities (which depended on the extent of involvement of civil servants in the administration or control of lucrative activities) and policing (the probability of detection and punishment).

⁵³ The WCY was first publicised by the International Institute for Management Development (IMD) in 1989 and has been cited as a respected global reference for ranking and analysing the competitiveness of industrialised and emerging countries utilising four factors: Economic Performance, Government Efficiency, Business Efficiency, and Infrastructure.

amongst the worst in developing countries in terms of law enforcement and controlling corruption efforts. The Institute, which combines many individual data sources into six aggregate governance indicators, shows that Indonesia generally still has a poor score in the overall governance indicators and has been doing poorly in handling corruption during the last 12 year (1996-2007). In a similar vein, the Political and Economic Risk Consultancy (PERC) Annual Graft Ranking consistently gives Indonesia a poor score on corruption. As Table 3 shows, in 2007-2009 the institution persistently marked Indonesia as one of the most corrupt countries being surveyed. In 2009 the PERC scored Indonesia 8.32 and listed it as the most corrupt country among 14 countries surveyed in Asia. Against the records, the institution comments that ‘The absolute scores show corruption in the public and private sectors is still very high’ (*Bangkok Post* 09/04/2009) and further remarks that ‘the judiciary is one of Indonesia’s weakest and most controversial institutions, and many consider the poor enforcement of laws to be the country’s number one problem’ (AFP, 14/09/2008).

Table 3: PERC’s corruption mark in Asian countries (2007-9)



Source: PERC (2007, 2008, 2009) (www.asiarisk.com)

Another business consultant institution, Political Risk Services (PRS), which analyses climate for investment in hundreds of countries, also notes that widespread corruption, bureaucratic obstacles, and inadequate legal protection are the main source of deterrence for foreign investment and economic growth in Indonesia. PRS further

consistently describes that investment climate in Indonesia is undermined by the heavy practice of un-official payments. In 2007, for example, the PRS pointed out that the climate in Indonesia is generally unfriendly for foreign investors, since ‘inefficient and corrupt administrative procedures, as well as an arbitrary legal system, frequently hamper international business, adding at least 10 percent to the cost of doing business’ (PRS 2007: 9).

Similar evidence is also shown by Transparency International’s Corruption Perception Index (CPI) survey. With the fluctuation of CPI scores ranging between 1.7 at the lowest and 2.6 at the highest on a 10 point scale (with higher numbers indicating lower corruption), Indonesian records show no significant improvement over the last decade. Apart from the conventional types of corruption that took place during Suharto’s era, the TI reports that political corruption has become a new trend in Indonesia’s democratic governance. According to TI, ‘one reason for this trend is the fact that political parties are not allowed to solicit their own funds to the required amount. Ministers and other holders of political office are expected to solicit funds, usually corruptly, to feed their political party’s demands’ (TI 2008: 195).

Table 4: Corruption remains a problem: Indonesia’s CPI records

	Authoritarian period				Democratic period										
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Score*	1.9	2.6	2.7	2.0	1.7	1.7	1.9	1.9	1.9	2.0	2.2	2.4	2.3	2.6	2.8
Rank	41/ 41	45/ 54	46/ 52	80/ 85	96/ 99	85/ 90	88/ 91	96/ 102	122/ 133	133/ 146	150/ 156	130/ 163	143/ 179	126/ 180	111/ 180

* Note: “CPI (Corruption Perception Index) score indicates the degree of public sector corruption as perceived by business people and country analysts, and ranges between 10 (highly clean) and 0 (highly corrupt)” Source: Annual corruption perceptions surveys of Transparency International (www.transparency.org).

Although the corruption indices reported in these surveys are generally based on subjective rankings by foreign business persons, domestic surveys and investigations also articulate a similar picture. A Governance Assessment Survey by Gadjah Mada University in 2007, for example, concluded that illicit capture systematically takes place in governmental offices in all areas of 10 provinces and 10 districts surveyed (ICW 2008: 8). Meanwhile, audit investigations undertaken by the State Auditor Agency (BPK) in

every semester also revealed that there is a constant misuse of state budgets in most government institutions during the democratic era (*Koran Sindo*, 26/01/2008). During the period of 2003-2008 the BPK has reported 210 cases of misappropriation of money - worth Rp 30.18 trillion and 470 million U.S. dollars (*Suara Merdeka*, 13/01/2009).⁵⁴

Evidence of the proliferation of corruption is not only reported by surveys, observations, and investigation reports. There are also testimonies in thousands of short message service (SMS) and letters delivered by ordinary people to President SBY. Since the president launched the postal address of PO BOX 0049 and the telephone line 9949 in 2004 for direct complaints from the people to the government, corruption issues always occupied the top rank of messages delivered to the president in every year (*Rakyat Merdeka*, 23/07/2007).

Although a number of anti-corruption task forces have been established, the poor performance of conventional rule-enforcing agencies such as the police, prosecutors and the courts greatly reduces the prospects for eradication. In fact, during the last four years the rule-enforcing authorities that are charged to uphold law enforcement have been the most corrupt institutions. The Global Corruption Barometer (GCB) of Transparency International revealed that police, parliament, political parties and the courts held the worst records on corruption (see Table 5).

This figure is also confirmed by annual reports from the National Ombudsmen Commission. In 2007, for example, 251 (29.7%) out of 846 complaints that the commission received concerned the poor performance of the police agencies, followed by 168 for regional governments, 114 for the court, and 65 for national government departments (*Antara News*, 28/12/2007). Post democratisation, judicial officials generally have enjoyed a poor reputation for exploiting the law for self-enrichment. This is shown, for example, by the ongoing bulk of public reporting to 14 Indonesia-wide offices of the Indonesian Legal Aid Agency (LBH) concerning abuse committed by law enforcement agencies and the existence of 'court mafia' (KPP 2008). In a similar vein, a report from the Commission of Prosecutors in 2007 also mentions that the Commission received

⁵⁴ For instance, in the first semester of 2005, BPK discovered that there was a total of Rp. 4.3 trillion of budget missing. The number rose in the second semester up to Rp. 7.8 trillion. In 2006, the trend continued to reach Rp. 7.9 trillion in the first semester and Rp. 14.6 trillion in the second semester. In 2007, BPK found 36,009 cases of financial abuse with sum of potential loss of Rp. 6,692 trillion in two semesters.

about 400 incoming reports from the public concerning irregularities and violations related to prosecutors, mostly in form of extortion (*Suara Merdeka*, 19/10/2008).

Table 5: The Four Most Corrupt Institutions in Indonesia

2005		2006		2007		2008	
Institution	Score/Rank	Institution	Score/Rank	Institution	Score/Rank	Institution	Rank
Political Parties	4.2 (1)	Parliament	4.2 (1)	Police	4.2 (1)	Police	n.a. (1)
Parliament	4.0 (2)	Police	4.2 (2)	Parliament	4.1 (2)	Customs office	n.a. (2)
Police	2.0 (4)	Judiciary	4.2 (3)	Judiciary	4.1 (3)	Immigration	n.a. (3)
Judiciary	3.8 (3)	Political Parties	4.1 (4)	Political Parties	4.0 (4)	DLLAJR (transportation authority)	n.a. (4)

Source: ICW (2008: 10) and GCB-TI Indonesia 2005-2008

A long-serving and reputable anti-corruption fighter, George Aditjondro (2001) maintains that corruption in the democratic transition era is worse than in the era of Suharto, since the uncontrollable disease has spread to numerous groups and actors. Anecdotal evidence shows that during the democratic transition corruption manifested itself in various ways and at all levels of the power structure, from the top levels of power to street-level (ordinary) bureaucrats in the lowest structure of government (Hornick 2001). In other words, all power holders effectively utilise their authority as a commodity for personal gain. Not surprisingly, former Minister of National Development Planning, Kwik Kian Gie, suggested that in the democracy era annually an average of up to 40% of the national budget has been embezzled (*Banjarmasin Post*, 05/12/2007). In an even more pessimistic view, KPK predicted that the percentage of the budget that is abused may reach 45 % of total APBN (state budget) in every year (*Sinar Harapan*, 20/04/2005).

Top officials or high-level executive branches keep extracting illicit payments from SOEs and natural resources exploration activities.⁵⁵ The players are high ranking officials including senior bureaucrats, regents/mayors, governors, heads of national agencies, ministers, and even presidents. Owing to this type of corruption, for example,

⁵⁵ Similar to the authoritarian era, State Owned Enterprises (SOEs) in Indonesia are still noted for being an important source of corruption. Owing to the practice of being money machines for the bureaucracy and ruling parties, only a few Indonesian SOEs can be deemed healthy. SOEs generally are subordinated under technical departments and controlled by politicians. Nor surprisingly, recruitment is rarely based on ability but often on political lobbying (*Asia Times*, 25/01/2006).

some companies have the privilege of occupying thousands of hectares of forest and conducting illegal logging without fearing punishment (Rais 2008: 156-8). In 2008, the public was outraged over the discovery of an irregularity in a gas exploitation contract made under Megawati's administration in 2002. At the time, President Megawati appointed her husband, Taufik Kiemas, to head senior government ministers on a trip to Beijing in December 2002 to hold talks with Chinese Prime Minister Zhu Rongji and negotiate a US\$13 billion liquefied natural gas (LNG) contract for Tangguh field. The deal was suspected to be tainted with corruption since the selling price was too low and has caused potential losses to the state of Rp 75 trillion. Some commentators believe that the Tangguh gas selling price is only one sixth of the normal selling price, so that the country will be disadvantaged by US\$ 3 billion a year and Rp 75 trillion over the 25 year contract (*Kompas*, 02/09/2008).

Political corruption also increased greatly after democratisation, since the parliament is now recognised as a major source of power. Lack of funding for political parties, multiple interpretations of legislation, and sudden possession of discretionary power along with the limited capacity of new politicians are cited as the primary explanations for the problem. Political corruption that is reported to involve hundreds of legislative members at national, provincial and local level leads to the public impression that their political parties support the officials involved in the cases (*Suara Merdeka*, 20/12/2007). This is shown, in the TI Global Corruption Barometer survey mentioned above in Table 5, that consistently put the parliament and political parties among the country's most corrupt institutions. In the period between 2003 and 2006 alone 967 provincial and local parliament members were named as suspects in corruption cases (Hadiz 2008: 2). National parliament members also seem to wait to be named as suspects of corruption. For example, throughout the first half of 2009 at least five members of the House of Representatives were arrested by KPK on various charges of corruption.⁵⁶

⁵⁶ In March, KPK arrested Saleh Djasit (member from Golkar Party) related the case of fire extinguishers procurement when he was serving as Governor of Riau. A month later, KPK also arrested Al-Amin Nur Nasution (member from United Development Party) on allegation of bribery cases in the process of diversion of forest function in Bintan district. A week after the arrest Al-Amin, KPK arrested Hamka Yandhu (Golkar Party) and Anthoni Zeidra Abidin (Golkar Party), who were held concerning the flow of bribery funds from Bank Indonesia. Then KPK arrested Sarjan Tahir (Democratic Party) in May related to the case of diversion of the functions mangrove forests in Banyuasin, South Sumatra. Finally, KPK also arrested Bulyan Royan (Reform Star Party), at the end of June. Bulyan got caught red-handed when he was

Previously in 2008, there were also several DPR members who were arrested for alleged corruption.⁵⁷

Meanwhile, petty corruption remains unchanged. Street-level bureaucrats keep taking advantage of their daily jobs by receiving bribes, gratuities and other benefits when providing basic public services and clemency for offences (such as avoiding traffic tickets, false custom clearance, and evading tax).⁵⁸ It is still a common practice in Indonesia that people have to pay additional fees for getting services; otherwise they will be in trouble, no matter what their condition. Bureaucrats generally impose private taxation through extortion when people and firms want to be issued with, or to retain, licences required to undertake particular activities, or if they want attain services to which the people and firms in question are already entitled, such as protection by the police against violence and intimidation (McLeod 2003: 8-9). In addition, in most sectors, the system of public procurement still relies on the decisions of bureaucrats who commonly take benefit by attaining kickbacks from government contractors (Hornick 2001: 14).

To summarise, it is clear that democratisation does not necessarily reduce corruption. In fact, as will be described below, due to the decentralisation of power and administration, corruption previously concentrated at the central government level has now spread into the regional government level.

receiving US\$66,000 and 5,500 Euros suspected as bribery from a company that won a patrol boat procurement bidding at the Department of Transportation. He allegedly helped the company to win the tender in the Directorate General of Sea Transportation at the Transportation Ministry earlier this year when he was a member of Commission V DPR for transportation. Disclosure of cases that further exacerbate the face of the DPR does not appear to stop here.

⁵⁷ For example at the end of July 2008, KPK arrested Hamka Yandhu for receiving bribes from the Bank Indonesia as a kickback for appointing the Bank's board of directors. He then testified that 52 members of the House Commission IX period of 1999-2004, including people who later became ministers like Paskah Suzetta (later became the Minister of National Development and head of Bappenas) and MS Kaban (became the Minister of Forestry), were involved in the scandal.

⁵⁸ Many surveys on the topics of public service in Indonesia post-democratisation including, for example, Asfar (2001); Ardiyanto (2002); Afadlal (2003); Dwiyanto (2005); and DRSP (2006; 2008) generally point out that all areas of public service delivery such as health services, official documents, mortgages registration, water service, telephone and electricity services, and exit permits are tainted with corruption practices.

The spread of corruption to the regional government level

In general theoretical terms, decentralisation is considered one of the more effective approaches to tackle corruption. Apart from creating smaller constituencies that more easily facilitate the monitoring of the performance of elected representatives and public officials, decentralisation also reduces collective action problems related to political participation for supervising the government (Lederman, Loayza & Soares 2005: 5). Decentralisation enables the public to organise small groups of people to undertake dialogue with the government to question and demand services improvement. In this respect, the more decentralised the political system, the stronger are the accountability mechanisms and the lower is corruption (Nas, Price & Weber 1986; Rose-Ackerman 1999). However, when not properly designed, decentralisation can also undermine the accountability of government. As supervision from the central government loosens and regional authorities often lack their own checks and balances, regional officials have more space to manoeuvre for practicing corruption (Fox 2000: 6).

Once decentralisation was undertaken by Indonesia many commentators expressed optimistic expectations concerning its potential to oppose the centralised and corrupt state. It was said that decentralisation would create advantages, including narrowing the gap of disparity among regions, the more participatory process of political and social development, and the weakening of vertical authority structures will improve the financing, planning and supervision of social services. Commenting on the early stage of the decentralisation process, James Alm, Robert H. Aten, & Roy Bahl (2001: 86), for example, maintain that:

The assignment of significant new expenditure responsibilities to provincial and especially to *kota/kabupaten* governments has the potential to achieve the efficiency gains that come when a government's decisions are more responsive to the wishes of its citizens, so that public services are provided in amounts that correspond more closely to the preferences of the individuals in those jurisdictions, rather than at uniform national levels. Other potential gains include greater revenue mobilisation, because citizens may be more willing to pay local taxes to provide local public services and because regional governments may be more familiar with, and so better able to tax, local tax bases.

After several years of implementation, however, the decentralisation process in Indonesia suffered from criticism that it only provided more opportunity for local elites to commit corruption. Decentralisation did not make significance improvement in accountability and public services; rather, it caused the spread of corruption, increased localism and a ‘politics of little emperors’ (Aspinall & Fealy 2003; Hadiz 2004; McCarthy 2004). The ‘big bang’ decentralisation caused institutionalised pattern of corruption during the New Order regime ‘anarchical’ and ‘chaotic’ (Webber 2006: 411). Some Indonesians called the phenomenon *Efek Seratus Suharto*, the ‘100 Suharto Effect’ (Thorburn 2002: 623). The term describes a trend in regional corruption that multiplied corrupt rulers like Suharto. Governors and district government heads (regents/mayors), who now enjoy tremendous political power within their respective regions, have typically misused their position to enrich themselves, their families, and other close associates; just like Suharto did during his presidency.

Decentralisation allows the transfer of significant amounts of revenue to provincial and regional governments. But this has not been accompanied by a corresponding improvement in their financial management capacity, or by increased proper internal and external monitoring/supervision (DRSP 2006: 8).⁵⁹ In fact, there is an increasing tendency where oversight bodies at local level tend to abuse their authority, and take illicit benefits from those under their supervision (Dwiyanto 2002b: 107). As a consequence, as Nordholt (2004: 30) argues, Indonesia’s decentralisation does not necessarily result in democratisation, good governance and the strengthening of civil society at the regional level; instead it allows corruption, collusion and political violence that once belonged to the centralised regime to be now moulded into existing patrimonial patterns at the regional level.

⁵⁹ Unclear regulations in particular have been blamed for the anarchic process of decentralisation. Since 1999 numerous laws and regulations have been formulated. However, the provision of legal drafting has on the whole not been satisfactory. The description of roles and responsibilities, planning and management, and coordination among institutions vertically and horizontally has not been clear and has frequently created confusion. The decentralisation regulations contain a significant number of complications, including: imprecise language, and inconsistent definitions; contradictions between legal instruments (including with the constitution), and use of lower-level legislation to ‘correct’ perceived problems in higher legislation; stipulations that fail to regulate; repetition of rather than simple reference to other legislations; too large a reliance on follow-up regulations on key issues; late preparation of implementing regulations; and use of elucidation section to introduce concepts or to regulate (DRSP 2006: 8). Not surprisingly, this poor legal framework has created ambiguities and led to widespread opportunity for corruption.

The reform deficits

While reform programs seem to be achieving impressive progress, the persistence of corruption during democratic transition raises questions about why the new institutional structure of governance does not reduce the problem. One way of examining this question is to understand that the democratic transition process is not always resistant to the influence of the system and the political configuration set up by the previous authoritarian regime. As international experience shows, ‘the characteristics of the previous nondemocratic regime have profound implications for the transition paths available, and the tasks different countries face when they begin their struggles to develop consolidated democracies’ (Linz & Stepan 1996: 55).⁶⁰

The persistence of domination of pre-democratic elites occurs partly because democratic transition was not followed by transformation of personnel in the bureaucracy, judiciary and military, or a large-scale redistribution of power in the business sector (Webber 2006: 410), making an opportunity for the old neo-patrimonial actors to reposition themselves within the new political amphitheatre. Generally speaking, as Robison & Hadiz (2004) argue, the old power relations in Indonesia have simply reinvented themselves since Suharto’s fall rather than being transformed. Indonesia’s bureaucracy, in particular, generally has not been too much different to what it was during Suharto’s era. The administrative system still tends to emphasize ‘rules and compliance’ rather than ‘incentives and performance’ (Cole 2001: 14). Even if presidents have shown willingness to deal seriously with corruption, because officers in the bureaucracy still circumscribed by the old traditions, presidential programs will simply be opposed by bureaucrats. In this respect, on one occasion President Megawati complained about the poor performance of Indonesian bureaucracy by calling it a ‘waste basket’ (

⁶⁰ In Russia and Eastern European countries, for example, some research reveals that neo-patrimonial practices survive within the framework of a theatrical democracy, and the old systems of patron-client relationships have re-invented themselves during democratic transition (see Lynch 2005; Moran 2001). In these countries, democratisation is marked by the difficulty of removing pre-transition elites who continue to exercise significant influence over political and economic power, and resist any reform initiative directed to deprive their privileges (Kryshtanovskaya & White 2005: 200-222; Hankiss 2002: 243-59).

keranjang sampah), referring to its lethargic performance in responding to public demands (*Kompas*, 11/02/2002). One of her ministers, Kwik Kian Gie, on another occasion, also maintained that the bureaucracy has been contaminated by an acute corrupt mentality under 32 years of Suharto's government (*Kompas*, 10/06/2000).

In addition, as summarised in Appendix 5, social disorder in Indonesia engineered by Suharto's government persists, hampering the functioning of the democratic mechanism in curbing corruption (Antl6v 2002: 2; Cole 2001). On the one hand, for over three decades, citizens were forced to choose between various patrons to channel their interests, and had been subject to the very repressive and unresponsive government. Thus citizens have little incentive to trust the political and judicial system, and have little experience of influencing public policy. On the other hand, the massive accumulation of power and patrimonial governance system has meant that the government has been unaccustomed to the notion of accountability toward society in general. For a long period, government officials have been informally and effectively placed above the law, allowing them to exploit their authority for private benefit. Thus, the old systems, values, and behaviours have survived in the era of new democratic freedom, and are now ever more being put to the service of new political masters (Cole 2001: 13). Despite decentralisation processes, bureaucrats, in particular, have positioned themselves as a strong group with significant support bases via the use of patrimonial practices during the Suharto government. As a consequence, newly established regional and local democratic institutions have been ineffective in promoting responsive and accountable governance.

In other words, the democratic transition in Indonesia has been influenced by the widespread and deep-rooted patrimonial practices that Suharto built (Hadiz 2008: 3-4; Robison & Hadiz 2004). Although the authoritarian regime has changed, the use of personal and particularistic ties still take place as the means by which civilians and elites seek to influence politics. In such circumstances, the governance system fails to operate as it should because the state institutions generally are not impartial, are unpredictable, and are in disharmony with the rule of law, while the citizens (as clients) have had to utilise informal connections to obtain services, including bribery.⁶¹ For example, a

⁶¹ Such a situation also takes place in some transitional countries (see for example Rose 1998; Chadwick 2006).

national survey carried out by Partnership for Governance Reform Indonesia (PGRI) in 2002 shows that two thirds of its respondents stated that they have been involved in the practice of bribery, not necessarily because forced, but they considered it the only efficient way to attain government services (PGRI 2002: 22).

Box 1: Accountability remains weak: the World Bank analysis

In 2003 the World Bank analysed the continuance of the weakness of accountability mechanisms in the governance configuration of Indonesian democratic transition. The Bank summarised that the weaknesses were due to a number of factors, including:

- ineffectual enforcing rules agencies, because they were poorly funded, ill-equipped, and tainted with corruption;
- most politicians and policy makers have a lack of formal experience of government as they are just starting to learn their new job;
- continuations of patterns of behaviours under New Order regime that fundamentally undermine accountability, not only at central but also, at provincial and district level;
- strong and fragmented vested interests on state assets redistribution following the financial crisis, making the illicit state capture very difficult to be controlled;
- limitation of the media and civil society to scrutinise the government;
- deficient control of citizens over politicians and service providers;
- poor capacity of politicians in making regulations and keeping agencies in check;
- non-transparent systems of administration.

Source: World Bank (2003c: vi)

The persistence of corruption in Indonesia, however, is not only perpetuated by the inheritance from Suharto's government. It is also a product of incomplete democratic consolidation. As the World Bank (2003c) points out, despite the progress on governance reform discussed above, the accountability mechanism is still characterised by substandard functions on every level (see the summary in Box 1). Moreover, vested interests are too powerful, limiting the state's ability to undertake a comprehensive reform for implementing a mechanism of accountability (World Bank 2003c: vi).

As well, the transitional process, which by nature created social and political instability, allowed informal rules to thrive and provided incentives for corrupt officials and their cronies to retain power without proper monitoring. This situation is even worse due to the co-opting of Indonesia's democracy by criminal networks and drug trafficking. Many leaders of *preman* (semi-criminal) groups, who are relatively uneducated and rely

on organised violence, are reported to enter politics where they hijack new political and economic structures (Wilson 2006; Chadwick 2006: 72-4). They have succeeded in taking hold of some key positions in the policy-making structure, but are inexperienced and have a very limited capacity to understand and carry out their jobs (World Bank 2003c: vi).⁶² So, while many scholars advocate that the key to combat corruption relies on policy makers developing strategies for addressing the problem, most of these new policy makers do not have adequate capacity to develop the strategies. Besides, they do not want such strategies because this would harm their own interests.

Apart from these issues, Suharto's downfall has created the loss of effective government (McLeod 2003). The governance system that used to be controlled by a single authoritative power has disintegrated. Although the return of authoritarianism is certainly not likely, democratisation has created a diversity of groups, leading to conflicting interests and agendas, and eventually eliminating unity in command. The establishment of extra-governmental institutions, which have even less connection to one another, makes coordination among actors more difficult.

The situation is worsened by the fact that the governance reform is taken with the absence of a 'road map', a binding agenda that could lead the reform to a collective destination. After 10 years of reform programs there is no single blue print for determining the agenda. Rather, the reform programs contain several approaches, which manifest in separate strategy documents produced by government, parliament, bureaucracy, political parties, CSOs, and international development agencies. Each has its own agenda, program and framework for putting the idea of governance reform into practice (UNDP 2006). These actors not infrequently work independently of each other. Sometimes, the view and keenness for reform is also not uniform across agencies. Stated simply, the absence of a common agenda has created institutional fragmentation, slowing the pace of reform.

Coordination and synchronisation of individual agendas have been difficult because of the complexity of power relations. Given the fact that there is no single

⁶² For example, a survey on the capacity of DPRD members for the period of 1999-2004 conducted in several districts of East Java reveals that as many as 53.3% of the members could not mention five public issues in their district. At the same time, their reason to attain the job was driven by economic motivation to obtain a salary rather than a political motive to represent the peoples interest (Kurniawan & Puspitosari 2006).

institution that has a mandate to coordinate the governance reform program, poor coordination in terms of harmonising authority emerges. The president is no exception. This fragmentation of power has created a situation where key political actors are not necessarily with the presidential circle, making it difficult for presidents to influence key political-governmental agencies (Cole 2001: 16).

Furthermore, the implementation of reform has been half-hearted due to obstacles that come from elites and political parties pursuing their own interests. Overall, political parties' willingness to realise good governance is only lip service; their genuineness is doubtful as good governance might obstruct their interests (see World Bank 2007). As will be discussed in the next chapter, the attempt to combat corruption is undermined by the nature of political dynamics in the new political system. Given the fact that Indonesian elites are almost defined by the opportunities for beneficial corruption, attempts to tackle the problem will encounter major political upheaval (King 2008). All presidents, albeit formally articulating the importance of corruption eradication and employing some measures, are unable to escape from the corruption already so pervasive in their immediate circumstances. Taken as a whole, the political arena is tainted by illicit captures promoted by the parties that belong to, and provide political support for, the presidents. Sadly, the involvement of political parties in corruption also limits the supervisory role the parliament plays to pressure presidents to work with integrity. As will be discussed later, a further important factor is that Indonesia's law enforcement agencies are hampered by a number of defective functions, making them unable to work independently to tackle corruption.

Concluding comments

When democratisation started following the fall of Suharto, the notion of governance reform to strengthen formal accountability mechanisms dominated most public forums. Yet the debate rarely pointed to its side-effects. Indeed, governance reform opened many opportunities for people to engage in governmental processes. But they are not necessarily prepared to comply with democratic principles. Thus, while governance

reform can produce positive outcomes, it also creates unintended consequences, including the spread of corruption. In the New Order era corruption was committed relatively undercover by a limited number of people. But it is now a more openly and systematically committed practice. As the processes of devolution and decentralisation of power deepened, the distribution pattern of corruption was also decentralised. While the initial circle of corruption centred on Suharto's circle, it has now spread to the new power centres in various state institutions and regional governments.

Moreover, the set of governance reforms has created a complex governance landscape, making corruption eradication much more difficult. Despite the domination of elite groups, there is no single element that holds the capacity to retain the power necessary for the operation of effective governance. As will be discussed in the next chapter, the government tried to initiate several anti-corruption policies, but the outcomes were not very effective.

The persistence of corruption may cause a decrease in public confidence in democracy. If the problem persists, it would be likely that apathy for the democratisation process will grow; people may lose their faith in politicians and political parties. If the trend of popular disillusionment continues, the question might be a matter of when, and not if, an authoritarian power structure re-emerges. This thesis contends, however, that the CSOs' campaign against corruption has led the process for the consolidation and maturation of democracy, as conceptualised by Hara (2001). In fact, the process of democratisation in Indonesia may be dependent on civil society's initiatives in eliminating corruption.

Chapter 3. A weak state: ineffective and ambiguous responses to corruption

Employing the kind of pun of which Indonesians are so fond, he continued: ‘politics after all is not a profession (*profesi*), it is a meal (*porsi*), and everybody is busy getting the biggest possible share’. Consumption and corruption are closely linked throughout Indonesia, where ‘eating’ (*makan*) is a popular euphemism for corruption. ‘The government’s idea of work is to eat the people’... (Bubandt 2006: 426).

Soon after President Susilo Bambang Yudhoyono (SBY) was inaugurated by the MPR in October 2004, he declared that corruption eradication would be the first priority to be undertaken by his administration, and he promised to directly take charge in the battle against corruption. Previously, all Indonesian presidents subsequent to the *reformasi* era, from Habibie to Megawati, made more or less a similar promise. Combating corruption has always been a prominent public concern and heavily represented in Indonesia’s political rhetoric. Considering corruption is a daily problem for every single person in Indonesia, slogans combating it are considered compulsory mantras for gaining political support and winning elections.

Moreover, the domestic demand is not the only factor that induces presidents to promise corruption eradication. Requests for the government to adopt anti-corruption strategies also come from international agencies and foreign aid donors (Hamilton-Hart 2001: 66). Many of Indonesia’s main donors such as the World Bank, United Nations agencies, the IMF and some bilateral donors have installed anti-corruption packages into their aid programs. The donors’ request is not only directed to protect aid projects from the hazards of corruption, but also to secure international investments in Indonesia. In order to create a positive international impression, every president has responded to the donors by employing at least some anti-corruption rhetoric.

Yet, the presidents have not necessarily acted on their promise to address corruption. For example, less than a year after his inauguration, when his son was getting

married on 9 July 2005, President SBY launched a very luxurious wedding party by inviting thousands of guests, spending billion of rupiahs, and misusing the state property of the Bogor presidential palace as a party venue. In internet discussions, residents living near the palace reported that they saw a parade of many luxurious vehicles of guests, creating a massive traffic jam and disturbing Bogor city as long as the party lasted. Indeed, the party disgraced the president. Hundreds of university students organised a demonstration, condemning the President for misusing public property for his private benefit, and ridiculing him as a senseless culprit for having a luxurious party despite public poverty (*Bali Post*, 10/07/ 2005). For more than a month, the media suspected the President of misusing budget and public facilities to finance the party. The bride and groom were also reported to have received a number of very expensive presents from bureaucrats, politicians and businesspeople suspected and convicted of corruption. The President denied the allegations by saying that all costs of his party were covered from his own pocket, promising that all luxurious presents would be returned to the benefactors, but no verification of this statement was provided by any institution. Some commentators in the media said that the party damaged the President's credibility in seriously fighting corruption (*Kompas*, 11/07/2005; *Tempointeraktif*, 10/07/2005).

This case is largely anecdotal, and relies on media reports. But it does illustrate typical power holders' behaviour in the current Indonesian political situation. The anti-corruption promises and programs begin propitiously, but in practice they disappoint. Why has the commitment of various presidents to clean-up government been so weak when they need broad popular support for their political survival? The main reason for the failure is the absence of a working accountability system, making presidents subject to the risk of appearing inconsistent. In particular, the failure is a product of weak endorsement and supervision from the judicial institutions and the parliament. In fact, the judicial institutions and the parliament are also heavily infected by corrupt practices. The judicial institutions even take advantage of corruption investigations for taking bribes, while parliamentary members use their supervisory power for gaining illicit kick backs and accordingly would not allow themselves to be targeted by anti-corruption measures.

The reason for the state's failure, however, is not only the ambiguous attitude of presidents. Even if they had a real intention to deal with corruption, their initiatives

would have encountered a number of substantial obstacles. First of all, given the fact that the transitional democratic cabinets are basically coalition governments, presidents have had limited capacity to impose their programs on their ministers and senior bureaucrats (Davidson, Juwono, and Timberman 2006: 1-2).⁶³ The ministers tend to serve their party's interests, which do not always favour the anti-corruption agenda. Secondly, taking into account that the potential risk is highest for political, economic and bureaucratic power-holders to suffer losses, all anti-corruption initiatives have had to compromise with both old and new vested interests (World Bank 2003c: 14). In other words, political compromise overrides the rule of law. Thirdly, with the transfer of more authority to regional governments, the central government has encountered difficulties in implementing anti-corruption measures in a more decentralised political structure (see for example, Djogo & Syam 2003).

This chapter analyses the ineffective and ambiguous responses and behaviour of the state to the problem of corruption in Indonesia. It locates the failure to stop the corruption problem in the broader political context of democratic consolidation. The chapter thus highlights the key characteristics of the political environment in which CSOs have to undertake their battle against corruption.

Government anti-corruption initiatives

Chapter Two described how the reformulation of political institutions and attempts to strengthen formal accountability mechanisms following democratisation did not produce a significant result in stamping out corruption. Accordingly, corruption remains a central political issue for Indonesian politics (Davidson, Juwono & Timberman 2006: 14). This situation forced the state, the executive branch in particular, to take initiatives –or be seen to take initiatives – to deal with the problem. The following section summarises the

⁶³ For example, the Susilo Bambang Yudhoyono (SBY) administration in 2004-2009 was a product of a coalition between eight political parties. SBY's party, the Democrat Party, only had 10% of the seats in the national parliament. As a leader of a small party, SBY needs to serve the interest of his alliance parties in order to maintain political stability.

corruption eradication measures taken during each Indonesian president's administration since the *reformasi*.

The Burhanuddin Jusuf Habibie Administration (1998-1999)

During Habibie's presidency the government developed some important policies to address corruption, including:⁶⁴

- removing government restrictions on the media. The liberation of the media enabled journalists to scrutinise the government and investigate any form of power abuse;
- initiating a new anti-corruption law (no. 31/1999) that introduced tough penalties for corruption (up to 20 years jail or up to Rp 1 billion in fines);
- discontinuing government intervention over the State Auditor Agency (BPK). Since the BPK is no longer subordinate to the government, the BPK can release annual figures of its audits that show evidence of the scale of corruption and losses to the state budget.

The Abdurrahman Wahid Administration (1999-2001)

The anti-corruption policies during Wahid's administration included:

- removing restraints on civil associations and the press, including abolishing repressive bodies that were believed to have restrained civil organisations such as the Department of Information;
- issuing Presidential Decree (KEPPRES) no. 44/2000 on the establishment of Commission of National Ombudsmen (KON). The institution, which consists of 11 elected commissioners, was authorised to monitor and scrutinize public complaints regarding the work of public institutions;
- forming the National Law Commission (KHN), represented by both government officials and civil society actors. The commission targeted the improvement of the court system by making some revisions in the judiciary. Under the reform,

⁶⁴ In a broader context, despite some scandals during his administration, Habibie was admired by some commentators for undertaking a number of reforms that have been fundamental for Indonesia's democratic transition (see for example Bouchier 2000).

judges on the Supreme Court have to pass a fit and proper test screening from the DPR that examines their personal integrity and legal knowledge;

- improving the performance of commercial courts by appointing *ad hoc* judges from outside the regular judiciary system;
- establishing the Joint Team for Corruption Eradication (TGPTPK) under the Attorney General Office to coordinate and manage the efforts for corruption eradication. As will be explained further in the following chapter, the Team was assigned to deal with sophisticated corruption cases that required a high degree of verification. To this end, the Team was formed comprising members from multi-sectoral backgrounds, representing the police, auditors, academics, prosecutors, Bank Indonesia officers and CSO activists;⁶⁵
- issuing KEPPRES no. 18/2000 on the Procedure of Government Procurement. The Decree, which was then revised by Decree no. 80/2003, obliges transparency for the procurement process. This regulation stipulates that every such procurement should be conducted in a process of fair and transparent bidding;
- forming the Commission for Investigation of the Wealth of State Officials (KPKPN). The commission was assigned to audit the assets of state officials, politicians and judges. The members of the commission included 31 persons that mainly represent political party and CSOs; and
- formulating Law no. 15/2002 on anti-money laundering.

Apart from these measures, President Wahid also appointed Baharudin Lopa, who was reputedly known as a clean prosecutor, to be Minister of Legal Affairs and then Attorney

⁶⁵ The members of TGPTPK are as follows: Chairman: Adi Andojo Soetjipto (retired Supreme Justice), Vice Chairman: Tigor Pangaribuan (public prosecutor/AGO), Hendarman Supandji (public prosecutor/AGO), I Made Yasa (public prosecutor/AGO), Farchan Sunjoto (public prosecutor/AGO), Sr. Sup. Indarto (Police Officer), Sr. Sup. Fadjar Istijono (Police Officer), Sr. Sup. Murawi Effendi (Police Officer), Mohammad Hadijono (government officer/Financial and Development Supervisory Board—BPKP), Harditya Kadarisman (government officer/ Financial and Development Supervisory Board—BPKP), Muhammad Ali Tarmizi (government officer/Bank Indonesia), Suryohadi Djulianto (government officer/Dit. Gen. of Taxation), Nasiruddin Lubis (government officer/National Land Affairs Agency), Hamid Awaludin (government officer/University), P.B. Trenggono (government officer/Ministry of State Apparatus), Iskandar Sonhadji (civil society/Indonesian Corruption Watch--ICW), Faisal Tadjuddin (civil society/National Wealth Rescue Movement--Gempita), Hamid Chalid (civil society/Indonesian Society for Transparency—MTI), Agung Adiasa (civil society/Indonesian Accountants Association—IAI), Satjipto Rahardjo (academics/legal expert), Retnowulan Sutantio (civil society/retired Supreme Justice), M.H. Silaban (civil society/retired public prosecutor), H.S Dillon (civil society/National Commission of Human Rights), Krissantono (civil society/researcher), Pradjoto (civil society/banking lawyer).

General. Under Lopa's leadership and with support from TGPTPK, the attorney was successful in revealing some corruption cases and bringing some big corrupt actors to justice.

The Megawati Administration (2001-2004)

Similar to her predecessor, Megawati promised that combating corruption would be a priority of her presidential agenda and she attracted public attention when she gathered her family members a couple of days after the inauguration, asking them to not engage in any kind of KKN. Following her promise to eliminate KKN, Megawati initiated several policies, including:

- signing the establishment of the Centre for Financial Transactions Reporting and Analyses (PPATK), following the enactment of Law no. 15/2002 on Anti-Money Laundering during Wahid's administration. The institution was mainly assigned to track the flow of the money from any suspicious transaction and to investigate assets involved in corrupt activities;
- signing Law no. 30/2002 on Anti-Corruption, followed by the establishment of the Corruption Eradication Commission (KPK) and the Special Court for Corruption (SCC) on 27 December 2002;
- signing Law no. 22/2004 on Judicial Commission, followed by the formation of the Judicial Commission, which is assigned to oversee the performance of judges.

The Susilo Bambang Yudhoyono (SBY) Administration (2004-present)

During election campaigning for the 2004 presidential election, SBY declared that he would prioritise eradication of KKN and that he would handle anti-corruption actions with 'his own hands' (*Tempo*interaktif, 7/09/2004).⁶⁶ Following his promise, SBY's administration took a number of actions for addressing corruption, such as:

⁶⁶ SBY's promise attracted Indonesian voters and he won more than 60% of the vote for the presidency in 2004 and 2009 presidential elections. Corresponding to this issue, a survey of a Global Corruption Barometer conducted by Transparency International following the victory of SBY pointed out that 81% of its respondents believed that corruption will decrease 'a lot' or 'a little' over the next three years.

- issuing Presidential Instruction (INPRES) no. 5/2004 on the Acceleration of Corruption Eradication, followed by the Declaration of a National Action Plan of Corruption Eradication;⁶⁷
- issuing KEPPRES no. 17/2004 for the establishment of the National Police Commission (Kompolnas). The commission is assigned to supervise and monitor the performance of police, and also recommends candidates of Chief of Police to the president;
- issuing KEPPRES no. 18/2004 for the establishment of Prosecutor Commission (Komisi Kejaksaan). The Commission is assigned to supervise and monitor the performance of public prosecutors;
- delivering special assignments to some Ministers to take anti-corruption actions⁶⁸;
- issuing KEPPRES no. 11/2005 for creating an inter-agency ‘Anti-Corruption Task Force Team’ (*Timtas Tipikor*) in May 2005. The team has a special mandate to accelerate the investigation and prosecution of big corruption cases in governmental agencies including state-owned Enterprises (SOEs);
- signing the formulation of Law of Witness Protection, which then was enacted by DPR in 18 July 2006. The enactment of the law has aimed at encouraging the witnesses of a crime to freely furnish testimony concerning a criminal deed that they saw and or experienced without taking into account any threat on their lives. The law completed the set of comprehensive regulations for the government to combat corruption.

⁶⁷ The INPRES contains seven general instructions to all institutions and government officers, and special assignments to a number of Ministers. The general instructions require all state officials to: (1) immediately submit wealth reports to the KPK; (2) create performance criteria, including standardisation, transparency on fees for services and licences, elimination of illegal fees, and create island of integrity; (3) implement presidential decree no. 80/2003 on government procurement; (4) simplify governmental affairs and personal lifestyles; (5) provide maximum support to the prosecution of corruption cases by POLRI, Attorney General, and KPK; (6) cooperate with the KPK to administrative system may provoke or are susceptible o corruption; and (7) increase supervision in order to curb corruption.

⁶⁸ Among others: (1) instructing Head of Bappenas to prepare a National Action Plan for Corruption Eradication for 2004-2009; (2) requiring the Minister of Law and Human Rights to draft laws and other implementing regulations to combat corruption; (3) commanding the Attorney General and Chief of POLRI to maximise investigations and prosecutions of corruption, return corrupted state finance, and punish abuse of power by their personnel; and (4) instructing the Minister of Education and State Minister for Communications and Information to develop anti-corruption curricula and education campaign

Why didn't government initiatives work?

Although many policies have been issued by the current (and all previous) governments, collectively they are not very effective and have made little improvement in dealing with corruption. This section explains why.

Presidents' lack of commitment

In analysing the myths and realities of governance and corruption, Kaufmann (2005) points out that in many new democratic countries, whilst corruption eradication in general has become the most prominent issue articulated by the people, it does not always turn into a serious concern for the government to uphold accountability. Rather, the issue is frequently raised merely as political rhetoric to gain public sympathy or even as a political instrument with which to attack competitors. Similarly, Klitgaard (1988: 4) maintains, 'Sometimes anti-corruption efforts are pursued only half-heartedly... anti-corruption efforts themselves become corrupt efforts to vilify or imprison the opposition...'. Since serving only as politically expedient ways to react to the pressure to 'do something' about corruption, the anti-corruption initiatives usually appear to have little impact (Kaufmann 2005: 88). In short, while government policies to combat corruption appear to be unadulterated and assertive, they have been inconsistent and half-hearted at best.

As in other countries, new Indonesian democratic presidents tend to be inconsistent in dealing with corruption. In fact, although presidents articulate the importance of corruption eradication, all of them have faced allegations of their involvement in corruption cases or engagement in corrupt behaviour. Each president has become entangled in scandalous practices that have undermined much of the anti-corruption agendas that they initiated.

President Habibie, for instance, despite proposing some anti-corruption programs, recorded a disgraceful case called the 'Bank Bali scandal.' Although the scandal may or may not have directly involved the President, it did definitely involve a number of his aides. The scandal originated from a pressing claims agreement between Satya Novanto,

director of PT. EGP (Era Giat Prima) and the Bank Bali in 1999, which contained some suspicious arrangements.⁶⁹ Some analysts speculated that the deal was the manipulation by Habibie's patrons for taking illegal gains. The media reported that the disbursement that had been received by PT. EGP passed to a number of people close to Habibie's inner circle. It was rumoured the funds were collected for the purpose of financing Habibie's campaign for the 1999 presidential election. Habibie did nothing to clarify or investigate this scandal.

Although having reformist reputations, Abdurrahman Wahid's attempts to combat corruption have also been undermined by his record of providing unclear explanations on the Bulog and the Brunei scandal.⁷⁰ Although the allegations were denied by the President, testimonies from witnesses to a DPR committee gave the President no place to escape (*Kompas*, 29/11/2000). In addition, President Wahid was also embarrassed by the appointment of his brother, Hasyim Wahid, for a position as a debt collector to BPPN (The Indonesian Bank Restructuring Agency, IBRA) without proper procedure. The appointment provoked criticism since the President did not make the appointment accessible to the public for about five months, which led to the resignation of Hasyim Wahid from his position (*Gatra*, 11/10/2000).

As noted above, President Megawati made very promising actions to combat corruption in the early stage of her presidency. In the last episode of her presidency, however, Megawati also suffered from criticism related to her family's business interest. In fact, the patterns of the way Megawati's family business operated were reported as

⁶⁹ At the time, Bank Bali ordered PT. EGP to recover Bank Bali's claims on several banks, namely BTA (Bank Tiara Asia), BDNI (Bank Dagang Negara Indonesia), and BUN (Bank Umum Nasional). However, since the banks have been liquidated by Indonesia's Central Bank, all of the claims were taken over by BPPN (The Indonesian Bank Restructuring Agency). Accordingly, PT. EGP had to recover the credits from BPPN, which were worth up to Rp. 904 billion. The agreement between PT. EGP and Bank Bali was judged by many to raise suspicions. First, a question arose concerning why the credits had to be retrieved through a third party (PT. EGP), while essentially Bank Bali could retrieve its credits directly from the BPPN. The position of the PT EGP as a third party was considered unnecessary since the BPPN intended to release the credits. Secondly, while the agreement seemed a pure economic transaction, some believed that it was politically motivated. Satya Novanto was a vice treasurer of Golkar and known to be close to Habibie's circle. Finally, the commission that has been paid to PT. EGP was considered too high. The company received around Rp. 546 billion (almost 60% of the total amount of the credits).

⁷⁰ The Bulog scandal refers to a peculiar transfer of Rp 35 billion from a foundation associated with Bulog – the state logistics agency, to those who are suspected to be the Wahid's close associates, while the Brunei scandal refers to the allegation that Gus Dur received an emergency aid fund from the Sultan of Brunei in his capacity of a president but he used the fund for private purposes (Hamilton-Hart 2001: 74; Hadiwinata: 2003: 260).

being identical to the patterns maintained by the former President Suharto (Aditjondro 2001).⁷¹ Student demonstrators called the President ‘Megawati Suhartoputri,’ or daughter of Suharto, accusing the President of failing to carry out reforms to combat KKN and of making no change since the former President’s autocratic rule ended in 1998 (*BBC News*, 23/07/2002). Within her own party, Megawati also faced opposition regarding her policy in dealing with KKN. Three PDI-P’s assembly members resigned to protest her policy and behaviour in the second year of her presidency. Mochtar Buchori, a PDI-P member of parliament and former adviser to Megawati described her as ‘authoritarian and aloof’, similar to the way he used to describe President Suharto (*BBC News*, 23/07/2002).

Like his predecessors, SBY’s actions to combat corruption also have been damaged by a number of allegations of rotten behaviour and policies that contradict corruption eradication efforts. Currently, in 2010 the President is under serious allegation of being involved in the ‘Bank Century scandal’, a situation that is roughly similar to the ‘Bank Bali and Bank Lippo scandal’.⁷² Also, during his presidency SBY has been considered too soft in dealing with corruption suspects and those who have been found guilty. The most controversial issue in this respect is the decision to discontinue the investigation of corruption cases involving seven foundations belonging to former President Suharto.⁷³ Although the government stated that the termination was purely

⁷¹ These included for example, privileged consideration on government licences and projects, profitable distribution and supply transactions with state-owned enterprises, and also acquisitions of state assets and companies under BPPN (*Koran Tempo*, 18/01/2002; *Sriwijaya Post*, 03/08/2003; *Pontianak Post*, 04/11/2003). Megawati’s husband, Taufiq Kemas, for example, despite being free from any concrete charges, was reported to be involved in a wide range of government projects tainted with corruption, including the \$2.3 billion Jakarta Outer Ring Road (JORR) project, the \$2.4 billion double-track railway project from Merak West Java to Banyuwangi of East Java, the \$23 billion trans-Kalimantan highway, and the \$1.7 billion trans-Papua highway (*Asia Times*, 17/08/2002). Taufiq also benefited from being appointed as a ‘government envoy’ in charge of foreign investment projects, which attracted intense public criticism. In terms of declared wealth, Megawati’s family was reported among the richest of the political elite. Their wealth claimed up to Rp 59.8 billion (\$5.98 million) in a mandatory declaration of wealth to the Audit Commission on State Officials’ Wealth in April 2001 (*Asia Times*, 17/08/2002).

⁷² The scandal that is also known as ‘Centurygate’ was a takeover of Bank Century by the Deposit Insurance Agency (LPS) and a series of massive injections of state funds into it proceeding, totaling Rp 6.7 trillion (\$700 million) after the Bank was declared insolvent by the Financial Sector Stability Committee (KSSK), which was led by Finance Minister Sri Mulyani and included then BI Governor now vice president Boediono. Suspicion revolves around the massive drain on state funds involved, and also whether some depositors had preferential treatment or access to their funds after the bailout money had been injected, and whether some of the money was diverted and embezzled for SBY’s presidential campaign.

⁷³ The decision was made under Attorney General’s decision to issue a letter of termination on prosecution (*Surat Ketetapan Penghentian Penuntutan Perkara*) no. 01/0.1.14/Ft.1/05/2006 on 11 May 2006, for the reason that Suharto has a permanent illness.

'humanitarian' based, allegations continue that the President has political and economical deals with Suharto family members (*Jakarta Post*, 12/04/2006). Further, SBY's actions have been criticised for over-emphasising investigation and prosecution, without resolute implementation. Although a number of cases have been resolved by the court, some of the convictions were not executed for a long period. For instance, as ICW (2006) pointed out, in 2006 at least 46 cases were resolved by the Supreme Court but not executed by the Attorney General.⁷⁴ Some ongoing investigations also show little progress. Ironically, during the SBY presidency a number of suspects and those convicted of corruption escaped punishment (ICW 2006).⁷⁵ Finally, the president is also considered to promote 'informal settlements' in resolving corruption cases, which may potentially make anti-corruption laws redundant (*Kompas*, 28/12/2007).

Overall, no president has lived up to their stated anti-corruption policies. On the one hand, they have tended to show prompt and severe responses to corruption in order to make a good public impression.⁷⁶ On the other hand, their behaviour contradicts the policies they initiated. As will be discussed later, they also tended to be lenient with the 'fat cats' who have strong political and economic power in order to get financial support or avoid political retaliation. Unavoidably, this approach has led to the public impression that the presidents have been selective in treating corruption cases and drive an anti-corruption agenda mainly for political interests rather than for upholding accountability (TII 2006).⁷⁷ It is not surprising, therefore, that Indonesian public opinion toward the

⁷⁴ The cases include the case of 33 members of DPRD of West Sumatera province, the case of 10 former members of DPRD of Cirebon city, both for the alleged of misuse of regional government budgets for self-enrichment, and 3 former board members of APHI (Indonesian Forestry Association) for the alleged of misuse of reforestation funds. According to ICW, for more than 1 year, those cases were not executed by the Attorney General and no clear explanation has been given.

⁷⁵ According to ICW's records, at least ten convicted of corruption fled in 2006/2007, including the director of Texmaco group Marimutu Sinivasan who fled to Singapore on 15 March 2006. He has been prosecuted for embezzling Rp 20 billion of credit on Bank Muamalat. Similarly, the former director of State Oil Company Pertamina, Tabrani Ismail, convicted for six years imprisonment on 26 April 2006, also fled on 15 September 2006 before the prosecutors could execute the punishment.

⁷⁶ For example, as shown in appendix 6, the attempt to bring Suharto to justice represents the ambivalence of all presidents in handling corruption. They generally take action only when public pressure is strong and the political risk is small.

⁷⁷ This is visible, for example, in the case of corruption of KPU members where all the suspects, Daan Dimara, Mulyana Kusumah, and Nazaruddin Syamsuddin were instantly executed soon after the issuance of the court verdict; yet in the cases of corruption of BLBI gate and some strong political leaders, the execution is usually slow (ICW 2008: 19).

government approach in dealing with corruption fluctuates between hope and cynicism (Davidson, Juwono & Timberman 2006: 15).

Political parties' illicit gains

Many believe that the inconsistency of presidents in dealing with corruption also relates to the fact that all political parties, from which the presidents gain their political affiliation, are financially hungry and prone to exploiting public funds. The increasing competition between political parties following democratisation has made their operations financially demanding.⁷⁸ Since political parties generally have not developed any independent financial capacity,⁷⁹ the high cost of political competition makes it necessary for the parties to find external sources of revenue by exploiting legislative and executive institutions, and selling the nominations for public office to affluent non-party figures, as well as positioning SOEs as cash cows through taking advantage of weak of accountability mechanisms (Cole 2001: 16; Mietzner 2007). Each political party wants to dominate strategic positions in the new political landscape in order to make it possible to steal public money. Many politicians, both in the executive or legislature, have often at once acted as both 'broker' and 'bloodsucker' in their position, taking illicit kickbacks from the procurement of goods and public services in order to cash in for their parties' benefits. Speaking about the characteristics of political parties in the Indonesian democratic transition, Robison & Hadiz (2004: 228) maintain that:

...most of these parties are not 'natural' political entities, carrying out 'aggregating' and 'articulating' functions, but constitute tactical alliances that variously draw on the same pool of predatory interests. Notwithstanding certain ideological schisms within and between parties, their function has primarily been to act as a vehicle to contest access to the spoils of state power.

⁷⁸ As international experience proves, democratisation increases political competition, and provides incentives for political groups and individuals to attain or preserve power. The competition eventually encourages political elites to take illegal revenue and evade official channels in pursuit of their goals (Moran 2001: 379-393).

⁷⁹ It is important to note that Indonesian political parties mostly represent the interest of political elites, and do not have traditions to organise dues from memberships. For example, Golkar was dominated by Suharto as his political machine, Indonesia Democratic Party Struggle (PDIP) was established and dominated by Megawati, National Mandate Party (PAN) by Amien Rais, National Awakening Party (PKB) by Gus Dur, Moon and Crescent Party (PBB) by Yusril Ihza Mahendra, Democrat Party (PD) by Susilo Bambang Yudhoyono, Hanura Party by General Wiranto and Gerindra by General Prabowo Subianto.

Such situations make checks and balances between competing parties difficult to function. When making errors, rulers in an ideal democratic setting should be subjects of correction from opposition or parties that are not in power. Such kind of arrangement, however, does not take place in the democratic transition in Indonesia. With the possible exception of the conservative Justice and Welfare Party (PKS), all political parties in Indonesia are corrupt so government attempts to combat corruption have the risk of endangering their own party. Similarly, opposition parties do not want to seriously push the government to tackle corruption, since such attempt may damage their own political interests. In other words, the competing groups direct their competition more towards the capture of the state and its resources for political redistribution than to policies that benefit the people generally (Sebastian & Williams 2002: 50). As noted earlier, Golkar for example, could not escape from the allegation of corruption in the Bank Bali scandal. No Golkar officials tried to legally refute the allegations. However, the scandal turned into a political issue for attacking political opponents rather than an opportunity to uphold accountability and the rule of law. The scandal was used by PDIP – the strongest Golkar competitor in the 1999 elections – to attack Golkar.⁸⁰ After the 1999 election, however, PDIP discontinued its enquiry into the case. Some speculated that this happened because PDIP was involved in a similar scandal, the ‘Lippo Bank scandal’ (*Tekad* 30/08/1999). The party was reported to receive Rp 500 billion from the Lippo Group. Public rumour pointed out that the motivation for giving donations was to obtain protection from the political party that won the election and would govern the country against efforts to expose crimes related to the group in the past (*Tekad*, 30/08/1999). Not surprisingly, PDIP did not exhibit willingness to continue the inquiry into the Bank Bali scandal as other political parties have requested a similar investigation into the Lippo Bank scandal.

In addition, all parties tended to rely on the donation of individual conglomerates and companies in return for favourable policies. While several conglomerates and business persons were involved with criminal corruption, especially during the New Order era, all political parties maintained good relations in order to obtain the necessary

⁸⁰ This relates to the political situation at the time, when the rivalry between Golkar against PDIP and its supporters was intensifying. For PDIP, the disclosure of the Bank Bali scandal was a golden opportunity for attacking the reputation of Golkar and its presidential candidate (Habibie). PDIP gained a political benefit when they damaged Habibie’s credibility before the presidential election in MPR assembly in 1999, and enhanced the chances of Megawati gaining the presidency.

financial assistance. Although regulations on party financing exist, violations without punishment have been a very common practice (Hadiwinata 2006: 106).⁸¹

The implication of the reciprocal dependency between conglomerates and political parties is clear: presidents often handle corruption by taking a soft and informal approach, especially against cases that involved benefactors (or prospective benefactors) of the governments' party. Presidents or their inner-circle are used to being criticised for dining with suspects of corruption to discuss their cases, rather than using tight law enforcement to resolve the cases. In other instances, governments make benevolent policies to protect their business partners from legal punishments. This is shown, for example, in the relationship between President Abdurrahman Wahid with people accused of involvement in corruption. As the media reported, the President met Tommy Suharto soon after Suharto's son had been sentenced to jail. Despite his denial, one of Tommy's lawyers confirmed that in early October 2000 the President met secretly with Tommy for 'family purposes' (*Republika*, 31/11/2000; *Tempo*interaktif, 30/11/2000). But many people believed they met to discuss the possibility of clemency for Tommy in exchange for confiscation of some Suharto family assets (Hamilton-Hart 2001: 76).

In a more or less similar vein, President Megawati made policies that favour the perpetrators of BLBI. Megawati created INPRES no. 8/2002 on the Release and Discharge to exempt BLBI creditors from legal claims to restore the money if they cooperated and returned their debt. Because of the INPRES, the Attorney General in some instances terminated investigation of outstanding debtors considered 'cooperative'.

President SBY followed the same pattern, issuing a Minister of Finance Decree no. 151/KMK.01/2006. Based on these regulations, Attorney General Abdul revoked the BLBI cases with the reason that it was in the public interest. In addition, on 6 February 2006 SBY received three outstanding debtors of BLBI in his office, which later on

⁸¹ To take an example, *Tekad* tabloid (30/08/1999) reported that in 1999 PDIP received donations from a number of top conglomerates, including Salim group for Rp 100 billion, Mercur Buana Rp 50 billion, Barito Group 50 billion, Gudang Garam Rp 50 billion and Jarum Kudus Rp 50 billion. The party also received billions of donations from a number of individuals known to be involved in the BLBI case, including Sudono Salim, Mochtar Riady, Anthony Salim, Prayogo Pangestu, James T. Riady and two children of former President Suharto, Tutut and Sigit. If correct, these donations are clearly a violation, because according to the law, donations to parties should be at most Rp 15 million from individuals and at most Rp 150 million from groups. If proven, the PDIP should be disqualified, and of course the results of the 1999 election annulled. However, no action has been taken to clarify this report.

generated much public criticism.⁸² In the meeting at the Presidential Palace, the outstanding debtors stated they were willing to restore their debt on the BLBI case that valued on hundreds of billions of rupiah, as long as they were free from any legal claim. Their efforts were futile, because on 17 March 2006 the government issued a policy that eventually relieved from legal prosecution the recipient of eight outstanding BLBI debtors (including the debtors who came to the palace) if they paid off all their debts by the end of 2006.

The weakness of judicial institutions

Apart from problems of the executive branch, the ineffectiveness of the state's attempts to combat corruption has also been caused by the weakness of judicial institutions. Besides their lack of independence, the judicial institutions are also corrupt and constrained by poor capacity and resources.

Judicial institutions frequently do not maintain an independent attitude in dealing with corruption and allow intervention by the executive branch, especially by the president. Owing to the interest in protecting their business clients, presidents have intervened in the judicial system when the judiciary wanted to tackle corruption cases committed by the patrons. Such intervention is possible, since despite the amendments of the constitution granting a greater independence to the judiciary, it still allows for considerable government influence (Lindsey 2002a: 280–1). President Abdurrahman Wahid, for example, once ordered the attorney general to suspend the progress of legal proceedings against three heavily indebted tycoons on the BLBI case: Marimutu Sinivasan, Prajogo Pangestu and Syamsul Nursalim. Legal action against them was to proceed only if they failed to repay their debts to the government within eight years (*Jakarta Post*, 27/10/2000).

⁸² At the time, the three BLBI outstanding debtors, namely James Januardi-owner of Bank Lautan Berlian Ulung Bursa, Lukman Astanto – owner of Bank Namura, and Atang Latief – representative of shareholders in Bank Bira, were reported to visit the palace accompanied two senior police officers (Chief Deputy of National Police Detective and Deputy Director of Economic Crime) who logically should have arrested them (*Detiknews*, 13/02/2006).

President SBY also made a similar intervention when on 12 May 2006 his government decided to stop prosecutors from proceeding with legal action against seven of Suharto's foundations.⁸³ The Coordinating Minister of Law Defence announced that the decision made was based on humanitarian considerations, since Suharto was regarded as permanently ill (*Suara Pembaruan*, 12/05/2006). The government requested the Attorney General to issue a Letter of Prosecution Suspension (SKP3) which ensured that the seven cases of corruption in the foundations would not be sent to trial.

For several reasons, the judicial system itself has not become a reliable or coherent instrument for fighting corruption (Hamilton-Hart 2001: 76). First, the legal system still remains subject to serious allegations concerning the 'court mafia', a term referring to illicit arrangements between police, lawyer, prosecutor, and judge to generate benefits from any legal case. There are several cases which indicate that the 'court mafia' operates strongly in the Indonesian judicial system. For example, on 3 January 2006 a court clerk of South Jakarta district court was arrested by the Anti-Corruption Task Force Team (*Timtas Tipikor*) for extorting a witness of corruption on the PT Jamsostek case,⁸⁴ which was still under trial in the district court. The clerk was caught red-handed when he asked for Rp 200 million in an exchange of reducing the possible punishment. In the investigation, he stated that he had been ordered by a judge handling the case (*Sinar Harapan*, 21/01/2006).⁸⁵ Moreover, anecdotal evidence and testimonies from corruption case suspects suggest that during corruption investigations, police and prosecutor tended

⁸³ Namely the Dakab foundation, Dharmais foundation, Dana Sejahtera Mandiri foundation, Trikora foundation, Amal Bhakti Muslim Pancasila foundation, Gotong Royong Kemanusiaan foundation, and Supersemar foundation.

⁸⁴ PT. Jamsostek is a state owned enterprise (SOE) that possesses monopoly rights for controlling workers' insurance funds. It is widely known that the company maintains an opaque management for the interests of its bosses and is a 'cash cow' for government officials and politicians (*Tempointeraktif*, 11/01/2006). Despite many allegations concerning possible corruption in the company, only a few instances have been revealed and prosecuted. One of the prominent cases was corruption in the Medium Term Notes (MTN) whereby the SOE invested its funds on Bank Global in May-June 2003. It was revealed in court that apparently there was manipulation of the feasibility assessment of the investment that led to a state loss of Rp. 311.085 billion (*Sinar Harapan*, 19/04/2006). The case has incriminated the General Director Ahmad Djunaidi and the Investment Director Andy Rachman Alamsyah. Both were sentenced to eight years jail by the South Jakarta District Court in April 2006.

⁸⁵ In April 2006 the public was shocked at seeing a corruption suspect throw a shoe at his prosecutors in court. He apparently had been disappointed by the prosecutors since despite a bribe of Rp 600 million paid to the prosecutors, they still prosecuted him severely. In addition, a prosecutor who was appointed to handle the BLBI case admitted in March 2008 to taking bribes; he was seized by KPK when receiving a bribe of \$600,000 from someone who was purportedly the crony of one of those convicted in the BLBI case (*Kompas*, 03/03/2008).

to treat them as an ‘ATM (automatic teller machine)’ that has to provide cash for the officers in exchange for easing punishment. One CSOs activist interviewed for this research pointed out that:

We persistently get information from corruption suspects, stating that when the police or prosecutor were investigating them, the officers were inclined to express desire for bribery rather than concentrate on investigating the case. For example, they often started their enquiries by saying that their home needs restoration, their car needs new tires, or their kids want to go for a holiday, and so forth... (Interview with I-1, 08/08/2008).

Secondly, despite democratisation and freedom of the press, the judicial agencies maintain secrecy regarding the progress of cases. Police and prosecutors in particular have been very conscientious in disallowing the public to access information on corruption cases. The lack of transparency on the progress of cases has raised public allegations that the agencies cooperate illicitly with suspects of corruption for underhand deals. In line with this, and despite huge number of reports of corruption from the people to the judicial institutions, many cases are either not tackled or intentionally delayed; and of the few cases being tackled, even fewer are brought to court and concluded.⁸⁶ The problem becomes even worse when it is realised that there are so many alleged escapees that cannot be recaptured. Transparency International Indonesia (TII) acrimoniously criticised the Law Agencies by saying that the agencies were far less nimble than journalists who could interview the fugitive corrupt figures in ‘live’ TV programs (TII 2006: 1).

Thirdly, sound coordination between law enforcement agencies is simply scarce. This is shown by the circular process of corruption investigation in which ‘many cases had to go to-and-from the police, then to attorneys and vice versa’ (ICW 2008: 18). This weak coordination refers not only to handling of corruption cases *per se*, but also to the general regulatory framework and programs in the battle against corruption. Legal

⁸⁶ In 2006 for example, although corruption cases that were reported by CSO elements may reach hundreds, only 124 cases that could be examined and sentenced, and even sadly, from this number, as many as 39 cases with 116 defendants (31.4%) freed by the court and only 85 cases (68.5%) eventually led to conviction (ICW 2006). Even more, the pinalties for cases of corruption that eventually were stated as guilty were considered by many commentators as being too soft and not providing a strong enough deterrent effect for corrupt figures. Most of the cases (37 cases or 29.8%) carried sentences of under 2 years imprisonment, 32 cases (25.8%) sentences between 2 to 5 years jail, and 16 cases (12.9%) sentences of over 5 years (ICW 2006).

agencies did not show a sincere effort to develop a common platform or conduct regular meetings to coordinate their actions. Rather, they often blame on the legal system as the causal factor. On one occasion Attorney-General MA Rahman, for example, stated that the poor coordination on corruption eradication among law institutions was due to some defects in Indonesia's Criminal Code (KUHAP). According to him, the code contains significant faults in the framework and procedure of law enforcement, mainly in terms of segmentation of law agencies that leads to a lack of synergy in handling corruption cases (*Sinar Harapan*, 11/10/2004).

Box 2: The Police predicaments

The poor performance of the police, according to the World Bank (2003: 85):

'It is estimated that the government budget only covers around 30% of actual expenditure on the police. The police force needs to search the rest of the budget from a variety of extra budget revenue, including business operations, contributions from the private sector, "operational cooperation," grants and police-run foundations. This begins with new entrants to the police force who must "buy" their positions. As with other positions in government, this continues throughout a police officer's career, with training, promotions, and transfers, particularly to "wet" or "dry" positions (referring to the opportunities such positions confer on the individual for corruption) and training all subject to internal levies. There are few hard facts and figures on the extent to which different off budget categories contribute to the police budget, and therefore, it is difficult to estimate the total cost of police operations. It is safe to assume that the police itself do not know. The police's business operations are an increasing source of concern. There is significant anecdotal evidence, ranging from the buying of influence, extortion and benefits from the rigid handling of crime procedures, to direct involvement in crimes'.

The poor judicial function is also due to limited resources including budgets, capable employees, and equipment (see Box 2). Not surprisingly, there is a general suspicion that the judicial officers exercise investigation of corruption cases to fill their pockets. They treat law as a commodity trade, which is sold for as much as possible for the interests of individuals and law enforcement institutions. While the public and the media are actively campaigning against corruption, the prosecutors and judges take advantage of the campaign by utilising the law for private benefit (Palmier 2006: 156).

Lack of parliamentary supervision

The state's failure to combat corruption is also due to the parliament's lack of supervision. Despite possessing significant power in the new political configuration noted in the previous chapter, the Indonesian parliament has not been able to effectively hold the government to account. In fact, the possession of discretionary power often simply means an opportunity for committing abuses. Since monitoring from their constituents is generally still weak, many DPR members dare to use their discretionary power as a tool of crime; they received bribery in exchange of decision that favours the bribers.

Not surprisingly, the DPR has frequently become an object of public ridicule concerning their policies and behaviour that did not satisfy the people in dealing with corruption. Many parliamentary members have even been suspected of being involved in corruption scandals, a situation which street demonstrators and comedians use to mockingly referred to the DPR with acronyms such as '*Dewan Perampok Rakyat*' (People Robbers Council), '*Dewan Penghianat Rakyat*' (People Traitor's Council) and '*Dewan Pecinta Rupiah*' (Rupiah Lover's Council).

Given the fact that so many members of the DPR were arrested by the KPK, as noted in the previous Chapter, anti-corruption measures are often opposed by the legislature.⁸⁷ The law makers in the DPR also attempted to complicate the procedure of prosecution against the DPR and regional council (DPRD) members suspected of being involved in corruption. For example, they set up 'immunity rights for elected officials at national and local level' when they formulated several laws.⁸⁸ Under these laws, an attempt to investigate elected officials required approval from the President for DPR members and Governor, from Ministry of Home Affair for Regent/Major and DPRD members.

⁸⁷ For example, the 'Working Committee on the Law Enforcement and Regional Government' protested against legal process of members of the DPR and DPRD suspected of being involved in corruption. In a recommendation presented in the DPR session on 03 October 2006, the committee pointed out that the legal process was an effort to criminalise politicians and asked the President to rehabilitate the 'good name' of parliament members and protect the rights of those suspected of corruption (*Suara Merdeka*, 04/10/2006).

⁸⁸ Such as Law no. 4/1999 (revised by Law 22/2003) on the Structure and Position of members of MPR, DPR, and DPRD, as well as Law no. 22/1999 (revised by Law 32/2004) on Decentralisation.

Moreover, following the fall of the New Order government, all political parties in Indonesia have tended to seek a share in the spoils of executive office, and have failed to develop a distinction between the parties that support and oppose the government (Eldridge 2005: 155). This is not surprising since, other than Golkar, political parties have never had the opportunity to hold power. So, being the ruling party is a common dream for every political party. Against this backdrop, political coalitions tend to be formed on the basis of deals for attaining power rather than on ideologies for implementing policy. The coalitions accordingly change from time to time, which makes it more difficult for the public to distinguish the positions of political parties on the corruption issue (World Bank 2006: 57). Besides, prosecution of national MPs can upset unstable coalitions within the DPR, potentially creating blockages in the decision-making process and causing major problems for governments. This is apparent, for example, in the case of the corruption allegation against Golkar leader Akbar Tandjung, which involved an ambiguous resolution (see Appendix 6).

Constraints on the KPK

As conceptualised in Chapter 1 (see Figure 1), the existence of extra supervisory institutions such as the Anti-corruption Commission is crucial to ensure the accountability of public institutions and officials and prevent them from transgressing the rule of law.

Indeed, the establishment of the Corruption Eradication Commission (KPK) on 27 December 2002 marked a significant step for Indonesia in combating corruption. The organisation is given significant powers and has a relatively well-selected independent board of commissioners.⁸⁹ The KPK holds a number of relatively effective investigative authorities such as to conduct wiretapping and recording, to forbid accused persons to travel overseas, and to order banks and other institutions to submit financial statements of

⁸⁹ The members of KPK are selected through a mechanism that brings about checks and balances between the executive and legislative. The process begins with nomination of 10 candidates by a committee formed by the President. Then the DPR selects 5 out of the 10 candidates following a 'fit and proper test'. The President then ratifies and inaugurates the selected commissioners.

someone under investigation.⁹⁰ The KPK even has the right to take over the investigation and prosecution of corruption cases from the police and the prosecutor that took place prior to the establishment of the KPK.⁹¹ Enhanced by the creation of the Special Court for Corruption (SCC), the KPK has been somewhat successful in convicting senior government officials at national and local levels. In short, the establishment of KPK has not only renewed the anti-corruption effort, but also given confidence to the public in a more promising battle against corruption (Widjoyanto 2006: xvii).

Given that KPK has just been newly established, however, its capacity is still limited to deal with the rampant corruption during democratisation process. So far, it is reported that KPK has been able to conclude only less than 5% of cases reported to the agency (*Koran Sindo*, 05/01/2008). The large proportion of corruption cases have not been handled, especially those involving military and judiciary personnel. The limited performance of KPK can also be proven by the results of its work that have only recovered losses to the country's cash to Rp 50.04 billion, while the budget expenses of the commission in 2004-2006 is around Rp 247.68 billion (*Antaranews*, 01/08/2007). Under such a condition, KPK was considered to have failed by some observers in running the magnitude of the mission.

An evaluation of the Commission in 2004-2007 conducted by ICW (2008), found that the performance of KPK is undermined by a number of limitations. Firstly, KPK tends to be too bureaucratic and takes a long time to respond and provide feedback to reports of corruption allegations. Secondly, KPK has never processed reports of corruption cases that were allegedly committed by prosecutors and police. This is not a surprise, because the two commissioners of KPK represent the police and prosecutor institution, making them psychologically unable to 'irritate' their own institutions and

⁹⁰ Article 12 of Law 30/2002 on KPK maintains that: (1) When carrying duty of investigation, examination, and prosecution as determined by article 6 point c, KPK has authorities: (a) to tap and record conversations; (b) to order any authorized institution to ban someone from traveling to overseas; (c) to request financial statement from banks or other institutions concerning suspects under investigation; (d) to order bank or other financial institutions for blocking any bank account that suspectedly have a link with suspects or other related persons; (e) to order the supervisor of suspects for temporarily dismissing the suspects from his/her job; (f) to request data of suspects' wealth and taxation from any institution; (g) to suspend any financial transaction, trade, license, and concession belong to corruption suspects; (h) to request Interpol and other State agencies for hunting and detaining suspects.

⁹¹ Article 68 of Law 30/2002 on the KPK maintains that 'all the process of investigations, examinations, and prosecutions of corruption criminal acts that have not been finalized on the time of the establishment of KPK could be taken over by KPK'.

counterparts. In addition, KPK has been proven unable to supervise and follow up to take over cases from the police and prosecutors. Thirdly, the KPK database is insufficient to cover the massive records of public officials. Fourthly, KPK tends to prioritise their handling of cases that attract public attention, while cases that do not impact on the popularity of KPK are less prioritised. Fifthly, while KPK's investigators generally seem still to underperform, yet there is no visible effort to improve their capacity. Sixthly, accessibility is weak, due to its office being positioned in Jakarta; thus the KPK is unable to effectively reach local cases. Although this conclusion may need further examination, the findings are agreed upon by many CSO activists. In a workshop paper on the evaluation of anti-corruption movements, a CSO activist pointed out anecdotal evidence concerning the general impression that KPK's performance is unsatisfactory. The view of CSOs thus roughly meets the ICW's findings. The activist, further, underlined that there is a general impression among CSO activists that 'entering the KPK office is more like submitting a cooperation proposal rather than being greeted as mutual partner' whereby KPK often puts the onus on reporters of corruption to provide proof rather than trying to discover more evidence (Sinlaeoe 2007: 5).

Concluding comments

This chapter has illustrated that state agencies are generally characterised by deficiencies that prevent them from effectively restraining corruption. Simply speaking, each branch of the government, whether executive, judicative or legislative, is tainted by the practice of corruption. Whatever policy, strategy or method they employ does not produce any substantial outcome. What is produced is a state of ambiguity, with formal accountability mechanisms only working in appearance. Charges of corruption are made, but these charges tend to be used as political ammunition rather than for genuine law enforcement. As a consequence, anti-corruption initiatives have produced disappointing results; overall, the state has failed to overcome the problem.

There is no panacea for improving these circumstances in a short time, because corrupt elites exist at every branch of the government. Given that the elites are reluctant

to uphold genuine accountability and serious anti-corruption measures which may endanger their interest, it is likely that corruption will continue for a long period. Only with outside pressure will the elites become judicious in directing their power and authority. As such, the demand for accountability of the government needs to be approached vigilantly.

The question is, who can improve the situation? Assistance and pressure from the international community may play a significant role. But their actions and effects are limited. Ultimately, it is only the civil society in Indonesia that can make substantial difference in dealing with corruption. It is important to note that many cases have gone to trial and some powerful political figures have been convicted. This outcome, however, is not the exclusive achievement of the state. As will be explained in more detail in next chapter, most of these convictions have been made after significant contributions from CSOs. For genuine democratisation driven by the people, efforts to combat corruption should be a bottom-up rather than a top-down process. As will be demonstrated in the following chapters, civil society actors in Indonesia have indeed stepped forward to combat corruption and work as catalysts for accelerating democratisation, both by encouraging checks and balances between state institutions as well as by mobilising and educating people to pursue their rights and obligations in holding the elite to account.

PART TWO

Chapter 4. CSOs in battle: the multifaceted anti-corruption agents

The continuing – and perhaps deepening – sense of uncertainty in politics, business and public administration has led Indonesian government and foreign donors and lenders to turn to civil society... Here NGOs have laid claim to a central role, first because they have long identified their exclusion from public debate under Suharto as a reason for the failure of his regime... and secondly because they are recognised as playing an important role in forging the loose coalition of opposition groups that led to his fall and gave the catchcry of *reformasi* some policy content... A central part of *reformasi* has been criticism of the corruption of the public sector. State KKN was developed to its historically highest pitch under Soeharto and inherited more or less intact by his successor. Accordingly, anti-corruption has been a prominent and consistent feature of NGO agendas in Indonesia since 1997 (Lindsey 2002b: 33-4).

During Suharto's era, corruption was widespread but suppression from the regime meant only a few had the courage to fight it. It was not until 1997 with the *reformasi* movement pushing for democratisation and demanding the resignation of President Suharto a massive social movement against corruption started to spread. In the early days, the movement was pioneered by informal groups that addressed general issues of corruption without pointing to specific cases. Later on, the groups carried out demonstrations at government offices that allegedly abused their power. In the next stage, some groups started to focus their attention on more specific activities, such as undertaking investigations, budget analyses, advocacy, research, media campaign and training. At the same time they also formalised and systematised their work into more permanent organisations by forming formal CSOs. Further, anti-corruption movement organisations consolidated and expanded by forming alliances and networks.

As mentioned in the Introduction, the actions of CSOs generally took place at two levels: the strategic level and the practical level. At the strategic level they have advocated the formulation of a legal and institutional framework for preventing and punishing corruption. With the robust involvement of CSOs, currently a significant

transformation of the legal and governmental arrangement has been made. At the practical level, they have organised social monitoring for investigating corruption and endorsing the punishment of corrupt officials. Supported by enactment of a new law on the right to information, the campaign delivered by CSOs has created a growing awareness among the general public and the media concerning the corruption eradication issue. CSOs have also played a significant role in disclosing a number of corruption cases: some have been resolved; some are currently under investigation or examination by the court; although many more, sadly, have been closed without any clear clarification.

In other words, civil society actors have fortified ‘horizontal’ and ‘vertical’ accountability – borrowing O’Donnell’s (1998; 1999) conception. The first represents action in strengthening checks and balances between state institutions; the latter represents action in enforcing accountability in relations between the state and its citizens. CSOs have also developed a strong civil society tradition and their actions have become a necessary condition in the struggle to eradicate corruption. The CSOs show that while for state actors all the talk about eradicating corruption may be little more than political rhetoric, the CSOs seriously undertake anti-corruption activity to pursue good governance and save democratisation (Widjoyanto 2006: vii).

This chapter focuses on concrete depictions of CSOs’ fight in dealing with corruption. It examines CSO activities against corruption before and after the fall of Suharto, describing the link between informal people movements that were organised by the students before his fall, and the formulation of formal anti-corruption CSOs following democratisation. This chapter examines how membership, strategies, and organisational forms changed, as well as the process of federation between organisations. In order to extend the analysis, this chapter will also explain the role of foreign donors, and their significance for the anti-corruption movement. It then explains the CSOs involvements in setting up an anti-corruption legal and institutional framework. As well, it depicts their attempt in bringing corrupt officials to justice and educating and engaging citizens in the construction of accountability system in Indonesia’s democracy.

Background: pre-reformasi actions against corruption

What are the socio-political settings that encourage the involvement of CSOs in dealing with corruption? Douglas's (1983) conception of the origin of civil society movements helps describe the process of CSO's involvement in combating corruption in Indonesia. He maintains that the presence of CSOs in a certain field of work is often associated with the inability of state or market to fix the demand and people's interest. In other words, CSOs draw on the failure of the state and market as a common reason for carrying out their activities (Douglas 1983: 4-10).⁹² With regards to corruption eradication, the state's failure to overcome the problem also has been the main motivation for CSOs to take action to fill the void (Eigen 2004: 13).

In Indonesia, the work of CSOs to fight corruption arose from the ineffectiveness of the Suharto and post-Suharto governments to tackle the problem. As early as the 1970s a number of organisations responded to the corruption that started to breed within Suharto's government. In August 1970, for example, the Student Council of the University of Indonesia organised a seminar to analyse the inability of Suharto's government to deal with corruption. The action was taken since the Anti-corruption committee that was established by Suharto in January 1970 did not function effectively in delivering its mandate.⁹³ Following the seminar, student activists such as Nono Anwar Makarim, Arief Budiman, Subchan, and national figures such as Emil Salim and Adnan Buyung Nasution repeatedly voiced their concern regarding the expansion of corruption

⁹² According to Salamon & Anheier (1996b: 10-11), this theoretical perspective was originally developed by Burton Weisbrod in 1977 who reconciles the existence of nonprofit (civil society) organisations with classical economic theory. The theory, known as the 'market failure/government failure' theory, begins with a conception that the market has an inherent limitation in producing 'public goods' (goods that are available to all regardless of whether they pay or not). The 'market failure' becomes a justification for the presence of government in satisfying the demand for public goods left unfulfilled by the market. But Weisbrod argues that government may be also unable to generate a majority support in determining which public goods to be provided, and accordingly the unsatisfied demand for public goods remains. The failure of market and state in satisfying demand for collective goods then becomes a stimulant for civil society organisations to step forward to serve the public.

⁹³ This committee, which later became known as the Commission of Four, consisted of a number of academic and military representatives including Wilopo, I.J. Kasimo, Professor Johannes, and Anwar Tjokroaminoto; Muhammad Hatta was an advisor and Major General Sutopo Yuwono was secretary. The committee, however, functioned merely as an advisory body for the President, and had no authority to take action. In practical terms, the committee became inoperative soon after its establishment and was dissolved on 16 July 1970.

in governmental agencies (Aspinall 2005: 118; Hamzah 2005: 78-82).⁹⁴ However, their action was very sporadic and did not produce a major impact on the government.

In May 1980, a group of retired generals and politicians signed a petition criticising the government concerning the growth of corruption within the structure of the government and Suharto's family (see Jenkins 1984). The group, which known as the Petition of Fifty (*Petisi 50*), became an opponent of the government and later on became an anti-corruption movement pioneer. However, heavy handed repression from the government marginalised their attempts. At that time, the authoritarian regime destroyed politically any potential oppositional collective that might endanger the legitimacy of the regime, including those who merely wanted to maintain social monitoring and to save the government from mismanagement and corruption without necessarily aiming to be dissident (Aspinall 2005: 24-25). In these circumstances, although other CSOs started to emerge, their activities were focused on two main activities: community development, such as health provision, income-generating, and educational projects; and human rights protection, such as environmental protection, consumer affairs, legal aid, and women's rights (Aspinall 2005: 88). Only few organisations systematically addressed corruption issues because the government might close them down and make them ineffective. Still, the organisations that took up corruption issues such as the scandals at Pertamina, the Suharto ranches in West Java, the unfair payments to displaced people at the Kedung Ombo dam project, transmigration scams, to name a few, did not think of themselves as anti-corruption organisations *per se* but rather as human rights movements to avoid cruel repression (Holloway 2001: 5).

From the early 1990s, with the weakening of Suharto's regime, some civil society elements started again to organise activities to criticise the practice of corruption within the government. The organisations included, for example, Yayasan Pijar (Information Centre and Action Network for Reformation), Aldera (the People's Democratic Alliance), and SMID (Student Solidarity for Democracy in Indonesia); these groups actively raised

⁹⁴ The protests led to the reformulation of the Anti-corruption Committee by the government in August 1970. The members included student activists such as Akbar Tandjung, M. Setiawan, T. Mutis, J. Kndang, Imam Waluyo, Tutu Surowijono, Agus Batuta, M. Surachman, Alwi Nurdin, Lucas Luntungan, A. Nababan, Sjahrir, Amir Karamoy, E. Pesik, Vitue, Mangadang Napitupulu and Chaidir Makarim. But again, due to lack of political commitment from the government, this committee was also dysfunctional and was abandoned as it had no clear mandate or budget.

national issues concerning corruption and political leadership (Aspinall 2005: 122-44). By the mid 1990s, a high-profile academic from Gadjah Mada University and also the Chair of Muhammadiyah, Professor Amien Rais, started to publicly appeal for an end to the abuse of power. Amin Rais introduced the famous *reformasi* slogan to abolish corruption, collusion and nepotism (KKN). His main concern was to address the Suharto business monopolies and suspicious contracts for giant mining investments. Amin Rais's criticism soon attracted the attention of many students and he was invited to deliver speeches about corruption in universities. By this time, student organisations also started to articulate concern about the KKN problem. Yet the anti-corruption movement was uneven as the protests against KKN were mostly organised intermittently by students and small impermanent groups.

With the upsurge of calls for *reformasi* at the end of 1990s, the movement intensified. This was the incubation period for today's anti-corruption movement. At that time, anti-corruption movements seemed to become everybody's concern. Actions against KKN took place in many major cities during 1997-1999. People started to organise themselves into hundreds – perhaps even thousands – of informal associations to proliferate the issue of anti-KKN. Such associations were typically formed by student activists, and supported by artists, NGO workers, and academics. In Yogyakarta, the city where Amien Rais started his anti-KKN campaign, the associations grew prolifically. They included for example: the SMKR (the Students' Solidarity for Popular Sovereignty), the KPRP (the People's Struggle Committee for Change), the FKMY (the Yogyakarta Student Communication Forum), the PPPY (the United Struggle of Yogyakarta Youth), the FROPERA (People's Resistance Front), and the FAMPERA (Student Action Front for People). Many similar groups arose throughout Indonesia.⁹⁵

⁹⁵ In Aceh, students and the general public formed SMUR (Student Solidarity for the People). In Medan, there were DEMUD (Student Council for Democracy) and AGRESU (Alliance of *Reformasi* Movement of South Sumatera). In Bandung a number of adhoc organisations were born, including FKMB (Communication Forum of Bandung Students), FIM B (Indonesian Front of Bandung Youth), FAMU GMIP (Indonesia Student Movement for Change), KPMB (Committee of Bandung Student Movement), and FAF (Anti Fascist Front). In Semarang, there were FAR (Forum Advokasi Rakyat), KRJ (Committee of Central Java People) and FKMJT (Communication Forum for Moslem of Central Java). In Solo, Bandar Lampung, Bali, Malang, Surabaya and other cities many informal organisations were also established. They brought a central theme of political reform and eradication of KKN. In Jakarta, the number of such organisations reached hundreds. Among others were FKSMJ (Communication Forum of Student Senate of Jakarta), Forkot (Urban Student Forum), Famred (Action Front of Students for Reform and Democracy),

Together with more-settled student organisations such as HMI (Islamic Student Association), GMNI (Indonesian Nationalist Student Movement), PMKRI (Indonesian Catholic Student Association), and PMII (Indonesian Islamic Student Movement), these informal groups actively carried out demonstrations demanding eradication of KKN and the implementation of political reform.

Although the demonstrations expressed various issues, anti-KKN was always the central topic. At this time, these organisations usually pointed to and condemned the general practice of KKN in Suharto's government without pinpointing certain institutions or paying attention to the details of corruption. The central concern of the activists at the time was to bring the corrupt regime to an end and to stop the corrupt demeanour of public officials. As one activist describes it:

Our concentration was on how to end the corrupt and authoritarian government. We expected that the change of the government would clean up KKN practices...at that time we did not yet have the time or capacity to gain any data or information concerning particular cases of corruption, you know, information during the Suharto era was something difficult to get (Interview with I-2, 28/02/2008).

After the Suharto regime collapsed in May 1998, however, the associations started to drive their actions to address particular cases. In Jakarta on 15 June 1998, for example, hundreds of people under the coordination of Forbes (Union Forum for Justice) and HUMANIKA (People's Association for Humanity and Justice) conducted a demonstration at the Attorney General's Office, demanding investigation of Suharto's wealth, his family, and his cronies. On the same day, student demonstrations took place in various places announcing specific cases of corruption committed by government

KAMMI (United Action of Indonesian Moslem Students), Gempur (Student Movement for Change), LS-ADI (Circle Study for Indonesian Democracy), HMR (Association of Revolutionary Students), National Front, Forbes (Union Forum for Justice) and HUMANIKA (People Association for Humanity and Justice), and Komrad (Student Committee for People and Democracy).

officials.⁹⁶ The demonstrations continued almost every day for several months in almost every city.⁹⁷

The student's demonstration inspired others. Demonstrations against KKN then also took place at state-owned enterprises,⁹⁸ private institutions, and even professional associations.⁹⁹ Moreover, demonstrations demanding the abolition of KKN did not only take place at the national and provincial level, but also even at district and village levels.¹⁰⁰

In this phase, despite starting to address particular corruption cases, the student demonstrations generally still pointed at corrupt practices without either adequate evidence or investigation. The actions were spontaneous and typically targeted

⁹⁶ For example, in Tegal city in Central Java students demanded investigation of KKN that allegedly involved the Mayor of the city. Similar action also took place in Cianjur district, where thousands of people demanded the resignation of the district chief because of allegation of KKN in some projects. On the same day, thousands of people in Bekasi unified in a public gathering to demand the abolition of illegal expenses on public services.

⁹⁷ On 16 June 1998, for example, around 1,000 people organised a demonstration in the DPRD office of Situbondo district of Eastern Java. They listed 50 practices of KKN allegedly involving district officers including the Head of the district (*Jawa Pos*, 17/06/1998). On 21 June 1998, 5,000 small traders in Tasikmalaya city in West Java conducted a demonstration in the DPRD office, demanding prosecution of regional government officers suspected of maintaining KKN on various government projects. On 25 June 1998, hundreds of students under the Communication Forum of Student Senates Jakarta (FKSMJ) organised a demonstration in the office of National Secretariat of Golkar, asking the party to throw out its politicians who committed KKN involving the parliament. On 29 June 1998, more than 200 drivers of public transportation in the city of Bekasi conducted a demonstration, protesting illicit charges committed by the officers of transportation agency (DLLAJR).

⁹⁸ As reported by many media, for instance, on 10 and 15 June 1998 employees of PT. Angkasa Pura II – Jakarta International Airport undertook a strike and demonstration at the airport, demanding the termination of KKN practices at the SOE. On 15 June 1998 hundreds of labourers at Sumber Waras Private Hospital in Jakarta organised a demonstration demanding the resignation of the director of the hospital, who was suspected of maintaining KKN. On 26 June 1998 hundreds employees of Hasan Sadikin Public Hospital Bandung organised a demonstration demanding transparency in the management. On 1 July 1998 employees of the Mental Rehabilitation Public Hospital Bogor conducted a demonstration demanding the eradication of KKN in the hospital. On the same day, hundreds of employees at the State Electricity Company (PLN) gathered in a mass demonstration in Jakarta, urging the eradication of KKN in their institution.

⁹⁹ On 16 June 1998, in Medan North Sumatera province, around 20 journalists under the Committee of Rehabilitation of National Press Image (KPCPN) conducted a demonstration demanding the resignation of the chief and the chief deputy of Association of Indonesian Journalists (PWI). Both were suspected for committing KKN in the organisation. On 22 June 1998, hundreds of teachers in Bandung city conducted a demonstration at the DPRD office asking for the abolition of 15 forms of illicit charges in their salary.

¹⁰⁰ In 30 June 1998, for example, 100 people from the village Parbuluan I and Parbuluan II, Dairi district of North Sumatera province, organised a demonstration opposing the selling of their village land to a private company (PT Agro Citra Wahana Gemilang). The transaction was considered illegal and involving KKN between government officials and the private company. On the same day, around 300 people from the village of Lidah Kulon, Surabaya district of East Java conducted a demonstration, demanding an investigation of suspicious transactions in the selling of land assets of the village for a golf course that was accused of illegal.

government offices to demand transparency and the resignation of officials allegedly engaged in KKN. Not surprisingly, lack of clear evidence and poor conception often diminished the effectiveness of the actions. Many ended without any legal charge against those under suspicion. This situation attracted the sympathy of wider elements in society to support the movement. By the end of 1999 professional associations, labour organisations, lawyers, academics and also women's organisations started to take part in the movement, to which they provided not only moral and logistical support, but also assisted the students with more solid ideas, conceptions, and analyses. As a result, the movement not only grew bigger, larger and orchestrated more frequent actions, but also started to be more sophisticated and tactical. Yet, during this phase the spontaneous movements still had no solid coordination or common vision. Some informal associations disappeared once corruption cases were resolved in court. Others disappeared, without producing any significant outcomes.

The remaining associations, however, continued their struggle accumulating experience for a longer battle. In the next stage these associations developed more formal organisations, and set up networks for sharing experiences, strategies, information and solidarity. CSOs such as ICW (Indonesian Corruption Watch), MTI (Indonesian Society for Transparency), Gempita (National Wealth Rescue Movement), FPPI (Indonesian Youth Struggle Front), ICM (Indonesia Court Monitoring) and IPW (Indonesian Procurement Watch) became the core element in advancing the fight against corruption in the turmoil of Indonesia's democratic transition.

Consolidation after *reformasi*

As has been noted earlier, following the fall of Suharto there was an opportunity for civil society to consolidate and function without significant restraint. Student activists took this opportunity to institutionalise their informal associations into more formal, constructive and professional anti-corruption CSOs in order to confront the corrupt practices of elite groups and prevent a recurrence of the undemocratic system. Characterised by heroism and student enthusiasm, CSOs were established to 'preserve'

(*mengawal*) the victory that was achieved by *reformasi* and to ensure that the next stage would comply with the aspiration articulated during *reformasi*, the duty which was considered to be an ‘ongoing struggle’ (Interview with I-3, 05/03/08). Many activists believed that democratic consolidation would take a long time, and the transformation of informal anti-corruption associations into more formal organisations was necessary to ensure that the democratisation process would reach its expected destiny. A former chair of student activists who later became the founder of an anti-corruption CSO in Riau described briefly the link between informal people’s movement associations and the rise of anti-corruption CSOs:

Anti-corruption CSOs were mostly established by former student activists who possessed very high idealism and were involved in the *reformasi*. After they graduated from the universities, they wanted to implement their idealism in society. So they established CSOs to combat KKN for actualising their idealism (Interview with I-2, 28/02/2008).

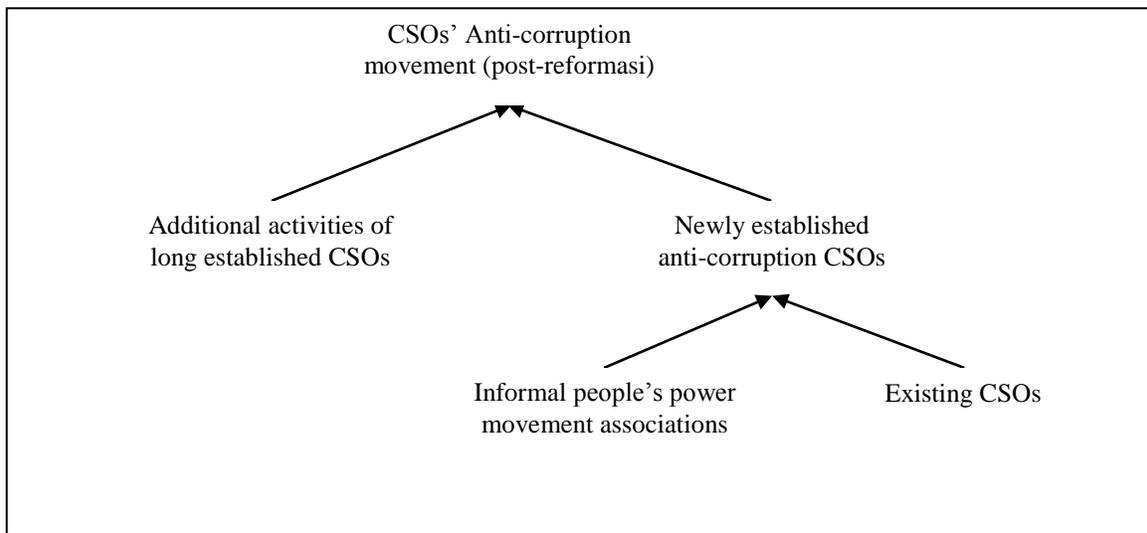
In addition, the rise of anti-corruption CSOs was also galvanised by laws, especially Government Regulation (GR) no. 71/2000, that stipulates participation of the people in corruption eradication efforts. The GR states that the government would provide grants for anyone who can reveal corruption.¹⁰¹ This encouraged individuals and CSOs to take part in revealing corruption cases since they expect to get financial benefits from the disclosure (Interview with I-4, 14/08/2008).

Despite variations in the formation of anti-corruption CSOs in Indonesia (see Figure 3), the process can best be described as moving from intermittent activities to institutionalised structures. For example, some former informal associations from a number of cities merged into an alliance to establish the Indonesian Youth Struggle Front

¹⁰¹ The GR stipulates the opportunities for people to participate in corruption eradication, providing stimuli for every individual and organisation to reveal corruption. Article 2 point 1 of the GR, for instance, maintains that: ‘every person, community organisation, and non-governmental organisation has the right to find, gain, and provide information concerning the occurrence of a criminal corruption act, as well as deliver recommendations and opinion to legal authorities and or KPK regarding the case’ (author’s translation). In article 4 (2) the GR regulates that: ‘law enforcement agencies or the KPK must give answers, orally or in writing, on the information, suggestions or opinion of any person, community organisations, or NGOs at the latest within 30 (thirty) days from the reception of the information, advice or opinion (author’s translation). Further, the GR also stimulates that each person, community organisation, and NGO who have made meritorious efforts in the prevention of or participated in corruption eradication is entitled to an award (article 7). The award as that referred to in article 7 paragraph (2) was set as the maximum of two-thousandths of the value of the recovered asset (article 9).

(FPPI) in Jakarta on 5 June 2000.¹⁰² The FPPI formalised its existence by registering the organisation with a public notary, setting up an organisational structure, creating a manifesto and constitution, ensuring regular rotation of the board, as well as conducting regular recruitment of members. By adopting the slogan of ‘educating people via movement and educating authorities via resistance,’ the organisation has been energetic in addressing corruption issues, especially corruption cases that strongly affected the interests of common people such as farmers, fisher people, and labourers.¹⁰³

Figure 3: Composition of post-reformasi anti-corruption CSOs



There are also a number of CSOs that were established from a single informal association that formerly addressed corruption issues through spontaneous actions. MTI is an example. Originally, the association was an informal discussion forum of former student activists, former senior government officials, journalists, bankers, private

¹⁰² The informal organisations include: United Struggle of Yogyakarta Youth (P3Y), People Resistance Front (FROPERA), Student Action Front for the People (FAMPERA) of Yogyakarta, Students Communication Forum of Malang (FKMM), Arek Pro-Reform (APR) Surabaya, United Bandung Student Movement (KPMB), Front of Students Action for Reform and Democracy (FAMRED) of Jakarta and the Jakarta Front (FJ).

¹⁰³ In 2008, for example, in collaboration with the Sugar Cane Farmers Association the CSO organised actions to reject an operational contract between PT. Perkebunan Nusantara X and PT Kencana Gula Manis in a sugar factory in Ngadirejo, Kediri, East Java that was tainted with suspected corruption. The action brought about the cancellation of the contract and the investigation of suspects (*Kompas*, 19/07/2008).

organisation leaders, and academics concerned with the *reformasi* in late 1997.¹⁰⁴ On a regular basis, they talked about national problems during *reformasi* and released joint statements regarding governance reform and anti-corruption. In mid-1998 this group formalised their forum into a permanent institution with a more systematic and strategic approach in addressing corruption and other social and political issues.

The most common formation, however, was the federation of a number of both formal and informal organisations such as street demonstration groups, NGOs, universities, professional associations, and even, in some cases, political parties. The organisations did not necessarily fuse into one new institution, but contributed to its establishment by providing personnel representatives, facilities, or funds. KP2KKN, the high-profile anti-corruption CSO in Central Java, for example, was formed by 11 organisations from various sectors.¹⁰⁵

Apart from newly emerging anti-corruption CSOs, some existing CSOs also started to take part in the battle against corruption. NU, Muhammadiyah and LBH (Legal Aid Foundation) are significant examples. Since the explosion of corruption cases at both national and local level in 2000, these organisations refocused their attention on anti-corruption issues that previously got minor consideration. Besides undertaking some anti-corruption programs themselves, these CSOs also procreated anti-corruption organisations in various provinces and districts. As will be discussed further in Chapter 9, NU and Muhammadiyah have been active in undertaking training, workshops, research, publications, radio-talk shows, and seminars about anti-corruption topics in various cities. The CSOs also sponsored the establishment of watchdog and policy advocacy organisations in several cities. Meanwhile, LBH has been the strong supporter of anti-

¹⁰⁴ Among them were Nurcholis Madjid (prominent Islamic scholar), Mar'ie Muhammad (former Minister of Finance), Erry Riyana Hardjapamekas (Director of PT. Tambang Timah, later appointed as a member of KPK), Sri Mulyani Indrawati (lecturer of University of Indonesia, later Minister of Finance), Koesnadi Hardjosoemantri (former rector of Gadjahmada University), Bambang Harymurti (journalist and editor of Tempo Magazine), Kuntoro Mangkusubroto (former minister of Energy and Mineral Resources), and Amien Sunaryadi (lecturer University of Indonesia, later a member of KPK).

¹⁰⁵ Including FAR (People's Advocacy Forum, informal movement), LBH (Legal Aid Foundation, a formal NGO), LP2K (Institution for Development and Consumers Protection, a formal NGO), LSAP (Institution for Religion and Development, a research centre), Faculty of Law of University of Sultan Agung (a university), LSPD (Institution for Village development, a formal NGO), LPPS (Institution for Research and Study Semarang, an informal study group), KRP (People Committee of Pekalongan, an informal movement), SLC (Semarang Lawyer Club, a professional organisation) and PPP (United Development Party, a political party) of Central Java province.

corruption activists. The CSO provides free legal consultation, advocacy, and also assists lawyers when anti-corruption activists are taking legal suit against or receiving threats from corrupt figures. On a number of occasions, LBH and its branches have made public statements to accelerate legal processes on corruption cases; they also repeatedly urged the government to confiscate the assets of corrupt officials and distribute them to poor people (*Tempo* 16/02/2007).¹⁰⁶ In collaboration with others such as journalists, academics, and political parties, LBH has also supported the establishment of anti-corruption CSOs in a number of cities, such as FPSB in Padang (see the brief narration of its establishment in Box 3), Bali Corruption Watch in Bali, and KP2KKN in Semarang.

Engagement in corruption issues has given existing CSOs a potential advantage. CSOs usually run programs in various sectors, and by attaching anti-corruption activities to these programs they gain a better institutional image for they are not ‘isolated’ from the ongoing mainstream civil society movement (see the case study of PIAR in Chapter 8). CSOs can also obtain the trust of national and international donors, thereby reducing the difficulty of finding financial support.

Box 3: The establishment of FPSB (West Sumatra Care Forum)

FPSB is a CSO icon in the battle against corruption in Indonesia because of their historic achievements in bringing politicians (DPRD members and governor) allegedly involved in corruption to justice. The establishment of this CSO can be traced back to weekly discussions of LBH Padang in early January 2002. These discussions were attended by people from various backgrounds including legal practitioners, academics, CSO activists, students, businessmen and journalists. They addressed the topic of ‘Critical Analyses of the government budget of West Sumatra province 2002’ and reached the conclusion that the budget contained legal and economic irregularities. Participants agreed to set up several actions to respond to the irregularities. For taking legal action, they formalised the forum as West Sumatra Care Forum (FPSB). With its status as a foundation, FPSB obtained formal-legal legitimacy to move more systematically within communities and it began to receive assistance from donor agencies. FPSB then cited the media as playing an important role in corruption eradication in Indonesia (*Kompas* 09/06/2004), due to their achievement in bringing all DPRD members 1999-2004 and the West Sumatera Governor Zainal Bakar into the court following the CSO’s report concerning the irregularities in the 2002 provincial budget. In June 2004, the CSO received a prestigious anti-corruption award from the Bung Hatta Foundation.

Source: interview with one of FPSB founders, Saldi Isra (14/08/2008)

¹⁰⁶ In Makassar, for example, LBH branch and other CSOs conducted an investigation and submitted a lawsuit concerning corruption cases that allegedly involved the mayor of the city in a tourist site “*Lapangan Karebosi*” development project in October 2008.

Although there is no certainty as to the exact number of CSOs that work on anti-corruption issues, some CSO activists estimated that currently there are at least one organisation in every district and province. This research has tried to verify the number of the CSOs through analysing media news and information from CSO activists; it has found that the number of anti-corruption CSOs may reach at least 500. However, the overall number tends to fluctuate from time-to-time as CSOs are sometimes short-lived. In many places, CSOs are born and die again following changed socio-political circumstances and availability of funding.

Currently, apart from ‘generalist anti-corruption organisations’, there are a number of CSOs that specialise in overseeing corruption in certain sectors only. For example, IPW (Indonesia Police Watch) focuses on the security sector; Formappi (Indonesian Community Forum for Parliamentary Care) and MP (Friends of Parliament) on the judicative sector; ICM (Indonesia Court Monitoring) and LeIP (Institute of Study and Advocacy for Independent Court) on the judicative sector; BUMN Watch (SOEs Watch) works in the economic sector. The specialisation of work not only enables CSOs to develop a high level of knowledge on the characteristic corruption issues in every sector that they oversee, but also means that the anti-corruption movement moves forwards more systematic. Almost every state institution now has a CSO counterpart that oversees their performance and stipulates demand for accountability.

CSOs have also consolidated their action by forming alliances and networks. In June 2000, for example, a nationwide meeting to synchronise anti-corruption activities and build networking actions among CSOs was held in Yogyakarta, followed by a similar meeting in Bogor in August which eventually formed the network called GeRAK (People’s Movement Against Corruption). Other similar anti-corruption networks have also emerged at both national and local levels. At a series of CSOs’ meetings since 2000, the general conclusion emerged that civil society must intervene in the political arena to stamp out corruption since democratisation and governance reform would not eradicate the disease.

Assistance from foreign donor agencies

It is important to note that assistance from donor programs was significant in helping the transformation of informal into formal anti-corruption organisations. During the first decade of the democratic transition era many international donor agencies rushed to Indonesia, and provided numerous funds for good governance and anti-corruption programs that stimulated informal associations to institutionalise their movement. Indonesia's major donor institutions such as the World Bank, ADB (Asian Development Bank), UNDP (United Nations Development Programme), USAID (United States Agency for International Development), GTZ (*Deutsche Gesellschaft für Technische Zusammenarbeit*), CIDA (Canadian International Development), AusAID (Australian Agency for International Development), and JICA (Japan International Cooperation Agency), to name a few, have been generously provided millions of dollars for assisting governance reform programs through various means, including strengthening CSOs that work on anti-corruption issues. The donors' approach changed from Suharto's period when donors avoided politically sensitive issues such as corruption and accountability. In the democratisation years, the donors formulated programmes for anti-corruption, accountability and good governance without having to worry about restrictions from the government.

For example, in 2000-2002 AusAID spent USD 2,991,901 for economic and civil reform projects in the core areas of 'economic and financial management, legal reform, improved local governance and development of civil society'...and 'institutional strengthening to assist Indonesia to implement its plans to decentralize fiscal responsibility and delivery of public services as well as enhancing border control capabilities.'¹⁰⁷ For this project, CSOs could obtain grants to monitor the performance of government agencies and initiate programs for improving public service management, especially at the local (district) level. Likewise, in 2002 AusAID also developed a program of assistance for CSOs to promote good governance in Indonesia, known as the Australian Community and Civil Society Strengthening Scheme (ACCESS).¹⁰⁸ The

¹⁰⁷ See <http://www1.oecd.org/daf/asiacom/countries/indonesia.htm>.

¹⁰⁸ See <http://www.indo.usaid.gov.au/docs/csoguidelines.html>.

program mainly aimed to assist in strengthening the capacity of CSOs to contribute to the reform of Indonesia and foster civil society networks and support priority CSO projects in governance issues.¹⁰⁹

The donor projects have enabled CSOs to obtain grants for capacity-building to undertake their missions. Every project typically addresses goals that deal with the improvement of CSO ability to demand better services and hold government to account. For example, a goal of USAID's project of LGSP (Local Governance Support Program) is 'to achieve more effective civil society and media participation in local governance' and one of its sub-goals is 'to improve citizen and CSO ability to demand better services and hold regional government accountable' (see <http://www.lgsp.or.id/>).¹¹⁰

In addition, donor aids for anti-corruption programs are also channelled through the Partnership for Governance Reform Indonesia (PGRI). This institution was initiated by a group of reform-minded Indonesians with the initial support from UNDP to be a platform for governance reform efforts supporting Indonesia's transition toward democracy including endorsing corruption eradication.¹¹¹ In supporting anti-corruption movements, PGRI sponsored CSO projects in various provinces and districts toward creating a colossal movement nationwide. To the middle of 2008, the organisation spent

¹⁰⁹ Similar programs were also undertaken by other donor agencies. For example, in 2004 the Asian Development Bank (ADB) provided more than US\$ 500,000 for anti-corruption programs that mainly were aimed to strengthen KPK through various activities including empowering CSOs in monitoring the performance of KPK. ADB also supported the organisation of workshops, seminars and other activities to encourage the involvement of civil society in anti-corruption efforts and participated in a study on improving the efficiency of public financial management and capacity-building. The donor organised various projects in democratic governance areas that mostly engage CSOs in implementing projects (see ADB 2006). The World Bank in 2004 also provided a single-tranche US\$ 360 million multi-year loan to support efforts to tackle graft and increase efficiency and transparency (*AFX News*, 22/12/2004). On top of that, UNDP since 2000 has invested more than US\$ 35 million of multi-donor funds – and other millions in the following years – for governance reform projects, which among others finance CSOs' anti-corruption activities on a long-run basis. The fund administered by Partnership for Governance Reform in Indonesia (PGRI) has been successful to stimulate NGOs, universities, media, and research centres to undertake a wide range of anti-corruption programs (UNDP 2006). Considering its range of activities and its clear articulation of anti-corruption goals, PGRI is probably the most significant donor that provided a significant milestone for CSOs in the battle against corruption and for governance reform.

¹¹⁰ Similarly, AusAID's project of ACCESS goal is 'to contribute to the alleviation of poverty and strengthen civil society' (see <http://www.indo.usaid.gov.au/projects/access.html>). GTZ also undertakes a project on good governance issue (Support for Good Governance –SfGG), one of its goals is 'to provide training for government-watch organisations'.¹¹⁰ (see <http://www.gtzsfgg.or.id>).

¹¹¹ The idea to establish the institution grew out of discussions between the various stakeholders who had collaborated in the 1999 election process. Among the initiators were Nurcholis Madjid, Marzuki Darusman, Susilo Bambang Yoedoyono, Felia Salim, Erna Witoelar, HS Dillon, Andi Mallarangeng, Piet Suprijadi, Marcellus Rentetana, Daniel Dakhidae, Azzumardi Azra, Bunjamin Mangkudilaga, and Bambang Widjoyanto.

more than US\$ 5 million, covering more than 60 anti-corruption projects, which took place in many provinces in Indonesia (Interview with PGRI staffs, 18/07/2008). In Aceh, PGRI supported two CSOs, SAMAK and SoRAK, in a project advocating good local financial management that led to the first conviction in a corruption case that involved a governor. In West Sumatra, the organisation sponsored FPSB and the Law Studies Centre of Andalas University in revealing irregularities in the 2002 provincial budget, the result of which was KPK convicting the governor and DPRD members.¹¹² A more detail explanation regarding PGRI can be found in Appendix 9.

Although it is difficult to empirically assess the extent of its contribution, most members of CSOs interviewed in this research contend that foreign aid has played a significant role in making their organisations work. According to some activists, anti-corruption is a very costly business, especially when it deals with investigation of very sophisticated cases. CSOs have to gather information, find evidence, conduct legal analyses, and not infrequently tirelessly pressure law institutions through demonstrations and media publication. The cost is even higher when they want to initiate regulations and policies that are necessary for curbing corruption. As a consequence, without funds from donors, these efforts would be simply unaffordable (Interview with I-6 and I-7, 12/09/2008). CSOs usually utilised funds from donors by cross-subsidy. This means that when they gained funds from donor's projects, they used some of the money to pay for other activities that were not financed by any donor:

Donors usually provided funds that have been ruled by a framework, to which we could not escape from. So, we needed to deposit a certain percentage of our salary from donor's projects in order to finance activities that had no donors' support such as monitoring and investigations of corruption cases (Interview with I-7 12/09/2008).

¹¹² There are many other projects that have been supported by PGRI. For example, in order to generate public awareness, PGRI supported a number of CSO's to organise anti-corruption promotions through various media. It financed Association of Independent Journalist (AJI) for undertaking the project 'Campaign Against Journalists Taking Bribes (Envelopes)'; it also financed Aksara Foundation to produce a special supplement about corruption issues in *Tempo* magazine. In 2003 PGRI in collaboration with the People's Movement Against Corruption (GeRAK) backed an NGOs' anti-corruption congress to develop a road map for NGOs' campaign against corruption. In 2006 the organisation produced a book on the lessons learnt from their anti-corruption funded activities, written by CSO activists in the field. The book entitled 'Fighting Corruption from Aceh to Papua' is aimed to expand on CSOs' experiences in combating corruption and encourages discussion and replication of their work.

The donors' stimulus, however, was not always a pre-condition for CSOs to institutionalise their movement. At the local level where donor funds sometimes were simply inaccessible, the process of institutionalisation of the anti-corruption movement relied on self-reliant sources from the classic civil society tradition of revenue generating activities such as levies, donations, and volunteerism. In Trenggalek East Java, for instance, a CSO named Duta Sumbreng (literally means 'Sumberagung envoys') was established by the people of Sumberagung village to counter extortion when they had to pay bribes to access electricity services as well as dealing with embezzlement of government subsidies directed to their village (see Box 4). The people collected small donations to form a team to deal with these irregularities and later on formulated a CSO to regain the money that had been stolen by government officials.

Box 4: Social capital drove the establishment of Duta Sumbreng

For a long time, village Sumberagung of Trenggalek district of East Java had no electricity connection since they could not pay high connection fee associated with some 'informal charges'. In 2000 villagers of Sumberagung collected donations to form a team to insist the State Electrical Company (PLN) make an electrical connection to their village. The villagers called the team *Duta Sumbreng*, 'Sumberagung envoy.' The team then succeeded in forcing PLN to make the connection without illegal charges, which made the fee much cheaper. Learning from this success, the villagers formalised the team as a CSO and requested subsidy from the regional government to build facilities in the village. In 2002, the CSO succeeded in gaining a grant from their regional government. However, the CSO found that the grant received was much less than the amount in its official document (only 20% from the total grant). The organisation then undertook actions to recapture the money lost through the corrupted of government officials. In 2003 all the grant money was recovered, although their attempt to bring the actors to justice failed. With increased support from villagers, not only from Sumberagung but also from many other villages in Trenggalek district, Dute Sumbreng until now continues its operation to act as a government watchdog.

Source: returned questionair from Duta Sumbreng (14/12/2007)

In some cases, CSOs' development was also hastened by political rivalries in local elections: candidates needed anti-corruption CSOs to make them look respectable, and at the same time attack their competitors by utilising CSOs. In the district of Kendal (Central Java province), to name one example, a CSO was established with strong support from a candidate of Head of District (*Bupati*). The candidate supported the CSO by providing financial aid for conducting investigations and demonstrations to reveal

corruption that was committed by rival candidates. There are also cases where the consolidation was sponsored by local businessmen who have been disadvantaged by the practice of KKN in government procurements and licences.

How then do CSOs undertake their activities following the transformation from informal to formal organisations? Generally speaking, as previously discussed, the role of CSOs encompass two levels of work: strategic and practical. Below is a detailed discussion of how CSOs fight corruption at both levels.

Strategic level activities: endorsing legal/institutional reforms for enhancing accountability

History demonstrates that there is no reason to expect corrupt officials and political leaders to reform themselves; reform agendas to combat corruption mostly came from strong initiatives from civil society that called for change (Landell-Mills 2006: 3). In Indonesia too, relying upon elites and political parties to develop serious anti-corruption programs is simply fruitless. Without strong demands and pressures from below, top-down initiatives are unlikely to occur. In this respect, CSOs have taken the key initiative to press the state and policy makers to establish strong institutional and legal frameworks to combat corruption and make better checks and balances mechanisms between state institutions. In this respect, one activist stated:

Since new politicians were politically and economically hungry, they were busy to attain and maintain power, under which they often took up corruption as the way they pursue their interests. Without pressures and initiative from CSO activists, there would be no commencement of the anti-corruption agenda (Interview with I-3, 23/04/2008).

The effectiveness of CSOs to influence decision-making process has been determined by their ability to organise solid alliances, leading to the creation of a strong negotiating power with which to deal with state institutions. Alliances were formed both temporarily during important moments of decision making processes (such as the coalition for the formulation of anti-corruption commission) and permanently in certain fields of work (such as a coalition for a clean parliament). Additionally, CSOs have been

able to mobilise massive propaganda to generate public support through the mass media. They actively conducted press conferences, making the opinions of CSO activists were frequently cited in newspapers and their ideas broadcast on television and radio. CSO activists also used various public forums – from street demonstrations to the podium of conference rooms in five star hotels – to deliver their messages. Furthermore, CSOs also ingeniously applied a flexible combination of antagonistic and cooperative approaches in dealing with decision makers. Sometimes, they confronted politicians and bureaucrats with harsh criticism and intense demonstration, but not infrequently CSOs also worked hand in hand with policy makers to produce legal/institutional framework and agendas necessary to curb corruption.

The activities initiated by CSOs in this regard encompass a wide area, ranging from the formulation of regulations providing legal bases to combat corruption to the establishment of anti-corruption bodies. The activities typically re-examine the existing governance arrangements and regulations in order to find points that may sustain the practice of corruption, leading to a number of recommendations. The recommendations are then brought into public forums to attract support. After that, with input and support from the public, CSOs delivered the proposal to parliament and other institutions for further processing. The activities of CSOs can be classified into a number of fields, as discussed below.

Contributing to constitutional amendment and other legal reforms

Considering that the old Indonesian constitution (UUD 45) allowed a heavy power accumulation in the hands of the president during the New Order, amendment of the constitution was considered vital for reducing corruption and strengthening accountability mechanism. Being inspired by the outlook that the constitution is ‘the primary source of legal authority within a state’ (Stanley de Smith & Rodney Brazier 1994), soon after Suharto resigned in May 1998, some CSOs voiced the need to amend the constitution and then undertook initiatives to influence the process (Interview with I-9, 12/04/2008).

For this intention, in the early 1999 a number of CSOs established an ad-hoc coalition named ‘Coalition of NGOs for New Constitution’ (KOKB).¹¹³ Since its inception, the coalition has been involved in a series of prolonged activities in order to shape the content and the process of the amendment. In this regard, the coalition produced a working paper to analyse the weaknesses of the old constitution and also provide inputs for the possible contents of the new constitution. In general, the paper expressed that the amendment should be taken as a comprehensive restoration, and also recommended that the amendment should not simply be a partial modification to accommodate short-term political interests that could create confusion on the governmental system (KOKB 2001).

In addition, the coalition argued that the process of constitutional amendment should be carried out by an independent commission formed specifically for undertaking the assignment. Considering that MPR members have a lack of expertise in constitutional concerns as well as being politically biased, the coalition suggested that the amendment process should not be undertaken merely by MPR since it could lead to defective and subjective outcomes.¹¹⁴ Instead, the coalition argued that Indonesia should follow the pattern taken by Thailand when it amended its constitution in 1998. The MPR should form a ‘Constitutional Drafting Assembly (CDA)’ that consists of independent academics, which could be selected by the MPR from a list provided by universities in every province. Further, the coalition recommended that the draft constitution from CDA should be examined by a series of public discussions before being enacted by the MPR.

¹¹³ Originally the coalition was initiated by a small number of national CSOs including AJI, YLBHI, Cetro, KontraS, PBHI, PSHK, and MTI. Along with the wide public debates on the amendment of the constitution, the members of the coalition extended to a wide range of organisations, not only at national, but also from various provinces and districts level such as: Forum Rektor, Bina Desa, Bina Swadaya, CEDRAS, CETRO, ELSAM, FIK ORNOP SULSEL, Forum LSM DIY, BCW, YPSDM, GANDI, HUMA, ICEL, ICW, IMLPC, INSE, INFID, YLBHI, JKFM Wonosobo, Kalyanamitra, KIPP Banten, KIPP Indonesia, Koalisi Perempuan Indonesia untuk Keadilan dan Demokrasi, Konsorsium LSM untuk Perberdayaan Rakyat Kalimantan Barat, KONTRAS, KPI Jatim, KPI Semarang, KRHN, LBH APIK, LBH Bandung, LBH Jakarta, LBH Manado, LBH-R, LBH Semarang, LBH Surabaya, LBH Yogyakarta, LeIP, MTI, PBHI, PBHI Yogyakarta, PMKRI, Perserikatan OWA, Polling Centre Makassar, PSHK, PSPPI, PUSSEBIK, RMI Bogor, Serikat Petani Pasundan, Solidamor, Solidaritas Perempuan, SPEKTRA Surabaya, WALHI Jakarta, WALHI Jateng, WALHI Jatim, WALHI Yogyakarta, WALHI Sumbar, YAPIM Malang, YAPPIKA, YLBHI, YLP2S, and YLWD Surabaya.

¹¹⁴ The coalition was particularly disappointed by the creation and amendment of some articles that represent the short-term political interests of the elites and political parties. For example, article 28 I concerning human rights mentions that investigation of human rights abuse use non-retroactive principles. This article is considered as aiming to protect actors of human rights abuse in the past from any fair trial.

In order to ensure the accommodation of their inputs into the amendment, the coalition always followed the process by attending every single meeting of the MPR, especially the meetings of the MPR's working committee (*Badan Pekerja MPR*) for amendment of the constitution. The members of the coalition took turns in sending their activists to attend the meetings. Not infrequently, CSO activists tried to make contacts with the MPR members before and after the meetings in order to deliver their aspirations. On a monthly basis, the coalition evaluated the progress of the amendments by conducting internal discussions and inviting the press to publicise their opinions regarding the progress that has been achieved by the MPR.

Apart from actions that were directed to influence the MPR, the coalition also tried to generate public awareness concerning the amendment process by organising campaigns through the media, as well as public discussion forums, and street demonstrations. In general, the campaign aimed to endorse the participation of as many people as possible in determining the content of the new constitution, so the amendments would not be monopolised by the political elites and the ruling parties.

While the pressure from CSOs was very strong, the MPR undertook the first, second, and third amendment without the formal participation of CSOs. Although the MPR invited CSOs to some meetings and discussions, their contribution in those forums was limited to examining and criticising draft papers that had been formed by the MPR. This situation disappointed CSOs, but they kept demanding the MPR listen to their voice. It was not until 2002 that the MPR made a formal invitation to the coalition of CSOs to attend public hearings before they carried out the fourth amendment.

Although it is difficult to demonstrate direct causality, it seems reasonable to assume that CSO pressure was an important factor influencing the MPR's decision to approve the formulation of a Constitutional Commission (CC) in August 2002. Following its establishment, CSO elements worked very closely with the CC members to reshape the constitution. The appointment of Professor Sri Soemantri and Albert Hasibuan, prominent public figures who maintained close relations with CSO activists, as chairs of the CC made collaboration even easier. From the beginning, CC members took the initiative to visit CSO offices in order to gather inputs, voices, and support from CSOs

concerning the duty of the commission. In return, CSOs activists also frequently met CC members to deliver their concerns and recommendations.

Along with the attempt to endorse constitutional reform, CSOs also directed their activities to legal reform that aimed to ensure that any regulation would comply with democratic and justice principles and provides proper checks and balances between institutions for reducing the opportunity for power abuse. In this concern, key regulations were amended or created as a result of participation from CSOs. In particular, their attempt to insist on the formulation and restoration of regulations for prevention and punishment of corruption has been very significant. For example, in 2000-2002 several CSOs advocated the need of law for the establishment of KPK. They pressured and lobbied the DPR to enact Law no. 30/2002 on the KPK.¹¹⁵

Contributing to the establishment of TGTPK

The first strategic outcome of CSOs' anti-corruption movement was the establishment of the United Team for Corruption Eradication (TGTPK) on 23 May 2000. TGTPK was the first task force unit to combat corruption following democratisation, and was established by President Wahid through Government Regulation (GR) no. 19/2000.¹¹⁶ The team was assigned to deal with sophisticated corruption cases that needed a high degree of investigation, and accordingly were difficult for conventional legal authorities.

Although generally CSO activists considered that TGTPK was not an ideal institution to combat corruption, they viewed its existence as better than nothing. In fact, civil society components played a very significant contribution in the establishment of the team by becoming its main architect. At the beginning, the government (in this case

¹¹⁵ Similarly when the government was formulating the Law of Corruption Criminal (UU *Tipikor*) in 2003-6, some CSOs such as TII and ICW were also very active in delivering inputs in the formulation of the law by sending recommendations, critics, and an alternative draft to the government. When the draft of the law was finished, the CSOs also pushed DPR to formalise the law as soon as possible, in order to strengthen the function of KPK and a special court for corruption. Both CSOs, and many other CSOs at provincial and local level, organised public forums to discuss and voice their concern on this matter. In another instance, a coalition of CSOs under GeRAK, in July 2008 initiated legal review to the Constitutional Court for restoring Indonesia's law on criminal code (KUHP) concerning articles that correlate to corruption and access of information. The review was required to ensure that the law could provide legal protection for anyone who want to reveal and publicise allegation of corruption cases without fear of being criminalised by the suspects (GeRAK 2008: 04/07/2008).

¹¹⁶ The establishment of the team was mandated by Law no. 31/1999 on the Eradication of Corruption that was formulated previously during Habibie's administration.

Department of Law and Human Rights) asked some CSO activists and academics to conceptualise the draft. GR no. 19/2000 then stipulated the incorporation of CSO representatives within the TGPTPK: in all, eight out of 25 TGPTPK members were CSO activists.¹¹⁷ As the GR stated, the role of the civil society members in TGPTPK was to give direction to anti-corruption policy; and to control and supervise the investigation process so that the accountability of the team would be well maintained. Following a legal suit from corruption suspects to the Supreme Court, however, the TGPTPK was closed on 8 August 2001.

Contributing to the formation of the KPK and the Special Court for Corruption (SCC)

Following the termination of the TGPTPK, anti corruption activists moved to endorse the government and the parliament to establish a more permanent anti-corruption commission. The CSOs focused first on attempts to initiate a law for the Corruption Eradication Commission (KPK) and Special Court for Corruption, before moving on to endorsing and facilitating the establishment of the institutions.

The establishment of the KPK and the SCC marked a milestone in the anti-corruption struggle in Indonesia. For a long period of time CSOs had desperately dreamed of the formulation of a strong, powerful, and permanent anti-corruption institution. To a certain degree, the establishment of the KPK made this dream come true.

The contribution of CSOs in the establishment of KPK was very significant. In fact, the establishment of KPK could not be realised without endorsement and participation from civil society associations. ICW, MTI, Gempita, and PGRI are probably the main CSOs that played a significant role in this concern by voicing the need for, and later contributing to, the formation of KPK. For promoting this idea, the trio of CSOs repeatedly carried out studies and public campaigns of corruption eradication as an entry point for achieving good governance. They brought to the public the success story of similar bodies in other countries such as the Independent Commission Against

¹¹⁷ The CSO representatives on the team are Iskandar Sonhadji (ICW), Faisal Tadjuddin (Gempita), Hamid Chalid (MTI), Agung Adiasa (Indonesian Accountants Association, IAI), M.H. Silaban (law consultant), H.S. Dillon, (National Commission of Human Rights and PGRI), Krissantono (Law Research Institute), and Pradjoto (banking and lawyer).

Corruption (ICAC) in Hong Kong and National Counter Corruption Commission (NCCC) in Thailand.

At the time, nevertheless, policy makers exhibited little interest in creating an independent body for combating corruption. This was not surprising, since at the time many politicians were under public suspicion for committing corruption; supporting an anti-corruption commission would therefore be like ‘putting themselves into a cage’ (Interview with I-10, 25/03/2008).

CSOs, however, organised persistent pressure until the DPR and the President finally agreed to establish KPK. Despite the approval, many DPR members still expressed the opinion that the commission should only have limited authority, and should mainly function in the prosecution process without holding the authority to investigate cases of corruption. CSOs challenged the DPR proposal. In order to strengthen their voice, nineteen CSOs formed an alliance, called the ‘Advocacy for Anti-Corruption Commission’ (AKAK) at the end of 2001. The target of its formation was not only to ensure that an independent commission for corruption eradication could be established as soon as possible, but also to ensure that the commission would have a comprehensive authority to combat corruption, including preventive and corrective action, as well as the right to carry out investigation, examination and prosecution. A comprehensive authority for the commission was considered very important, since, as one of the AKAK initiators Teten Masduki stated, the legal system in Indonesia had been very much contaminated with a culture of corruption, so ‘if we rely on the police and public prosecutors, we will never be able to cut the chain of corruption’ (*korantempo.com*, 01/06/2002).

To organise activity and action, the alliance established a working group consisted of representatives from its membership. In the initial stage, the working group organised public discussions and seminars concerning the need for a law to establish an independent anti-corruption body. They also carried out a series of meetings with DPR members, the Supreme Court, Attorney General, Minister of Justice and the State Secretariat in order to advocate the formulation of the law. The working group also carried out a national survey to determine public perception about corruption, the result

of which was then forwarded to DPR.¹¹⁸ Following countless demonstrations, lobbies, and negotiations, on 27 December 2002 the DPR enacted Law no. 30/2002 on KPK.

Contributing to the selection of KPK members

Although Law 30/2002 on KPK and the SCC has been enacted in December 2002, it took a quite a while for the government to form the institution. Rumours in the media speculated that the slow process was due to the trepidation of Megawati's government regarding whether the establishment of KPK would damage her political interest. This was related to the fact that at that time some politicians from Megawati's party (PDIP) have been suspected of being main actors in corruption cases, especially on IBRA/BPPN and the privatisation of SOEs.¹¹⁹

In 2002 and 2003, therefore, CSOs were very active in crafting the necessary political commitment to get the institution off the ground and supporting the start-up of the commission and the selection of its members in 2004. There were a number of CSOs that involved in this process, including the networking members of GeRAK (which at the time had 22 CSO members) and also CSOs in the network of Coalition of Judicial Watch (which had ten members). After continuous pressure from CSOs for almost a year, on 21 September 2003 President Megawati eventually issued KEPPRES no. 73/2003 for formulating a selection committee of KPK members. Afterwards, CSOs were involved in a close monitoring of the selection of the members of the commission, aiming to ensure that the selection process would be conducted transparently and accommodated public participation. They were especially doubtful regarding the objectivity of the committee, as the KEPPRES appointed more figures who represented the government rather than the

¹¹⁸ The survey pointed out a number of important findings; among others, it reveals that the majority of its respondents (94%) considered that the government has to establish an extra institution to combat corruption, and 69.4% of them considered that the institution should be given a full authority to investigate, examine, and prosecute corruption cases (AKAK 2002).

¹¹⁹ For example, Minister of SOEs, Laksamana Sukardi at the time was under public suspicion for his involvement in irregularities of privatisation of several SOEs (*sinarharapan.co.id*, 16/032006). Other of Megawati's aides such as Widjanarko Puspoyo (Director of Bulog) and Theo F. Toemion (Chairman of the Investment Coordinating Board, BKPM) were also suspected and then convicted for committing corruption (*Detiknews.com*, 29/04/2007).

public.¹²⁰ Although some non-government figures became members of the committee, an investigation by CSO activists revealed that these representatives were mostly lawyers for corrupt officials (Interview with I-10, 25/03/2008).

Subsequently, together with representatives from professional consultants, CSOs representatives (from PGRI, GeRAK, ICW, MTI and TI) participated in a technical team for the selection.¹²¹ The team was assigned by the selection committee to assist several tasks, including overviewing administrative documents, verifying the track record of KPK candidates, carrying out written and interview test for candidates, and also collecting input from the public. The involvement of the technical team in the selection process provided an opportunity for civil society elements to determine the mechanism of the selection and reduce the possibility of political intervention during the selection.¹²² An activist described the strength signal of political intervention during the selection by saying:

During the selection of KPK members, we know from rumours and our investigations that although unclearly disclosed, each political party had nominated their candidates to be the member of KPK. They were very active in lobbying and making ‘conspiracy’ in order to ensure that the members of the KPK are those who could represent the interest of the parties. The situation was very tense and every minute counted... We found documents gone missing without knowing who had done it... So, we had to stay alert for 24 hours and made a duty rotation among activists in order to ensure that the process could free from any parties’ intervention (Interview with I-1, 08/08/2008).

¹²⁰ The membership of the selection committee was mostly dominated by representatives from government agencies (Department of Law and Human Rights, Attorney General, POLRI, Ministry of State Apparatus, Department of Finance, and the State Secretariat).

¹²¹ In this respect, the PGRI made agreement with the committee that the CSO would provide financial support for the work of the technical team, while at the same time the CSO had the right to determine the members of the technical team. The PGRI then discussed with other civil associations to recruit the members of the team. Eventually, they decided that the team would consist of nine personnel from various backgrounds including Suma Violetta (PGRI), Agam Fathurochman (PGRI), Alexander Lay (ICW), Ali Nurdin (lawyer), Iman Putra Sidin (university lecturer), Tanidi (tax consultant), Mahmudin Muslin (MTI), Anung Karyadi (Transparency International Indonesia), and Erianto (ISAI). In addition, 2 companies in human resources consultancy, namely Daya Dimensi Indonesia Corp and Dunamis Intermaster Corp were also appointed to support the team.

¹²² On interpreting some points of the Law of KPK, for example, the technical team engaged in disputes against the KPK selection committee. The committee wanted the members of KPK to have at least a Bachelor of Law (*sarjana hukum*). However, the technical team disagreed, arguing that there are also people whose do not possess any degree in law but have the capability and experience in combating corruption. The committee finally agreed to include non bachelor law candidates to apply.

When the KPK had been established, CSOs also assisted KPK in setting up its organisation and operating principles, and carried out public consultations to introduce the commission to the public. Since then CSOs, especially ICW, MTI and PGRI, have continued to provide strategic support to the KPK.¹²³

Advocating for the establishment of other anti-corruption institutions

Apart from fighting for the establishment of KPK, CSOs also encouraged the establishment of other supervisory institutions. The method and tactic of CSOs in pushing for these institutions to get off the ground is basically similar as for the establishment of the KPK. CSOs, for example, made proposals concerning the need of the institutions, conveyed the proposal to the parliament and government departments, organised lobbies, and undertook media campaigns to generate public support.

Box 5: Anti-corruption and Oversight Bodies in 2010

KPK (the Commission for Eradication of Corruption). The institution was established under Law no. 30/2002. KPK holds remarkable investigation powers to detect, reveal, investigate, and prosecute corruption cases into the SCC.

PPATK (the Centre for Financial Transactions Reporting and Analyses). The institution was established under Law no. 25/2002, and amended in 2003. It aims to detect any peculiar money transaction that may be categorised as a money laundering.¹²⁴ The establishment of this institution was partly in response to international pressure on Indonesia for installing an anti-money-laundering system.

KON (the Commission of National Ombudsman). This institution was established under a KEPPRES no. 44/2000. The institution is assigned to monitor and investigate public complaints regarding the performance of public service providers.

KPPU (Komisi Pengawas Persaingan Usaha or Commission for Supervisory Business Competition). This institution was established under Law no. 9/2000 on Monopolies and Unfair Business Competition. It aims to ensure fair business competition and prevent monopoly and collusion on trading.

KY (Komisi Yudisial or Judicial Commission). The institution is established under Law no. 21/2004. The institution is authorised to nominate candidates for the Supreme Court judges to

¹²³ For example, the PGRI supported a joint project with some donors to organise training for KPK staffs, organised coordination meetings with other law institutions, and assisted the development of KPK's strategic planning and action plans.

¹²⁴ Law 25/2003 categorises money laundering as a criminal activity and requires all financial service providers to report any suspicious financial transaction.

DPR and also to review their performances. When misconducts are committed by the judges, the commission can recommend sanctions for the judges to the Supreme Court.

KK (Komisi Kejaksaan or Attorney General Commission). Established under Government Regulation no. 18/2005, its mandates include: (1) monitoring and assessing the organisation, facilities, and human resources of Attorney General Office; (2) supervising the performance of prosecutors and the Attorney General Office; and (3) providing advices and recommendations to the president concerning the above issue.

Kompolnas (Komisi Kepolisian Nasional or National Police Commission). This institution is established under Law no. 2/2002 on National Police. Kompolnas is assigned to assist the President in determining the direction of government policy on police, giving consideration to the President in the appointment and dismissal of Police Chief, and receive suggestions and complaints about police performance from the public. Complaints from the public may include abuse of authority, allegations of corruption, poor service, and discriminatory treatment.

Owing to initiatives from CSOs, apart from the KPK, by 2010 there were at least six other supervisory institutions assigned to function on different tasks: PPATK (the Centre for Financial Transactions Reporting and Analyses), KON (the Commission of National Ombudsman), KPPU (Commission for Supervisory Business Competition), KY (Judicial Commission), KK (Attorney General Commission), and Kompolnas (National Police Commission) (see Box 5).

Participating in the formulation of the witness and whistleblower protection act

Protection for witnesses and whistleblowers¹²⁵ of corruption is an important issue in corruption eradication, because witnesses are key actors in revealing abuse. Without anyone wanting to act as a witness and or whistleblower, corruption cases would remain undisclosed and away from public attention. Moreover, witnesses of corruption often have to face a dangerous situation, not infrequently receiving threats and violence from those who benefit from the corruption (see example in Box 6).

It was not until 2006, however, that a law for the protection of corruption witnesses and whistleblowers in Indonesia was enacted. Although previous regulations

¹²⁵ Whistleblower usually refers to an *employee* within an organisation who reports, observes, or knows an act of evil or malpractice within his/her organisation that endangers public interests and decides to disclose the act to public or concerned authorities. While playing similar function, a witness is not necessarily an insider. See for example, Rothschild, J. and Miethe, T.D (1999) and Zipparo, L. (1999).

did provide for protection of witnesses and whistleblowers, they did not clearly determine the mechanism for this protection or the rights of the witnesses.¹²⁶

Box 6: Reporter of corruption sent to jail in Larantuka

Frans Amanue is a pastor and also chair of the Commission of Truth and Justice of Larantuka bishopric. For years he worked hand in hand with CSOs in the district to criticise the regional government. In early 2003, Father Frans and CSOs activists reported indications of corruption that involve the Bupati of East Flores district in the period of 2002-2003. According to the investigations and findings of Frans and CSO activists, the corruption encompasses a number of projects including: dishonest procurement of ferryboats, mark-up of acquisition of lands in several projects, unfair procurement of traffic lights, and also manipulation of provision of water supply in Boleng and Lamahala. The report of the investigations and related evidence was then presented to the prosecutor of Larantuka district. However, the prosecutor did not give any response to the report.

On 19 August 2003, *Bupati* of East Flores district took legal action by reporting Frans to the police for an allegation of damaging personal reputation. Within a month, police responded to the report by interrogating Frans in the police office. Further, the police delivered the case to the court of Larantuka district. In the trial, the prosecutor stated that Frans had damaged the reputation of the *Bupati*. After undertaking the trial processes, on 15 November 2003, Larantuka district court sentenced Frans to 2 months jail to probation.

This verdict triggered mass demonstrations and riots. For several days, thousands of people turned into the street and burned down a court building, the prosecutor's office building, and also residential complex. Owing to the riots, Larantuka city was reported chaotic and in mayhem for several days. The situation was not under control until the presence of thousands of troops and police in the city. So far, the fate of Frans is unclear. Despite the verdict, he never went to jail. Yet, the process of his report concerning the corruption remains unclear.

Source: Eddyono, Yolanda and Gofar (2005)

Not surprisingly, the absence of a law could prove fatal for those who disclosed and reported corruption cases. As some media report, witnesses often did not only endure terror and intimidation from groups purportedly associated with corrupt figures, they also received summons from the suspects for allegations of 'slandering' (*memfitnah*) or 'damaging personal reputation' (*pencemaran nama baik*). *Republika* newspaper (16/03/2005), for example, reported that dozens of witnesses had been terrorised,

¹²⁶ For example, article 15 Law no. 30/2002 on KPK mentions that KPK has an obligation to provide protection to witnesses or reporters of corruption cases. The protection includes provision of security guarantee by asking police to guard, or protect the identity of the witnesses, or carry out evacuation and legal protection. Similarly, article 5 (1) Government regulation no. 71/2000 concerning Mechanism of Public Participation in Corruption Eradication and Prevention defines that everyone and every NGO has rights to attain legal protection when they deliver information or opinion to law enforcement authorities or KPK. The regulation further regulates in article 6 (1) that law authorities and KPK have to secure the confidentiality of the identity of reporter and his/her report.

tortured, sexually abused and incriminated by corrupt figures for reporting corruption cases in various institutions.

To endorse the formulation of whistleblower protection law, some CSOs applied their usual approach and formed the CSO Alliance for Witness Protection.¹²⁷ They organised multi-stakeholder discussion forums to direct and manage the formulation of the law. The alliance produced a draft law in 2005 and delivered it to the DPR to be passed.

The urgency of a witness and whistleblower protection law reached a crescendo when in 2006 an auditor of the BPK, Khairiansyah Salman, disclosed a corruption case in the KPU (General Election Commission). Salman took the initiative to trap a KPU member when he wanted to bribe the auditor in exchange for discontinuing investigation of abuse on a KPU project. While CSO elements supported Salman, he was blamed by his own boss (the chair of the BPK) for the action and was threatened with punishment. Taking these facts into account, since 2006 CSOs have intensified campaigns for the formulation of a law of witness and whistleblower protection. After meetings and negotiations, the law was enacted on 18 July 2006 (Law no. 13/2006).

Despite the disappointment of some CSOs activists,¹²⁸ most parts of the law generally accommodate the draft formulated by CSOs (Interview with I-1, 04/08/2008 and 08/08/2008). In line with CSOs' proposal, for example, the law charges the government to establish a Witnesses and Victims Protection Agency (LPSK)¹²⁹ that is

¹²⁷ The main members of this coalition are ICW, YLBHI, MPPI, Kontras, and MTI.

¹²⁸ On several occasions, CSO activists voiced that they are disappointed by a number of defects within the law, among others concerning the fact that: (1) The law does not clearly regulate physical protection from armed officers for ensuring the safety of witness; (2) The law describes protection of witness in a very narrow description and does not specifically include protection for a whistleblower; (3) Point two contradicts other regulations, especially Law no. 30/2002 on KPK, which clearly mentions that protection is given to both witness and whistleblower; (4) Point two is also considered not compliant with point 33 of the *United Nation Convention Against Corruption* (UNCAC), which obliges participating governments to provide protection to both witnesses and whistleblowers; (5) While CSO activists consider it is very important, the law does not regulate the rights of witness to obtain a new identity; and (6) The law does not regulate the provision of reward for witnesses or reporters of criminal acts, so it is considered that the law does not encourage someone to report or reveal criminal or corruption cases.

¹²⁹ The agency consists of seven members, representing police, PPO, Department of Law and Human Rights, academic, lawyer, human rights professional, and CSOs. The members of LPSK are by a selection committee that selects 21 candidates, which then are shortlisted by the President into 14. The final decision is made by DPR by selecting seven persons out of 14.

assigned to provide protection and other rights for witnesses and/or victims of criminal acts.¹³⁰

Following the enactment of the law, however, the government again was lethargic in implementing the regulation. Six months after the enactment, the government has still not taken action to execute the formulation of LPSK. Accordingly, once more, CSOs had to stand up to encourage the government. Lobbies and public campaigns were organised to push the President, the DPR, and related government institutions to make real the mandates of the law.¹³¹ Under CSO demands, the government started to carry out necessary steps: it formed a selection committee of LPSK members in April 2007, finalised KEPPRES for implementation of the law in August 2007, and passed 14 nominees to DPR in February 2008. After the DPR selected seven LPSK members on 15 July 2008, LPSK started its full operation in October 2008.

Undertaking surveys and analysis on corruption

Some CSOs carry out surveys on corruption, aiming to depict, measure, and analyse corruption and its related factors in Indonesia. Some CSOs do surveys on a regular basis; others undertake surveys on an ad hoc basis, depending on particular needs. As will be discussed further in Chapter 8, organisations like MTI and ICW have been used to

¹³⁰ Further, as described in Article 5, the law also stipulates the rights of witnesses and victims as being proposed by CSOs, including the rights: a) to obtain protection for the safety of individual, family, and possessions, and the right to be free from threat concerning the testimonial that has been, is, or will be given; b) to recommend the determination of the form of protection and security assistance; c) to testify without pressure; d) to obtain an interpreter; e) to be free from trapping questions; f) to obtain information concerning the development of the case; g) to obtain the court verdict; h) to know whether the suspect(s) is freed; i) to obtain new identity; j) to obtain a new residence; k) to obtain reimbursement of transportation costs related to the testimony in accordance to the proper expense; l) to obtain legal advice, and to obtain temporary living costs until the end of the protection period.

¹³¹ During the establishment process of LPSK, CSOs applied multiple approaches to influence the government and DPR. Sometimes they criticised and opposed the government, other times they were cooperative and supportive. Often the CSO alliance met with members of LPSK selection committee, Department of Law and Human Rights, and DPR members to deliver their critiques, opinions, and recommendations concerning the recruitment process. Considering that members of LPSK would be key persons in escorting the struggle of anti-corruption, CSOs took the initiative to follow every step of the recruitment process. This action is taken in order to make sure that the selection process could get 'LPSK members, who possess high sympathy to witnesses and victims, are clean, eligible, and qualified' (*Tempointeraktif*, 05/05/2007). In this line, the coalition endorsed the selection committees for not only passively waiting for application, but also actively soliciting prospective high-qualified candidates. The coalition of CSOs also assisted the selection committee in conducting personal record tracking for the LPSK member candidates to which the committee could refer for making decision on shortlisting the candidates. In order to accelerate the advancement of the LPSK establishment, several times the CSO coalition warned the government with petitions.

conduct solid analysis on some aspects of regulatory and political frameworks, which are considered necessary for the anti-corruption endeavour.

Apart from these, CSOs at the local level have also sought influence in the creation of anti-corruption milieus in their provinces and districts by conducting research, surveys, monitoring and analyses. For instance KP2KKN in Semarang, Madiun Corruption Watch (MCW) in Madiun, and GEMAWAN in West Kalimantan, to name a few, are CSOs which have annually produced situational analyses of corruption in their provinces and districts. The reports generally provide information including a list of corruption cases in the region, the institutions where the cases took place, the involved actors, and also the progress of the handling process.

Some CSOs also try to undertake more analytical research by overviewing corruption in a socio-cultural context. In South Sulawesi, to name one example, the Indonesian Women's Empowerment Legal Aid Institute (LBH-P2i) carried out a study to find out the connections between corruption and poverty. The research tried to analyse a connection between poverty, the decrease of local cultural values, and the increase of 'corrupt culture'. The research findings revealed a correlation between the increase in poverty and the increase of corrupt culture. LBH-P2i constructed anti-corruption programs for provincial government and CSOs in South Sulawesi.¹³²

Endorsing the ratification of UNCAC

Apart from the attempts to accumulate domestic support, CSOs also try to strengthen the anti-corruption movement by seeking transnational links. One of the important strategies that they employ is endorsement for the ratification of the United Nations Convention Against Corruption (UNCAC). This step is considered important since the UNCAC ratification not only shows the moral responsibility of Indonesia in the international

¹³² Research analysing socio cultural contexts in correlation with prevailing corruption was also undertaken by *Lembaga Penguatan Masyarakat Sipil* (LPMS) or the Institute for Civil Society Strengthening (ICS) in Papua. The research found that the increase of corruption in the province is a product of the poor condition of clear accountability procedures, and lack of political control or social monitoring over the spending of the government funding. This research generally recommends that taking into account the conditions widespread on the ground, apart from legal and political approach, effective actions to curb corruption need to recognise socio-cultural context. In this line, LBH-P2i for example, initiated an anti-corruption program that strengthens the traditional value to increase local awareness concerning the practice of corruption in their region.

community, but more than that, the ratification could obligate the government to comply with the content of the document and become part of international cooperation to fight corruption (ICW 2008: 4-5). Several times, CSO activists, especially ICW and MTI, have met with policymakers in DPR and executive institutions to discuss the issue. At the same time, activists have also written articles in newspapers concerning the importance of the ratification of the UNCAC for gathering public attention and support. After several processes being taken, the DPR agreed to ratify the convention on 19 September 2006 by enacting Law No.7/2006.

Following this ratification, CSOs directed their concerns to overseeing the implementation of the convention into government policies and programs. As the UNCAC requires participating countries to harmonise laws and regulations related to the eradication of corruption according to the UNCAC principles, CSOs sought to review all related regulations that conflict with the UNCAC. In this regard, CSOs continue to actively monitor the progress of government's compliance to the convention. When Indonesia was appointed to host the second conference of UNCAC in Bali from 28 January - 1 February 2008, for example, a number of CSOs¹³³ undertook an assessment of the compliance of Indonesian Laws to UNCAC principles. Prior to the conference, ICW, PGRI, and TII organised an anti-corruption public forum held from 24-26 January 2008. This public forum was aimed to be a sort of alternative conference of the national and international CSO network to equate to the conference of state parties. Within the forum, Indonesian CSOs presented their version of an independent report on 'Corruption Assessment and Compliance with UNCAC in Indonesian Law' that explained the CSO perspective on the state of combating corruption and compliance with the UNCAC in Indonesia.

¹³³ Including among others BaKO Sumbar, FITRA Tuban, Forum Peduli Sumatra Barat (FPSB), Institute Legal Resource Centre (ILRC), Indonesian Court Monitoring (ICM), Konsorsium Reformasi Hukum Nasional (KRHN), LBH Jakarta, LBH Surabaya, LBH Padang, Lembaga Kajian dan Advokasi untuk Independensi Peradilan (LeIP), Lembaga Studi dan Advokasi Anti Korupsi (SANKSi) Borneo, Lembaga Pusat Studi Hak Asasi Manusia (LPSHAM) Palu, Masyarakat Pemantau Peradilan Indonesia (MaPPI) UI, Pengembangan Inisiatif dan Advokasi Rakyat (PIAR) NTT, Pusat Kajian Anti Korupsi (PuKAT) UGM, Pusat Studi Hukum dan Kebijakan (PSHK) Jakarta, Pusat Studi Anti Korupsi (PaSAK-45) Makassar, Pusat Studi Konstitusi (PUSAKO) Andalas University, and Transparency International Indonesia (TII).

Practical level activities: monitoring government and increasing public awareness

As at the strategic level, CSOs have made many efforts to combat corruption at the practical level. Overall, CSO work in this arena is directed to four possible targets. First, it aims to raise awareness among people concerning the danger of corruption and create a grassroots movement to challenge corruption. Second, it wants to detect graft and punish those involved. Third, it intends to prevent the loss of state assets. Fourth, it seeks to recover state assets that have been illegally captured by corrupt officials. Despite the difficulties for measuring this impact, CSOs have shown extraordinary results in spreading an anti-corruption attitude in Indonesian society and recapturing state assets that have been stolen by corrupt figures. This section describes the work of CSOs in this arena.

Bringing corrupt figures to justice

As mentioned earlier, during the last ten years, CSOs in Indonesia have been the main actor in bringing abusers of public authority to justice. Most corruption cases that have been brought into the court have been a result of investigation reports taken by CSOs. In a discussion forum on ‘Nationalism and Corruption Eradication’ in Semarang, 28 August 2008, Doni Muhandiasyah, chair of research and development of KPK mentioned that most corruption cases that have been prosecuted and sentenced by the court are due to reports submitted by CSOs to judicial authorities such as the police, prosecutors, and KPK (see Table 6). Without the contribution of CSOs, he added, it would be unlikely that corruption eradication could have achieved its current level of progress.

In other words, the roles that have been played by CSOs are instrumental in disclosing corruption cases and punishing those who have abused public resources for private gain. The CSOs have also been influential in stimulating increased calls for public accountability. One of the most prominent achievements of CSOs in bringing corrupt figures to justice is in Aceh where they were successful in putting its governor, Abdullah Puteh, into jail in 2004. The disclosure of the corruption case in Aceh marked the significance of CSOs ability to take power holders to account and raised confidence among CSO activists that they can bring a ‘fat cat’ to justice. The case, known as

‘Helicopter gate,’ was the mark-up committed by the governor of Aceh province in 2001 in the purchase of a Mi-2 helicopter worth Rp 12.6 billion. The purchase was carried out without going through a competitive tender. Initially, it was an anti-corruption CSO in Aceh – the Anti-corruption People Solidarity (SAMAK) – that reported suspicions of the mark-up by sending a letter to the Aceh Provincial Prosecutor’s office and the national Attorney-General’s Office (AGO) in early 2003. However, the Prosecutor’s office did not give any significant attention to the letter nor did the national AGO. After a year without significant progress, another CSO – the Aceh People’s Solidarity for Anti-corruption (SoRAK) – reported the case to board members of KPK on 21 January 2004 when they were visiting the province. This was the first corruption issue for which the KPK handled a report from the public. After the trial, a session of the SCC on 29 March 2005 eventually sentenced the governor to 10 years jail.

Table 6: Reports of corruption received by KPK

Reports taken from the public (CSOs and individuals)	2004	2005	2006	2007	2008	Total
a. Number of reports	2,281	7,361	6,938	6,510	5,159	28,249
b. Number of reports that have been examined	2,281	7,361	6,938	6,510	4,387	27,477
c. Number of reports currently under examination	-	-	-	-	772	772
From the examined reports (b):						
• delivered to concerned institutions	1,089	1,315	651	569	307	3,931
• under internal process on KPK	27	107	194	217	212	757
• No action taken (due to incomplete, non-corruption cases, or junk mails)	1,050	5,850	6,029	5,539	2,747	21,215
• Returned to the reporters for clarification or/and getting additional data/information	115	89	64	185	1,121	1,574
• Reports with indication of corruption	1,231	1,511	909	971	1,640	6,262

Source: KPK (2008)

Following the triumph of the CSOs in Aceh, similar actions also took place almost everywhere in Indonesia – at national, provincial and local levels (see the

examples of corruption cases revealed by CSOs in table 7). At the national level, for instance, Government Watch (GoWA) revealed corruption cases in the department of Religious Affairs; the Indonesian Forum for Budget Transparency (FITRA) revealed corruption cases in the General Election Commission (KPU). In West Sumatra province, the West Sumatra Care Forum (FPSB) was able to bring all 1999-2004 DPRD members and the Governor into court following their report concerning irregularities in the 2002 provincial budget. In the Blitar district of East Java, an alliance of CSOs, students, and village heads, was successful in revealing a corruption case committed by Deputy District Head. In West Nusa Tenggara, CSOs and student organisations exposed corruption in the provincial budget estimated at Rp 17.5 billion and tried to push for legal action, causing the prosecution of some DPRD members. These are only some examples of the work that has been done by CSOs. Many other stories have been well documented in books,¹³⁴ research reports,¹³⁵ and news media.

It should be recognised that not all CSOs' efforts to uphold justice bring success. Despite CSOs trying countless ways to make their voices heard, they have often been ignored by the state and judicial institutions, and their hard work simply disregarded. There are many cases of corruption that have been disclosed and brought to court by CSOs that have simply vaporised without any resolution because of the poor performance of law enforcement agencies. The excessive and long-winded handling of cases of corruption is one of the disappointing realities faced by anti-corruption activists. As explained in the next chapter, many CSO reports concerning corruption were even left untouched by police and prosecutors. In fact, some cases that have been brought to resolution (and the offenders found guilty) in district courts were annulled by provincial courts, after appeals. Similarly, some court decisions at the provincial level have been annulled by the Supreme Court.

¹³⁴ Among others is a book entitled 'Fighting Corruption from Aceh to Papua' published by PGRI in 2006, '*Keadilan Tak Bisa Menunggu*' published by the World Bank in 2006, '*Korupsi di Negeri Syariat*' published by Gerak Aceh in 2009.

¹³⁵ Prominent reports that describe the work of CSOs in this arena is '*Peradilan Skandal Korupsi di DPRD Surabaya*' published by ICW and MARAK Surabaya in 2004, and '*Fighting Corruption in Decentralized Indonesia*' published by the World Bank in 2007.

Table 7: Examples of corruption cases revealed by CSOs

No	Corruption Cases	Year	CSOs that revealed
1	'Helicopter gate' in Aceh	2002	SAMAK & SoRAK
2	KPU budget scandal	2005	FITRA & YLBHI
3	<i>Dana Abadi Ummat</i> , Department of Religious Affair	2004	GoWA & FITRA
4	BLBI	2000	ICW
5	Lampung disaster fund	2003	KoAK Lampung
6	Misappropriation of West Sumatera provincial government budget	2003	FPSB
7	PT Bank NTB	2002	SOMASI
8	Corruption case of Mentawai District Secretary	2002	NGOs & student alliance of Mentawai People's Alliance (AMM)
9	Bestari Foundation scandal in Pontianak District council, West Kalimantan	2002	NGOs and traditional kingdom (Amantubillah palace) of Pontianak
10	Forest Resource Provision Fund and Reforestation Fund in several districts and provinces	2004	CSOs coalition for Forest Conservation (KONSTAN)
11	Misappropriation of government budget by DPRD of Malang	2004	Malang Corruption Watch (MCW)
12	Misappropriation of district government budget by Donggala district council	2003-2004	<i>Koalisi Rakyat Menggugat</i> (KRM), which consisted of 10 CSOs.
13	Misappropriation of budget by DPRD of South Sumatera province	2004	NGOs and student coalition of Palembang People's Movement (GRP)
14	Misappropriation budget of Tadulako University Palu	2007	Anti-corruption Students Coalition (KMAK)
15	Misappropriation of budget in Toraja district DPRD	2004	Toraja Journalists Alliance (AJT) and Toraja Anti-corruption Community (AMTAK)

Nevertheless, the works done by CSO activists have become a serious threat for corrupt officials. At the national level, for example, the work done by Government Watch (GoWA) represents an intelligent exertion in bringing corrupt figures to justice. GoWA is an organisation that revealed various corruption cases in the Department of Religious Affair (DRA). Since 2002, this CSO observed the possibility of abuse in some budget items of the DRA, especially the administration of pilgrims. The CSO discovered an embezzlement of public funds worth Rp. 700 billion on pilgrims management (*Jawapos*, 18/06/2005). Apart from this, the CSO also found a number of suspicious transactions without proper and transparent administration that involved the Minister of DRA and

some high ranking officials in the department. After collecting documents as evidence, GoWA reported the case to the police and prosecutors in early January 2004.¹³⁶

In order to strengthen pressure on the government, GoWA tirelessly organised public campaigns through various media, especially via demonstrations and public petition. However, GoWA did not provide sufficient evidence; nor did it have the technical expertise to obtain and analyse the large-scale and complicated government documents on this concern (Interview with I-11, 12/06/2008). Therefore, until October 2004, police and prosecutors did not take any action to respond to the report submitted by GoWA. A rumour mentioned that Jusuf Kalla (at the time the Coordinating Minister of Social Welfare and later Vice President) intervened, ordering to the police and prosecutor to freeze the case (*Detiknews*, 07/10/2004). GoWA activists repeatedly visited Police headquarters to check the progress of the report and also to submit additional evidence to support the allegation. GoWA also asked President Megawati to push the legal investigation of the DRA.

In the middle of the process, other CSOs provided support for GoWA to widen the campaign and also undertook more investigation and collected more evidence regarding the DRA case. Later, CSOs also found abuse of the extra budgetary fund (*Dana Abadi Ummat*)¹³⁷ in the department, worth about Rp 680 billion. In late 2004, CSOs formed a Coalition for Hajj Administration Reform to fortify their work.¹³⁸ Several times, the coalition met the AGO, KPK and Chief of National Police to encourage these institutions to investigate the cases. The police then detained two suspects respectively on 23 June 2005 and 17 June 2005. After a long process, the first court meeting was held on 6 October 2005. The court examined two suspects: Said Agil Husin Al Munawar (former

¹³⁶ The GoWA's findings were then confirmed by investigative audit from State Auditor Agency (BPK), which declared that in semester II of 2004 fiscal year, there were 11 findings of abuse on the Directorate General of Islamic Affair and Hajj of DRA that worth about Rp. 59,88 billion. Apart from this, the BPK also found an abuse worth about Rp. 49.33 billion in Hajj Affair of Indonesian Consulate in Jeddah of Saudi Arabia (*Jawa Pos*, 17/06/2005).

¹³⁷ The fund is a collection of 'obligatory charity' that was collected from travellers of Hajj. When someone is going to make hajj in Indonesia, they have to give charity to DRA, which then utilises the charity for the prosperity of the *ummat* (people). Under KEPPRES no. 22/2001, it is regulated that Minister of DRA has the authority to authorise spending of more than Rp. 10 million, while a Director General within DRA holds authority to authorise spending less than Rp. 10 million.

¹³⁸ The coalition includes: Government Watch (GoWA), Indonesia Corruption Watch (ICW), Public Interest Research and Advocacy Centre (PIRAC), Center for Legal and Human Rights (Paham), Jakarta Consumers Institute (LKJ), The Indonesian Consumer Protection Foundation (YLKI), Indonesian Hajj Association (RHI), and Indonesian Hajj Welfare Foundation (MHI).

Minister of DRA) and Taufik Kamil (former Director General of Islamic Affair and Hajj), and sentenced them respectively to five and four years jail on 7 February 2006.¹³⁹

Monitoring government budgets

Budget monitoring is one of the most common forms of anti-corruption activity. The aim of this activity is typically to increase the financial transparency of budgetary processes. By undertaking this activity, CSOs can encounter problems of ‘*hidden information*’ and ‘*hidden action*’ on the accountability chain between politicians and governmental agencies, as conceptualised in Chapter 1. Activities in this field generally encompass four major stages: gathering documents, analysing information, taking legal actions, and publishing the findings (see the description in Box 7).

Budget monitoring activity is important since the government (particularly its executive branch) has a virtual monopoly of knowledge about planning, budgets, and financial management, a monopoly which became notorious during the Suharto era and provided enormous opportunities for corruption. In addition, democratisation did not automatically provide more space for public participation in budget formulation and implementation. The process of procurement, project management, and other budget disbursement activities are as opaque as they were under the New Order, and again create opportunities for illicit benefits or for establishing patronage networks. Since legislative bodies are generally still weak and have little capacity to monitor the executive and hold it accountable, the role of CSOs becomes crucial to ensure the accountability of budgets.

¹³⁹ The court believed that Said has abused Rp. 2 billion of the funds for private gain. The court also fined Said to pay Rp. 200 million and to return Rp. 2 billion to the state. The court also sentenced Taufik Kamil 4 year jail, fined him Rp 200 million, and ordered him to return Rp 1 billion to the state.

Box 7: Typical stages of CSO activity in overseeing a budget

Gathering documents: at the beginning usually CSOs gather documents that are produced by public agencies on budgeting process, including concerned regulations, planning documents, meeting notes, budget draft, legislative decisions, and expenditure files. For this purpose, CSOs endorse the enactment of a right to information law in order to use the provisions of the law to request documents.

Analysing Information: CSO members developed a method for analysing documents to find any irregularity. In the beginning, CSO members usually encountered difficulties in understanding the details contained in the budget documents and asked assistance from lawyers or academics. After a period of time, they became more experienced and familiar with the administration systems in public agencies, thanks to training and modules provided by some donor agencies. In many instances, CSOs have revealed corruption when they found overpricing or inappropriate items in the budget.

Taking legal action: when CSO members are confident that their findings meet the criteria of corruption, they make a report to police and PPO. The report is usually supplemented with evidence and preliminary analyses of the case. This process can take a couple of months due to – sometime – contrasting perception between CSOs and law enforcement agencies.

Publicising the findings: in order to attract public attention and put pressure on law agencies, CSOs undertake press conferences and public discussion concerning their finding on the irregularity of budget items. This measure usually sets the case into public debate and makes law agencies react to public demand.

There are various forms of monitoring conducted by the CSOs in this area: first, monitoring of the process of government budget planning and of its compliance with regulations; second, monitoring the transparency of revenues and expenditures, including certain individual revenues and expenses; and third, monitoring budgetary investments of state owned enterprises. On top of these, activities also include an attempt to promote more substantial public participation in the budgeting process.¹⁴⁰ In a number of districts coalitions of CSOs have succeeded in increasing public participation in the planning and budgeting process, creating significant improvement in budget transparency and efficiency (Sarosa, Nurman & Hasan 2008: 13-6). There are many cases where CSOs monitoring of budgets have led to the discovery of corruption. At provincial and district

¹⁴⁰ During the New Order, public participation in the budgeting process was nothing more than ceremonial wherein appointed ‘public representatives’ were invited to attend a parliamentary session at national, provincial, and local level when the government wanted to enact budget draft that has been formulated by executive. Following democratisation, many CSOs imposed on the government to provide more substantial room for public participation and introduce the conception of ‘participatory budgeting’ within various government regulations.

levels in particular, budget monitoring has led to the investigation and conviction of many government officials and politicians for corruption, such as for the existence of ghost projects and violation of regulations on budgetary expenditures.¹⁴¹

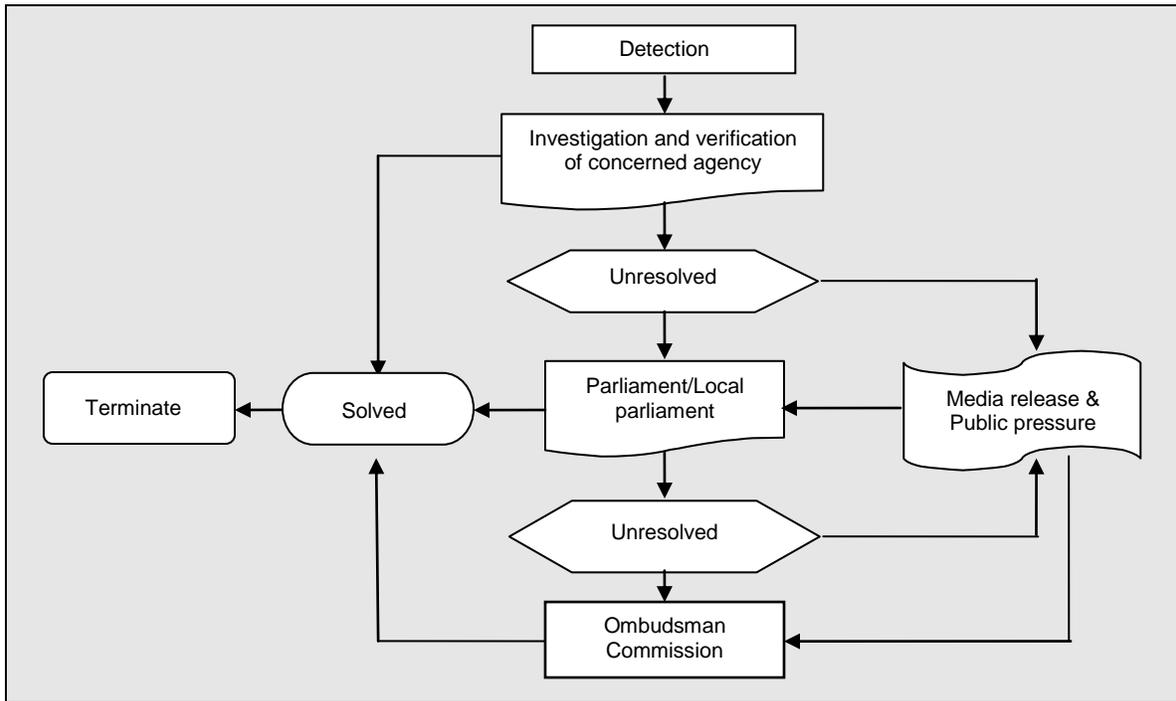
Overseeing public service

Over the last 5 years CSOs have started to help make public management and services more transparent and accountable. Along with their ongoing monitoring activities, CSOs also develop the public's capacity to understand, analyse and influence public service. Reports from many donor agencies generally reveal that the CSOs' capacity in this area has grown dramatically (see for example USAID 2009; Asia Foundation 2004). Despite the fact that CSOs' involvement in this area is relatively new, evidence suggests that they have already produced a positive impact on decision-making and public service quality.

In dealing with this task, CSOs have employed a number of approaches. Many provide analyses and independent studies on the impact of public services on poor and low-income citizens. For instance, PATTIRO (Centre for Information and Regional Studies) is a CSO that actively engages in this area. The organisation helps to promote public service literacy among citizens, and facilitates discussion and debates on governmental issues within political and civil society. To this end, the CSO provides training on public finances for citizen groups, the media, and even legislatures, which then strengthens the capacity of all of these groups to monitor budget processes and to demand accountability from government agencies. With the support of donor agencies, CSOs also undertake programs for collating, synthesising and disseminating information on public finances and public service delivery. Currently, PATTIRO concentrates on urging some regional governments to pilot some progressive public service mechanisms, whereby citizens are engaged in the formulation of the service mechanisms and their daily execution.

¹⁴¹ For further description regarding this issue, see the World Bank's (2007) report on the 'Fighting Corruption in Decentralized Indonesia'.

Figure 4: Typical CSOs' approach in dealing with poor public services



Enhancing accountability on environmental issues

Although environment is not a novel issue, the work of CSOs on the issue has more freedom following democratisation. The work of CSOs in this regard encounters the massive challenge of environmental degradation, especially in the form of illegal logging that has been associated with the widespread practice of corruption during the democratic transition era. The CSOs fight has been to promote transparency and accountability of environmental issues and also to seek to endorse democratisation of the utilisation of natural resources by increasing genuine public participation, broadening access to information, and improving protection of cultural, ethnic, and social rights of the local community. More particularly, some CSOs also want the application of anti-corruption law – instead of forestry or environmental laws that are considered too weak to punish the suspects – for the prosecution of those involved in illegal logging. By using anti-corruption law for prosecuting illegal logging actors, CSOs consider that the punishment

may be more severe and this will contribute to the prevention of the continuation of deforestation.¹⁴²

Several CSOs working on this issue established the Coalition of Anti Forestry Mafia (KAMK).¹⁴³ Some members have been successful in revealing corruption in the environmental sector.¹⁴⁴ WALHI and Forest Watch Indonesia (FWI) in particular, have been prominent in standing in the frontline of the struggle. For years, both CSOs have undertaken campaigns to raise public awareness towards the corrupt practice of policy-making and licence issuance on the exploitation of natural resources. When the government was making a law of anti-money laundering (Law no. 15/2002), the CSOs set up actions to endorse the inclusion of illegal logging in the law, in order to make possible severe punishment for its actors. WALHI also engages in various watchdog activities concerning corruption practices in the environmental sector. In 2004, for example, the CSO detected indication of corruption (collusion and bribery) in the formulation of Government Regulation no. 1/2004 concerning authorisation of the operation of 13 mining companies in some conservation and national park areas. The CSO suspected that the regulation was made for the advantage of companies close to top government officials. In 2004 WALHI also took investigation of the road construction project of Ladia Galaksa in Aceh¹⁴⁵ that is considered to contain corruption and to transgress environmental laws. After undertaking investigations, WALHI met KPK on 23 June 2004 to report indications of corruption that they had found. These indications mainly correlate with the practice of double budgeting on the project, where both national government and provincial government budgets were used to finance the same activities.

¹⁴² An investigation undertaken by ICW, for example, found that 137 out of 205 suspects of illegal logging were set free by the court since the prosecutor applied the Law on Forestry and Environment (*Detiknews*, 15/08/2008).

¹⁴³ The members of the coalition include WALHI, JIKALAHARI, JATAM, Save Our Borneo (SOB), Forest Watch Indonesia (FWI), ICW, Sawit Watch, Kontak Rakyat Borneo, dan SILVAGAMA.

¹⁴⁴ In 2008, CSOs in Bintan district provided information necessary for KPK to reveal corruption in the alteration process of a national park into residential area in Bintan district of Kepulauan Riau province.¹⁴⁴ KPK seized Al Amin Nur Nasution, a member of DPR who allegedly received a bribe of as much as Rp. 3 trillion from the Secretary of Bintan district government. KPK also seized and prosecuted another DPR member, Sarjan Taher, who was allegedly involved in corruption concerning the alteration of a forest area into a harbour in Tanjung Siapi-api district of South Sumeatera province.

¹⁴⁵ The project aims to build a highway that will occupy some of Leuser Mountain conservation area. Since the beginning, the project has been beset by controversy. For example, it did not consider a study on environmental impacts assessment (EIA). According to Law no. 23/1997 on Environment, EIA is mandated for any project that may produce environmental impacts.

KPK responded to this report by deepening the analyses and conducting investigations. Although the result of this case so far has not become clear, WALHI's work has raised wide public discussion regarding the project, especially in Aceh where students and CSOs activists several times conducted demonstrations to insist on transparency and cancellation of the project.

Providing anti-corruption awards

In order to promote anti-corruption sentiment within the community, a number of CSOs have made anti-corruption awards to people who work conscientiously against corruption and contribute to increased transparency in government. In November 2005 Transparency International Indonesia (TII) made an 'Integrity Award' to Khairiansyah Salman, the government auditor who exposed the KPU corruption case mentioned above. In August 2001, Government Watch presented the 'GoWA Award' posthumously to the late Baharuddin Lopa, a former attorney general who was respected as a prosecutor of the highest integrity. In December 2007 the Madani Professional Society presented anti-corruption awards to three DPR members from different parties for their role in initiating a parliamentary enquiry into various cases of corruption. The processes for making such awards vary across CSOs, but a typical approach is for a committee to select winners from among individuals nominated by the public. The Bung Hatta Anti-corruption Award is perhaps the most prestigious of these honours. It is named after Indonesia's first vice president, Mohammad Hatta, whose anti-corruption stance was legendary. A committee of prominent CSO activists has presented this award biennially since 2003. Nominations for the award come from CSOs and the general public.

Organising anti-corruption training and promoting public awareness

A further aspect of strengthening the anti-corruption movement is the provision of training by CSOs. Training for individuals usually aims, perhaps somewhat naively, to provide an understanding of corruption and how to avoid it, while training for organisations usually deals with building capacity to fight corruption externally and internally. Major anti-corruption CSOs such as MTI, ICW, TII and FITRA also provide

‘training of trainers’ (ToT) services for CSO activists. Of these organisations, MTI and FITRA conduct ToT in cities Indonesia-wide, with a particular focus on regional government budget monitoring. Participants in such training include NGO staff, student activists, civil servants and professionals engaged in anti-corruption activities. The training not only imparts an understanding of corruption but also encourages participants to become involved in the anti-corruption struggle: some participants go on to monitor implementation of their own regional governments’ budgets, and this has led to the disclosure of a number of corruption cases in various districts.

Almost all CSOs involved in anti-corruption work also organise seminars, competitions and workshops designed to raise public awareness of corruption issues. They target quite diverse groups of people, including civil servants, journalists, workers, teachers, and even school children.

Concluding comments

We have thus seen that the socio-political condition during the democratic transition has induced CSOs to take the initiative in promoting the anti-corruption movement at two interlocking levels: strategic and practical. CSOs served as an alternative force to stimulate the work of, and strengthen, the accountability mechanism that had been revitalised formally by democratisation and governance reform. Given the fact that virtually every part of the state has been infected by corruption, the CSOs were especially suitable to deal with the ineffectiveness of the state in overcoming the problem.

This is not to say, however, that all CSOs are immune to corrupt practices. As will be described in the next chapter, due to the influence (and inducements) of state and business actors, some CSOs and their activists are also corrupt. In fact, there are some CSOs that have been established solely to exploit the corruption issue for the pursuit of personal interest. Nevertheless, as this chapter has shown, CSOs in Indonesia – and anti-corruption CSOs in particular – have, overall, made significant progress in the fight against corruption on many fronts, using creative and intelligent approaches. The CSOs represent important democratic initiatives, and their work shows that they can function as counterbalancing forces against the state.

In the context of democratic consolidation, their initiatives and encouragement in formulating a legal and institutional framework to combat corruption, as well as their attempt to monitor, expose, and bring corruption cases to justice, clearly indicate that they can stimulate democratisation to work. Generally speaking, democracy needs a well-functioning system of accountability. Establishing this system, however, is a long-term process. Although there is probably never a perfect system in any democracy, democratisation involves strengthening the system over time. This process corresponds to Hara's (2001) third and fourth stage of democratisation: the consolidation and maturation of democracy. The CSOs anti-corruption movement plays an important role at this stage. In spite of the fact that many limitations still remain, CSOs have assisted in consolidating and maturing the process of democracy.

Obviously, as corruption in Indonesia is so embedded and profound, every effort to combat it almost always faces resistance from, or even is deliberately blocked by, its benefactors (that is, corrupt state officials and their patrons). Therefore, the anti-corruption CSOs in Indonesia must develop adequate tactics to overcome this disturbance. CSOs need to promote their actions by making broad alliances with all pro-reform actors, both inside and outside the state. The next chapter will critically examine the extent to which anti-corruption CSOs in Indonesia have been able to deal with these challenges.

Chapter 5. The Empire Strikes Back: the revenge of state actors against the CSOs campaign

Opponents of the corruption campaign are moving on several fronts. A new draft bill in front of parliament would significantly weaken the Corrupt Crimes Court by allowing judges from the country's regular court system – which is often cited by Indonesians as one of the nation's most graft-ridden institutions, with a poor record in trying graft cases – to form a majority on panels hearing cases at the Court, which advocacy groups say will reduce its effectiveness. Under current laws, the court must be staffed by a majority of non career judges recruited from among practicing lawyers, university professors and retired prosecutors....Another draft bill before parliament had initially aimed to strip the KPK of its prosecutorial powers, but the provision was dropped after protests from local nongovernmental organizations focusing on corruption issues (WSJ Online, 29/07/2009).

During democratic transition and consolidation, many analysts consider that the relationship between the state and civil society shifts from that of 'confrontation' towards 'cooperation' (Ewig 1999: 75-6). In the case of the Philippines, for example, the state and civil society sectors developed a very close relationship during the Aquino government, whereby the government provided wider opportunities for CSO leaders to engage in policy-making processes, and appointed them to several positions in government ministries and agencies (Clarke 1998: 93). This situation, however, does not necessarily apply to Indonesia, and definitely not in the area of anti-corruption policy. Because state actors firmly resisted accountability in public service, anti-corruption CSOs remain confrontational in their relation to the state.

The 'confrontation' between corrupt state officials and CSOs has been a hot topic in the Indonesian media during 2004-2009 when the anti-corruption movement started to succeed in holding many government officials to account. The movement that successfully convicted a large number of state officials seriously threatened them and their affiliates. Not surprisingly, they desperately aspired to terminate the anti-corruption initiatives. In these situations, state elites attempted many schemes to sap the efforts of anti-corruption activists and institutions.

Assaults on civil society anti-corruption organisations take both lawful and unlawful forms. Through lawful approaches, the anti-corruption opponents attempted to remove anti-corruption laws. For example, many filed to the Constitutional Court for constitutional review of anti-corruption laws. Pro-corruption actors also tried to weaken auxiliary anti-corruption institutions like the KPK, the KY, and the KON. As well, they have initiated a number of regulations to block investigations of government officials suspected to be involved in corrupt practices. Meanwhile, unlawful approaches were employed through terror and intimidation against graft-buster activists. Apart from physical threats, some also tried to bribe anti-corruption activists or to recruit CSO activists for positions in political parties and think-thanks.

This chapter demonstrates a major obstacle for civil society's anti-corruption movement: the counter-action from certain state actors to eliminate demands for accountability. Importantly, many CSOs have been able to survive these assaults and further refine their strategies to promote accountability building. Civil society's ability to effectively resist authoritarian pressure from the state actors symbolises a democratic equilibrium: the democratic muscle of civil society can rectify the state's domination. This chapter first describes the attempts from corrupt officials to obliterate newly established regulations and institutions against corruption. Then, it reviews the physical assaults directed at anti-corruption activists. It will subsequently discuss the attempts of corrupt figures to co-opt CSOs to moderate or silence their voice. In each section, this chapter examines the ways CSOs have dealt with these disruptive retaliations. This chapter provides a strong case for the CSOs' ability to mitigate the threats imposed on the evolving legal and institutional frameworks for curbing corruption.

Attempts to remove anti-corruption regulations & institutions

As discussed earlier, one of the CSOs' battles against corruption has been to initiate an extra legal and institutional framework that separate from the conventional system as a basis to combat corruption. Corrupt figures have repeatedly rejected this proposal and argued that the extra regulations and judicial institutions are unnecessary and create

ambiguity in the Indonesian legal system. Accordingly, they tried to block almost every proposal for the creation of anti-corruption laws and institutions since the beginning of the period of democratisation in 1999. Below is the description of their attempts.

Abolishing TGTPK

As mentioned in Chapter 4, the United Team for Corruption Eradication (TGTPK) was the first task force unit to combat corruption following democratisation, and was established on 23 May 2000 by President Wahid through Government Regulation (GR) no. 19/2000. The opponents of the anti-corruption movement attacked the fragile legal grounds for TGTPK. They crippled TGTPK through legal reviews, and successfully disbanded the team on 8 August 2001.

It is important to note that apart from fulfilling the public demand and executing Law 31/1999 on anti-corruption, the establishment of TGTPK was also a part of a commitment of the Indonesian government to the IMF in order to gain loans desperately needed to overcome the economic crisis.¹⁴⁶ The IMF required the government ‘to establish a team assigned to address complex corruption cases’ and ‘to fix the problems in the court system.’ As mentioned in point 37 of the LoI (Letter of Intent) between the IMF and Indonesian government:

Key reforms have also been put in place to address governance problems in the court system. The Chairman of the Joint Investigating Team (TGTPK) has been appointed and the TGTPK will become fully operational during May. The TGTPK will function under the direction of the Attorney General, focusing on corruption cases and the court system. The TGTPK is retaining a core group of staff members to facilitate its work, and we have made available adequate budgetary and infrastructure support for it. External technical assistance is expected from the Netherlands and other donors to assist the efforts of the team. (Department of Foreign Affairs, www.dfa-deplu.go.id/policy/economy/issues/gover-19may00.htm).

¹⁴⁶ Before democratisation, Indonesia was struck by economic crisis in 1997, which led to devastating impacts on the society. During the peak of the crisis, dozens of banks and financial institutions went bankrupt and thousands of people lost their jobs every day. From 1996 to 1999 the proportion of poor families increased from 18% to 24% of the total Indonesian population (UNDP 2001). In such situation, Suharto’s government and also the subsequent democratic governments rushed to seek assistance from the IMF. On 17 May 2000 the government signed a Letter of Intent (LoI) which obligated the Indonesian government to undertake various reforms, including combating corruption.

This point clearly expressed the commitment of the government to combat corruption, so the IMF's funds could be promptly attained. For establishing the team, the government rushed to use a Government Regulation (GR) instead of proposing legislation to the DPR, which requires a complex and time-consuming process for approval. The decision to use a GR was a shortcut to fulfil the IMF requirements.

This consideration, however, provided ammunition for anti-corruption opponents to question the legal grounds for the TGPTPK (Hosen 2003: 429). Piloted by the Association of Indonesian Judges (IKAHI), the opponents attacked TGPTPK when, for the first time, the team was trying to prosecute two active and one retired Supreme Court judges in July 2000 for a charge of bribery.¹⁴⁷ The IKAHI questioned the authority of TGPTPK to tackle a case that took place in 1998 when the team had not yet been established. In the mass media, the IKAHI repeatedly bombarded TGPTPK with various statements. On 22 August 2000, for example, one of IKAHI's board members issued a statement that TGPTPK had violated standard trial procedure since the team had announced the names of the judges before they had been proven 'guilty' by the court (*Kompas*, 24/08/2000).¹⁴⁸ Following the statements, the IKAHI filed a petition for a pre-trial hearing with the Supreme Court on 25 August 2000.¹⁴⁹

The IKAHI's action in supporting the suspected judges and the pre-trial court decisions then triggered CSOs to react. CSOs including Judicial Watch Indonesia (JWI), the Centre for Law and Policy Studies (PSHK), Indonesia Corruption Watch (ICW) and the Institute of Study and Advocacy for Independent Court (LeIP) accused the action as a conspiracy to set free their colleagues from any legal charge (*Kompas*, 25/08/2001).

¹⁴⁷ The judges (Supraptini Suprpto, Marnis Kahar and Yahya Harahap) were believed to receive bribes of Rp 196 million from Endin Wahyudin, a witness in a land dispute case in 1998 for an exchange of a verdict in favour of Endin's interest.

¹⁴⁸ A testimony from one of TGPTPK members (Hamid Chalid 2001: 6) mentioned that when TGPTPK announced the case in July, they actually did not mention names of the suspects. Several media, however, had somehow reported the names in August 2000, quoting from an anonymous TGPTPK source.

¹⁴⁹ The IKAHI also provided lawyers and 'legal consultants' for the suspects, including several Supreme Judges such as Paulus Effendy Lotulung and Toton Suprpto, who afterwards acted as judges on a legal review trial against TGPTPK. One of IKAHI's legal consultants, Toton Suprpto, threatened that he would 'tear down the future of TGPTPK' (Chalid 2001: 12). CSO activists questioned the position of Paulus Effendy Lotulung, the Supreme Judge who played double roles: on the one hand, he acted as a legal consultant to the suspects; on the other hand, he also acted as the chair of the Supreme Judges team who verified the judicial review. Hamid Chalid, a CSO activist of MTI and former member of TGPTPK, stated that such a position contravened Law no. 14/1985, especially article 42, paragraph (1), which stipulates that 'A judge must not hear a case in which he himself has a conflict of interest, directly or indirectly' (*Kompas*, 21/08/2001).

The reaction from CSOs, however, did not stop the attempt to abolish TGPTPK. Following IKAHI's pre-trial hearing, the lawyers for the alleged judges also filed a petition for a judicial review of GR 19/2000 in the Supreme Court. On 23 March 2001 the Supreme Court granted the right to test the petition, and subsequently stated that the GR 19/2000 on the TGPTPK was invalid for 'violating higher laws and regulations' (*Republika*, 24/03/2001). The panel of Supreme Court justices under the chair of Paulus Effendy Lotulung argued that the government regulation cannot give investigation and prosecutory authority to a new institution outside the existing ordinary law institutions as regulated by law (*Kompas*, 24/03/2001). Following the decision, on 8 August 2001 the Attorney General closed the TGPTPK.

Anti-corruption CSOs vociferously challenged this decision. In many newspapers activists pointed out that the TGPTPK was necessary to overcome the long-standing shortcoming of a judicial system that was resistant to reform initiatives (Lindsey 2002a: 49). Many academics voiced a similar concern. The well-regarded academic Professor Satjipto Rahardjo stated that the decision to dismiss TGPTPK was 'suicidal legislation,' pointing out that the legal decision tends to harm rather than protect the public interest (*Kompas*, 06/09/2003). CSO activists also argued that the Supreme Court's argument that the GR went far beyond legal authorisation by giving an investigatory and prosecutory authority to a new institution was ill-founded. According to the activists, TGPTPK was not 'a new institution' since the team consisted of representatives from legal authorities personnel, namely the police and prosecutor (Chalid 2001: 6).¹⁵⁰ On 3 April 2001 anti-corruption CSOs including ICW, JWI, PSHK, and LeIP issued a joint declaration to condemn the Supreme Court decision, stating that it was non-executable and should be annulled (*Kompas*, 04/04/2001).

Despite their disappointment concerning the dissolution of TGPTPK, however, CSO activists did not file any legal challenge to the Supreme Court decision. Considering that such effort would be useless since it would most likely encounter Supreme Court Judges who have the same opinion as the IKAHI, the activists stated that they preferred

¹⁵⁰ Article 11 (2) of the GR no. 19/2000 stipulated that investigations and prosecutions are carried out only by members of (or by a task force comprising members of) the police force and the public prosecutors of the AGO.

to take a political approach, lobbying the DPR and the President to establish a more permanent anti-corruption body (*Kompas*, 05/04/2001).

Attacking the KPK

Following the abolition of TGTPK, anti-corruption CSOs demanded the establishment of a more permanent and independent commission for corruption eradication. This effort was successful when the government and the parliament agreed to form the KPK and the Special Court for Corruption (SCC) in 2002.

The KPK then became arguably the most powerful anti-corruption institution in Indonesian history. The KPK has been successful in bringing many corrupt figures to justice, including a number of strong and influential persons previously considered untouchable. The institution has succeeded in disclosing a case of what is believed to be a high-level ‘court mafia’ in the highest judicial institution – the Supreme Court.¹⁵¹ It was even able to prosecute former Governor of Indonesia’s Central Bank who is also President Yudhoyono’s son’s father-in-law during an election season in 2008.

This fact has obviously positioned the institution as the ‘enemy’ of corrupt figures. Pro-status quo groups have tried to limit its authority and even bring it to an end. Some politicians, government officials, and other authority holders have on several occasions stated openly that they want to dissolve the KPK. When the KPK succeeded in revealing a corruption case involving several members of the DPR in April 2008, for example, other members of the DPR voiced the demand that KPK be dismissed (*Kompas*, 05/04/2008).

Since its establishment, KPK has also to deal with at least six judicial reviews in the Constitutional Court that questioned – requested the reduction of – the authority of KPK. The requests were proposed by the suspects and those who had been found guilty of corruption.¹⁵² The applicants for the judicial reviews generally argued that the

¹⁵¹ The case involved Harini Wijoso, the lawyer of the convicted corruption Probosutejo (Suharto’s brother), and the Supreme Court employee Agung Pono Waluyo (*Kompas*, 07/10/2005).

¹⁵² The first request was submitted by Bram Manoppo, Director General of PT. Putera Pobiagan Mandiri, one of the corruption suspects of the “Aceh-helicopter scandal”. The next request came from Dawud Djatmiko, a suspect of corruption in the case of land acquisition for the Jakarta Outer Ring Road (JORR) project. A request was also initiated by Mulyana W. Kusumah and Tarcicius Walla: Mulyana W. Kusumah was a member of KPU who became a suspect in the procurement of ballot boxes; more knowingly called the ‘KPU scandal’, he was also convicted in a bribery case designed for BPK auditors; Tarcicius Walla was

existence of KPK is inconsistent with the Indonesian constitution: in particular, its authority to use retroactive methods to handle cases that took place prior to the establishment of KPK on 27 December 2002.¹⁵³ They argue that the Indonesian constitution (UUD 1945) bans retroactive prosecution, and accordingly they asked for the abolition of the KPK.

Although the Constitutional Court denied requests to review the Law, on 15 February 2004 the Court issued an opinion that, according to the principle of '*tempus delictie*', the KPK had no rights to handle cases that occurred before the establishment of the commission.¹⁵⁴ Public debates concerning this issue lasted for several years in the Indonesian media and other public forums.

Learning from the dismissal of TGPTPK, CSO activists fought hard to defend the KPK and its authority to tackle corruption. They pointed out that the principle of '*tempus delictie*' did not apply to retroactive methods. They also requested that parliament members join the campaign against the Judicial Review on Law 30 of 2002 (*Detiknews*, 16/11/2006). Although most DPR members were reluctant to show their support, some expressed a clear backing of the CSOs' position.¹⁵⁵ In order to fortify their stand, CSO activists also wrote articles for the media, published books and leaflets, as well as organised a number of seminars and discussions.¹⁵⁶

a suspect of corruption on land acquisition in Southeast Maluku province. The last request for a judicial review was filed by Nazaruddin Syamsuddin. He was convicted of corruption in the 'KPU scandal' case. Apart from individuals, requests for judicial review against Law 30/2002 have also been submitted by an institution, namely the Indonesian Law Society (MHI).

¹⁵³ According to the constitution, which maintains in Article 28 point 1 that 'the right to not be prosecuted by retroactive law is a human right that cannot be reduced by any exception' (author's translation). This Article overwrites Law 30/2002.

¹⁵⁴ See Constitutional Court's verdict no. 069/PUU-II/2004, p. 15.

¹⁵⁵ For example, Mutamimul Ula, a DPR member from the PKS (Justice and Prosperous Party) stated that the judicial reviews had to be rejected since they would benefit the interest of corrupt officials rather than the public (*Republika*, 22/11/2006).

¹⁵⁶ Saldi Isra, anti-corruption activist of FPSB, for example, wrote an article in *Kompas* 30 November 2006, maintaining that the existence of KPK does not contravene, and is even guaranteed by, the constitution. He argued that the Constitution recognises corruption as a transgression of human rights that harms the social and economic rights of the Indonesian people because corruption weakened the ability of countries to provide good public services and hampered the functioning of an effective state organisation. For this reason, Indonesia needs an extraordinary institution with extraordinary power to combat corruption (*Kompas*, 30/11/2006). Many academics and lawyers expressed the same opinion. Professor Achmad Ali of Hassanuddin University, for example, argued that the principle of '*tempus delictie*' is not about procedure or institution, but about the determination of a criminal act (Ali 2006: 69-70). Meanwhile, Frans Hendra Winata, a prominent lawyer, maintained that the implementation of a retroactive method is tolerable for

The applicants of judicial reviews also claimed that some articles on Anti-corruption Laws were questionable. Dawud Djatmiko, a suspect of corruption on Jakarta Outer Ring Road project, for example, requested the abolition of article 2 paragraph (1)¹⁵⁷ and article 3¹⁵⁸ of Law no. 31/1999 (revised by Law no. 20/2001),¹⁵⁹ which stipulate a simple definition of a corrupt act (*Suara Pembaruan*, 23/03/2006). The Constitutional Court agreed with Dawud Djatmiko's argument and accepted his request.

This Constitutional Court's decision infuriated anti-corruption activists. They argued that the Court's decision would only cause more difficulties in proving cases of corruption since it required investigators to first prove public losses and gains made by private actors before they could make a prosecution. Commenting on the decision, a high-profile anti-corruption activist of Indonesia Corruption Watch (ICW), Teten Masduki, said that the decision which requires a formal verification on criminal corruption cases could 'weaken the efforts of corruption eradication since it causes difficulties in the prosecution of complex corruption cases' (*Kapanlagi*, 02/08/2006).

In addition, the threat to KPK did not only come from the attempts to abolish it, but also from the attempts to make the KPK 'fraudulent' (Interview with I-4, 13/08/2008). This is shown, for example, by the DPR's attempt to recruit notoriously unclean candidates when recruiting the second tenure of KPK members in 2007. Some CSO activists accused the DPR of playing a political game rather than objectively recruiting the members. The parliament was criticised for electing Antasari Azhar – a

extra-ordinary crimes such as genocide, human rights transgressions, war crimes, and corruption (Winata, 2006: 136).

¹⁵⁷ The Article stipulates that: 'Each person who acts against the law to enrich themselves, other people, or corporations that **may** cause detriment to state finances or the national economy, should be sentenced life imprisonment with a minimum short prison sentence of 4 (four) years and a maximum of 20 (twenty) years, and a fine of at least Rp. 200,000,000 (two hundred million rupiah) and at most Rp. 1,000,000,000.00 (one billion rupiah)' (author's translation, emphasis added).

¹⁵⁸ The article maintains: 'Each person with the purpose of benefiting themselves or others, or a corporation, misuse of authority, opportunity, or means of because the authority, or facilities because of the position that **may** detriment the state's finance or state economy, is sentenced to life imprisonment or imprisonment with a minimum of one (1) year and a maximum of 20 (twenty) years, and/or a fine of at least Rp. 50,000,000 (fifty million rupiah) and at most Rp. 1,000,000,000.00 (one billion rupiah)' (author's translation, emphasis added).

¹⁵⁹ Dawud Djatmiko argued that the word 'may' (*dapat*) that is mentioned in the articles is ambiguous, since the word could mean 'yes', that is a crime that is detrimental to the country (a real and concrete loss has occurred in the state). On the other hand, it could also mean 'no' that is a crime that does not harm the state (the state's detriment does not occur).

former prosecutor with a poor reputation – as the head of KPK. Commenting on the recruitment process, one CSO activist maintained that:

DPR (members) suddenly were blind and deaf (*buta dan tuli*) to the fact that the public strongly rejected some KPK candidates. We (CSO activists) delivered a clear signal to the DPR that these candidates lacked public trust due to their poor records. We met DPR members several times to explain our views, mentioning that appointing such candidates would destroy KPK's reputation and its capacity to combat corruption. However, contrary to our concern, the vast majority of DPR members welcomed the candidates instead of rejecting them (Interview with I-13, 01/05/2008).

The selection created public suspicion over the politics behind these appointments. As one CSO activist also maintained:

Suspicion arose concerning whether DPR was designing the selection for picking those who can be compromised to accommodate the interests of politicians, meaning that DPR proposed that the members of the commission are only those who are willing to act merely as a puppet for political games (Interview with I-4, 13/08/2008).

In opposition to the recruitment process, on 11 December 2007, the CSO Coalition on Court Watch (KPP)¹⁶⁰ issued a public statement, accusing the DPR (particularly Commission III assigned the task of selecting KPK members) of having a hidden agenda to dismiss KPK (KPP 2007).¹⁶¹ The suspicion of CSO activists was confirmed when some DPR members initiated a meeting with the new KPK members in a luxurious hotel. During the meeting, the members of DPR and the KPK members were reported to make secret deals to compensate the selection (*Kompas*, 28/11/2007). Referring to the meeting, an activist pointed out that:

¹⁶⁰ The members of the coalition are ICW, KRHN, PSHK, LeIP, MaPPI, TII, LBH Jakarta, TRAFIC, and ILRC.

¹⁶¹ The accusation was made based on several reasons (*Hukumonline*, 30/11/2007). Firstly, KPP considered that while eradication of corruption in Indonesia needs serious efforts, DPR did not appoint someone with extraordinary courage to fight corruption. The background of Antasari Azhar as a former public prosecutor with poor performance records was considered intentional, weakening the performance of KPK. Azhar was widely known as a weak prosecutor when he dealt with corrupt figures. Secondly, on several occasions, the member of DPR Commission III stated that KPK is only an ad-hoc institution that could be instantly dismissed. The dismissal of the KPK would gain momentum when its performance was not in accordance with public expectations. Thirdly, KPP believed that selection mechanisms conducted by DPR were only a lipservice, since the members of DPR Commission III had already selected the candidates; that is, the preferences of Commission III for candidates had been determined before the formal selection process. According to the observation of the KPP activists, during the selection process, DPR members applied favouritism: certain candidates were given easier questions and shorter time allocation on the interview test than the others.

...it is likely that the meeting was an attempt from the DPR to direct corruption eradication to the track that was desired by those politicians (Interview with I-13, 01/05/2008).

Anti-corruption activists and academics were also particularly anxious to see the KPK work in a similar fashion to other law enforcement bodies like the Police and the Prosecutor. Moreover, given the fact that most new KPK commissioners were representatives of the Police and the Prosecutor,¹⁶² CSO activists considered that the commission would not want to handle corruption cases in these institutions.¹⁶³

The severe statements from CSO activists seemed to influence KPK's performance. In several media and public forums, KPK members generally articulated a strong commitment that they would work hard to satisfy public demands.¹⁶⁴ The new members of KPK appeared to be trying to counter CSOs scepticism. At the practical level, KPK also shows observable outcomes that they can do something to tackle corruption by arresting and prosecuting quite a number of suspects, achievements which are highly appreciated by the public who have been frustrated by the chronic corruption problem.¹⁶⁵

The above explanation suggests that compared to the way they responded to the abolition of TGPTPK, anti-corruption CSOs have demonstrated greater capacity to develop more tactical actions in endorsing KPK. The CSOs have protected KPK from

¹⁶² The new elected KPK members were Antasari Azhari (Public Prosecutor's Office), Bibit S Rianto (Police), Haryono (BPKP), Chandra M Hamzah (Lawyer/CSO), and Moch Jasin (former KPK commissioner).

¹⁶³ This concern was voiced by several CSO activists in the media. Alif Basuki, activist of PATTIRO Solo, for example, pointed out that the dominant composition of the new KPK commissioners from the Police and Prosecutor elements will give the KPK a psychological handicap in touching their colleagues (*Suara Merdeka*, 14/12/2007). Some CSO activists such as Teten Masduki of ICW, Todung Mulya Lubis of TII and academics Danny Indrayana of Gadjah Mada University are also suspicious that the new leadership of KPK will direct the corruption eradication effort merely on the prevention measures rather than prosecution (*Jawa Pos*, 10/12/2007; *Suara Merdeka*, 17/12/2007).

¹⁶⁴ Following his inauguration on 18 December 2007, for example, Antasari Azhar, the new chair of KPK stated that he would 'talk less and work more' and was 'optimistic... to deliver on the tasks ahead' (*Antaraneews*, 18/12/2007).

¹⁶⁵ This is shown, for example, by the arrest of the Mayor and Deputy Mayor of Medan City when the new KPK leadership had not been even one month in the office. Within the first semester, the new KPK also arrested quite a number of corruption suspects including a senior prosecutor Urip Tri Gunawan, who was suspected of receiving bribery from Artalyta Suryani – someone close to Syamsul Nursalim, one of the BLBI corruption suspects. Some surveys indicate that the degree of public satisfaction with KPK has increased from time to time. A survey undertaken by *Media Indonesia* newspaper, for example, shows that in July 2008 the percentage of respondents who express satisfaction towards KPK's performance reached 53%, while previously the percentage reached only 44% and 26% respectively in May and February 2008 (*Media Indonesia*, 23/07/2008).

forces that aim to ruin the institution. As discussed below, they have similarly defended other anti-corruption regulations and institutions.

Attacking the Special Court for Corruption (SCC)

Along with attempts to paralyse KPK, attacks on the anti-corruption movement have also been directed to abolish the SCC. As regulated by Article 53-62 of Law No. 30/2002, the SCC was established to support KPK in eliminating corruption.¹⁶⁶ Unlike conventional courts that frequently set free corruption suspects, since its inception in 2002 the SCC has always been successful in sentencing corruption suspects to jail (*Media Indonesia*, 09/12/2008). It is not surprising, therefore, that the SCC has also become a target for extermination. Resistance was undertaken, for example, by Mulyana W. Kusumah, Tarcicius Walla and Nazaruddin Syamsuddin, who apart from filing for a judicial review of KPK, also filed for a judicial review of the SCC. Generally speaking, they argued that the SCC is unconstitutional and against the Indonesian judicial system. This attempt, however, has been negated by the Constitutional Court. In its decision on 19 December 2006 the Constitutional Court declared that the SCC should remain in existence since it is important to combat corruption (*Republika*, 20/12/2006).

Yet the Constitutional Court viewed that the existence of the SCC contradicts the 1945 Constitution.¹⁶⁷ In its verdict, the Constitutional Court stated that the existence of SCC creates inconsistencies in the Indonesian legal system: both the general court and the SCC are authorised to preside over cases of criminal corruption. The Constitutional Court further recommends that, in future, corruption cases should be handled only by the SCC. For this reason, the Constitutional Court suggested the government create a new law by 19 Desember 2009, which could be a strong legal basis for the SCC.

In order to respond to the Constitutional Court decision to draft a law on the SCC, the government set up a team consisted of government officials, academics, lawyers, and CSOs. The members of the team, however, disagreed on two main issues: the status of

¹⁶⁶ Article 54 of Law 30/2002 regulates the establishment of SCC as follow: (1) The SCC is attached to the General Court; (2) For the first time, the SCC referred to in paragraph one was established in the Court of Central Jakarta district which includes all legal territory of the Republic of Indonesia; (3) In addition to the establishment of SCC referred to in paragraph two should be done in stages with the Presidential Decree (researcher translation).

¹⁶⁷ Article 24 paragraph A (5) of the Indonesian constitution states that 'the order, position and the legal arrangement of the Supreme Court and its lower courts is regulated by the Law'.

the SCC,¹⁶⁸ and the composition of its judges.¹⁶⁹ When the dispute found no resolution, CSO representatives withdrew and set up an independent team to provide an alternative draft. In about August 2008 the CSOs' draft version was finalised and handed to the government and the DPR. The government and the DPR finally agreed to accommodate the CSOs' draft when they formulated the Law (*Media Indonesia*, 24/10/2008).

Attacking the Judicial Commission (KY)

As discussed in Chapter 4, along with the KPK and National Ombudsman Commission, the Judicial Commission (KY) also functions as a pillar of the corruption eradication campaign.¹⁷⁰ In order to carry out this task, KY is authorised to supervise the behaviour of judges and their performance by: (1) receiving public reports about the behaviour of judges; (2) regularly requesting reports from court institutions regarding the behaviour of judges; (3) conducting examination of alleged violations by judges; (4) requesting information from judges who allegedly violate their code of ethical behaviour; and (5) providing reports on the results of these examinations in the form of recommendations submitted to the Supreme Court and/or the Constitutional Court, copied to the President and the DPR.

The KY's first action was reviewing the highly controversial decision of the West Java Provincial Court concerning the mayoral election in Depok city, and investigating the judges involved in the trial.¹⁷¹ When the investigation finished, the KY announced

¹⁶⁸ On the one hand, the government generally argued that the SCC should be temporary and in the future should be eliminated from the judicial system to avoid duality. On the other hand, CSO representatives considered that the SCC should be permanent within the judicial system as a complement to the public court system. The reason is that the public courts have been notoriously unreliable in tackling corruption cases; not only do they often give corrupt figures soft punishments, but the huge number of criminal trials in the court also makes the institution relatively ineffective in promptly resolving corruption cases.

¹⁶⁹ The government favoured career judges who already possessed work experience in the Supreme Court system for the judges on the SCC. Ad-hoc judges could also be recruited as long as they passed the certification to be held by the Supreme Court. CSO representatives, in contrast, wanted the composition of SCC judges to accommodate more ad-hoc rather than career judges. In CSO activists' point of view, recruiting career judges to be SCC judges would make the Court no different to the general court, because most of the judges are deemed to be corrupt. In addition, ad-hoc judges should not have to pass certification from the Supreme Court in order to avoid intervention when the judges make sentence on the SCC trials.

¹⁷⁰ According to Law no. 22/2004 Article 13 b, one of the tasks of the commission is 'to uphold the honour and the dignity of judges as well as to maintain their proper behaviour (author's translation).

¹⁷¹ On 4 August 2005 the West Java Provincial Court annulled the decision of the Electoral Commission concerning the victory of candidates Nurmahmudi Ismail and Yuyun Wirasaputra (PKS/Justice and Prosperity Party) as the mayor and deputy mayor of Depok city. Instead, the Court declared the rival candidates – Badrul Kamal and Ahmad Syihabudin (Golkar party) was the winner. The Court argued that

that the West Java Provincial Court's decision was faulty and deliberately violated the law. The KY also recommended the Supreme Court to temporarily dismiss the Head of the West Java Provincial Court involved in the trial, and issued formal reprimands to the other four judges who arbitrated the case. However, the KY's actions were rejected by the Supreme Court, which considered that the KY's actions had gone beyond its authority and violated the principle of 'judicial independence'. The Chief of the Supreme Court, Bagir Manan, stated that 'the KY is free to submit recommendations to the Supreme Court, but the Supreme Court is also free to reject them' (*Pikiran Rakyat*, 22/10/2006). His statement generated debates in the media for some months. Following this case, a number of disputes between the Supreme Court and the KY repeatedly occurred. On the one hand, the KY wanted to maximise its authority to repair the reputation of justices; on the other hand, the Supreme Court did not want tight supervision from other institutions like the KY.¹⁷²

The disputes between upset anti-corruption activists¹⁷³ and they stood firmly on the side of the KY in its battle with the Supreme Court. CSOs such as ICW, FPSB, Indonesia Court Monitoring (ICM), Indonesian Judicial Watch Society (MPPI) and Centre for Anti Corruption Studies (PuKAT) Gadjah Mada University organised a series of discussions to find a way to assist the KY. In telling the story of the alliance between the KY and CSOs, one activist maintains:

the Electoral Commission miscalculated the votes. The PKS then took legal action, filing a petition with the Supreme Court and the KY.

¹⁷² The hostility between the two institutions reached a crescendo when on 4 January 2006 the KY recommended that the President should issue an emergency law to select all new Supreme Court justices. Responding to this recommendation, one Supreme Court justice, Djoko Sarwoko, stated that the KY's proposal was an insult to the Supreme Court and the DPR that had selected the justices (*Kompas*, 07/01/2006). Another judge, Imran Anwari, also rejected the re-selection idea and commented that the idea was excessive and had no legal grounds (*Tempo*, 23/01/2006). A more serious attack on the KY occurred in March 2006 when 31 Supreme Court justices filed a judicial review to the Constitutional Court, asking for clarification of articles within Law no. 22/2004 on the KY. In a response to this judicial review, the Constitutional Court revoked the KY's authority to supervise the behaviour of judges and cancelled the KY's authority to recommend sanctions against judges to the chair of the Supreme Court and/or the Constitutional Court.

¹⁷³ Some CSO activists articulated that both institutions should cooperate in delivering justice for the people instead of competing with one another. On 13 February 2006 a number of CSO activists and academics in Yogyakarta sent an open letter to President Susilo Bambang Yudhoyono, other state institutions, and also the mass media. The letters essentially encouraged the Supreme Court and the KY to respect each others functions and the tasks of each institution. The letter emphasised the view of the activists, which observed that the dispute between the two institutions is not essential but rather because of the selfish attitude within the state institutions despite the weakness of editorial in the existing regulations (*Kompas*, 14/02/2006).

On many occasions KY members visited CSO offices and shared information concerning their difficulties in doing their job as well as in facing challenges from the Supreme Court. To support the KY, some CSOs undertook public examination on some controversial court decisions, the results of which were utilised by the KY for reviewing the decisions. Some CSOs also held a ‘meeting expert’ of reform minded lawyers and academics to release statements to the media that supporting the KY when it was under attack from the Supreme Court (Interview with I-1, 08/08/2008).

The CSOs’ strong support for the KY is based on the idea that the success of corruption eradication would depend on the success of judicial reform, especially in the KY’s attempt to fix problems within the Supreme Court, including cleaning the institution from the ‘court mafia’. If the KY was successful in reforming the Court, the key obstacles to corruption eradication could be eliminated (Interview with I-1, 08/08/2008).

Apart from overcoming retaliation from the Supreme Court, CSOs also assisted the KY in several ways, especially in monitoring judges. Some CSOs regularly collected reports from the public concerning the behaviour of judges and suspicious court decisions, then undertook informal investigation into the cases before they submitted a more constructive report to the KY.¹⁷⁴ The cooperation between CSOs and the KY developed into a more permanent collaboration when the KY signed a memorandum of understanding with more than 35 CSOs – including NU and Muhammadiyah, and 40 universities in order to strengthen the work of the KY in dissemination, research, development, training, information exchange, network development, and participation in the monitoring of the judge’s performance throughout Indonesia (*Harian Pelita*, 20/02/2008).

While being basically supportive, nevertheless, CSOs also frequently criticise the KY. In a discussion forum for evaluating the 11th months of the existence of the KY, for example, CSO activists pointed out that the work of the KY tended to be unsystematic

¹⁷⁴ On 28 February 2006, for example, four CSOs including ICW, National Legal Reform Commission (KRHN), Indonesian Judicial Watch Society (MPPI) and LBH Jakarta made a report concerning judges of South Jakarta District Court, who had freed ECW Neloe, the suspect of bad debts at Bank Mandiri. On 11 May 2006 ICW and GeRAK Aceh submitted 133 names of judges involved in issuing free punishment to the suspects of 77 corruption cases throughout Indonesia, including sixty-seven cases in the district courts, three cases in the provincial courts, and seven cases in the Supreme Court (*Kompas*, 15/05/2006).

and its approach is more like that of a NGO than a state institution, which eventually created strong resistance from other institutions (*Kompas*, 22/06/2006).

Attacking the National Ombudsman Commission

The Ombudsman of the Republic of Indonesia (previously known as National Ombudsman Commission, or KON) was established based on KEPPRES no. 44/2000. One of its roles is to encourage ‘good governance’ through the supervision of public service providers.¹⁷⁵ The establishment of the institution is considered important because during the New Order government there was no extra-governmental institution assigned to supervise the performance of public service providers. Theoretically, the Ombudsman is essential for ensuring the accountability of public servants and government institutions (see Figure 1 in Chapter 1).

Not surprisingly, corrupt officials and government institutions resisted KON by showing their disrespect. Many of the Ombudsman’s recommendations and warnings to government institutions were simply ignored. At best, the officials and institutions gave only provisional and artificial notice (*Berpolitik*, 02/05/2007). This is partly because the Ombudsman does not have the power to impose sanctions. Despite receiving an enormous number of public complaints, the Ombudsman cannot urge the public institutions concerned to respond to the complaints; neither can it force institutions to provide better public services. This condition caused some people to mock the Ombudsman as a toothless tiger: it has a strong voice, but cannot penetrate the walls of the bureaucracy.

Anti-corruption activists have been desperate to see the KON become powerful enough to supervise and pass penalties on public service providers that do not comply with acceptable standards of service. Accordingly, CSOs encouraged the government to strengthen the legal basis for the Ombudsman (rather than a KEPPRES), as well as giving greater authority to the Ombudsman so it can force public institutions to abide by its recommendations. In response, the government started to formulate a law for the

¹⁷⁵ Presidential Degree no.44/2000 stipulates that ‘service providers’ refers to all institutions and individuals who operate wholly or partly with finance from the state budget, including the Attorney General, the Police, National and Regional governments, Department and Non-departmental institutions, State-owned Enterprises, and Universities.

Ombudsman in 2006. Some CSOs welcomed the response by forming an alliance named ‘Communities Concerned with Public Services’ (MP3) to initiate the Public Service Bill, advocating the establishment of a national standard public service mechanism including the existence of a powerful and independent Ombudsman. The pressure from CSOs came to fruition in 2008 when the government and the DPR agreed to strengthen the authority of the Ombudsman, enacting Law no. 37/2008 on Ombudsman.

Again, the above description clearly shows that although the opponents of the anti-corruption movement mounted an intense challenge against extra supervisory institutions such as KON, the anti-corruption CSOs effectively mitigated the threats. These attempts are significant in fortifying horizontal accountability, merely the checks and balances between state institutions.

Impairing judicial institutions

Besides abolishing auxiliary anti-corruption institutions, efforts to block the anti-corruption movement were also launched through the conventional judicial institutions such as the police, prosecutors, and judges. Opponents of the anti-corruption movement exploit institutional weaknesses within judicial institutions with poor financial resources.¹⁷⁶ They offered bribes in exchange for not pursuing and prosecuting their cases (see Box 8). According to Taufiqurrahman Ruki, the first chair of KPK, this relationship made ‘the law enforcement agencies in Indonesia part of the problem (of corruption) itself’ (*Kapanlagi*, 02/08/2006).

¹⁷⁶ Apart from low salaries for their employees, institutions also have problems with low overhead budgets. An ADB report in 2003 (cited in Davidson at all 2006: 28), for example, pointed out that the annual operational budget for the National Corruption Crime Directorate in police headquarter, which is assigned to combat corruption in all institutions, has only Rp. 160 million (about \$16,000) and it is supported by only 40 operative officers. This tiny resource is obviously far from enough to cover the operation cost for undertaking investigation on rampant corruptions that occur almost everywhere.

Box 8: Handicaps of Prosecutors and Police in handling corruption

The National Coalition of Anti-corruption CSOs identified five problems with the treatment of corruption cases at the Prosecutor's and Police's Office, including:

1. Prosecutors and Police took no action to handle the report of corruption cases. In some instances, CSOs have reported the suspicion of corruption but none takes any action to respond the report.
2. Prosecutors and (or) Police did take action, but without transparency. There is no final decision to which the cases will end. In some instances, police and prosecutor responded to allegation of corruption from CSOs by collecting information and calling the suspect for investigations, but they did not conclude anything regarding the cases.
3. Prosecutors and (or) police cancelled the investigations or prosecutions on report of corruption cases with the reason of 'no sufficient evidence' without trying to find the evidence by themselves. This sort of treatment has been the most frequent approach taken by the public prosecutor and police.
4. Prosecutors and (or) police took selective action to investigate or prosecute corruption suspects. The law officers tended to undertake investigation or prosecution against those who are not cooperative to the interest of the officers.
5. Prosecutors did not execute the verdicts of court to sentence convicted corrupt figures. Despite sentences that have been made by the court, the prosecutor not infrequently took no action to execute the verdicts, and consequently the corrupt figures remain free or run away overseas.

Source: *Kompas* (06/03/2006)

Both actors (the suspects and judicial officers) usually exploit vague regulations in order to delay investigations. Unless caught red-handed or involved in specific crimes, law stipulates that investigation against state officials such as Ministers, Governors of Central Bank, Parliamentary Members, Supreme Court judges, Governors and Mayors/Regents can only be carried out after the investigator obtains the written approval of the President.¹⁷⁷ Similarly the investigation of local officials (such as members of the DPRD) must gain written approval from the Minister of Home Affairs. Such approvals are usually time-consuming and require complicated bureaucratic procedure.

Although it is difficult to prove, CSO activists said that state officials have frequently used the rules as an effective way to delay investigation (Interview with I-7, 20/02/2008 and I-18, 12/04/2008). As the activists maintain, corrupt officials typically collaborate with police or prosecutors to delay or do not seek approval until they can make a scenario to escape from prosecution or destroy the evidence. They also exploit the

¹⁷⁷ See Law no. 22/2003 on the Structure and Position of MPR, DPR, and DPRD, Law no. 32/2004 on Decentralisation, Law no. 3/2004 on the Central Bank, and Law no. 15/2006 on the State Auditor Agency.

delay to remove themselves from the public spotlight, hoping the long process will cause them to be forgotten. During the delay, alleged corrupt officials usually undertake actions to stifle public pressure by giving bribe to those who have reported the case (in return of the cancellation of the report), to journalists (in return for not publicising the case), and to law enforcement agents (in return for free or soft prosecution). Owing to these tricks, currently it is estimated that hundreds of corruption cases remain unprocessed on the desks of police and prosecutor, especially those related to politicians at the local level (*Pikiran Rakyat*, 14/08/2009).¹⁷⁸ According to ICW, in the period 2002-2006 alone, around 200 prominent cases Indonesia wide reported by CSOs to either a prosecutor or the police ended up with no clear solution (*Kompas*, 06/03/2006). This opinion confirms the World Bank's report in 2007, which reveals that the legal process for corruption usually took a long time; in some cases, the process took more than five years for a final resolution (see Table 8).

Table 8: Legal processes on corruption

Phase	Average time
Investigation & Prosecution by Police and/or Prosecutors	3.5 – 28 months
Trial at District Court	1 – 12 months
Appeals to the Provincial Court	21 days – 7 months
Appeals to the Supreme Court	3 months – 2 years

Source: adapted from World Bank (2007: 8)

Anti-corruption activists have been greatly frustrated by this situation. Apart from the fact that the long duration of the legal proceedings not infrequently devastated the endurance and stamina of CSO activists in scrutinising the process, they also suffered by the fact that many reports and hard work that had been done to disclose corruption had been fruitless (see World Bank 2007). Moreover, although sometimes the CSOs can pressure the judicial sector to be more responsive, they frequently had to encounter the reality that the outcome is unjust and disappointing (World Bank 2007: 8). Since

¹⁷⁸ Most CSOs' respondents interviewed in this research expressed a common perception on this. They pointed out that police and prosecutors generally responded to less than 5% of reports concerning corruption cases. The reactions usually only came when public pressure was very intense.

everything is 'negotiable' before judicial officials, the sentences are often more in favour of the corrupt figures rather than reflecting justice. As Busyro Mukoddas, the Chair of KY maintains, the police, prosecutors, and lawyers used to conspire to manipulate the result of investigation by exploiting weak spots on regulations, manipulation of evidences, and formulation of the court decision according to the highest bidder (*Indomedia*, 17/11/2006).

In dealing with these problems, anti-corruption CSOs have repeatedly demanded judicial institutions including the KPK, the police, and the AGO be prompt in handling corruption cases. Since 1999 anti-corruption CSOs have also repeatedly urged policy makers to revoke stipulations that impede legal processes against those accused of corruption. ICW in particular has been very vocal on this issue. For example, to prevent delays this CSO several times demanded the DPR and President to annul the prerequisite of presidential or ministerial approval for investigating state officials. The CSO argues that, apart from hampering the corruption eradication process, such a stipulation is undemocratic because it excludes state officials from the principle of equality before the law (*Koran Tempo*, 20/01/2010).

Some of the CSOs demands have been accommodated by policy makers. For example, Article 36 of the Law no. 32/2004 on Regional Government stipulates that if written consent is not given by the President within 60 (sixty) days, then the investigation of regional government officials can be conducted without this permission.

Attempts to confront anti-corruption activists

In addition to attacks on institutions and regulations, the opponents of the anti-corruption movement also attack individual CSO activists. Although they did not restricted CSOs directly as the Suharto regime, post-*reformasi* state actors exercised a number of ways to keep the activists silent. In many cases, the corrupt officials use their patrons to assault anti-corruption activists. In Indonesia, money made from corruption usually is distributed widely among families, ethnic groups, and party constituents. Owing to this backdrop,

CSO campaigners were often pressured into refraining from particular anti-corruption activities by their family and friends who have benefited.

This method is quite different from the way the authoritarian Suharto regime oppressed civil associations. During the New Order, government officials could formally use the state's armed forces (military, intelligence services and police) to subjugate CSOs by both open and undercover missions. When encountering criticism from civil society elements, the regime quickly sent troops to arrest and punish the activists, as happened in the case of Kedungombo (Central Java), Nipah (East Java), Badega (West Java), and Rancamaya (West Java) (Hadiwinata 2003: 66). The government also conducted secret intelligence operations to terrorise, injure or even kill civil society activists, such as the incidents of Fuad Muhammad Syarifuddin (Udin), a journalist in Yogyakarta who was mysteriously killed in front of his house following his investigation exposing a case of corruption in Bantul district (Hadiwinata 2003: 209); and Marsinah, a woman labor activist who performed an active campaign against unfair salaries in her company (Kingsbury 2004: 175-6). Although the perpetrators of these cases were never fully identified, many people believe that they were military or secret agent operators (Hadiwinata 2003: 209; Kingsbury 2004: 175-6).

Current government officials, on the other hand, have no capacity to formally mobilise the armed forces to such action. They may still demand individual military or police officers attack CSO activists, but this is a high risk option: besides being prohibited by the law, the military and police, formally speaking, are now independent of politicians and bureaucrats. Although in a number of cases corrupt officials could pressure police to arrest and interrogate CSO activists, generally this only can be done with a material incentive.

The section below describes how certain state actors organised confrontation against anti-corruption activists to weaken demands for accountability and the way CSO activists mitigate the confrontation.

Launching terror and intimidation

Terror and intimidation are the most common method to quieten anti-corruption activists. The forms of terror and intimidation are diverse, ranging from verbal abuse, beating,

vandalism of properties, sexual harassment, to the threat of murder.¹⁷⁹ Kidnapping is also a method used to intimidate anti-corruption activists.¹⁸⁰

Anti-corruption CSO activists are generally well aware of threats from corrupt figures, and their consequences. They have created certain mechanisms that mainly relied on a broad support from community networks to deal with the coercion.¹⁸¹ An explanation from an activist may represent a typical response:

When we face a threat or terror, we quickly contact our entire network, including other CSOs activists, journalists, lawyers, and community leaders. Together with the networks we then discuss steps to counter the situation. If the threat is considered very dangerous, we report it to the police immediately. The police usually respond more seriously when we report collectively (Interview with I-16, 21/10/2008).

Internet and emailing lists have been useful mediums to share information and coordinate common actions.¹⁸² Currently there are a number of email lists that focus on corruption at national, regional/local levels and sectoral (such as education, health, and public procurement).¹⁸³ Usually an email list is organised by a secretariat that supplies a

¹⁷⁹ For example, in 2002 the prominent ICW activist, Teten Masduki, was tortured by members of a semi-criminal group when he was disclosing a corruption scandal allegedly involve a high ranking government official in South Sulawesi province. Activists in Samarinda, North Maluku, and Bandar Lampung city, were also tortured by thugs allegedly linked to corrupt figures. Similar situations were confirmed by CSO activists interviewed in this research project; many of them stated that they had received terror and intimidation in various forms. The threat was even more dangerous for women activists. CSO activists in Kupang and Semarang were reported to receive intimidation in form of sexual harassment, rape and even assassination (Interview with I-11, 26/02/2008 and I-12, 12/04/2008). Dozens if not hundreds of more or less similar stories also took place in other places (see Appendix 11).

¹⁸⁰ In the Solok District of West Sumatera, Kamzul Abrar – a member of the People’s Conscience Care Forum (FPNR) – was kidnapped by three unidentified persons on 2-7 June 2006. Although the mastermind behind the kidnapping remains unknown, his colleagues in West Sumatera believe that the incident relates to his report on the corruption cases, committed by *Wali Nagari* (village head) of Sulit Air to district prosecutor on 24 December 2005 (*Koran Tempo*, 04/04/2007). The incident attracted public attention locally and nationally.

¹⁸¹ For example, when activists of Lampung Society Forum of Transparency (FMTL) were tormented by a semi-criminal group on 12 December 2004, a number of CSOs and student organisations in Lampung formed a coalition, named People Caucus for Anti-corruption Concern (KAMPAK). This coalition then actively pressured the police to investigate the incident. The coalition also frequently undertook demonstrations to demand the resignation of government officials who were allegedly involved in the assault, and led to police investigation of the case.

¹⁸² The use of the internet in bolstering CSO activism in Indonesia has been well documented in studies undertaken by Nugroho (2007; 2008). The studies conclude that internet use has reinforced the roles of Indonesian CSOs as promoters of social development and the social reform agenda. ‘In many instances Internet use is suggested to have strengthened CSOs role as actors in the social movement’ (Nugroho 2008: 91).

¹⁸³ For example: gerak-indonesia@yahoogroups.com (the GeRAK network), watch-terminal@yahoogroups.com (Watch Terminal network), berita_korupsi@yahoogroups.com (the ICW

regular bulletin discussing the latest issues related to the anti-corruption fight. Actual meetings are held in critical situations.

In addition to this approach, CSOs also raised the issue of violence at national and even international forums. For example, they visited and sent letters to the President, the parliament and the KPK, demanding legal protection of anti-corruption activists. On 7 June 2007 anti-corruption CSOs represented by ICW also reported the cases of violence and intimidation to the United Nations General Secretary's Special Representative for Human Rights, Hina Jiliani in Jakarta. ICW urged the United Nations to put pressure on the government, the police and the judiciary to guarantee the physical and legal protection for witnesses or informants of corruption cases.¹⁸⁴ ICW also requested that United Nations endorse the Indonesian government to form a Witness and Victim Protection Agency. Responding to the request, the UN Special Representative recommended Indonesian government to set up mechanisms 'to investigate complaints of violations committed against human rights defenders.' She also asked the government 'to review administrative procedures in order to remove restrictive regulations that impede the right of defenders...' and '...that procedures be instituted to prevent the prosecution of human rights defenders aimed at their harassment for conducting activities...' (see United Nations 2007).

Indeed, such strategies have been able to ease the pressure from corrupt figures. Some CSO activists believe that CSO solidarity has prevented their opponents from launching serious attacks against anti-corruption campaigners in recent years (Interview with I-18, 12/04/2008; I-5, 04/03/2008).

network), kkn-watch@yahoogroups.com (an anti-KKN society), PuKAT_Korupsi_FH_UGM@yahoogroups.com (a forum for law faculties of universities in Indonesia), pemuda_melawan_korupsi@yahoogroups.com (anti-corruption forum for students and youth), korupsi@yahoogroups.com (an anti-corruption CSOs network, focusing on the educational sector), SumutTII_Groups@yahoogroups.com (Transparency International Indonesia network in North Sumatera), koalirakyatmenggugat@yahoogroups.com (anti-corruption CSOs in Central Sulawesi), and berantaskorupsi@yahoogroups.com (Jakarta anti-corruption CSO forum).

¹⁸⁴ Speaking on behalf of anti-corruption activists, Emerson Yuntho, an activist of Indonesia Corruption Watch (ICW), stated that 'Although Indonesia has a law on witness and victims protection, in practical the activists often do not get better physical and legal status protection' (*Satudunia.net*, 08/06/2007).

Criminalising CSO activists

Apart from physical confrontation, attempts to obstruct the demands for accountability were undertaken through ‘criminalising’ the activists. The term refers to a typical attempt during which the suspects of corruption take revenge by accusing the activists of libel or other allegations to put CSO activists in jail. Sometimes criminalisation was also carried out indirectly through a conspiracy to trap the activists.¹⁸⁵ This trick is usually effective to keep anti-corruption activists busy and discourage them from taking court actions. By using governmental and political power in their hand, corrupt officials can informally pressure the police and prosecutors to seize and interrogate activists. Police and prosecutors then usually call witnesses to prosecute the activists. When the police or prosecutors seem reluctant to take action, corrupt actors usually set up or fund rival organisations to pressure the police or prosecutor and confront anti-corruption initiatives.

Activists have been falsely persecuted in a number of places, especially after 2003 when many anti-corruption CSOs started to submit allegation of corruption following their investigations. One of the most dramatic incidents was perhaps the criminalisation experienced by Frans Amanue – a pastor and also the leader of CSO ‘Commission of Truth and Justice’ of Larantuka. He was sentenced 2 months jail to probation, following a summons from the Head of East Flores district, after he reported corruption in East Flores district government (see Box 6 in Chapter 4). Similar stories also took place elsewhere such as in Yogyakarta,¹⁸⁶ Sabang,¹⁸⁷ Tasikmalaya¹⁸⁸ and Kupang.¹⁸⁹ In this regard, a

¹⁸⁵ One of the most prominent examples in this context is a case experienced by Suroso, an anti-corruption activist of the Joint Movement for Anti-corruption (Gebrak) Palembang. Suroso was trapped with a parcel containing illicit drugs when he was actively reporting corruption. He was then detained by the police. The detention of Suroso generated wide public sympathy. Some CSOs, university students, and the neighborhood community surrounding Suroso’s house condemned the plot and urged the police to release him. Around 200 people signed a petition demanding the police release Suroso. He was released following a urine test indicating that he is not a drug user (*Detiknews*, 22/05/2006).

¹⁸⁶ In Yogyakarta 2002 Arifin Wardiyanto, a CSO activist who revealed illegal charges in stall telecommunications licenses was criminalised and sentenced for two months jail. In 2003 other three activists from Yogya Corruption Watch: Paryanto Utomo, Uang Shio Peking, and M. Munawir were reported to police after they filed allegation of corruption ostensibly committed by Head of Bantul district.

¹⁸⁷ A CSO activist of SAMAK Sabang (Aceh), Muchtar Lufthi, was captured and prosecuted by police after he reported allegation of corruption that supposedly involve the mayor of Sabang in 2004.

¹⁸⁸ In Tasikmalaya West Java 2008, three activists of Coalition of Student and People Tasikmalaya (KMRT) (Jamaludin bin Sanusi, Badruzaman and Zamzam Zamaludin) were charged and prosecuted on criminal defamation following their report to local prosecutors about corruption charge against Head of District.

¹⁸⁹ In Kupang East Nusa Tenggara 2005, Sarah Lerry Mboek, director and CSO activist of PIAR, was reported to police by Kupang city government officials due to her affidavit about corruption committed by

report from Human Right Watch (2010: 2) mentioned that despite democratisation in Indonesia, criminal defamation and insult laws remain potent weapons and continue to be used by officials and powerful private actors seeking to silence non-violent criticism and opposition.

Except for a few instances, attempts at criminalisation have generally failed. Anti-corruption activists undertook a number of actions to protect themselves from criminalisation. Primarily, the activists relied on their network to thwart the indictment. Their network organised public campaigns concerning the issue to attract public attention and support. In this respect, the network effectively utilised their connections with the press to speak out about the event, creating intense media coverage that usually led to the cancelation of defamation charge. In addition, CSO activists frequently sought help from their colleagues who are lawyers or reform-minded members of parliament to urge the police or prosecutors to prioritise investigation of accused officials instead of the activists.¹⁹⁰ In this circumstance, the role played by the LBH and other human rights CSOs was very significant. LBH and its affiliated branches usually took the position of legal defender for anti-corruption CSO activists.

Co-optation of activists

Besides antagonistic methods, corrupt figures also employed a number of ‘soft strategies’ to stop anti-corruption crusaders. Corrupt figures tried to co-opt anti-corruption activists by providing a variety of inducements, including financial assistance for the individual activists and their organisations, employment as advisors or expert staff for corrupt officials, and recruiting the activists as members of political parties’ boards.¹⁹¹

some government officials in the city. Police and public prosecutor office take no action against the affidavit. Instead, they set Sarah as a suspect of alleged libel.

¹⁹⁰ This is shown, for example, in the case of Arif Nur Alam (FITRA) Jakarta who was reported to the police following his indictment concerning an allegation of corruption in the KPU on 11 August 2004. To support Arif, CSOs asked for protection from Commission III of DPR. The pressure from the DPR then made the police delayed the investigation of the CSO activists.

¹⁹¹ From international experience, CSOs are not immune from co-optation by state actors to weaken their capacity for contestation, interest articulation, or even mobilisation (see for example Brysk 2000: 157-8).

Financial endowments or bribes are probably the most common means. Bribery transactions typically took place when CSOs first start to uncover a corruption case. In some cases, the bribery allegedly has been able prevent CSO activists from reporting corruption to law institutions. According to an activist:

... there are some anti-corruption activists who suddenly bought a car, house, or land that they could not afford before... although it is difficult to prove, we could easily guess that the money to buy these goods came from corrupt officials to make them silent (Interview with I-5, 05/08/2008).

Recruiting CSO activists as members of political parties is also common. Some political parties at various levels at this time have board members who have anti-corruption CSO backgrounds. Anti-corruption activists often have a good reputation or are even considered 'heroic' because they frequently speak at various public forums. Their pictures were often visible in the newspapers and television, and their voices were heard on the radio. Their courage to fight against corrupt officials usually attracted public sympathy. Accordingly, anti-corruption activists were recruited to serve as vote-getters in general elections. Moreover, politicians utilised CSO activists as shields to cover committed crimes. They positioned the activists as 'public relation officers' to make a positive impression. Not surprisingly, some described such activists as 'dishwashers' to clean up corrupt politicians.

In many cases, however, bribery and political co-optation were not effective in making anti-corruption activists silent. In the Purwakarta District of West Java province, for example, an attempted bribery did not stop local CSOs from taking legal action against a case of corruption committed by the *Bupati* (head) of the district. On 25 October 2005 two CSOs in the district ('Moral Movement of Purwakarta Society'/GMPP and 'Team for Rescuing State Assets'/Topan RI) made a report to KPK concerning mark-ups worth more than Rp 10 billion in the 2004 district budget. Despite denying the allegation, the *Bupati* tried to pay one CSO activist Rp 28 million to eliminate the report (*Post Kota Online*, 02/12/2005). The CSOs, however, reported the case to the KPK which then determined the *Bupati* as a suspect on 13 March 2008. On 15 September 2008 the *Bupati* was sentenced to one year jail and fined Rp 50 million (*Pikiran Rakyat*, 16/09/2008).

Similar examples of CSO activists refusing to compromise with corrupt actors and maintaining their independence have occurred in a number of places.¹⁹²

This indicates that while some anti-corruption CSOs activists might be vulnerable to bribery and co-optation, many are immune and persistently uphold demands for accountability. There are no definite criteria for what makes an activist or an organisation refuse co-optation. But large organisations with a clear code of conduct are usually more capable of rejecting co-optation. In addition, activists or organisations actively involved in anti-corruption networks are also usually more resistant to co-optation. They are bound by the network's conventions and are strictly supervised by fellow activists and peer organisations. As discussed in the next chapter, anti-corruption networks have been working to set up and fortify codes of conduct for their members to avoid contamination from corrupt figures. Although they are still in the process of consolidation, such arrangements have been important for the CSOs to maintain their integrity in the anti-corruption struggle; these arrangements are important for developing a tradition of accountability in the future Indonesian democracy.

Concluding comments

Promoting the anti-corruption movement is a tough and dangerous job. In an unstable democratic transition state like Indonesia, corrupt elites can still do almost anything to weaken and stop the movement. They not only attempted to abolish legal and institutional frameworks that have been advocated by CSOs to combat corruption, but also tried to co-opt and control CSOs activists by lawful and unlawful means. The challenge is even greater since law enforcement authorities are still accustomed to a patrimonial and

¹⁹² In Lampung, for example, as reported by a local newspaper, an attempt at bribery was unsuccessful in stopping CSO activists from *Lembaga Pemantau Pembangunan Indonesia* (LP2I) reporting a civil servant to the police concerning allegation of his involvement in illegal logging activities in the Way Kambas National Park (*Lampung Post*, 09/01/2009). Similarly in Bima in West Nusa Tenggara province, activists from the Transparency Policy Institute (ITK), the Bima Student Unity (KMBJ) and the West Nusa Tenggara Barat Students Unity (KMNTB) were reportedly paid Rp 50 million by the Mayor of Bima to cancel their demonstration in front of the KPK office in Jakarta to address allegation of corruption in the City of Bima. The activists, however, conducted the demonstration, returned the money, and in fact demanded KPK to arrest the Mayor (*Sumbawanews* 21/10/2008).

authoritarian culture, one under which they are used to giving special favours to power holders rather than to ordinary people.

From a democratic perspective, the retaliation of state actors against the anti-corruption institutions and regulations, as well as the repression and co-optation of activists, is not just about attacks on CSOs. Importantly, it is also an attack against the public's right to bring state actors to account and the public's right to know. In other words, assaults on anti-corruption campaigns repress public demand for accountability, transparency and above all, devalue democracy. If no one has the courage or capacity to challenge, such actions would undermine the democratisation process and could lead to a new form of authoritarianism. Civil society's response to state actors' repression of anti-corruption campaigns thus has significant implications for democratisation.

CSOs response has prevented state actors from restraining the citizens' anti-corruption movement. Certainly, state retaliation remains a serious challenge for CSOs: much more than the battle against corruption is at stake. But as this thesis argues, the CSOs' resilience and their ability to repel state actors' attempt to strike back at civil society indicate their significant achievements in the process of democratic consolidation. The achievements of the anti-corruption movement in continuing to demand accountability demonstrate that Indonesia is not returning to the New Order-style authoritarianism.

In the long run, however, CSOs will need greater resilience and sharper tactics to sustain their fight. The CSOs will need greater stamina and will need to use the available resources more smartly to meet the challenges and break down various barriers. The next chapter will discuss the way CSOs have dealt with this issue.

Chapter 6. Organisational Challenges for the Anti-corruption CSOs: Resources, Integrity and Public Support

NGOs have sought a role in monitoring the effectiveness of anti-corruption efforts in government agencies and have been vigorous in challenging the government on issues of transparency and integrity... But most NGOs are young organisations and still learning how to operate in this new environment. Typically they are under-resourced and sometimes duplicate each other's functions (World Bank 2003c: 11).

The previous chapters have described the significance of CSOs in proliferating the anti-corruption movement and the reprisals taken by some state actors against the citizens' critical demands for accountability. The last chapter discussed in detail how the anti-corruption CSOs mitigate the reprisals. This chapter analyses the limitations in the organisational capacities of the anti-corruption CSOs and the methods they have used to overcome challenges from within. It will investigate how CSOs maximised the available resources in order to better mobilise their actions for the long battle.

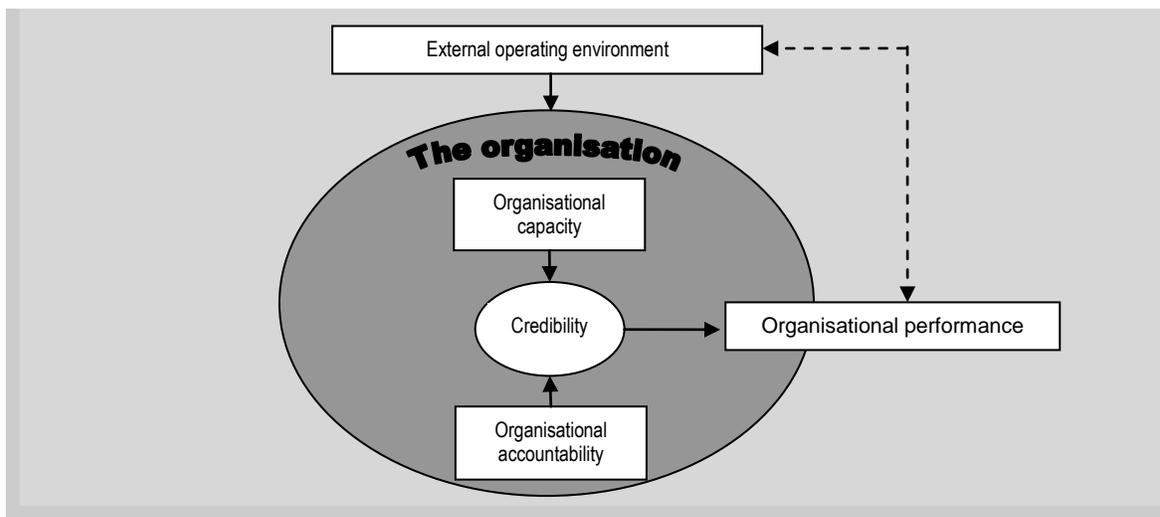
As noted in the quotation above, anti-corruption CSOs in Indonesia are mostly relatively new and only active after the collapse of the Suharto regime in 1998. Many of them were formed in haste without a design platform of good organisation and planning. In such conditions, they immediately occupied with the various anti-corruption activities that consumed time, energy and mind so that they did not have time to rearrange their internal management. Therefore, in many ways their organisational capacity remains poor. Nevertheless, as discussed later, CSOs have undertaken various exertions to make themselves more effective. Besides improving their internal conditions, CSOs have also tried to overcome their organisational weaknesses by making alliances with the peer organisations as well as with the general public. Although these attempts are still in a very early stage, they exhibit a prospect to sustain the anti-corruption movement.

This chapter first discusses problems of internal organisational management. It then deals with the capacity of CSOs in developing peer networks for overcoming their organisational limitations. Lastly, the chapter examines CSOs' attempts to include the participation of the community in their struggle.

Internal organisational limitations

As illustrated in Figure 5, the internal effectiveness of an organisation in delivering their mission is determined by at least two factors: organisational capacity and organisational accountability. Similar to other organisations, anti-corruption CSOs need a high degree of both in order to attain credibility in the view of the public, an important variable of their success. Without credibility, CSOs will encounter difficulties in raising money, attracting volunteers, and obtaining sympathy and support from the public. In other words, while CSOs may play a crucial role in holding governments to account, they also face the challenge of pursuing their own accountability, legitimacy, integrity and professionalism (Eagen 2004: 22).

Figure 5: Framework of organisational performance



Source: adapted from Horton *et al* (2003: 19)

Without a doubt, anti-corruption CSOs in Indonesia face many predicaments in their internal affairs. With the exception of some high profile national anti-corruption CSOs such as the ICW, FITRA and MTI, many CSOs are ill-prepared to develop a good organisational system that can ensure their efficacy in accomplishing goals. Most interviewees in this research were of the opinion that many anti-corruption CSOs established after the fall of Soeharto did not construct well organisational arrangements. They learned and built the capacity while they operate, and some that failed to develop the necessary capacity had to cease their activities. But others succeeded in such capacity-building and have survived. The following section reviews significant issues to do with the organisational capacity, internal conflict resolution and accountability of anti-corruption CSOs in general. This section focuses on the way CSOs deal with organisational limitations specific to their activities opposing corruption.

Organisational capacities

Generally speaking, 'organisational capacities refer to the resources, knowledge, and processes employed by the organisation' (Horton, *et al* 2003: 19). All of these areas are important for an anti-corruption CSO because, at the collective level, they often need to engage in a high level of lobbying and encounter various complex cases of fraud at multiple levels of political and administrative systems (see Jenkins & Goetz 1999: 42). Their tasks require a high level of skill and knowledge about law, public management, public budgeting, and tactics of lobbying and social mobilisation. Without sufficient organisational capacity, an anti-corruption CSO is less able to convince and mobilise their stakeholders and resources.

From this point of view, anti-corruption CSOs in Indonesia are in a difficult situation: as most are still young, many lack adequate skills and experience to exercise complex assignments. Unlike activities in the areas of economic development, labour, human rights, and consumer protection issue, for example, CSOs' anti-corruption campaigns started only after *reformasi* and accordingly are far from mature. Most anti-corruption CSOs surveyed in this research pointed out that they still repeatedly reformulate their methods and organisational-managerial structure due to organisational limitations and shifts in external support. A CSO activist described this situation as 'hit

first, learn later' (*pukul dulu, belajar belakangan*), for 'it will be too late if we have to learn community mobilisation techniques or undertake training in analysing the complexity of government documents before we move' (Interview with I-3, 28/02/2008).

In a broader perspective, despite having a positive influence on the democratic consolidation process, the explosive growth of new Indonesian CSOs during the last decade has created problems in the balance between quantity versus quality. Some people describe the phenomenon as 'too much and too fast' (Antlöv, Ibrahim & van Tuijl 2005: 11; McCarthy 2002). This is partly because, despite democratisation, civil society in Indonesia is generally still affected by effective oppression from Suharto's regime (Nyman 2006: 198). Due to this oppression, civil society organisations had less opportunity for developing their capacities. Although they have the energy to oppose the government, CSOs thus have a limited capacity to establish a sound permanent movement (2006: 198).

In the case of the anti-corruption movement, given the fact that the sudden spread of corruption needed an urgent response, many CSOs were established without clear plans, objectives, and proper internal administration. At the beginning, many had to carry out their mission without proper understanding of organisational arrangement, leading to ineffective action and frequently resulting in internal conflicts, which in some cases ended up with a split in, or the dissolution of, the organisation.

Over time, however, a number of anti-corruption CSOs were able to successfully develop their organisational capacity and survive. They did so with various assistances provided by peer networks and donor agencies. Although they may only constitute a small percentage of all CSOs, their number is still significant. As one CSO activist estimates, about 10% of anti-corruption CSOs have a clear platform and strong capacity to combating corruption; while others still carry out their activities in a rudimentary way (Interview with I-7, 15/03/2008). Although this estimation is difficult to verify, if it is the case, the number would be enough to keep the anti-corruption movement running in the long term.

There are many factors that limit the organisational capacity of anti-corruption CSOs, but three are arguably the most problematic: finance, technical skills, and recruitment issues. The following describes each of these factors.

Financial problems

Lack of financial capacity generally has been typical of most anti-corruption CSOs in Indonesia. The majority of CSO members interviewed stated that their lack of consistent monetary support was the greatest obstacle to achieving their objectives. Financial shortages have prevented the anti-corruption CSOs from effectively monitoring state actors.

As described in Chapter 4, although in the early stage anti-corruption CSOs usually emerged based on social capital (namely people's cohesion to demand government accountability), grants from international donor agencies later played a significant role in their institutionalisation. Some CSO activists argue that the situation is a result of the general economic condition of Indonesian people. On the one hand, the people are generally poor and can only make small donations; they also still have less confidence in long-term investment of anti-corruption (Interview with I-9, 29/04/2008 and I-30, 12/04/2008). On the other hand, wealthy groups and Indonesian companies commonly rely heavily on government projects and protection, making them of having little incentive to support the anti-corruption movement. As one CSO activist said:

Ideally, Indonesian CSOs should seek donations from domestic sources, but financial sources in Indonesia are concentrated in the hand of big companies which can only survive if they support corruption. The companies rely heavily on government projects. If they support anti-corruption CSOs it would mean their suicide because the government would stop the projects (Interview with I-9, 29/04/2008).

Accordingly, seeking grants from international donor agencies has been important in overcoming financial deficits. The situation, however, frequently made CSOs beholden to project-driven organisations since donors' aid prioritised certain anti-corruption issues. This required CSOs to adjust their activities to meet these preferences, which are commonly not always in accordance with their own priorities, which undermines their internal and popular accountability (Interview with I-9, 29/04/2008).¹⁹³

¹⁹³ This situation is not particular to Indonesia's anti-corruption movement. Experience of CSOs in other countries show that every case of dependency on external sources creates the risk of decreasing autonomy and internal accountability in the rear since reliance on contributions from members and the public is likely to decrease (See Hadenius & Ugglä 1996).

Box 9: Classification of CSO by an activist

1. **White-plate CSO:** CSOs that were established by social movement activists in accordance with the spirit of genuine civil society: non-profit, volunteer, impartial, apolitical and functioning mainly for serving the public interest.
2. **Yellow-plate CSO:** CSOs that were formulated by political parties, functioning merely as political wings for supporting the interests of the parties. These CSOs usually function, for example, to undertake polling or charity activities on behalf of a political party in order to ‘marketise’ the party to the people.
3. **Red-plate CSO:** CSOs that were created by government officials or their patron in order to either run government projects or grab government funding for the benefit of the founders.
4. **Black-plate (‘vampire’) CSO:** CSOs that were formed by criminal or semi-criminal groups, functioning mainly to extort government officials or business persons who are allegedly involved in corruption or other forms of legal transgression.

Source: Interview with I-2 (28/02/2008)

Apart from accessing donor fundings, some CSOs also tried to obtain government funding as an alternative source. Anti-corruption CSOs in cities such as Banda Aceh, Semarang and Makassar were reported to have been receiving subsidies from the provincial and city/district governments for several years. However, receiving government funding also involves a number of risks: besides being time consuming – making this source sometimes precarious – it may also reduce their ability to criticise the government. Some activists argue that entering into a symbiotic relationship with the government can disturb the autonomy of their organisation and decrease their public credibility (Interview with I-2, 28/02/2008, and with I-30, 12/04/2008). A prominent anti-corruption activist in Riau described that when receiving funding from the government, a CSO can be accused of being a ‘red plate’ (semi-governmental) organisation (see Box 9) and its leaders might be identified as ‘patrons of the government’ by other activists, which could send them into isolation and exclusion (from the anti-corruption movement). As a consequence, not many CSOs are interested in such funding (Interview with I-2, 28/02/2008).¹⁹⁴

¹⁹⁴ For example, at the end of January 2009, regional newspapers reported that the Aceh provincial government wanted to subsidise civil society institutions in the province. According to the plan, each was to receive a government subsidy of around Rp 50 million to Rp 1 billion (*The Globe Journal* 23/01/2009). The public was shocked not only by the amount of the money allocated which was considered huge, but also by the fact that some receivers of the subsidy are anti-corruption CSOs known to maintain a critical

Against the above backdrop, several CSOs kept trying to develop popular support and mobilised public donations for supporting their activities. They did not rely profoundly on donor and government funds in order to maintain autonomy. The CSOs' attempt to gain domestic funding usually succeeds if they can persuade community groups to support their actions and provide evidence that their action against corruption can benefit the groups. The chance to get public support is usually bigger when the corruption cases attract a wide-public attention. A number of cases can serve to demonstrate this situation. An example is 'Duta Sumbreng' – a CSO located in Trenggalek East Java. As mentioned in Chapter 4, Duta Sumbreng was established by the village people of Sumberagung to counter illegal charges when they wanted to access electricity services and also protest against fraud in government subsidy for their village. The success of the organisation to defend the villagers led to continuous support from the villagers for the organisation (Interview with I-8, 14/12/2008).¹⁹⁵ Such attempts indicate that CSOs are able to form a strong support constituency and the popular representation that is vital for democracy.

Technical skills deficit

Initially many CSOs generally also lacked the technical skills to support their mission. For example, while they frequently pointed out irregularities within governmental processes, for the large part they did not have members with sufficient expertise in analysing governmental issues, budgets, and other policy documents. Many CSOs were not familiar with the concepts or processes of holistic and community-driven analyses, for effective community mobilisation and facilitation. As one CSO activist explained,

attitude to the government. The public responses were generally cynical. In a street demonstration, students from the Student Alliance for Democracy (AMPD) stated that the scheme was politically driven and would only co-opt CSOs for the government interest. The public pressure made several CSOs reject the subsidy (*Tabloid Aceh Modus* 18/02/2009).

¹⁹⁵ Another example is Madiun Corruption Watch (MCW) that is also able to develop strong public support in its district area. Since its establishment in 2001, MCW has tried to assemble good communication with various groups – such as the association of small traders (traditional market traders and street traders), the association of village government employees and farmer groups – concerning corruption problems that they experience on a daily basis (Interview with I-30, 12/04/2008). The CSO frequently helped the groups to confront illegal charges maintained by government apparatuses and also assisted them to gain transparent budget allocation from the district government. In return, the community group members collected voluntary donations for the CSO. In 2008, for example, the CSO collected an annual public donation of more than Rp 250 million. Although the amount of the collected money might be small, it has covered the CSOs overheads for several years (Interview with I-30, 12/04/2008).

anti-corruption CSOs mainly rely on enthusiasm to combat corruption and must learn their skills while carrying out their jobs (Interview with I-3, 28/02/2008).

The deficits in technical capacity, accordingly, caused the CSOs to undertake programs or activities without adequate baseline information, consultation or preparation. In this line, the KPK assessed that most of the reports regarding corruption that were submitted by CSOs to the institution were underqualified and unworthy for prosecution (*Kompas*, 01/08/2007). Many of them were merely compilation of documents without sufficient evidence, examination and analyses. In 2007 for example, KPK maintained that most corruption allegation reports provided by CSOs are imperfect and could not be pursued. According to the former vice chairman of KPK, Erry Riyana Hardjapamekas, from about 21,000 reports to KPK, only 2% could be taken into prosecution. Erry Riyana added that most CSO corruption reports were copies of media news (*Kompas*, 01/08/2007). This is not surprising since investigation and analyses require a high level of knowledge of budgeting, accounting, and legal issues, expertise which many CSOs did not possess.

After more than ten years, however, although lack of technical skill still continues to be a problem for many, some CSOs have been able to improve their skills and expertise necessary for effective action through various training, communal classes, and sharing information provided by peer networks and donor agencies. Gradually, these organisations have increased their competency, not only in organisational management such as strategic planning, marketing, finance, information systems, and organisational development, but also technical knowledge for analysing corruption such as public budgeting, taxation, accounting, and procurement procedure. They have also attained practical skills and knowledge for effective action such as investigating, campaigning, lobbying, advocating, legal drafting and even organising popular actions such as street demonstrations. The achievements of the Indonesian Procurement Watch (IPW) may serve as an example in this respect (see Box 10). Although it is still a long way to mature consolidation, all the signs indicate that capacity-building in anti-corruption CSOs is happening.

Box 10: The capacity-building process of Indonesian Procurement Watch (IPW)

IPW was founded by anti-corruption activists on 28 October 2002. Since its establishment, the organisation has contributed significantly to revealing corruption of public procurement in several institutions – among others a corruption scandal in the KPU in 2004. IPW collected various experiences that have been put into training modules. Today, with the support of several donor agencies, IPW has grown into a strong institution. The institution does not only have members, workers, and volunteers who have high capacities in the area of procurement, but also has been able to share its experiences with other local, national, and international institutions. On 27 January 2010, for example, IPW was requested by the Ombudsman for Human Rights and Justice (OHRJ) of East Timor to provide anti-corruption training to OHRJ personnel and helped to draft anti-corruption programs at the institution. Since 2005, IPW have also conducted various kinds of regular training to other CSOs and the general public in order to enforce the Good Public Procurement Governance. There are three main training activities conducted:

- **PROCWATCH:** training for CSOs activists and journalists so that they can carry out effective monitoring roles in the procurement of government goods/services and can participate effectively in preventing corruption.
- **PROCADMIN:** training for local government officials in order to implement the management of procurement of goods/services in accordance with the legal principles and procedures for procurement.
- **PROCONTROL:** training for members of the legislatures in the national, provincial, and district parliament so that they can participate effectively in supervising procurement of goods/services to prevent corruption.

In addition, IPW has also developed a daily updated online news site on the Internet (Lintas-online, <http://iproctwatch.org>). This site contains news, articles and references related to corruption in public procurement. This site is designed to become a 'news agency' on the special issue of procurement corruption in Indonesia. IPW also publishes a monthly publication (Bulletin IPW / Lintas-cetak) which includes discourse about corruption and public procurement issues. This bulletin is printed and distributed to decision-makers at central and regional government, business leaders and CSOs.

Source: Interview with IPW staff (16/05/2008) and <http://iproctwatch.org>

Recruitment problems

Another managerial issue that impedes anti-corruption CSOs is the problem of recruiting new workers and volunteers. According to some interviewees, recently anti-corruption CSOs have encountered a shortage of personnel: student graduates are generally no longer attracted to work in anti-corruption fields, while many existing activists have left their CSOs to find new jobs. During my interviews many activists declared that they were not prepared to continue their involvement in the anti-corruption campaign in the long term. This is understandable, since while working in anti-corruption is a very tough

business, the work does not provide a clear career path or sufficient remuneration.

Speaking about this challenge, one CSO interviewee commented:

Unlike the private and public sector, in the civil society sector we do not have a clear career system, a clear standard wage system, job security, or pensions. Not surprisingly, some activists have been frustrated by this typical situation, and try to find better and more rewarding jobs (Interview with I-17, 09/03/2008).

Owing to this situation, currently the number of anti-corruption CSOs (and individuals who play an active role in anti-corruption issues) has decreased since a 'boom' in numbers in 2000-2005. The trend can be shown from the decreased membership of CSO networks and emailing lists from time to time. For example, the active members of GeRAK – a nation-wide anti-corruption CSO network – at its establishment in 2002 reached up to 31 organisations, currently it has only 20 organisations (Interview with I-18, 12/04/2008). Similarly, the active membership of 'berita_korupsi' – an anti-corruption emailing list organised by ICW and the Anti-corruption Journalist Forum – reached a peak in 2007 with more than 2000 members, but shrank to less than 1000 members in 2010.

Many CSOs have tried to overcome the problem of recruitment by various means. Some, such as ICW, cooperate with universities to conduct apprenticeships for students to work in organisations for six months. The universities then reward credit points to the students. If interested, the students can continue their involvement after they finish their apprenticeship. Other CSOs simply organise road shows to campuses and *pasantren* (Islamic boarding schools) to recruit new volunteers. Although the result has not been very satisfactory, this action still enables the CSOs to recruit new activists to their organisation.

The Question of Accountability

In a paper for an anti-corruption conference, Richard Holloway (2001: 1) maintains that 'Indonesia is a country in which the practice of corruption is the norm, not the exception. It would be surprising, therefore, if one of the three sectors of society (the government, business, and civil society) were any less susceptible to corrupt behaviour than the others'. Holloway has a point. Civil society is a sector within a nation that has been

overwhelmed by systemic corruption. Moreover, there are many examples of CSOs functioning as vehicles for the elites and their initiators (Hedman 2001).¹⁹⁶ Taking this into account, anti-corruption CSOs are also not immune to corruption, particularly in the absence of a code of ethics, accountability mechanisms and transparent control (Antlöv, Ibrahim & van Tuijl 2005: 8). The potential is bigger when they tolerate co-optation from corrupt figures, as discussed in the previous chapter. While some CSOs are fighting corruption, others are thus practising corruption. In other words, CSOs are not homogeneous and do not always represent the protagonist in the battle against corruption.

As a PGRI official – one of the main donors for anti-corruption CSOs – said:

Some our CSO grantees just disappear when they have received money from us. They did not provide a proper report concerning their activities nor the way they use the money. Although we always tried to contact them, these CSO activists always find tricks to avoid accountability (Interview with I-19, 20/04/2008).

Although the above anecdote addresses CSOs in general, some CSOs with ‘anti-corruption’ labels also reportedly use anti-corruption issues for extracting money for individual benefit. In the Tulang Bawang district of Lampung, to name one case, activists from an anti-corruption organisation named Komite Anti Korupsi (KoAK) were reported to the police after they demanded bribes from school principals in December 2007 (*Kompas*, 11/02/2008). The activists accused the principals of misusing financial subsidies from the central government, but they promised to take no action if the principals gave them an amount of money (*Kompas* 11/02/2008).

Many anti-corruption activists have clearly been annoyed by the behaviour of their colleagues. According to the executive director of Indonesian Procurement Watch (IPW) Hayie Muhammad, for example:

We realise that many CSOs are not immune from the temptation of bribery and intimidation when they undertake corruption investigation. Some of them also carry out investigations for deceitful motives. As a consequence, the image of CSOs has been polluted (*Sinar Harapan*, 03/02/2006).

As accountability became a serious problem, anti-corruption activists have discussed possible solutions in various forums. Together with CSO activists from various

¹⁹⁶ This state of affairs is not unique to Indonesia. In many other countries it is a common critique that CSOs serve as instruments of the elite for sociopolitical hegemony (see for example, Arnove 1980; Berman 1983; Domhoff, 2002; Roelofs, 2003).

sectors, anti-corruption activists try to organise discussions and workshops to canvass all sources of organisational legitimacy, of ethical conduct, of possible accountability mechanisms, and on the principles of good internal governance. On 10 June 2004, for example, 20 CSOs from around Indonesia, conducted a workshop with the topic of CSO accountability. After a series of discussion, the CSOs eventually agreed to form a ‘Working Group on CSO Accountability’ (*Kelompok Kerja Akuntabilitas Organisasi Masyarakat Sipil*) on 15 December 2006. Following its establishment, the Working Group determined that its mission has ‘to construct the strong and healthy civil society on the grounds of the principles of accountability and transparency.’ The group also set three goals, namely: 1) developing an authoritative institution to uphold accountability and a transparent system; 2) Promoting a political climate that is conducive for the growth of transparent and accountable CSOs; and 3) endorsing the implementation of accountability principles amongst CSOs.¹⁹⁷

Networks for anti-corruption CSO also undertook similar actions. For example, from 12-15 June 2006 Watch Terminal – an anti-corruption CSO network with membership of 166 organisations – held a workshop to formulate a code of conduct for its members. The code of conduct state that: 1) Watch Terminal members (organisations and individuals) are prohibited from receiving any form of facilities and endowment from someone or institutions that are being observed; 2) Watch Terminal members are prohibited for acting as lawyers or law consultants for someone who is being observed; 3) Watch Terminal members are prohibited from discriminating fellow activists and or organisations; and 4) Watch Terminal members are prohibited from receiving funds from donors who require things that can restrict the independence of activists or their organisation in undertaking their work. All these points indicate that accountability

¹⁹⁷ Previously in 2003, LP3ES (the Institute for Research, Education, Information, Economy and Social) also took an initiative to develop and implement a code of ethics and to establish a CSO association or umbrella organisation. After a series of meetings, seminars and workshops involving at least 500 local CSOs, the program eventually succeeded in formulating a written code of ethics that was signed by 252 CSOs from eight provinces (Antlöv, Ibrahim & van Tuijl 2005: 11). The code of ethics contains a number of points that are important for CSOs’ accountability and transparency, including: ‘a) a CSO is not established for the purpose of profit making for its founders; b) a CSO is not established in the interests of its founders but is intended to serve the people and humanity; c) all information related to its mission, membership, activities and financing are basically of public nature and is therefore available to the public; d) a CSO utilizes bookkeeping and financial systems that are in accordance with acceptable accounting standards’ (Antlöv, Ibrahim & van Tuijl 2005: 11-2).

building is growing within anti-corruption organisations, which is in turn influencing democratic practice in Indonesian society, particularly in encouraging general public confidence in supporting the CSOs' campaign.

Networking as a means to overcome internal deficits

As described above, lack of resources, skills and money often have lessened CSOs' ability to counter corruption. In the long run, these organisational limitations are a threat to the sustainability of CSOs' operations and consequently also potentially diminish CSOs' ability to influence democratic consolidation. But, anti-corruption CSOs have tried to overcome their organisational problems by taking various measures. These efforts are significant, because they enhance the resources and accountability of CSOs, contributing to the health political environment for democratisation.

The most significant strategy of anti-corruption CSOs to overcome their capacity deficit has been by building peer organisation networks.¹⁹⁸ As discussed below, the implementation of this strategy has been positive in propping up their internal weaknesses. Through the networks, CSOs increased their bargaining position vis-a-vis the state actors, increased the effectiveness of their actions, and mitigated risks that might endanger them. Additionally, these networks also enabled the CSOs to share lessons and best practice, so the CSOs could replicate the experiences of other CSOs when they wanted to undertake new activities (Interview with I-18, 12/04/2008). In the large part, networks provide significant benefits for CSOs at a local level when they take legal action against corrupt figures. While local CSOs usually only have effective oversight when cases are still under investigation at the district level, they can rely on the networks they have formed at higher levels to maintain social monitoring when the corrupt actors

¹⁹⁸ Theoretically speaking, collaboration and networking can be described as a fluid web of relationships connecting CSOs actions to numerous levels and fields (Fisher 1997: 450). Collaboration is important since CSOs always face challenges at all levels of their activities, which often requires different attitudes, strategies, and skills. In short, as shown by studies around the globe, CSOs need to develop collaboration and networks in order to attain a greater impact of their work on the community (see for example Waddell & Brown 1997; McClusky 2002; Chapman & Fisher 2000: 158-9).

appeal their convictions to the Provincial Court or the Supreme Court in Jakarta (World Bank 2007: 6).

As early as 1999, some CSOs tried to establish anti-corruption networks. In the beginning, most networks were in the form of *ad-hoc* collaborations for addressing particular issues. Usually the alliances were established when the CSOs wanted to influence the formulation of policies and the establishment of anti-corruption bodies. Such collaboration ended when the policy or institutions were formed. Hence, coalitions focused on single issues and did not deal with long-term concerns of corruption eradication nor deal with organisational problems.

In the subsequent development *ad-hoc* collaborations still took place, but some CSOs tried to establish more permanent networks and alliances. They dealt with more long-term issues of the anti-corruption struggle, namely to pursue good governance. They shared information, references, and even to some extent tackled management and financial issues. The networks set-up regular meetings of members to discuss current issues of corruption, to share experiences and resources and to build a common strategy and agenda. In other words, CSOs have developed extensive coalition-buildings, which provide the means to influence more whole-heartedly with the political process.

In the following section, I will examine two main anti-corruption networks in Indonesia, namely GeRAK ('People's Movement Against Corruption') and WT (Watch Terminal). These two represent different types of networks in terms of their initial process of formulation and their area of activities. In addition to these two networks, I also examine regional networks to show their dissimilarity. By depicting and analysing these networks, I suggest that the networks have been very functional in overcoming the organisational deficits of CSOs, thereby strengthening the civil society tradition as an alternative force to counterbalance the state.

GeRAK

GeRAK is a CSO network consisting of around 31 anti-corruption organisations and six individuals.¹⁹⁹ It originated in 1998, when the *reformasi* movement was mounting. At the

¹⁹⁹ The member organisations of the network include: SAMAK-Aceh, GeRAK-Aceh, SoRAK-Aceh, SCW-Simalungun, BAKO-Sumbar, GeRAK-Lampung, KoAK-Lampung, LBH-Lampung, KAM-Lampung,

time, some movement actors, mainly students, set up informal meetings to discuss the prospect of democratisation and the way they could stop corruption. Some of the students, who became CSO leaders in their respective hometowns, met in Yogyakarta in 2000. The meeting was attended by around 35 CSO representatives from across regions who mainly discussed their experiences in dealing with corruption in their district/province. The participants shared an understanding that an incoherent fight would not be effective or able to make a significant impact on corruption eradication. They realised that they needed a solid building block at national wide level to generate an interlocking movement and agreed to establish a national alliance.

In 2001 under the initiative and facility from ICW, they met again in Cisarua-Bogor to discuss a national action plan and strategy. During the meeting, participants were split between those who wanted to build the alliance to function merely as a consultative forum wherein the members are free from any binding obligation to the network, and those who wanted to develop a rigid, permanent, and long-term oriented alliance that could bind all members in a strict organisational discipline. ICW and a few other CSOs preferred the first option, while the rest of the CSOs preferred the second. As a result of the disagreement, ICW and some other organisations decided to not become members of the alliance, but promised to keep in touch with any anti-corruption organisation and to cooperate in any possible activity without necessarily being united in a formal network.

Following the meeting in Cisarua, the CSOs conducted another meeting, again, in Yogyakarta in 2001. This time they discussed the construction of the alliance and also a code of conduct for the organisation. In 2002 the CSOs agreed to formalise their alliance by convening the ‘congress of anti-corruption people’ in Lampung with the financial support of, among others, USAID, OXFAM, and AUSAID. The congress was attended by around 3500 people and formalised the establishment of GeRAK.

PUSsbik-Lampung, West Java Corruption Watch-Jabar, PeRMAK-Jabar, KPB-Banten, BerantaS-Jakarta, IDEA-Yogyakarta, Ganti Pola-Solo, KP2KKN-Semarang, MARAKs-Surabaya, MCW-Madiun, BCW-Bali, SOMASI-NTB, SUAKA-Lombok, PIAR-NTT, GEMAWAN-Kalbar, Kontak Rakyat Borneo-Kalbar, BoCW-Kalbar, POKJA-30-Kaltim, SANKSi Borneo-Kalsel, PeRAK Institute-Sulsel, YPR-Bulukumba, and SultraCW-Sultra. The individual members are: Sapto Waluyo-Jakarta, Fajar Sudjarwo-Yogyakarta, Harlans M Fachra-Bandung, Dwi Saputra-Semarang, Ivan Sumantri Bonang-Lampung, and Ahmad Faisol Anshori-Lampung.

In terms of organisational structure, GeRAK has a national secretariat, led by a presidium that represents six regional coordinators (Sumatra, western Java, eastern Java, Kalimantan, Sulawesi, and Nusatenggara). Each year the members of the presidium select a coordinator from among themselves to act as the executive head of the organisation. To finance the secretariat, every member of the network has to pay a levy determined by the annual meeting. Every year, GeRAK conducts at least one annual general meeting and one regional meeting in each respective region to discuss contemporary issues of anti-corruption and how to deal with the issue. They also share information and experience accumulated during the last year.

Since its inception, the network have facilitated and synergised its members in combating corruption by sharing information, providing workshops, providing investigation assistance, and organising joint actions. To this intent, GeRAK established a national secretariat in Jakarta to run its daily operations. The secretariat also plays a very significant role in helping the GeRAK members to monitor the court processes of corruption cases that are reported by local CSOs to KPK and the Attorney General's Office. Unlike other CSO networks that rely on donor funding for operating the organisation, GeRAK relies on the collection of levies from its members on an annual basis.

GeRAK has also made some significant contributions to the creation of legal and institutional framework for eradicating corruption. It contributed, for example, to the formulation of TGPTPK in 2000 and subsequently participated in its operation. In fact, some representatives of GeRAK became members of the team. In 2002 GeRAK also took a very significant role in the formation of KPK. It collected around 6,000 public signatures to express their support for its establishment to the DPR. The network also engaged in monitoring the selection of members of KPK and contributed in the early stage of its operation, including participated in the development of vision, mission, and action plan of the KPK. The individual members of GeRAK also participated in publicising the KPK. For example, some of them printed and distributed posters with various messages such as 'Report Corruption to KPK'; 'No Space for Corrupters Except in Jail'; 'Corrupt figures, Wherever You Go, KPK is Waiting for You'; 'Indonesian People support KPK to end Corruption', and the like.

In order to prevent its members from malpractice and ethical abuse, the network developed and implemented a strict code of conduct that tightly binds all members. Among the restriction is disallowing its members to receive funding and donation from corrupt figures, human rights abusers, and illegal logging actors. When a member is proven transgressing this rule, they will be instantly dismissed from the network (Interview with I-18, 12/04/2008).

Currently, despite the dwindling number of active members, GeRAK represents a solid anti-corruption CSO network that effectively supports their members in fighting corruption.

WT (Watch Terminal)

WT is a CSO government watchdog network established in 2003. The network aims to facilitate communication, coordination, and information exchanges between the members of the network. Its mission is to contribute to a better and cleaner governmental system in Indonesia. WT claims to have seven regional coordinators with more than 166 members throughout Indonesia. During the first three years, the form of the network was loose; anyone could come and go. Over the last two years, however, the network has set up a more permanent and stricter arrangement. Now, the network has developed guidelines on operational methods, membership systems, and a code of conduct. It has also developed short and long-term strategic planning, aiming to strengthen and increase the effectiveness of its work in fighting corruption.

Unlike GeRAK which directly engages in organising activities to detect, reveal, and take legal action against corruption, WT concentrates on providing technical support for its members. To achieve this aim, WT activities include: (1) Provision of information about activities, events, donors, and online capacity-building training, regulations and work experience around government watch issues; (2) Workshops and training for strengthening work on anti-corruption; (3) Publication of two-monthly newsletters, containing news, articles, and reports on government watch issues. To facilitate the transfer of information, WT set up a clearance house, which organises a website (www.watchterminal.net) that can be accessed by its members and the public. The

website provides information that is important to support its member activities, such as fund-raising issues, formulating proposals, advocacy campaigns, and legal analyses.

In order to encourage the involvement of women in the battle against corruption, WT initiated Women's Network against Corruption (JPAK). The network is currently the only network for women anti-corruption activists in Indonesia. The JPAK was created following a workshop conducted by the WT in Yogyakarta from 8-11 June 2008. This began with the WT findings that women have not played an active role in the anti-corruption movement. Therefore the presence of a network for women may stimulate their participation in the fight against corruption. Membership of the network can be both individual and organisational. Similar to WT, JPAK also provides training and technical assistance for its members and runs a website as a medium of communication.

Regional networks

Apart from networks developed at the national level and on issue basis, there are also anti-corruption networks at the regional level in almost every province/district in Indonesia. Although the networks are generally very informal, they are very effective in generating solidarity and strengthen CSOs' position when bargaining with state agencies. 'When a demonstration was carried out by several organisations,' one activist pointed out, 'state agencies will give more serious attention to the issue being raised' (Interview with I-3, 27/02/2008). In Yogyakarta, for example, anti-corruption CSOs in the province established Yogyakarta Anti-corruption Network (YAK). The establishment of the network is aimed to strengthen and coordinate anti-corruption activities in Yogyakarta, as well as ensure the continuity of the movement by recruiting new activists (*Suara Merdeka* 11/06/2007). Since its establishment, the networks have undertaken several missions in revealing and taking legal action against corruption in the province. For example, they have conducted demonstrations concerning allegations of corruption on several projects in the Yogyakarta provincial government, monitored the development of motorway infrastructure in Yogyakarta and Central Java (South Java Highway project), demonstrated against the provision of superannuation funds for the members of Bantul district DPRD, and demonstrated against corruption on the provision of school books.

Similar to the national level, regional networks are generally able to synergise actions and put strong pressure on the regional government to pay attention to issues raised by the network. In Papua province, for example, a regional anti-corruption network established by the Institute for Civil Strengthening (ICS) that consist of CSOs, tribal organisations, academia, religious leaders and journalists was successful in revealing corruption cases involving a number of government officials in the provincial government, and pushed judicial agencies to make prosecutions and convict some suspects.²⁰⁰

Co-operation with various social sectors

Apart from networking among peer organisations, anti-corruption CSOs also collaborate with other actors or institutions in order to produce a greater impact. This is especially so when they want to influence the formulation of regulations or to reveal corruption scandals. The collaboration engaged various actor including the media, universities, private organisations, and ‘reform minded politicians and bureaucrats’.

Collaboration with the media

The relationship between CSOs and the media is often described as cosy and reciprocal because, on the one hand, CSOs need the media to expose their efforts, increase public awareness, and enhance their legitimacy in the view of the public; on the other hand, the media also need information from CSOs to feed the curiosity of the public regarding certain issues (O’Sullivan 2003). In this respect, CSOs need to find newsworthy information and to convey it to journalists accurately. Anti-corruption CSO activists in Indonesia generally have effectively used the media to obtain public support for their

²⁰⁰ A similar story also took place in South Sulawesi province, where the Indonesian Women’s Empowerment Legal Aid Institute (LBH-P2i) fruitfully led a coalition of about 60 organisations in the province – including NGOs, worker unions, fishermen associations, artist groups, youth and women organisations – to organise a public campaign to promote awareness of grassroots people in monitoring corruption in public services. The campaign consisted of the provision of education and training of corruption monitoring for variety of groups, which generate an active social monitoring against corruption (Joseph 2006: 36-65).

work, and engaged them in monitoring and delivering information. Reciprocally, the media generally have relied on CSOs to gain information regarding cases of corruption because investigating reports is expensive, both in terms of the cost of operation and the training for journalist to carry out such investigations.

At the national level, there are a number of magazines, newspapers, radio and television stations that show a strong commitment and interest in reports and programs that expose corruption. Some prominent magazines (such as *Gatra* and *Tempo*), newspapers (particularly *Kompas*, *Koran Tempo*, and *Republika*), TV stations (such as SCTV, RCTI, Trans TV, TV7, and MetroTV), and radio stations (such as Trijaya network, 68H, and Elshinta) provide programs publishing news, current affair programs, and talk-shows about corruption. Some CSOs took advantage of such programs for boosting anti-corruption campaigns. In 2001, for example, AKSARA foundation joined together with *Tempo* magazine in producing a ‘special supplement’ in the magazine, consisting of news on corruption, educational messages, and also debates on current corruption issues. NU and Muhammadiyah’s anti-corruption task force also arranged collaboration with several radio stations to broadcast talk-shows, which delivered anti-corruption messages.

In addition, coalition between CSOs and the media in combating corruption also takes place in collaborative programs between CSOs and journalist associations. In 2001, for example, some CSOs worked with the Alliance of Independent Journalist (AJI) to undertake a program, entitled ‘Campaign Against Journalists Taking Bribes (Envelopes).’ The program was organised through the establishment and the empowerment of civic networks, whereby the public could complain to AJI offices and a number of designated CSO offices if they were aware a journalist had received bribes.

Not all media are supportive of CSOs combating corruption however. Some local media reportedly use corruption issues to gain economic benefit for their business interests, rather than to genuinely publish the issues in an attempt to combat corruption. Some media maintain self-censorship regarding certain information as a result of bribes. As one CSO activist maintained:

Local media usually are economically still thirsty, so they use the corruption issue mainly as something for taking revenue. They put out news about corruption only when they do not get a share (*tidak kebagian*). But when suspect corrupt officials

like *bupati* or *walikota* put pressure on the media, the news will not be published anymore; it will instantly disappear... not infrequently the media also becomes a defender of corruption suspects when they receive projects from the government officials. By framing the news, they shape public opinion that the officials are innocent (Interview with I-5, 04/03/2008).²⁰¹

In my interviews, some journalists and anti-corruption activists argue that media and journalists face two obstacles when they deal with corruption issues: (1) weak personal capacity; and (2) weak institutional capacity. The weakness in the personal capacity relates to the fact that besides poor technical skills with which to undertake investigations, make an analysis, and write a good report, many journalists also have limited knowledge about corruption (Interview with I-20, 19/07/2008). In addition, many journalists have economic weaknesses. Because journalists generally have a salary that is not enough to cover living costs, they are vulnerable to inducements. A survey conducted by AJI in Aceh province in 2005, for example, found that over 40% of journalists have a poor salary, so they take 'envelopes' from their sources (AJI 2005). Meanwhile, weak institutional capacity correlates to the fact that both journalist associations and media companies are generally still unable to provide sufficient protection and support for journalists who publish corruption cases in the media. In my interview, a journalist mentioned that:

Reporters tend to work and fight alone when they want to publish corruption cases. Although there are now many journalist organisations, none have a special arrangement to protect their members when they want to investigate and report corruption. In addition, media companies are not always interested to support transparency and the anti-corruption movement. In fact, sometimes they tend to manipulate news for business interests. Sometimes there is news that is overdone in order to attract public attention; on the other hand, some issues were closed to coverage in exchange for an envelope. Many media are not able to criticise the government because they often get advertisements from the government about activities and auctions (Interview with I-20, 19/07/2008).

Apart from collaboration with the media, some CSOs also tried to establish self-publishing media for voicing their concerns on the anti-corruption issue, as well as distributing news about corruption and its interrelated aspects. For example, TI Indonesia

²⁰¹ This view is supported by a survey conducted by Southeast Asian Press Alliance (SEAPA) in 2003. The SEAPA observed that around 600 local printed media, 1000 radios, and 40 televisions, only about 20% of the media truly carry out their function as government watchdogs (Luwarsa 2004: 45).

publishes a newsletter, named *Transparansi*; ISAI (Institute for the Study of the Free Flow of Information) publishes *Pantau* (monitor) magazine, aiming to monitor government activities and spread the anti-corruption spirit. Although the circulation of these publications generally is limited, they are useful as a tool for disseminating ideas and exchanging information, which with eventually generate a constituency for CSOs. The publications are also relatively influential in driving forward the anti-corruption movement.

Collaboration with universities

Universities are possibly the most genial alliance for anti-corruption CSOs. In general, despite intermittent and unstructured actions, some universities have acted as think-tanks for efforts combating corruption. For example, following an anti-corruption summit of a consortium of all Indonesia universities law faculties, some universities established a Centre for Anti-corruption Studies that aimed to undertake research and together with CSOs, carry out advocacy on corruption (see Box 11). Some universities also carry out surveys on governance reform issues, including how the reform combats corruption. Others facilitate anti-corruption CSO meetings, aiming to discuss and evaluate progress on anti-corruption endeavours. In addition, since 2006 a number of State Islamic Universities (UIN), State Islamic Institutes (IAIN), and Catholic Universities have developed anti-corruption curricula and training (*Suara Karya*, 30/08/2006).

Additionally, many individual academics on various occasions supported anti-corruption CSOs, not only by giving consultancy and analyses, but also by being involved in lobbies and negotiations to take legal action against corruption. They are also contributors to public discussions and write newspaper articles about corruption issues.²⁰²

²⁰² It is important to note, however, that not all academics are supportive of the anti-corruption movement. A number of academics in some universities have been black listed by CSO activists for taking on roles as legal experts assisting suspects of corruption in court trials (Interview with I-7, 20/02/2008).

Box 11: PuKAT (Centre for Anti-corruption Studies) of Gadjah Mada University

The institution was established in 2005. Originally, the PuKAT ‘piggybacked’ on the recommendation of the summit of a consortium of all Indonesia universities law faculties to establish a centre for supporting the anti-corruption movement pioneered by CSOs. In August 2005, the Consortium made a declaration during its annual meeting in Gadjah Mada University that every faculty of law in all universities in Indonesia should take part and engage in corruption eradication. The Consortium then appointed the Faculty of Law of Gadjah Mada University as a pilot project to establish of the Centre for anti-corruption.

Since its inception, the Centre has carried out a number of activities, including: conducting annual progress analyses of anti-corruption eradication, organising expert forums for analysing anti-corruption regulations, assisting public prosecutor offices in formulating prosecution against corruption cases, organising student apprenticeships on anti-corruption activities, organising press releases to respond to contemporary issues on corruption, organising public examination against trial products, and organising workshops and seminars on anti-corruption issues.

Source: Interview with PuKAT members (12/08/2008)

Collaboration with the private sector

Although the private sector generally is the greatest beneficiary of the anti-corruption movement, little has been done by this sector to help CSOs. Perhaps, as already discussed, this is partly due to their dependency upon the government budget and the collusive nature of business in Indonesia. Besides, CSOs also still lack the competence to solicit support from the private sector.

Despite the limitations, however, there are some promising signs shown by individuals and companies. For example, in 2003 businessmen and professional workers, particularly those working in the Jakarta Stock Exchange, established Professional Civil Society (MPM) with the aim of encouraging the creation of a pro-investment environment in Indonesia and to support the anti-corruption movement (*Kompas*, 24/10/2003). To this end, the organisation has been actively providing support for the eradication of corruption since its inception. Besides collaborating with some CSOs for conducting anti-corruption programs, MPM also actively awards someone who is dedicated to combat corruption.

In addition, the Indonesian Chambers of Commerce (KADIN) is also quite sympathetic in supporting CSOs in dealing with corruption. KADIN’s national headquarters has organised a number of programs on anti-corruption. In 2006, for example, in collaboration with TII, KADIN launched an anti bribery program for its

members, including the publication of modules for anti-bribery training and also the establishment of anti-bribery consultation clinics. Currently the program has been extended by forming a 'Good Corporate Governance program.' Under assistance from TII, the program provides training on anti-bribery, consultation clinics, and also publications on anti-corruption strategies. Meanwhile, some provincial and district branches of KADIN also assume cooperation with local government watchdog CSOs in over viewing abuse in government procurements.

Collaboration with politicians

As discussed in Chapter 5, tensions between politicians and anti-corruption CSOs have occurred on a number of occasions.²⁰³ Despite tensions, however, a number of collaborations between CSOs and politicians have taken various forms. On 29 September 2005, for example, politicians from both the parliament (DPR) and senate (DPD) worked with the Indonesian Community Forum for Parliamentary Care (Formappi) to establish the 'People and Parliamentary Caucus on Anti-corruption'. The Caucus aims to provide support for the anti-corruption movement, especially in the law making process (*The Jakarta Post*, 30/09/2005). Similar caucuses have been established at provincial and district parliaments. In Yogyakarta, for example, a number of CSOs (Muhammadiyah, and Institute for Development and Economic Analysis, IDEA) succeeded in getting politicians from across parties and districts to form a caucus of 'clean' politicians, which led to the creation of a standard procedure on participatory budgeting in Yogyakarta's provincial and district parliaments (Interview with I-11, 26/02/2008).

In addition, a number of CSOs have collaborated with politicians in the executive branch. For instance, TII has worked with reformist governors, mayors, and *bupatis* to

²⁰³ For example, when national CSOs such as CETRO, ICW, Walhi, LP3ES, Imparsial, MTI, TII and Demos launched a coalition to organise a campaign movement for 'not choosing unclean politicians' prior to the 2004 and 2009 general elections. During the campaign, the CSOs published names of national politicians suspected of involvement in corruption and human rights transgressions. Similar action was also taken by CSO activists at provincial and district levels. Due to the campaign, many politicians showed hostility toward CSO activists. Some politicians who previously maintained communication with CSO activists ceased their communication; some took legal action and even physical attacks against CSO activists (Interview with I-17, 09/03/2008).

make an ‘island of integrity’ in several provinces and districts.²⁰⁴ The treaties typically contain pledges of government officers to remove themselves from association with behaviours that may contain KKN. The treaties provide incentives for civil servants to pledge to be clean, and provide disciplinary sanctions for violations of rules, from punishment for absence during working hours through to disincentives consisting of a reduction of incentives (see example in Appendix 12).²⁰⁵

In some cases, anti-corruption CSOs also take advantage of political rivalries amongst politicians, particularly at provincial/district level, as a way to gain support in revealing corruption cases. Typically, CSOs make alliances with politicians who are in opposition to the government. These politicians are usually eager to stimulate the disclosure of corruption cases that involve their rivals for their own political benefit. Although such attempts may generate allegations that CSOs play politics, they can generally avoid this allegation by claiming that they only use politics to hold someone to account, not for gaining power.

Collaboration with ‘reform minded’ bureaucrats

CSO activists realise that efforts to combat corruption are more effective if there is a combination of pressure from without and support from within. In other words, the work of CSOs needs collaboration with people within the system of government who are knowledgeable about the operation of the system and the behaviour of power holders.

One activist pointed out that:

Without support from within, we cannot precisely know what is happening in the offices of government. Although we may generally know that there is something wrong in an office, we cannot get the documents to use as evidence in court. So, we usually try to find internal officers who want to help us to find the documents, as well as inform us regarding the behaviour of corrupt suspects (Interview with I-12, 24/02/2008).

²⁰⁴ Including in Kabupaten Solok (11 November 2003), Semarang city (11 December 2007), Makassar city (27 December 2007), Kabupaten Probolinggo (4 March 2008), Kabupaten Dharmasraya (18 April 2008), and Gorontalo province (18 April 2008)

²⁰⁵ In some districts/provinces, the treaty also includes and applies for private sector, wherein there are also incentives/disincentives in form of a ‘priority list for clean vendors’ for those comply with the treaty and ‘black list’ for those violates the treaty.

There are some cases where CSO activists and reformist officers have worked hand in hand to reveal corruption cases. In North Lampung district of Lampung province, for example, CSO activists from KoAK and LBH Lampung were successful in collaborating with reform minded judges and regional government bureaucrats to expose a corruption case in the World Bank project of PPK (Sub-district Development Program) in 2001-2002.²⁰⁶ Similarly, strong support from reformist bureaucrats also was a key factor in the success of anti-corruption CSOs in Kendal district (Central Java province), in revealing corruption committed by the *bupati* of the district in 2006 (see Chapter 8).

Collaboration with students

Since the collapse of Suharto's regime in 1998, students have always been at the forefront of political demonstrations and they continue to play an important role in pressuring the government to carry out an anti-corruption agenda. Many student unions at universities take positions as active supporters of anti-corruption CSOs, not only by joining CSOs' ad-hoc anti-corruption activities but also by supplying CSOs with volunteers for daily operations. In some cities, student engagement on anti-corruption activities receives strong encouragement from their universities. Some universities, such as UGM (Gadjah Mada University), for example, have stipulated that their students undertake apprenticeship jobs in anti-corruption CSOs and reward students with credits for engaging in CSO activities through government monitoring programs.

Students also form their own anti-corruption organisations to intensify their participation in combating corruption. In late 2003, for example, several student unions and youth organisations formed Coalition of Anti-corruption Student and Youth (KAMPAK). On 20 January 2007 around 30 university student unions (BEM or student

²⁰⁶ According report from Justice for the Poor Project of the World Bank (2006), the corruption was committed by *Camat* (sub district head) of Bukit Kemuning sub-district. In January 2001, the *Camat* has illicitly captured PPK fund that was allocated for villages on his sub-district area. Some village heads then reported the embezzlement to some institutions. KoAK and LBH, the anti-corruption NGOs in Lampung then investigated the case and voiced the need of legal action against the *Camat*. Under the supports from civil servants within Local Development Planning Agency (*Bappeda*) and People Empowerment Agency (*Dinas PMD*), KoAK and LBH activists pressured the police and district prosecutor office to take action. Bappeda and Dinas PMD officers supplied the activists with a number of documents to support the allegation. Under continuous pressures from CSOs, media, and general public, the court finally sentenced the *Camat* for 1 year jail, fined him for Rp. 50 million, and instructed him to return 125 million cash that has been stolen.

executive organisations) from across Indonesia established a Students Association for Corruption Watch (SACW) in Bandung.

Seeking a broader influence by entering politics

Apart from building collaboration, CSO activists sometimes enter the political arena by taking part in elections or forming political parties to represent the interests of the anti-corruption movement.²⁰⁷ As civil society actors found it ineffective to drive their mission with moral force only, anti-corruption activists became more politically active, participating in various political actions including joining existing political parties, participating in elections, and establishing political parties.²⁰⁸ For activists, weak public support is a product of a poor governmental system that can only be effectively cured from within, instead of attacking it from outside (Interview with I-21, 05/04/2008). Some activists claim that the anti-corruption struggle will be more effective if the activists occupied government positions and then used their power to make policy reform in the eradication of corruption.

In addition, activists initiated the establishment of PAK (*Partai Anti Korupsi* or Anti-corruption Party). So far, PAKs initiators have formulated the party's constitution, organisational structure, and a code of conduct for its members. The PAK structure will be a confederation of CSOs that grew out of the anti-corruption movement. Although the Party has not been formalised, the proposal has received an intense response – in the form of both support and opposition – from the anti-corruption CSO community. Supporters of the PAK generally argue that anti-corruption CSOs need to form political party because the current political parties are considered the cause of Indonesia's corruption problems.

²⁰⁷ The engagement of civil society actors in political institutions is not exclusive to Indonesia. As acknowledged in the literature, following the collapse of an authoritarian regime civil society actors enter the political arena by forming political parties and other formal political institutions (O'Donnell & Schmitter 1986; Rueschemeyer, Stephens & Stephens 1992; Haynes 1997). As well, political parties may recruit political leaders in new democracies from civil society groups (Uhlir 2000: 10-2).

²⁰⁸ For example, as *Harian Berita Kota Makassar* (19/12/2008) reports, many anti-corruption CSO activists joined a number of parties to run as candidates for provincial and some city parliaments in the 2009 elections. At the national level, some prominent anti-corruption activists also stood as parliamentary candidates. One former member of GeRAK presidium, Sapto Waluyo, for example, ran as a candidate for PKS (Justice and Prosperous Party) in the 2009 general election.

The conviction of many politicians on various corruption charges proves that political parties are the main culprits. Accordingly, they cannot be expected to make genuine initiatives to carry out an anti-corruption agenda. Expecting the current political parties to seriously take on an anti-corruption agenda is thus considered unrealistic. The proponent of PAK acknowledge that there is a possibility to consolidate the anti-corruption movement by entering other political parties, but assert that this action will be insufficient, since all parties have been occupied by conservative groups. According to them, if CSO activists only join the current political parties, they will only get peripheral positions and will not attain significant positions in which to determine the parties' agenda.²⁰⁹ So far, the outcome of this initiative is unclear. However, initiators of the proposal are still working on their plan. They hold regular meetings to discuss the proposal, and exchange ideas via the Internet and telephone. According to some members of this group, they will only stop when anti-corruption has become a real agenda for most political parties (Interview with I-22, 23/06/2008; I-31, 26/02/2008).

This description actually represents the doubts of some activists about the future of CSOs in combating corruption. The intention to enter the political arena can be interpreted as a sign of dissatisfaction regarding the outcome of the anti-corruption movement they promoted. They are impatient to fight a long-term struggle, and want to get more concrete results as soon as possible. Time will determine whether these efforts will succeed. However, if not managed properly, this intention could weaken the CSOs' movement; by entering politics, the unique characteristics of civil society movements could begin to disappear, and they would eventually lose their function as a counter-balancing force to the state.

²⁰⁹ On the other hand, those who disagree with the establishment of the PAK argue that the new political culture within the CSO community would generate more problems than solutions for the anti-corruption movement. Firstly, as the public image of political parties has been so bad, the establishment of PAK would only pollute the reputation of anti-corruption CSOs once they turned into a political organisation. Secondly, the establishment of a political party requires a high level of cost, attention and energy, which will only distract CSOs' resources that are already limited. Thirdly, the establishment of PAK will limit the scope of anti-corruption activities.

Concluding comments

One of the challenges for anti-corruption CSOs is to balance expectations with limited resources and capacity. The discussion in this chapter clearly shows that CSOs' deficits in organisational capacity hinder them from taking effective action. Many CSOs, however, have been able to overcome their limitations and make themselves effective in undertaking their mission. The CSOs' attempts to pool resources with peer organisations and to develop cross-class alliances with wider community including business, bureaucrats, media, intellectuals, and students shows that they can overcome the organisational capacity deficit.

Although it has proved difficult, the strategy is significant in strengthening CSOs in their campaign since the collaboration can synthesise and orchestrate actions at a nation-wide level and develop alternative channels for public participation. As long as CSOs can institutionalise their collaboration, such attempts also show a promising prospect for them in maintaining the struggle on a long-term basis.

Apart from business organisations, many groups are generally supportive of the anti-corruption movement and can complement the CSOs' organisational deficits. As noted, this is partly because anti-corruption CSOs convince the communities that their work can deliver concrete benefits to the people. In this way CSOs will be able to survive and continue to play a role in strengthening accountability mechanisms in the democratic consolidation process.

PART THREE

Chapter 7. Case Studies of National Level CSOs: Indonesia Corruption Watch (ICW) and Masyarakat Transparansi Indonesia (MTI)

This chapter provides a picture of CSOs fighting corruption at the national level.²¹⁰ It tries to depict the profile, activities and interventions of CSOs as well as their successes and the challenges they face. Through the case studies, the chapter argues that CSOs are crucial in shaping the political agenda at the national level. The chapter presents case studies of two high profile CSOs, the ICW and MTI. Both CSOs have been selected because they have been very prominent in promoting the anti-corruption movement.

While only two case studies are presented here, they provide examples and insights into the complexity of the participation of CSOs in the struggle against corruption at the national level. The organisations offer different styles of activities. ICW typically focuses on investigating and exposing corruption, as well as campaigning for the punishment of corrupt figures, while MTI tends to focus on advocating policy reform, using a relatively more collaborative style with the government. Despite the difference, both organisations share the characteristic of being independent and critical of the government.

This chapter will first discuss the background of CSOs' action at the national level in order to understand the socio-political conditions that affect their work. It then presents a detailed profile of the activities of each CSO, and the way the CSOs influence the political agenda.

²¹⁰ I use the term 'national CSOs' to refer to CSOs that undertake actions to influence political and governmental affairs at the national level. In some cases, however, they may also undertake activities in influencing policies at provincial and local levels.

Background of action at the national level

In the late period of Suharto rule and the early period of democratic transition from 1997-2004, Indonesia was marked by major socio-political turmoil. At that time, various social and political conflicts accompanied by violence were occurring. The supporters of many political parties were involved in various forms of physical confrontation. Unrest among ethnic and religious groups broke out in Kalimantan, Sulawesi and Maluku. Rivalry also occurred between the TNI and the police after the separation of their organisations and commands. Many local elites in regions such as Aceh, Riau, Papua, Maluku, Bali and even West Java wanted to separate from Jakarta. They undertook various forms of revolts including public meetings, demonstrations, and even armed insurgency to gain independence. The chaos was amplified by economic crisis: unemployment rose sharply, causing the explosion of criminal acts; commodities disappeared from the market and their prices increased beyond government control, creating communal chaos. Many banks went bankrupt, causing terrible social unrest. In short, Indonesia was in a total socio-political instability. At the time, many people were pessimistic; not only about whether the democratisation process would be successful, but also whether the Indonesian state itself would survive.

Ironically, the horrific situation was exploited by many individuals seeking to enrich themselves and their patrons. The unavailability of proper monitoring enabled such culprits to take advantage. Corruption occurred in various forms across various sectors, causing huge amounts of state capital to vanish. Illegal logging, tax embezzlement, oil smuggling, and other forms of state resource robbery became a common phenomenon.²¹¹ In addition, many other forms of corruption and abuse of the state budget took place in various government agencies. Almost every day the media publicised stories of bribe transactions in the DPR, the iniquitous increase salaries of public officials, the involvement of ministers in corruption scandals, and the

²¹¹ During the period 1999-2003, it is estimated that illegal logging caused state losses to reach nearly US\$ 4 billion every year, tax embezzlement reached US\$5 billion, smuggling of oil from Pertamina reached US\$ 5.6, sea sand smuggling US\$ 8 billion, and other natural resources robbery reached US \$10 billion per year (*Kompas*, 16/02/2003).

manipulation of state policies for the sake of political interests.²¹² The countless news stories about illicit transactions around the process of privatisation of SOEs and the settlement of BLBI (see description in Appendix 9) appeared just like a serial story.

Although such news was published by the media on a daily basis, at least until 2002, only a few corrupt figures were caught, prosecuted or sentenced by the judicial authorities. Sequential cases merged one into another: each case was always followed by political controversy, which eventually damaged the law enforcement process and impeded efforts to clarify cases. The government and the legislature produced much legislation to show that they were doing something to address corruption: not less than 32 anti-corruption regulations were generated during 1999-2004. However, as already discussed in Chapters 2 and 3, the less impressive work of law authorities meant the regulations could not be implemented effectively. Meanwhile, elite groups seemed to protect one another from the public demand for accountability.²¹³

The above explanation illustrates the socio-political condition that the national anti-corruption CSOs have been trying to change. Given the fact that conditions were so fertile for the spread of corruption, CSO activists started to search for effective ways to improve conditions. Since 1998 a number of individuals have initiated informal meetings to discuss their concern. They gathered into a number of groups which typically later became anti-corruption CSOs, including MTI (established in August 1998), ICW (June 1998), Gempita (June 1998), GoWA (March 1999) and IPW (October 2002).

Following several contact meetings and engagement in various activities, the groups generally shared the view that anti-democratic perpetrators should not be allowed to exploit the democratisation process for personal benefit and, accordingly, agreed to

²¹² In 2001 the media reported the spilling of Rp 10 million cheques from a top Financial Department officer that allegedly were to be used to bribe members of the DPR. In May 2001 two former Ministers of Mining and Energy (Ginandjar Kartasasmita and IB Sudjana) were stated as suspects in a case of corruption in the multibillion Pertamina's project scandal. In June 2002 the media revealed the circulation of traveller cheques valued at US\$1,000 for members of the DPR from an official of IBRA (Indonesian Bank Restructuring Agency). During 2001-2002 the media reported the Bulog corruption scandal involving Akbar Tandjung (spokesman of the DPR).

²¹³ For example, in 2002 when Taufiq Kiemas, Megawati's husband, was under public pressure to resign from the DPR due to the allegation of collusion on several government projects, Akbar Tandjung, the DPR spokesman, stated 'There is no prohibition of laws or regulations that require Taufiq Kiemas to withdraw from the DPR' (*Kompas*, 17/03/2002). Conversely when Akbar Tandjung was pushed to withdraw from his position as spokesman of the DPR due to allegation of his involvement in a corruption case, PDIP, the party led by Megawati, refused to support the claim.

propagate an anti-corruption movement. Despite this view, CSOs generally had no significant research which could serve as a strong basis to develop an effective anti-corruption agenda. However, they considered that a reform agenda to combat corruption would be successful if it was a result of a comprehensive approach and supported by all stakeholders, including government, civil society and the business sector (Interview with I-9, 12/04/08 and I-6, 12/09/2008). Accordingly, during the early years, CSOs were busy undertaking in-depth diagnostic work on the problem of corruption. This included, for example, MTI's attempt to organise a national dialogue leaders across government, business and the civil society sector in Bali, and a comprehensive diagnostic study of corruption commissioned by the PGRI (Partnership of Governance Reform Indonesia) in 2000, which provided the baseline for subsequent work on anti-corruption. PGRI and CSOs developed a series of research papers on different topics. At the same time, the national presidium of GeRAK (a CSO network) also undertook a public consultation process to develop a national action plan to fight corruption, the results of which were shared with other CSOs. All these activities were used to gather views about all aspects of corruption in Indonesia, and how it could be eliminated. The documents produced from the activities became important sources for prioritising issues and actions in the anti-corruption struggle.

Considering the importance of a comprehensive anti-corruption strategy and public support, civil society actors recognised that they needed to develop strong synergy among CSOs themselves and then incorporate other sectors. Driven by this recognition, CSOs started to coordinate their activities and assemble blocks to push the national government to take systematic reform. As mentioned in Chapters 4 and 6, the CSOs clustered their activities in a number of groups based on certain issues, such as Coalition for Judicial Reform, Coalition for the Budget Transparency, Coalition for a New Constitution, and Coalition for Witness Protection. These coalitions were established to encourage the formulation of the legal and institutional framework necessary for anti-corruption measures.

The next step saw CSOs concentrate their activities at a strategic level by working to engage different stakeholders in building consensus around action plans to combat corruption. The activities included workshops, lobbies, surveys or other types of research,

analyses or public outreach at regional and national levels, with the aim of promoting agenda and proliferating anti-corruption sentiment. The CSOs also provided inputs to government for the creation of anti-corruption program, such as program of bureaucratic reform in several ministries and the formulation of a 'national action plan for corruption eradication'. The inputs aimed to test whether the government was supportive and its political commitment sufficient.

Following the early work in analysing the problem of corruption, national CSOs directed their focus to encouraging and facilitating the establishment of the KPK. In 2001 and 2002 they worked mainly at gaining the necessary political commitment to ensure the institution came into existence. The CSOs drove their advocacy by conducting continual lobbying with heads of major political parties, DPR members, the Minister of Legal Affairs, and the State Secretariat for gaining the political mandate, legal mandate and the funding necessary to make the KPK effective. In 2003-2004 the CSOs focused their concentration on supporting the commission to get off the ground. They subsequently became involved in the selection of members to the commission, agreement on its organisation and operating principles and public consultations to introduce the commission to the public. Since 2004 national anti-corruption CSOs have continued to provide strategic support to the KPK. With financial support from donor institutions such as ADB and GTZ, some CSOs also worked with KPK to develop standard operating procedures and working mechanism systems for the institution.

The CSOs also started to direct attention toward practical activities by investigating prominent cases of corruption. As mentioned in Chapter 4, several national CSOs such as ICW, FITRA, and GoWA were successful in disclosing a number of corruption cases in various government agencies, leading to the conviction of relatively senior bureaucrats and politicians. In some instances, several national CSOs also supported provincial/local CSOs in undertaking projects that contributed to shape the anti-corruption agenda at the provincial/local level. Although the implementation of such projects sometimes has been problematic for CSOs due to, in particular, the lack of organisational resources, such assistance has significantly multiplied 'anti-corruption spirit' throughout the country (Interview with I-6, 12/09/2008). In Aceh, for example,

such support led to the conviction of the Aceh governor, the first case ever of a provincial CSO successfully filing a lawsuit against a governor in a corruption case.

Having seen that the anti-corruption battle cannot be driven merely by a confrontational approach, the national anti-corruption CSOs sometimes also acted as reform partners for the government. For instance, when the National Planning Agency (Bappenas) was charged to co-ordinate the formulation of the government's National Action Plan on anti-corruption, CSOs summoned public hearings and organised public campaigns to encourage public participation in the Plan making process. CSOs also continued to be on stand-by to help overcome deficits facing the implementation of the plan, including demanding commitments from some government agencies.

In order to understand how each CSO worked and their organisational characteristics, the following section will look at two CSOs that maintain different method of campaigns; one has a confrontational approach, and the other a more collaborative style.

ICW

Studying the work of ICW is important since the organisation is widely known as the pioneer of watchdog CSOs and it has endorsed the establishment of similar organisations throughout Indonesia. Since its inception in 1998, the CSO has performed a wide range of actions to booster the battle against anti-corruption, including promoting witness-protection legislation, promoting the establishment of the KPK, and monitoring general and presidential elections. The organisation was founded on 21 June 1998 in the middle of the *reformasi* movement. The establishment of the organisation was initiated by a number of influential democratic activists with backgrounds in human rights, legal aid, labour, environmental and rural development (Eldridge 2005: 157).²¹⁴ Following its inception, the ICW drove its actions by applying both 'upstream and downstream'

²¹⁴ They include, among others, Bambang Widjojanto, Eros Djarot, Marsilam Simanjuntak, Masdar F. Mas'udi, Christianto Wibisono, Sonny Keraf, Todung Mulya Lubis, Munir, Dadang Trisasongko, Teten Masduki, Adi Andoyo Sutjipto, Alexander Irwan, Chusnul Maryah, Daniel Dhakidae, Harjono Tjitro Soebeno, Ibrahim G. Zakir, Kamala Chandra Kirana, and Robertus Robert.

approaches to the fight against graft. The first approach is more or less similar to the concept of ‘strategic level activity’ discussed in Chapter 1. The approach involves programs geared to make state actors accountable. The latter is similar to the concept of ‘practical level activity’ and involves attempting to mobilise people in the battle against corruption, to encourage them in monitoring state institutions, and to engage them in demanding policy reform.

In general, the organisation maintains an uncompromised attitude in dealing with corruption. This ‘zero tolerance’ stance has resulted in ICW activists often becoming targets of violence, terror and intimidation from corrupt figures. For example, in 2002 as mentioned in Chapter 5, ICW’s first leader Teten Masduki was beaten by several people who allegedly are linked with corrupt figures in South Sulawesi province. Other ICW activists, Emerson Yunto and Ilian Deta Sari in 2009 were accused of defaming the Attorney General’s Office (AGO) when they exposed suspicion of corruption in the institution. In countering such threats, the ICW has benefited from having an extensive network. Whenever it has to deal with a threat, peer organisations stand up to support the CSO. These peer organisations, such as TII, AJI, and MTI, for example, voiced strong criticism at the AGO when Emerson and Ilian were accused, making the AGO suspend the case.

Many people admire ICW as one of the most persistent CSOs in the struggle against corruption. The record accomplished by ICW is not merely associated with their relatively successful attempts to expose corruption cases, but also relates to their significant role in influencing the political process on anti-corruption regulations and policies, as well as developing wide networking on the anti-corruption struggle. At the same time, ICW also enjoys a reputation as a barometer of the national anti-corruption movement for other CSOs and the general public (Davis 2008). Due to its notable work, in August 2000 ICW’s executive board coordinator Teten Masduki, received the Magsaysay public service award for work in ‘challenging Indonesians to expose corruption and claim their right to clean government’ (*The Jakarta Post*, 01/08/2000).

In addition, the organisation plays an unofficial role as a ‘semi-umbrella organisation’ for other anti-corruption CSOs, especially those at the regional/local level, by providing moral support, technical assistance, capacity-building, and general

guidance. For example, when local CSOs report corruption cases in their districts or provinces to KPK, ICW assists them monitor the progress of the report, as well as endorsing the KPK to handle the cases as promptly as possible. In some instances, ICW also helps local CSOs obtain financial access to donor agencies and assists them deal with the legal process when they take corruption cases to court.

At the beginning of its establishment, ICW conducted an assessment on the best possible methods to employ in curbing corruption. The assessment concluded that ‘the apparent inability to accelerate the fight against graft was not the result of fundamental weaknesses in the state, but rather imbalances in the relationship between the state and its citizens’ (Widjojanto 2006: xviii). Taking this into account, the CSO resolved that corruption eradication programs need to pay more attention to strengthening public participation since with a committed and well educated public the fight against corruption would be much better equipped and find a sustainable base (Interview with I-6, 12/09/2008). Considering the public is the principal victim of corruption, ICW wants to encourage them to fight for their rights. In the words of Teten Masduki, the first ICW leader, the CSO wants to transform public vigilance of corruption into action (Masduki 2005). Teten Masduki further explains:

ICW was set up to persuade society to brave collective action in order not to tolerate corrupt practices that happen in their environment no matter how small. In this case, ICW positions itself as a shield to the eyewitness or whistleblower, who wishes that his identity be unknown and refuses to take the risk of becoming the victim of extortion from the corrupters he had reported (Masduki 2005).

ICW clearly set up organisational roles that accord with its mission to empower the people in combating corruption.²¹⁵ As such, the CSO focuses its programs toward generating a critical mass that is able to monitor any irregularity in public institutions.

²¹⁵ The organisation formulates its main roles as follow: (1) Increasing public awareness and empowering society of its rights regarding better public services; (2) Strengthening society’s capacity for involvement in monitoring public policy; (3) Encouraging society to investigate corruption cases and to publish and reveal corrupt practices in striving to realise clean government; (4) Facilitating the enhancement of society’s capacity to investigate and monitor corruption; (5) Conducting a public campaign in order to reform the law, political and bureaucratic systems so they are responsive to the corruption problem; (6) Encouraging law enforcement and moral standards among public officers, business society, accountants, engineers, notaries, lawyers and other professionals (ICW, online document on www.antikorupsi.org).

ICW in action

As mentioned above, although generally speaking ICW focuses its mission on empowering the public to face and deal with corruption, the CSO directs its activities through two programs: upstream and downstream. Below is a description of these programs:

Upstream activities

This program aims to make state actors accountable. In order to achieve this, ICW is flexible in the methods it employs. Sometimes it uses resistance, such as street demonstrations othertimes it adopts a middle approach by organising discussion forums. It also uses a benevolent approach by working closely with state agencies in formulating regulations.²¹⁶

At the beginning of its operation, ICW worked with other CSOs to push the government to develop an integrated framework and to create an action plan for tackling corruption. ICW believes that a strong institutional and legal anti-corruption framework is important since the rampant corruption in Indonesia represents an extraordinary crime (Husodo 2007). As part of this action, ICW contributed to, and became a member of, various CSO coalitions to endorse the government to formulate a witness protection act, formulate public information disclosure, establish a judicial commission (KY), and establish a national ombudsman. Furthermore, ICW pressured the government to ratify the United Nation Convention against corruption (UNCAC). The CSO assumes that by ratifying the convention, the people can require the government to implement an international standard for eradicating corruption, which includes a legal framework and strategy. As well, the government will be in a situation to press the international community to cooperate in eradicating corruption regarding issues related to extradition of offenders, mutual legal assistance, and asset recovery (Husodo 2005). ICW achieved notable work in pressuring the government to establish an independent anti-corruption commission with powerful authority with the successful realisation of the establishment

²¹⁶ For example, in 2007 ICW worked with the ministry for human rights affairs in the preparation of a bill on witness protection.

of KPK and its sister body, the Special Court for Corruption (SCC), on 27 December 2002.

These upstream activities indicate that the ICW has been able to make a key contribution to the construction of legal and institutional frameworks necessary for curbing corruption. In many cases, if an issue is not on the agenda, the CSO is able to dictate and change governmental policy by putting pressure on the government to make it a priority. This clearly shows that the CSO has played a significant role in fostering a culture of accountability in Indonesian governance.

Downstream activities

Following the establishment of KPK, ICW focused its attention on disclosing corrupt practices across various government institutions. It successfully uncovered various suspicious transactions involving government officials. In 1999, for example, ICW was involved in dismantling a bank account with a very large amount of money belonging to Attorney General Andi Muhammad Ghalib. ICW's investigation discovered that the account received transfers from tycoons being investigated by the AGO for an allegation of corruption. The report led to a government investigation and removal of Andi Ghalib from his office by President B.J. Habibie (*Jakartapost*, 22 June 1999). Following this investigation, ICW uncovered a markup corruption at the Radio Republic of Indonesia (RRI) worth Rp 40 billion, a markdown in the sale of a plot of land belonging to the National Housing Agency worth Rp 300 billion, and many other cases. Since its establishment, ICW has investigated many of the most controversial and complex corruption cases in Indonesia, including the Bank Bali scandal, BLBI scandal, illegal logging cases, fraud in World Bank projects in some provinces, court mafia, election budget scandals, the Buloggate scandal, and embezzlement from the state budget by members of the legislature at the national level.

Apart from exposing corruption scandals, since its inception ICW has organised numerous projects to raise public awareness and understanding of the problem of corruption. Students and public service customer groups in particular have been the central focus of ICW's anti-corruption approach. ICW recognises that these groups are key elements of popular mobilisation in demanding government accountability. In order

to educate the people to participate in combating corruption, the CSO has undertaken five notable roles. Firstly, ICW is a clearing house for information about corruption, collusion and nepotism in Indonesia. The institution provides a broad spectrum of information regarding corruption; from training kits, government documents, modules of anti-corruption education, research reports on specific corruption issues, to the update of corruption trends. ICW has produced dozen of books, reports of public examinations of judicial decisions, articles, and other types of publication. In order to broaden the information, the CSO set up an online website (www.antikorupsi.org), which provides news and references about corruption.

Secondly, ICW has been relatively successful in encouraging the establishment of many watchdog organisations in various specific fields such as judicial affairs, procurement, police, budget, state owned enterprises. It has situated these entities as strategic partners each concentrating on their specialised area.²¹⁷ A similar measure has also been undertaken at province/district level.²¹⁸ Support from the establishment of these organisations and networks has enabled ICW to strengthen its influence in the anti-corruption campaign and heightened its effectiveness in accomplishing its mission. To this end, ICW have initiated a broad range of activities including facilitating public inquiries, organising training and workshops for CSOs activists and the general public as well as specific target audiences.

Thirdly, the CSO has pioneered ways of conducting corruption investigations and advocacy,²¹⁹ and public examination of court decisions considered to be controversial. Their experiences have created a role model for other CSOs wanting to undertake similar exercises. The ICW model has been cloned by CSOs in various areas and for use in various cases. ICW began its corruption investigations by trial and error relying on the

²¹⁷ For example, ICW supported the establishment of BUMN Watch, Indonesia Police Watch, Indonesia Procurement Watch, and so forth.

²¹⁸ New anti-corruption NGOs that have been established under the support of ICW at provincial/district level are, among others, Prodem in Kendari, the LPS-HAM in Palu, Bontang Corruption Watch (BCW) in East Kalimantan, G2W in Garut, PIAR in Kupang, Gerak, SORAK, and SAMAK in Aceh, Rahima in Cirebon, SOMASI in West Nusa Tenggara (NTB), Maraks in Surabaya, KP2KKN in Semarang, Komite Anti Korupsi (KoAK) in Lampung, BAKO in West Sumatra, Perak Institute in Makassar, Gemawan in Pontianak, and Pokja 30 in Samarinda.

²¹⁹ In 2002-2003, for example, ICW undertook facilitation of Public Participation in the Discussion Process on the Corruption Eradication Commission Draft Law. The role could ensure the accommodation of ideas from civil society and the public and pushed through the enactment of the law by the expected time.

knowledge and experience of its members. In subsequent years, ICW developed more systematic investigation procedures and trained its volunteers in investigation skills. Most of the investigations conducted by ICW began by listening to, and reading reports from, the community. It mapped corruption case by outlining schemes that revealed ‘who did what.’ Analyses on related law/regulations was undertaken in order to locate points of offence. The analyses were then confirmed by conducting meetings or interviews with related parties to gather opinions from a third party’s perspective. When necessary, ICW undertook field investigation, observation or interviews with the stakeholders, the results of which were discussed with the Board of Ethics before being published and submitted to the judicial institutions. Although this pattern appears simple, some cases often required technical knowledge beyond ICW’s capacity. In such circumstances, the organisation sought cooperation with other parties such as academics, public accountants, or journalists sympathetic to their work.

Fourthly, ICW resiliently endorses public participation in making government services effective. For example, it initiated the participation of public monitoring in public services by using a ‘report-card system.’ Since the implementation of a pilot project in the Department of Education in 2000, it has been reported that the public has become active in pushing for better government performance (Masduki 2005). Following this success, the system has been replicated into health sector services and other government agencies.

In addition, ICW believes that a clean governmental system can only be achieved when general elections elect capable and clean politicians. Accordingly, in every general election, ICW have taken the initiative of organising the ‘Movement Not to Vote the Rotten Politicians’. During elections, ICW also monitor money politics and the financial transactions of presidential candidates. With other organisations, the CSO set up *posko* (command posts) to mobilise people to carry out these initiatives. These actions are part of ICW’s political education program to turn ‘irrational voters’ into ‘rational voters’ (Masduki 2005). By providing information on the bad records of candidates, ICW aims to help the people think judiciously when they are choosing candidates in the legislative and executive posts so they do not allow corrupt politicians to hold public office. As discussed in previous chapters, despite the fact that rotten politicians are still elected, the

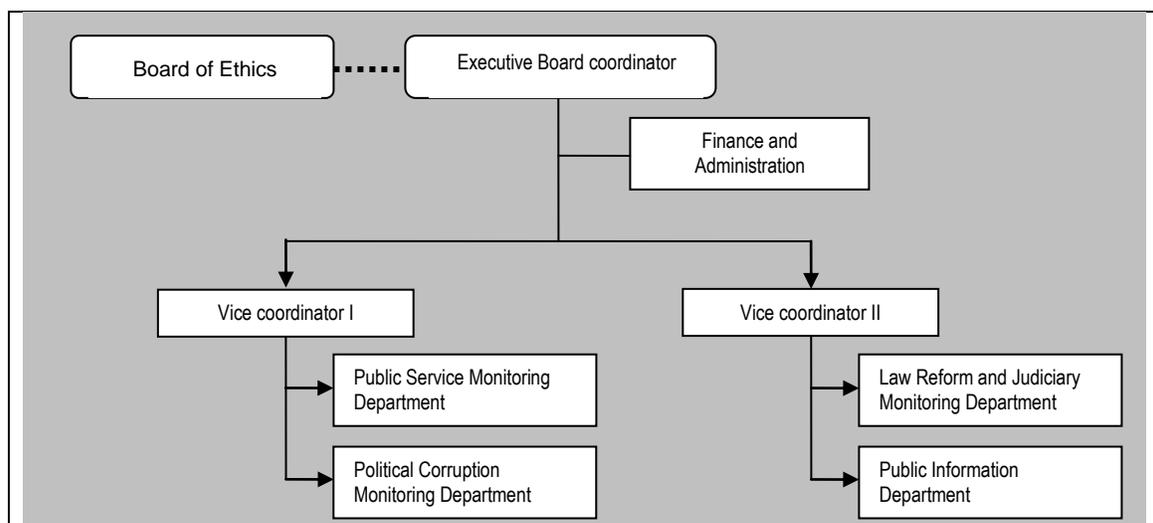
movement has been adopted by many CSOs and has resonated throughout Indonesia, creating significant problems for dirty politicians.

As a result of such downstream activities the ICW has made a significant contribution to the enhancement of accountability systems. By educating the people, the capacity to bring state officials to account increases, and in the end stimulates the officials to comply with the demand for accountability.

Organisational capacity

After ten years of operation and activity, ICW shows high credibility to function as a strong and stable CSO. The CSO is in a position to manage a smooth change of management personnel. The range of organisational structures employed by ICW is quite broad and involves a formalised administrative and managerial approach, with some jobs remunerated. Following several adjustments, the organisation has developed an organisational structure that fits its mission and that will allow it to undertake a long-lasting struggle. Currently the organisational structure consists of a board of ethics and executive board, consisting one coordinator, finance and administration department, two vice coordinators, and four operational departments.

Figure 6: Organisational structure of ICW



Source: ICW (2005)

The Executive Board functions to pursue and conduct activities in achieving organisational goals. The Board is led by a coordinator, who supervises two vice coordinators. The first vice coordinator focuses work on carrying out activities in ‘upstream arenas’. This position coordinates two departments; a public service monitoring department²²⁰ and a political corruption department.²²¹ The second vice coordinator, albeit in some degree also functioning in ‘upstream activities’, focuses on carrying out ‘downstream activities’. This position coordinates two departments; a law reform and judiciary monitoring department²²² and a public information department.²²³ Although the distribution of work seems very clear, practical situations do not necessarily follow the design. In some project based activities, for example, upstream and downstream activities are combined.

As with many other organisations, on its establishment, ICW obtained its operational funding from members. In the next stage, although membership donation still took place, the CSO obtained much funding from donor institutions and individuals. When receiving such funding, however, ICW regulates itself to follow three requirements, namely:

- a) the funding should not disturb nor harm ICW independence, mission and vision,
- b) Individuals or institutions sponsoring ICW did, do and will not be involved in any economic crime, and
- c) Individuals or institutions sponsoring ICW should respect human rights.

²²⁰ The Public Services Monitoring Department has five main activities: to analyse and monitor corruption practice in public service fields, to evaluate periodical performance of public services officials and their institutions, to develop alternative method to monitor effective public services delivery, to follow up bureaucratic corruption cases, and to maintain and develop networking in local areas.

²²¹ The Political Corruption Department has five main activities: to analyse and monitor political corruption, to maintain and develop networking in local areas, to evaluate periodical performance of political institutions, to propose and develop alternative method to monitoring political corruption, and to follow up political corruption cases which are reported by the public.

²²² The Law Reform and Judiciary Monitoring Department has six main activities: to analyse and monitor legal reform agenda, to analyse and monitor corruption in the judiciary, to evaluate periodical performance of judiciary apparatus and its institutions, to monitor selection of public officials in the judiciary field, to follow up judicial corruption cases, to draft legal acts that are related to anti-corruption strategy.

²²³ The Public Information Department has several main activities: to provide information and data which is need by the coordinator, vice coordinator, program manager and public, to manage a library, public reporting on corruption cases, archives and all important data, to manage storage of public report cases, archives and all important data, to coordinate investigation and public campaigns, and to study and write a report of trends of corruption quarterly.

ICW's revenue fluctuates. Yet annually the organisation collects around Rp 1-6 billion from donations and project activities, including Rp 100-200 million from domestic contributors. After more than ten years of existence, currently ICW enjoys less financial pressure as the organisation has been able to purchase a relatively large permanent office. By owning the office, the organisation has secured its survival at a basic level of operation for the future years. In the words of one activist, 'At least we have a permanent place to host meetings to discuss corruption issues'. (Luky Djani, pers. comm. 05/06/2009).

ICW is also fairly capable of being secure from threats of internal conflict. Although in 2002 a dispute caused some members to leave and set up a new organisation, ICW generally has no significant internal conflict that may lead to the collapse of the organisation. Probably this situation is because most members had experience in organising other CSOs before they joined ICW. The maturity of its membership helps the CSO overcome a diversity of opinions and interests. Unlike many other CSOs that have no conflict resolution mechanism, as described in Chapter 6, ICW has set up an effective conflict resolution mechanism through regular meetings of members, board of executive, and board of ethics since establishment.

ICW maintains accountability by undertaking a systematic accounting procedure and annual external audits of all project expenses by a registered public accountant. This report is published on the ICW website for public monitoring. In addition, it has also developed a short and long-term organisational plan as well as pre-established mechanisms for program monitoring. To ensure it accomplishes goals in an accountable way, ICW assigns the Board of Ethics to control compliance of ethical values by its members. The members of the board are usually senior members of ICW who are publicly known for having a clean reputation. The board has set up a code of conduct, which consists of eight points of principle.²²⁴ If the board receives complaints from the

²²⁴ The principles are: (1) Integrity Principle: (a) every member has never committed a criminal, political, economic or human rights crime, (b) every member has not supported and would never support or protect corrupt figures, (c) every member should not place him/herself under financial interest or other opportunities from outside (individual or organisation) that could affect the ICW mission; (2) Responsibility Principle: every member has to be responsible for his/her decisions and actions in the public and undertake public investigation in accordance with ICW's standard operation; (3) Independency

public concerning the behaviour of ICW members, workers and volunteers it takes verification measures and formulates a punishment if necessary.

The greatest challenge for the ICW's survival is the unavailability of career paths for its workers and volunteers, so that ICW can not conduct a regular recruitment process. As one ICW activist states:

Our workers sometimes hesitate to continue working here because the remuneration they receive is not much. Although they want to remain dedicated to eradicating corruption, they also have to feed their families. Such problems, of course, make it difficult to recruit new personnel, because we cannot promise to provide proper salary or payment (Interview with I-17, 09/03/2008).

Currently, the only recruitment process is undertaken through apprenticeship, whereby graduate students can work part time in ICW's office for a couple of months and then continue their work following selection by the executive board. But many new apprentices did not want to stay long in the organisation because they cannot secure their future financial situation. Apart from this, finding new true anti-corruption fighters is not an easy task. Many newcomers do not want to face the risk of resistance from the culprits (Luky Djani, pers. comm. 05/06/2009).

The above discussion has illuminated the profile of ICW, a representative of a CSO that mobilises pressure 'from below' to curb corruption. The CSO can maintain effective influence on the government because of the militancy of its activists and its ability to organise popular support. It also collects valid data and information regarding corruption, which then attracts media coverage, which has a major influence on policy makers. The following section will discuss MTI, a CSO that, despite multiple approaches being employed, works mainly 'from above', advocating policies and influencing decision-making processes.

Principle: (a) every member is not a member of or in a position on the board of any political party, (b) every member has to act objectively in facing state officials or interest groups, (c) every member should not make any decision that benefits financially or materially themselves, or their family or groups; (4) Openness Principle: (a) every member has to be widely open in all decisions and actions taken, (b) every member has to be able to give reasons for the decisions and actions being taken; (5) Objectivity Principle: (a) every member, in making decisions and actions, has to be based on truth and justice considerations; (6) Honesty Principle: every member must open up their every interest related to their duties and take actions to deal with the potential clash of interests; (7) Leadership Principle: every member has to motivate and support the effort to combating corruption through leadership and role modelling attitudes; and (8) Confidentiality Principle: every member must keep confidentiality of information in jobs and with authorities, especially with regard to witnesses and commentators.

MTI

On 10 August 1998 in the middle of the chaotic transition from Suharto to Habibie, a group of national figures from various backgrounds agreed to establish The Indonesian Society for Transparency (MTI). By establishing the organisation, they claimed they wanted to promote accountability in the public and private sectors through endorsing transparency (*Transparansi*, 01/10/1998: 5). The establishment of this CSO was stimulated by consideration that democratisation should be utilised for creating a socio-climate condition that would promote good governance. To this end, the MTI's statute stipulates that the mandate of the organisation is to struggle for the construction of a 'national integrity system' to achieve societal transparency. For this reason, an anti-corruption program has been one of the most important focal points for all MTI's activities.²²⁵

Since its inception, MTI has asserted itself more as a 'partner' rather than 'opponent' of the government. MTI wants to position itself as a 'supporter of good practices' rather than a 'reporter of bad practices' (*Transparansi*, 01/10/1998: 5). The CSO defines its objective, 'to be a pioneer in the establishment of a system based on clean and sound practices within business, government, and society at large'.²²⁶ In order to achieve its organisational goals, MTI has five missions for the prevention and elimination of all forms of abuse of power, as well as the creation of clean government, business and social systems.²²⁷

The founders of MTI were prominent public figures including former ministers, senior journalists, businessmen, and academics known for their reform-minded credentials.²²⁸ Interestingly, the establishment of MTI was also supported by some senior

²²⁵ Other MTI agendas include bureaucratic reform, good corporate governance, legal reform, decentralisation, electoral reform, legislative strengthening, and civil society strengthening.

²²⁶ See MTI Profile in www.transparansi.or.id

²²⁷ The mission includes: (1) to promote the meaning and essence of transparency to the wider community and to convince them about the importance of transparency in various aspects of life; (2) to implement various research and studies on every subject related to transparency concepts; (3) to arrange various forms of meetings to discuss and formulate the strategy and implementation of transparency in law, politics, socio-cultural, business economics, and national defence; (4) to communicate the concepts of transparency to various decision maker centres, including government, business, and civil society organisations; and (5) to monitor attentively various public policies for the utmost benefit of community (see MTI Profile in www.transparansi.or.id).

²²⁸ They include among others Ahmad Fikri Assegaf (lawyer), Mar'ie Muhammad (former minister of finance), Koesnadi Hardjasoemantri (former rector of Gadjah Mada University), Nurcholish Madjid

government officials within Habibie's cabinet.²²⁹ Although some of its members had links to Suharto and Habibie, most were known as reputable persons critical toward Habibie's administration. They shared a similar ambition to find the best way to improve transparency through campaigning and building national solidarity. To put this into practice, in 1997 they established an informal discussion group to exchange ideas and conceptualise actions. The group held a series of meetings to examine socio-political conditions during the turmoil of *reformasi* in the late 1997. They invited key social and political figures to the meetings to exchange proposals concerning how Indonesia could be reshaped beyond democratic transition. Following the meetings, the group carried out six months groundwork before formally establishing MTI. The organisational form of MTI is a foundation registered under a public notary. The first chair of the organisation was Mar'ie Muhammad, former minister of finance from 1993-1998 and publicly known as a clean, pro-reform figure. Currently, MTI has around 52 members and remains focussed on organising various programs to support transparency, accountability and the anti-corruption movement across a wide range of issues.

MTI in action

Because MTI positioned itself as a government partner, the organisation tends to adopt a collegial approach in dealing with the government. The CSO has rarely engaged in antagonistic activities such as organising demonstrations or conducting investigations of corruption cases. Instead, MTI assists the government in various ways by providing advice and concepts on how to implement good governance principles. Because of this stance, unlike ICW, MTI almost never encounters threat or intimidation from state actors or corrupt figures (Interview with I-10, 25/03/2008).

The CSO started its operation by undertaking research on various aspects of governance that may identify the weak spots of the system. Until mid 2004, MTI has

(Moslem scholar), Palgunadi T. Setyawan (executive vice president of Indorayon company), Sabam Siagian (senior journalist), Sri Mulyani Indrawati (senior lecturer of Indonesia University), Bambang Harymurti (senior journalist), Prasetyo Suhardi (public accountant), and Erry Riyana Hardjapamekas (former director of PT. Tambang Timah).

²²⁹ They were, among others, Bambang Subianto (Minister of Finance), Boediono (Head of Bappenas), Juwono Sudarsono (Minister of Education), Kuntoro Mangkusubroto (Miniser of Mining and Energy), Malik Fajar (Minister of Religious Affair), and Letjen TNI Susilo Bambang Yudhoyono (Chief of Social and Political Affair ABRI).

undertaken more than 30 research projects, the reports of which were followed up as a basis for undertaking lobbying to policy makers to undertake a reform agenda. The research includes, for example: Examination study on the Law aspect of the National Development Guideline (GBHN); Analytical study of the special court for corruption ; Study of the regulation draft on Witness protection; Analytical study of a regulation draft on taxation; Analytical study of a draft regulation on government administration; Analytical study of regulations of bureaucracy; Analytical study on the solution for the BLBI case; Study and recommendations for the improvement of DPR's supervisory performance; and Study of Presidential Decrees that considered contravening the principle of transparency and accountability.²³⁰ Following research, MTI provides recommendations to the government to revoke or change certain policies that are considered to contravene good governance principles. The CSO also distributed the research reports to the wider community and to political parties with the aim of gaining wider support. Much of MTI's research was undertaken during the formulation of certain policies in order to provide decision makers with constructive information. MTI members provided reports of their research to concerned institutions and individuals as an input to be accommodated in the decision-making process. Sometimes, they also invited politicians and government officials to attend discussion forums to talk and share information concerning certain issues.

One of the most remarkable events organised by MTI to influence the landscape of Indonesian post-authoritarian politics was the 'National Dialogue Forum' (FRN) held in Bali, 30 June – 1 July 2000. By using networks of its members, MTI successfully brought around 200 prominent figures from various backgrounds, including senior state officials, senior academics, senior CSO leaders, media editors, and leader of political parties to attend. Despite some dispute, the forum participants agreed to formulate a road map of Indonesian governance reform beyond democratic transition, which among other issues included the agenda of corruption eradication. Recommendations from the forum

²³⁰The study on Presidential Decrees that considered contravention of the principle of transparency and accountability was very influential in reformulating decrees. The research team, led by Prof. Dr. Koesnadi Hardjosoemantri, examined 528 Presidential Decrees issued between 1993-1998. The research concluded that at least 79 of the decrees contravened the principle of good governance and therefore harmed public interest. The research also concluded that the decrees have been used as tools for legitimating abuse of power, so that corrupt acts could be legally protected. The government accommodated the research outcomes by annulling (and reformulating) the controversial decrees.

have been cited as one of the most influential documents in the current domestic political landscape in Indonesia. Several points from the recommendations were adopted by the MPR and other state agencies in formulating policies in the early days of democratisation.²³¹

Another influential role performed by MTI has been the provision of support to the government in the formulation of anti-corruption institutions and the selection of the officials of these institutions. From 1999-2001, for example, MTI with other CSOs took a very active part in lobbying the government for the establishment of the KPK. When the government agreed to establish KPK in 2002, MTI served as the coordinator of the selection committee of KPK members. In 2005 MTI also assisted the government in the establishment of the Judicial Commission (KY). The CSO provided a conceptual frame for the formulation of the Commission and acted as the technical team in the recruitment of KY members. A similar role was also undertaken by MTI in the establishment of Ombudsman.

Apart from influencing decision-making processes, MTI also directs its attention to influencing the general public through a number of activities. From its commencement, MTI has undertaken various programs to promote the principles of transparency and accountability in public, corporate, and civil society sectors. In MTI's view, the application of transparency and accountability should not only be limited to the public sector, but should be a national system of integrity with the entire community setting the principles as the spirit of their lives. To support this view, the organisation has published a number of books, modules, pamphlets, research reports, and articles through online and offline channels. The strong influence of MTI in the public realm can be seen by an inspection of public access to its website, which daily receives from 500 to 1,000 visitors. Large public access to the website reflects the reliability of the information and references from MTI concerning issues that correlate to MTI's work.

²³¹ The MPR, for example, accommodated some of the FRN recommendations when it was formulating decrees on corruption eradication, constitutional amendment, regional autonomy, and national reconciliation (See for example Treatises Planery Meeting of Ad Hoc Committee I and II of Badan Pekerja MPR 2000-2001). The DPR also picked up FRN's recommendation concerning the establishment of an Independent Anti-Corruption Agency (BIAK), an idea that later inspired the birth of the Corruption Eradication Commission (KPK) in 2002.

In order to widen its mission, since 2000 MTI has organised training of Leadership for Good Governance (LGG) that is addressed to university students, CSO activists and journalists. The training, which is conducted in collaboration with local CSOs, has taken place in 33 districts within 14 provinces, including North Sumatera, Riau, West Sumatera, West Kalimantan, Central Kalimantan, East Kalimantan, North Sulawesi, South Sulawesi, Central Java, Yogyakarta, West Java, East Java, Jakarta, and Bali. The training aims to spread good governance principles among influential figures, who are expected to take initiatives in promoting good governance principles in their society.²³² It is also expected that the training produce ‘good governance cadres’ that are militant and possess a strong commitment to promote a better and cleaner government. Additionally, the training is intended to develop networks and coalitions amongst universities, CSOs, and journalists in order to instigate citizen movements. In the long term, it is expected that the training will create a critical mass with knowledge needed for the community to organise themselves to criticise and monitor the government at local and national levels. Although evaluation of the impact of the training has not been taken, many former participants of training are reported to contribute in various follow-up activities that endorse good governance principles in their districts and provinces.

MTI also produces a number of publications including research reports,²³³ training modules,²³⁴ books,²³⁵ posters, a monthly journal titled ‘*Transparansi*’, and an

²³² The training is generally carried out over two days and attended by 30 participants. It uses a method of tutorials, case studies and group discussions. The training curriculum encompasses a number of issues that are considered relevant to the mentioned objectives, such as: (a) Basic principles of leadership; (b) Good governance principles; (c) Anti-corruption movement; (d) Decentralisation and local autonomy; and (d) Law enforcement and the supremacy of law. At the final session, the participants are required to formulate and present an action plan in promoting good governance and the anti-corruption movement.

²³³ The research reports include, for example: (a) Report on the examination of Presidential decrees in the period 1993-1999 that potentially deviate the laws (1998); (b) Report on the examination of draft of decentralisation (1999); (d) Report on the examination of draft of laws concerning the implementation of clean government that free from corruption, collusion, and nepotism (1999); (e) Report on the examination of National Development Guideline (GBHN) (1999); (f) Report on the examination of Presidential accountability in decision-making (1998); (g) Report on the examination of the restriction of Presidential authorities (1999); (h) Report study on examination of legal drafting for the establishment of a Special Anti-corruption Court (2001); (i) Report on the research of ‘Youth perception on good governance’ (2001); and Report on the evaluation of Procurement post review of State Internal Auditor (BPKP) (2003).

²³⁴ For example, Module on the Rights and Obligations of Citizens (1998), Module for Legal drafting for Local council (DPRD) (2001), Module on the Formulation of Participative Local Ordinance (2003), and Module on the Monitoring of Regional government Budget (2005).

²³⁵ MTI has published a number of books in relation to good governance and corruption eradication issues. The first book was published in May 2000, ‘Developing a foundation of Good Governance in the

annual memorandum on corruption eradication. The organisation usually distributes the publications to anti-corruption CSOs, universities, and government institutions that work with the MTI; additionally most of these publications can be accessed online for free.

To summarise, MTI has played a significant role in promoting anti-corruption activities at the strategic level. Its contribution to the formulation of an institutional and legal framework for combating corruption indicates that the CSO influences the government in policy-making process. The CSO effectively influences the government because most of its members are senior public figures with a high level of professional experience and networks across society, which benefit them in conveying their concerns.

Organisational capacity

Since its formation MTI has developed a relatively sound organisational structure. Formulated by high experienced members, the organisation of MTI was set to be small but effective in order to undertake its mission. MTI's organisational structure consists of a Board of Trustees, Executive Board, and Working Committee. The Board of Trustees is assigned to determine the overall direction of the organisation in the long and short term. The Executive is assigned to implement the goals and targets determined by the Board of Trustees. The Working Committee is assigned to carry out daily operation of the organisation.

Having members with a strong economic background means that, overall, MTI is financially self-sufficient thanks to donations provided by individual members and supporters. Because each member has a commitment to contribute regular donations, MTI can sustain its activities without significant difficulty. In the first three years, the organisation collected annual donations of around Rp 1-3 billion from its members. Recently, although the revenue from internal donation has generally declined due to the death of some of its members, MTI still operates without major disruption because the

Transition Era.' The book contains a compilation of articles of MTI members and prominent political figures that discuss the ideas of the implementation of good governance principles in the new democratic era of Indonesia. The second book was published in June 2002, 'Good Governance and Local Institutions Strengthening.' Under financial support from AusAID, this book was formulated as a module for the participants of the LGG (Leadership for Good Governance) training in various cities. Other books include: 'Amendment of 1945 constitution toward democratic Indonesia' (1999), 'The urgency of Anti-corruption Independent Body: the MTI proposal on the draft of law on Anti-corruption Independent Body' (2000), 'Hukum, Etika dan Demokrasi, Lentera Menuju Perubahan' (2003).

organisation receives contributions from external sources such as national companies and state-owned enterprises. In fact, until 2004 the CSO did not want to obtain funding from foreign agencies in order to maintain its independence.

In order to retain public trust, MTI applies a very strict mechanism for ensuring its internal and external accountability. For example, it annually allows a public accountant to audit its financial report, the result of which is then open for public access. Evaluation and financial assessment by an independent auditor is also undertaken for every individual program to ensure transparency and accountability.

Concluding comments

The above case studies describe two CSOs that have different backgrounds and methods for fighting corruption. ICW is an organisation established mainly by CSO activists, while the MTI was founded by former government officials and elite figures. The difference of backgrounds affects the method chosen for combating corruption: ICW tends to use confrontational methods, while the MTI tends to use collaboration.

Both CSOs, however, have delivered important achievements in the struggle against corruption. In undertaking their missions, both organisations have not carried out their activities with bravado, but based their work on solid concepts, ideas, and propositions which then were utilised to encourage the government to formulate and implement crucial steps for eliminating corruption. ICW's key effectiveness in influencing the government lays in the assertiveness of its activists and its ability to generate popular support, as well as the validity of the data that it presents. This assertiveness and the data itself attract media coverage, which influence policy makers. Meanwhile, the effectiveness of MTI lays in the supremacy of its members. As former officials and elite persons, MTI members have access to various government agencies, making them easily able to communicate their messages.

In general, the two methods complement each other. Pressure from the outside through confrontation is needed to encourage responsive policy-making. This method can force public officials to consider the risks associated with acting or behaving recklessly

when making decisions. On the other hand, a collaborative method is important in building synergy between state and civil society in addressing corruption. This method may also soften the resistance from state actors to the anti-corruption movement, as shown by MTI's legendary event, the 'National Dialogue Forum.' Due to this combination, anti-corruption CSOs have been able to persuade the government to develop various kinds of institutional and legal frameworks for the enhancement of the accountability system and the fight against corruption.

In addition, both organisations have proven to be able to survive a long standing struggle. After ten years, they still steadfastly undertake various activities and maintain a strong capacity to influence the state. The organisations also exhibit a capacity to develop a strong membership and the constituency vital for their long term existence. Although both organisations may not represent the position and capacity of all CSOs at the national level, the discussion above reveals that CSOs with great stamina can fight corruption, strengthen accountability, and ensure that democratic consolidation happens in Indonesia. Does this situation also take place at provincial and local level? The following chapter will illuminate this question.

Chapter 8. Case Studies of Four Provincial and Local CSOs: PIAR, KP2KKN, GA & ASA

As discussed in Chapter 2, the Indonesian government in 1999 undertook a ‘big-bang decentralisation’ directed to, amongst others, comply with democratic principles and to resolve the threat of national disintegration. However, rushed decentralisation allowed the spread of corruption and political violence at the regional level. Similar to their counterparts at the national level, CSOs at provincial and district level have also become the driving force for building accountability. They have brought public disclosure and the resolution of corruption cases. In many places, CSOs also move to judge corrupt officials and demand their resignation. Meanwhile, due to the transfers of power and resources to regional governments responsible to regional councils (DPRD), CSOs have more opportunity to promote public participation and transparency (Antlöv 2003; Eldridge 2005: 155).

It is important to note that transmission of knowledge and experience has become the key factor which triggers simultaneous CSOs actions in the fight against corruption. The transmission has led to a ‘contagion effect.’ In many instances, it is reported that regional anti-corruption CSOs take action because of inspiration from national CSOs as well as success stories from other provinces/districts (World Bank 2007).

This Chapter will examine the role of regional CSOs in fighting corruption in the context of the decentralisation process. The case studies provide an empirical lens to examine to what extent a local CSO’s capacity for collective action can help protect the process from local elite capture.²³⁶ Despite sharing a common platform to combat corruption, the role of CSOs at provincial and district level have a different focus to national CSOs. While national CSOs emphasise efforts to initiate the establishment of

²³⁶ Local elites refer to locally based individuals who possess top-heavy access to social, political or economic power. See for example, Dasgupta and Beard (2007).

legal and institutional frameworks, CSOs at the local level emphasise efforts to identify cases of corruption and bring them to justice. Meanwhile, CSOs at the provincial level tend to play an intermediary function: they provide assistance for CSOs at district level in dealing with corruption cases and at the same time also work to support national CSOs in influencing decision-making processes. Given that politics at regional level is so intimately related with the daily life of the people, CSOs frequently engage – for better or worse – in political rivalry in their region when they undertake their mission. By examining the work of CSOs at a regional level, this chapter also describes the interactions between local political dynamics with the work of CSOs in the anti-corruption campaign. It shows that the decentralisation process very much influences the occurrence of corruption as well as CSO response.

Corruption and CSOs in local politics

Chapter 2 and 3 discuss that the decentralisation of power has caused the side effect of decentralisation of corruption, with local elites having more opportunities to commit various kinds of corruption. As described in these chapters, the spread of corruption to the regional level is caused by the shortcomings of accountability systems in the region. The shortcomings of accountability in regional governments arise from several factors. Firstly, the overnight, extensive devolution of powers to the regions was undertaken without a proper legal framework (ADB 2004: 70-88). The lack of clarity in the legal framework and its continual revision has led to confusion about the roles and responsibilities of the multiple levels of government. Secondly, decentralisation has created a condition whereby the central, provincial and district levels of government stand as relatively separate entities, making supervision from national to regional government difficult. Thirdly, the abrupt increase of regional government revenue derived from exploitation of natural resources, especially in rich areas such as Aceh, Riau, Papua, and Kalimantan, became the source of potential financial irregularities in the management of regional finances (see for example McCarthy 2007; Djogo & Syam 2003). Owing to insufficient political or social monitoring, power-holders and their

cronies could easily commit corruption without worrying about the consequences. Finally, as decentralisation introduced competitive elections into the regional government level, politicians needed a lot of money to win the election, which encouraged them to gain money from corruption (as well as donations from the criminal sources, such as illegal gambling and prostitution).

A mapping survey of corruption at local level conducted by Malang Corruption Watch (MCW) and Yappika foundation reveals that no single province and district in Indonesia is free from corrupt practices (Kurniawan & Puspitosari 2006).²³⁷ This has been confirmed by other reports. A 2007 report from the Centre for Anti-corruption Studies of Gadjah Mada University mentions that every year hundreds of regional officers are arrested for corruption allegations; in 2007 alone, 69 district heads were suspected of corruption, followed by 31 bureaucrats, and 27 legislatures (*Jawapos*, 29/12/2007). Yet, these numbers only represent a small percentage of the corrupt figures who could be processed by a tribunal system.²³⁸

In a study of corruption in decentralised Indonesia, the World Bank (2007) concluded that the underlying problem of corruption mainly correlates with the unavailability of an effective accountability mechanism in the new power structure of regional government. On the one hand, governors and district heads (regents or mayors) need to bribe legislatures in order to gain and maintain their support for political stability; on the other hand, legislatures take advantage of their new authority over local budgets for securing cash for their political parties. However, as the World Bank maintains, both sides frequently also exploit the vague regulations to enrich themselves. Meanwhile, as local political power is still for the most part concentrated in the hands of small elites,

²³⁷ In 2004 alone, there were 323 local parliament members in a number of provinces and districts indicated as involved in various corruption cases including: misusing official trip expenditure, practicing money politics, misusing a farmer micro credit scheme, issuing false documents for logging, receiving a double salary, misusing operational costs, and misusing regional government budgets (APBD) (*Republika*, 30/08/2004).

²³⁸ In the parliamentary meeting session 23 March 2006, Indonesia's Minister of Home Affairs pointed out that, in two years of SBY's administration from 2004 to 2006, there were around 1,100 local officers who turned out to be suspects of corruption (*Kompas*, 24/03/2006). As well, speaking in the parliamentary meeting session 23 August 2006, President SBY confirmed that during the year, he had issued approval to investigate corruption cases committed by seven Governors, 63 district heads, and 767 DPRD members from 110 regencies and 25 cities (*Sinar Harapan* 24/08/2006).

people generally have little capacity to control the power holders, creating a situation where checks and balances are very weak in this political landscape (p. 31-5).

Further, the cause of shortcomings in accountability at the regional level may be tracked from the application of current election system. The system enables the practice of ‘ticket buying’, ‘vote buying’, and ‘voice buying’, in the regional elections, which eventually lessen the effectiveness of accountability mechanism (Hadiz 2007: 880-2; *Kompas*, 11/02/2005).

‘Ticket buying’ relates to the process of nomination of candidates in the provincial and district elections. Those interested in running for governor, mayor, *bupati* or councillor find it necessary to purchase the nomination and support from political party(ies).²³⁹ Though difficult to prove, anecdotal evidence and testimonies disclose that this process has caused the practice of ‘candidacy or ticket buying’. Like an open tender, the purchase of a ticket is usually won by the highest bidder. Sometimes a party sold the tickets to the election not only to one candidate, especially when internal divergence is strong.²⁴⁰ This practice obviously undermines the accountability system since the candidates are selected based on money rather than merit. Later on, when the candidates are elected, they regain their investment by illicitly capturing public resources while at the same time evading liability to account.

‘Vote buying’ in general elections and ‘voice buying’ in regional parliaments are a new phenomena that have emerged in the democratic era. Candidates usually consider that dispensing money or goods is necessary to encourage people to elect them.²⁴¹ In total, it is estimated that the expenses of a candidate may reach up to Rp 2 billion for regent or mayoral elections, and Rp 5 billion for gubernatorial elections (*Tempo*,

²³⁹ Although prior to democratisation the nomination for these positions sometimes became a commodity, the head of the regions in the New Order era, usually were dropped from the central government; while selection by the local parliament, which mostly was dominated by Golkar Party, was nothing more than a ceremony. Currently, as regulated by law on decentralisation, the nomination process goes through the parties which control a combined 15 percent of the number of seats DPRD or 15 percent of the accumulation of gaining a voice.

²⁴⁰ While currently the regulations allow nomination of an independent candidate, the election cost for candidates is very expensive since they have to set up a political machine from nothing. As a consequence this option does not encourage the emergence of independent candidates in regional elections.

²⁴¹ For a minimum expense, candidates have to provide thousands of t-shirts, hats, pamphlets, and flags during an election campaign. They also have to provide ‘transportation costs’ for the voters. The amount of the money is dissimilar from one place to the others, but the media generally reported that it reaches a minimum of Rp. 10,000 per voter.

02/04/2007; *Jawa Pos*, 22/05/2008). When winning an election, governors, *bupatis* or mayors also need to seize the voice of regional parliament members to secure approval in annual performance reports from the parliament. Again, these practices undermine the accountability system because money is more a matter for every exchange of relationship rather than a reward or punishment based on objective judgment.

Similar to their counterparts at the national level, CSOs at provincial and district level also step in to combating corruption to uphold government accountability in their respective region. They have been working since the beginning of the decentralisation process in 1999, but a wave of serious allegations against regional government officials started in 2002, when FPSB – a CSO in West Sumatra, and SAMAK – a CSO in Aceh, were successful in bringing respectively provincial council members and the governor into conviction. These triumphs then triggered similar action in West Nusa Tenggara, Southeast Sulawesi, West Kalimantan, and Lampung. In these provinces, CSOs successfully put fraudulent provincial government officials into court, the result of which inspired other provinces and districts to take similar actions.

Although in the beginning the actions taken were largely to report allegations of abuse to the police and prosecutor, afterward they developed more systematic measures. In general, the regional CSOs made successful legal resolution of corruption cases by possessing some key factors, including: i) understanding regulations related to budget management and corruption; ii) accessing documents concerning regional budgets, procurement and government reports; iii) informing the public by engaging the media to generate community action; and iv) building a broad coalition of different elements of civil society (World Bank 2007: 6). In some instances, they also utilised political rivalry to gain back up – in various forms – for their action. In Toli-Toli District of Central Sulawesi, for example, CSOs in the district successfully utilised political contention among politicians to reveal and resolve a corruption case committed by DPRD members. The CSOs stimulated different suspects to provide evidence related to the corruption allegations against competing political parties (World Bank 2007: 24).

As will be described below, although the capacity of CSOs generally remains limited, their attempts to review local budget documents, investigate corruption, and file complaints regarding corruption cases have attracted public attention and eventually have

been successful in breeding an anti-corruption spirit in their region. Given their limited access to resources and support, they are still gradually developing skills and experiences and assessing the best ways to operate. Yet the CSOs can be crucial in consolidating overall democratic principles due to their persistence and diligence in undertaking their activities. When their consistency and fortitude are further developed and strengthened, the CSOs' work will bear fruit in the longer-term in strengthening good governance and democratic consolidation in their respective regions.

The following section will present four case studies of regional CSOs to understand their contribution in promoting anti-corruption and organising demands for accountability. It will also describe the tension between CSO and state actors, as well as the organisational capacity of each CSO. The first three CSOs operate at the provincial level, while the next operates at the district level. Each CSO has different trajectories in the process of their formation: PIAR was established before the *reformasi* movement occurred; KP2KKN – to some extent – emerged from the continuance of informal people power movement groups; GA emerged as a second generation anti-corruption CSO that aims to purify and revitalise the first generation of anti-corruption organisations; and ASA emerged from a genuine initiative of local people to pursue accountability of government following democratisation. These CSOs also show a variation of tactics and strategy in their work on the anti-corruption campaign. PIAR tends to maintain a confrontational attitude to government, whereas KP2KKN tends to be cordial, GA tends to stand in between, and ASA maintains a pragmatic-conditional approach. Despite these differences, all are indicative of the fact that CSOs can hold the government to account.

PIAR (*Perkumpulan Pengembangan Inisiatif dan Advokasi Rakyat*, Association of Development Initiatives and People Advocacy)

PIAR is a CSO located in Nusa Tenggara Timur (NTT) province and was established in 1996 prior to the *reformasi* movement. Originally, the organisation was a foundation (Centre for People Information – *Yayasan Pusat Informasi Rakyat*, PIR), working for disseminating ideas on human rights, democracy, and people centre development without putting too much concern into the corruption issue. The activities in these areas have

brought PIAR into a wide networking circle, not only at national but also at international levels.²⁴² However, since 2000 with the spread of corruption into the regional level following decentralisation, the CSO extended its activities to embrace the anti-corruption campaign. This was mainly requested by the people that frequently contacted its office to inform allegations of, and insist PIR to investigate, corruption in various agencies (Interview with I-11, 28/02/2008).²⁴³ Against this backdrop, on 15 November 2002 the organisation formally reinvented its existence by restructuring the organisation to include activities in the area of anti-corruption campaigning, and renamed itself PIAR.²⁴⁴

This transformation is considered important since corruption has endangered democratic and development principles at provincial/local levels. PIAR activists found that corruption only benefits small numbers of local elites and has created huge obstacles for the development of the community (Interview with I-11, 28/02/2008). Since 2002 the CSO investigated several investment projects of natural exploration (such as mining and logging) that created a devastating impact on the environment, culture and human life.²⁴⁵ The CSO concluded that such phenomena can only occur because the provincial and regional government maintain corrupt and collusive deals with investors (Interview with I-11, 28/02/2008).

PIAR activities: combating corruption for democracy and human rights

As mentioned above, the initial core mandate of PIAR was to disseminate ideas on democracy, human rights, and people centred development. Following its expansion to embrace anti-corruption issues, PIAR positioned itself as a watchdog organisation to

²⁴² For its devotion toward defending the human rights of East Timorese refugees, for example, the CSO received the 1999 Ramon Magsasay award, a prestigious human rights defender award for community leaders.

²⁴³ In many cases, apart from calling face-to face meetings, unidentified people also dropped documents containing evidence of corruption in front of the PIAR office at night in order to avoid identification.

²⁴⁴ PIAR reformulated that goal of the organisation was for 'achieving an Indonesia that is democratic, protects human rights, and maintains fair and sustainable environment'. To this end, the CSO determined its vision as, 'to liberate and uphold people sovereignty', which is based on a belief that (1) the liberated sovereign people could only be achieved when human rights and democracy has become the basic principle of social interaction, politics, judicial, and culture in the existence of state and community; (2) good, clean, and responsible government is a key requirement for the functioning democracy, protection as well as provision of civil rights on politics, social, economics, culture, and environment on the ground of social justice; (3) all structure and system of policy and culture on the state that are contrary to the supremacy of law, human rights, democracy, and social justice should be abolished (PIAR 2007).

²⁴⁵ For example, the CSO investigated marble exploration in Timor Tengah Selatan district, logging and timber exploration in Timor Tengah Utara district, and oil and gas exploration in Kupang.

confront any unjust acts in the governmental system and policy that disregard the above mentioned principles. The CSO directs its activity mostly by an approach of non cooperation since it does not want to tolerate rampant fraud in government institutions (Interview with I-11, 28/02/2008).

From its investigative experience, PIAR conceptualises that corruption at the regional government level usually occurs because of a lack of transparency and weak public participation in the governmental process. As one of its activists argues, although some regulations have been set up by the central government to oblige regional government to implement the principle of transparency and public participation, the application of the regulations is mostly ceremonial and symbolic (Sinlaeloe 2008: 3). In this respect, one of key roles of PIAR's anti-corruption campaign lies in its engagement in the local planning and budgeting process (known as *Musrenbang* or Multi-Stakeholder Consultation Forum for Development Planning), where the CSO tries to promote the accommodation of citizen inputs into the annual budget preparation process.²⁴⁶ To this end, PIAR provides training and works closely with community groups and local people to participate in the *Musrenbang* meetings and encourages the government to take heed of public aspirations in the formulation of development agenda. The CSO has also developed a module on participatory budgeting to educate people in detecting wrongdoings in the budgeting process. Further, PIAR is involved in, and encourages community groups to undertake monitoring of budget implementation and the procurement process. In this regard, the CSO has produced publications about the procedure of government procurement as well as information for the public concerning various possibilities of deviation in its implementation.

Apart from undertaking advocacy for policy reform, PIAR is actively involved in investigating and revealing misappropriations in government institutions. Since reorientation of its mission in 2002 to mid 2009, PIAR asserts that it has conducted more than 80 investigations and supervisions concerning allegation of misappropriations in

²⁴⁶ *Musrenbang* starts in January each year, when citizens come together in a village level public meeting. At the meeting they decide on their priorities for government funding. By the end of the meeting, they are expected to have thrashed out their preferences and made a ranking that prioritises public-funded activities. The same process is repeated in the kecamatan (sub-districts), the district, and the provincial level where a final *Musrenbang* consolidates priorities for the entire area. This final listing then becomes an input into the annual budget process for the respective level of government.

East Nusatenggara provincial government and in 13 district/city governments.²⁴⁷ In most instances, data concerning the cases was gathered from public information and also from findings from audit investigations undertaken by BPKP (*Badan Pengawas Keuangan dan Pembangunan* – Financial and Development Supervisory Agency). PIAR followed up initial information by collecting data and carrying out investigations. From these investigations, PIAR estimated that total state loss from the 80 cases could reach Rp. 215,464,750,567.²⁴⁸ The CSO also estimated that the cases involved around 363 actors ranging from DPRD members (204 people), Bupati/Mayor (seven), Vice Bupati/Mayor (three), bureaucrats (60), private organisations/businessmen (34), bank officials (three), state owned enterprises (five), KPU members (three), and other actors (52). Due to the report made by PIAR, these cases have been taken on by the police and prosecutors for further investigation, examination, and prosecution. Until the middle of 2009, for example, 36 cases had been forwarded to court with 18 people stated not guilty and acquitted from any charge; eight people found guilty and convicted; and 10 still under prosecution.

PIAR uses its twice-weekly newspaper (UDIK) as a channel to voice its critical analyses on local legislations and policies, as well as to expose corruption and bad behaviour of regional government officials. Although the circulation of the newspaper is limited (less than 5,000), its distribution reaches a wide range of communities, including CSOs, student unions, local councils, churches, bureaucrats, local radios, and

²⁴⁷ The district/city government in NTT includes Kupang City, Kupang district, South Central Timor (TTS) district, North Central Timor (TTU) district, Belu district, Alor district, Rote Ndao district, Sumba Timur district, Sikka district, Ende district, Flotim district, Ngada district, and Manggarai district.

²⁴⁸ The allegation of corruption monitored, investigated, or sued by PIAR include: Mark-up on the provision of medical equipments on NTT provincial government (2002), misallocations in drafting the 2003 budget by Kupang city parliament (2003), Mark-up on the provision of blood transfusion equipment in the Provincial hospital (2003), Mark-up on the procurement of 15 public cars in Manggarai district (2004), Manipulation of the procurement of equipment and machinery in the Water Corporation of Kupang city (2006), Manipulation and embezzlement on the coastal project of Belu district (2001), Manipulation of a live-stock procurement project in Timor Tengah Utara district (2003), Embezzlement in a public work (P2RWT) project in Ngada district (2002), Procurement and embezzlement by the Water Corporation of Ende district (2003), Embezzlement in the Natural Disaster subsidy scheme in the NTT provincial government (1999), Mark-up in the provision of public cars in Timor Tengah Selatan district (2001), Embezzlement in the Natural Disaster subsidy scheme in Kupang city government (2002), Manipulation in the Vanilla plantation project of the Agricultural Agency of the NTT provincial government (2005), Embezzlement in the development of market building in TTS district (2002), Manipulation in the Solar electrical generator project in Alor district (2004), Embezzlement in the Education Department of NTT provincial government (2004), and so forth.

professional organisations such as teacher unions. Not infrequently, the analyses and exposure, which usually provided detailed explanation and evidence about cases being published, were re-broadcasted by other groups to a wider audience, creating a big headache for the government officials concerned. For example, ‘Radio Sahabat and Radio Swara Kupang’ – two prominent local radios in NTT – frequently broadcast news of corruption from UDIK during its morning news program. When certain news items become a broad public concern, the radio stations invite PIAR activists for live interviews. Such collaboration eventually generates strong public pressure that assists in bringing cases to resolution.

In undertaking its mission, PIAR generally maintains a confrontational approach toward provincial/district governments. As described in Chapter 5, such an approach often carries a risk of hostile response from corrupt figures. Not surprisingly, the CSO turned out to be an object of intimidation, violent attacks, and legal suits from those who feel embarrassed by the CSO. The director of the CSO (Sarah Lery Mboek), in particular, has received constant threats in the form of physical attacks and sexual harassment from thugs supposedly ordered by local politicians (Interview with I-11, 28/02/2008). She was also sued by government officials following PIAR’s legal action against corruption cases.²⁴⁹ Yet, despite its confrontational approach in directing activities, the CSO does effectively influence the governmental process in the NTT province and districts. Due to its longstanding reputation in organising popular support, as well as providing accurate reporting, regional government agencies find no escape from its pressure. When invited to a seminar, for example, most government agencies participate (Antlöv 2003: 160). Frequently, government institutions invite the CSO to engage in developing policies and programs to prevent corruption. For example, following its harsh criticism over corruption in a provincial government program on poverty reduction in 2008, PIAR was invited to participate in re-formulating the program. NTT provincial government and PIAR then worked together to organise workshops and to re-formulate the program.

²⁴⁹ In 2005, for example, she was sued by the mayor of Kupang, when PIAR filed a complaint over the alleged embezzlement of funds from the 2002-2003 city government budget. In 2006, she was also interrogated by a prosecutor following PIAR’s report on extortion committed by a prosecutor from the Alor district prosecutor office.

When the government implemented the program in 2009, PIAR was assigned to undertake monitoring.

Capacity and constraint

Because it has been operating for more than 13 years, PIAR has accumulated a great amount of experience and the resources essential for long-term survival, including the benefits accrued from its extended networking. Financially, with an annual budget of approximately Rp. 500,000,000, the CSO has been able to secure its overheads for the last couple of years. PIAR has been accustomed to undertake various advocacies which has resulted in them developing essential skills. It also has relatively well qualified human resources with a wide-range of educational backgrounds. Currently the CSO has 15 members, nine full time staff and 50 volunteers who have graduated from various fields such as law, politics, forestry, agriculture, accounting, civil engineering, and journalism.²⁵⁰ In short, the organisational capacity of the CSO is proficient to undertake assignments in the near future.

The main challenge for PIAR is whether it will succeed in reorienting and consolidating its mission. If we follow the concept proposed by Avina (2003), for example, in which a CSOs life cycle can be loosely divided into four organisational stages (start-up, expansion, consolidation, and close-out), PIAR could probably be categorised in the stage of consolidation after extending its mission to cover the anti-corruption campaign. In this stage, a CSO needs to decide whether its organisation is overextended and in need of streamlining and refocusing. The CSO needs to analyse its performance to better align its operative capacity to its external reality. Given the fact

²⁵⁰ The organisational structure of PIAR was set up to fit the new mission. It consists of four divisions. (1) Division of advocacy that is responsible for conducting investigations, campaigns, lobbies, and negotiations concerning issues and problems that are advocated by the organisation. The division has two sub-divisions: department of litigation and department of non-litigation. (2) Division of Information and documentation that is responsible for collecting and processing information, publishing newsletter and other form of publications, organising documentation and library. The division has two sub-divisions: department of publication and department of library. (3) Division of education and research that is responsible for handling human resource development issues including organising training, workshops, discussions, and also research. This division consists of two sub-divisions: department of training and department of research. (4) Division of secretariat that is responsible for handling administrative issues, including human resource management, finance, as well as office maintenance and operation. This division has three sub-divisions: department of finance, department of administration, and department of logistic.

that an anti-corruption campaign often requires a high degree of investment with little generic outcomes, disappointment and frustration may threaten PIAR's future existence.

Nevertheless, the existence of PIAR shows that independent CSOs with sound capacity to monitor and counterbalance the state are operational at the provincial level. PIARs shift of organisational focus also shows that CSOs can be responsive and adjust to the needs of their community. Given the activities that so far have been undertaken, PIAR can clearly contribute to accountability building at the provincial level.

Organisations like PIAR are observable almost everywhere. Below is a discussion of another example of an organisation that has the capacity to contribute to accountability building at the provincial level.

KP2KKN (*Komite Penyelidikan dan Pemberantasan KKN*, Committee for Investigation and Eradication of KKN)

KP2KKN is a prominent anti-corruption CSO in Central Java province. Unlike PIAR, it was established following the *reformasi* movement on 6 June 1998 – two weeks after Suharto resigned from his presidency. The founders of the organisation were academics, lawyers, non-government officials, as well as members of social and political organisations.²⁵¹ They established the organisation following weekly discussions at LBH office that largely focussed on the prospect of the *reformasi*. Inspired by their counterparts at the national level, CSO activists and academics considered the best possible way to 'escort' the democratisation process at provincial level, so it would not be hijacked by undemocratic actors (Interview with I-7, 20/02/2008). The establishment of the organisation aimed to support the *reformasi* at the time to amplify the voice of anti KKN. The CSO defined its mission: 'to empower marginalised people from any form of power abuse, especially from corruption, collusion, and nepotism' (KP2KKN 2005).

²⁵¹ The organisations include: *Partai Persatuan Pembangunan* (PPP—United Development Party) of Central Java province, *Lembaga Bantuan Hukum* (LBH—Legal Aid Agency), *Lembaga Pendidikan dan Perlindungan Konsumen* (LP2K—Consumer Education and Protection Agency), Semarang Lawyer Club (SLC), *Lembaga Pemberdayaan Masyarakat Indonesia* (LP2I—Indonesia Community Empowerment Agency), *Lembaga Studi Agama dan Pembangunan* (LSAP—Religion and Development Institute), *Forum Advokasi Rakyat* (FAR—People Advocacy Forum), *Lembaga Studi Pengembangan Masyarakat Desa* (LSPD—Village Community Development Agency), and Faculty of Law of Unissula University.

Since its inception, the CSO has been successful in revealing numerous corruption cases that have taken place in the province; these have led to prosecutions and some convictions of corrupt suspects. To the end of 2008, the CSO filed more than 50 cases to judicial institutions, around 50% of which have been investigated by judicial authorities, that is, either by the police, prosecutors, or the court (Interview with I-5, 15/04/2008). This includes the success of KP2KKN in revealing and reporting corruption scandals in DPRD Central Java, Semarang city government, and Kudus district government.²⁵² Following its intense investigation and report of the scandals in Central Java, in 2004 the CSO published a book entitled 'There is no space without corruption' to tell the story about revealing the scandals. The publication was aimed at generating public awareness about the spread and the threat of corruption for democratisation, as well as to encourage judiciary institutions to take action against the cases (Interview with I-5, 15/04/2008). The publication of the book was then followed by an annual report on the monitoring of corruption in the province.

In the early stages of its establishment, KP2KKN was not intended to be a formal organisation but rather to serve as an informal-temporary group. Members of KP2KKN considered that from a long-term perspective, once the democratic consolidation in Indonesia had been successful in producing a stable government, anti-corruption CSOs like KP2KKN would have less significance (Interview with I-23, 11/04/2008). For this reason, the organisation was not formed as an independent organisation but transplanted into the LBH office, where KP2KKN used equipment, office space, and received an operational budget. In 2001, however, the members of the organisation considered that the informal status of the organisation needed to be changed. The persistence and flourishing of corruption in Central Java led them to conclude that combating corruption cannot be ad-hoc.

Consequently, the members of KP2KKN took steps to formalise and transform the CSO to be more permanent and survive a long-standing battle. The structure of the

²⁵² Some other prominent cases reported by the CSO are: (1) Scandal of fictitious insurance for members of DPRD of Semarang city worth Rp 1.7 billion; (2) Allegation of mark-up price on land provision in Brebes District worth Rp 11 billion (2004); (3) Allegation of illegal remuneration for DPRD members of Solo city worth Rp 5 billion (2004); (4) Scandal of the provision of school books respectively in Salatiga city government worth Rp 17,6 billion (2005), Tegal District Rp 33.7 billion, Grobogan District 36 billion, Pemalang Rp 26.5 billion, and Wonosobo Rp 22 billion (2005-2006).

organisation, which previously only consisted of a coordinator, secretary, and treasurer, was extended into a more complex configuration, consisting of two chambers: a board of ethics and an executive board, with some divisions. The CSO defined its mission to have a broader scope, including: (1) Assisting the people and the state in rescuing public resources; (2) Endorsing the people to live clean from the practice of KKN; (3) Endorsing and empowering the people to support corruption eradication; (4) Supporting law enforcement bodies like police and the attorney in corruption investigation; (5) Reducing KKN in the short term, and eradicating KKN in the long term. In February 2001 the CSO became a foundation and separated itself from LBH. The CSO also developed a code of ethical conduct to prevent its members from any wrongdoing that contravened the mission of the organisation.

KP2KKN activities: fighting and empowering

In the early years of its establishment, KP2KKN concentrated its activities on detecting and identifying corruption at the provincial level. To achieve this, the organisation formed a number of complaint posts to receive information from the public regarding corruption cases and other form of power abuses. It also provided contact details so people could deliver information, either via post, electronic mail, telephone, or to the office. This attempt received an enthusiast response from the public. Within the first three years, the CSO received thousands of reports concerning suspicion of corruption committed by government officials and politicians. The received complaints, however, were not only about corruption at provincial level, but also at the district/city level. Due to its limited capacity, KP2KKN could only respond to some of the reports and so conveyed other reports to judicial institutions. The investigations undertaken mostly disclosed cases that involved a huge amount of money or that were considered essential in generating an anti-corruption sentiment. Conducting their mission impartially, KP2KKN sometimes had to confront people ‘close’ to the organisation. For example, in 2003 the CSO received a report of an allegation of corruption committed by all members of DPRD Central Java province. This included KH Achmad Toyfoer (vice chair of DPRD and head of United Development Party) who was the founder – and significantly contributed to the establishment – of the CSO. The CSO considered they should highlight

this case since DPRD was under the public spotlight following the possession of its extraordinary power following decentralisation. KP2KKN undertook an investigation and was successful in revealing various corruption scandals at the DPRD worth around Rp. 38 billion. Following collection of evidence, the CSO reported the scandal to the public prosecutor, which then prosecuted 14 suspects, including KH Achmad Toyfoer, 12 members of DPRD and one civil servant. Although the prosecution of KH Achmad Toyfoer embarrassed KP2KKN activists, the CSO decided to stand firm in taking legal proceedings (Interview with I-23, 11/04/2008). After a long trial process, with extensive media coverage, the court declared that, despite different degrees of involvement and consequent punishment, all 14 suspects were guilty of using their authority to embezzle government money for enriching themselves (see Appendix 13).

Considering that reports of corruption came from various districts and cities Central Java-wide, the CSO had difficulty in responding to all the reports. Accordingly in 2003 the CSO established and continues to facilitate an anti-corruption network at Central Java province. They conduct two day workshops attended by representatives of anti-corruption CSOs from 35 districts/cities. They organise regular monthly meetings to arrange cooperation and set up joint actions. Although the network is relatively elastic, it is very functional to monitor corruption scandals around the province. The network also enables its members to share information, education and training, as well as help district CSOs increase pressure for investigations and prosecutions, especially when the suspects of corruption in their district file for appeal at the High Court in Central Java province. KP2KKN is often requested by district CSOs to monitor and provide updated information concerning the trial process. Not infrequently, the network organises joint demonstrations, especially when trial processes are considered not transparent.

Apart from undertaking corruption monitoring and investigation, KP2KKN also routinely carries out anti-corruption education programs. The CSO emphasises a program that educates families, since an internal analyses of the CSO considers that ‘many corruption cases in Indonesia correlate to the problem associated with family background’ and ‘only by creating a corruption-free family, can corruption be minimised’ (Interview with I-7, 20/02/2008). In this respect, the anti-corruption education program is directed to generate family awareness concerning corruption issues.

To commemorate anti-corruption day, from December 2007 to January 2008, for example, KP2KKN carried out a program of ‘writing an anti-corruption letter contest’ for primary school students. The contest required students to write message to their parents asking them not to be involved in any kind of corruption and not to feed their family using illegal income. This contest attracted wide public attention: more than one thousand students participated in the activity, and many positive responses were expressed in the media coverage. Letters to the editor commented that the program is ‘genius and inspiring,’ and one of parent stated that, ‘I left out the heart, because my child wrote that he does not want to go to school if the money used is generated from corruption’ (*Suara Merdeka*, 07/01/2008). Earlier in 2007, the CSO had also organised a ‘free corruption family walk,’ which hundreds of people participated in, including key government officials and politicians in Central Java province. During the program, the CSO distributed pamphlets and stickers stating, ‘the healthy family is a corruption-free family,’ ‘Is your family free from corruption?’ and so forth.

Capacity and constraint

Similar to many CSOs described in Chapter 6, KP2KKN encounters a number of constraints concerning its internal capacity to undertake missions. Perhaps most significantly, the CSO has not been able to generate sufficient funds to secure their operations. At its inception, KP2KKN could survive because of internal donations from its founders and also from using the operational facilities of LBH Semarang. In the next stage, however, internal donations decreased and LBH’s facilities were no longer available. Accordingly the CSO tried to obtain a grant from the provincial government, and it succeeded respectively in 2001 and 2003 of receiving Rp 100 million.²⁵³ The CSO also tried to generate public funds by organising fund-raising events and broadcasting their activities in the local media to attract public donation. But only few people made contributions, and the amounts were generally very small – usually less than Rp 100,000.

²⁵³ The subsidy, however, created disagreement among KP2KKN members. Those who disagreed were generally concerned as to whether such funds would undermine their reputation, independence, and ability to function as a government watchdog. However, after a prolonged discussion the CSO decided to received the fund, because, as Abhan Misbah – former working board coordinator of the CSO maintains, ‘We considered that such fund belonged to the people, so as long as we use them for the interest of the people with clear accountability, we can accept it’ (*Kompas* 15/09/2007).

This revenue is obviously insufficient to cover their operational costs. This made the CSO seek projects from donor agencies in order to fortify its mission. The CSO then obtained grants from donor agencies, including PGRI (Partnership for Governance Reform Indonesia), and TAF (The Asia Foundation). KP2KKN also received a small grant from KPK in 2008 to undertake dissemination activities. However, these projects generally are very intermittent and deal with specific issues determined by the donors, which are not always accordance to the actual needs of the CSO.

Another internal problem that undermines the work of the CSO is a split between its activists. The success of KP2KKN in revealing corruption, turned some of its activists into ‘celebrities’. They become ‘city heroes’ in the media, where their voices frequently were quoted and thus attracted public attention. Considering that the CSO has a very special position and a strong bargaining power, some politicians tried to co-opt the activists for political benefit. They offered the activists positions in political parties and nominated them as candidates for legislative and executive positions.²⁵⁴ They also recruited the activists as lawyers and political consultants for certain candidates in gubernatorial, mayoralty, and district head elections. This situation, one way or another, created internal competition and also disputation among KP2KKN activists, especially between those who want to be pragmatic and those who want to be idealistic. On the one hand, the pragmatic group usually stands with the argument that combating corruption cannot only be done from outside but also needs intervention from inside, so becoming politicians is a legitimate way to promote anti-corruption agenda. On the other hand, the idealistic group believes that involvement in political parties will harm the strength of CSOs as a non-political force and accordingly suggest that those who want to engage in political parties should leave the organisation. Although there is no clear resolution to the dispute, some activists did leave the organisation and formed other anti-corruption organisations while at the same time being involved in political affairs.

To sum up, KP2KKN exhibits competence in contributing to democratisation by undertaking anti-corruption campaigns to build accountability. The CSO’s ability to

²⁵⁴ For example, the coordinator of its ethics board of KP2KKN, Mahfudz Ali was offered the opportunity to run as a deputy mayor by Sukawi Sutarip (the sitting mayor of Semarang 2000-20005) in the mayoral election of 2005. The pair won the election and Mahfudz Ali became deputy mayor of Semarang. In another case, Dwi Saputra, former KP2KKN executive board coordinator, was recruited as a board member of the Democrat Party at Central Java provincial level.

maintain consistency in upholding accountability of state actors includes those who are close to its own circle. This demonstrates that the CSO can eliminate conflicts of interest in its struggle. Such a stance is obviously important for promoting the supremacy of the rule of law, the basic principle without which democracy cannot work.

Despite KP2KKN's accomplishments, however, the 'muddling through' process from informal to formal organisation created troubles that undermined its work. Although this may be typical of many CSOs, such a situation is not necessarily applicable to a newer generation of CSOs. The experience of Gerak Aceh (GA) will show that this newer generation of anti-corruption CSOs are better prepared and organised in terms of organisational management from the early days of their inception.

GeRAK Aceh (GA)

Dissimilar to PIAR and KP2KKN, GA was established sometime after the democratisation process had begun and, accordingly, the organisation can be identified as a 'second generation' anti-corruption CSO. The history of the establishment of GA dates back to 2003. The initiative for its establishment emerged from informal discussion forums undertaken by public figures and environmental activists. The discussions usually involved the progress of the anti-corruption movement in Aceh and assessed the extent the movement had produced outcomes. In Aceh at the time there were at least 12 anti-corruption CSOs which had grown since 1999, but many of its activists had been engaged in the political arena. Some anti-corruption activists took part in gubernatorial or district head elections, became candidates of DPRD members and became consultants for political parties. The forum concluded that anti-corruption CSOs in Aceh have been infiltrated by 'the men of government' or at least people who are considered close to the authorities and even corrupt officials themselves. In addition, they concluded that some existing anti-corruption organisations showed signs of weakening so that the government in Aceh does not have adequate supervision from civil society. The forum devised an idea for establishing a new anti-corruption CSO that would encompass the principles of circumspection, struggle and idealism. They started to recruit the members selectively.

On 29 November 2003 six activists, Akhiruddin Mahjuddin, Bambang Antariksa, Hemma Marlenny, Muhammad Ibrahim, Jailani Hasan Riseh and Misran Nirto agreed to establish GA. The founders of the organisation came from different backgrounds. Three of the founders (Akhiruddin Mahjuddin, Bambang Antariksa and Hemma Marlenny) were former student activists in 1998 who engaged in various opposition fronts against Suharto. Three other founders (Muhammad Ibrahim, Jailani Hasan Riseh, and Misran Nirto) are influential public figures in Aceh. Muhammad Ibrahim is a former Executive Director of Walhi Aceh, Jailani Hasan was the head of the Indigenous People Network (JKMA), and Misran Nirto is a former senior auditor and official of the office of Development and Supervision Agency (BPKP) in Aceh. In December 2004, GA formalised itself by creating a Certificate of Establishment and recorded their organisation to the public notary to confirm their legal status. The CSO defines its mission as three main concerns, namely: (1) to increase the capacity of the anti-corruption movement in Aceh; (2) to endorse and sustain civil society awareness about the problem of corruption; and (3) to contribute to the creation of a just and clean government that can fulfil the basic needs and rights of the people, free from corruption.

By coincidence, the establishment of the organisation occurred almost simultaneously with the Tsunami disaster in Aceh on 26 December 2004, which was followed by a huge influx of aid funds from around the world. The chaotic situation led to inadequate supervision of the funds. There were prevailing concerns that corruption spreaded everywhere and went all the way down to the village level. The establishment of GA was, accordingly, at the right moment. GA undertook monitoring of various types of disaster assistance funds, especially for BRR (Aceh Reconstruction and Rehabilitation Agency) which was mandated by the government to coordinate recovery actions. As well, it undertook monitoring of other financial disbursement of aid, including that undertaken by national and international non-governmental actors.

GA in action: casting webs to catch the mouse

Since its inception, GA has turned out to be a scourge for public officials in the province. Not only because the organisation actively detects corruptions across Aceh and exposes

governmental wrongdoing, but it also creates a wide critical mass and brings corruption issues into the public agenda.

GA directs its resistance against corruption by applying a strategy of spreading anti-corruption networks as widely as possible so that the manoeuvres of corrupt actors can be minimised. To this end, the CSO encourages the formation of many anti-corruption groups in the community. For instance, following serial consultations GA encouraged some teachers to initiate the creation of the United Teacher Coalition Front (Kobar-GB), which actively conducts monitoring of the government funding of the education sector in Aceh province. GA also sponsored the formation of anti-corruption committees at village level. Using the networking possessed by the Indigenous People Network (JKMA), the CSO has been able to support the establishment of such committees in at least nine districts.²⁵⁵ In addition, GA has also encouraged the persistence of the anti-corruption movement among college students. Following this encouragement, several students formed the Student Anti-corruption Network (JAMAK) a group that actively undertakes discussions and dissemination of anti-corruption education programs for students around Aceh. Such organisations have become strategic partners and work hand in hand with GA in combating corruption in Aceh. Kobar-BG, for example, collaborated with GA in monitoring the Central Government's Special Allocation Fund (DAK) for schools in Aceh. Meanwhile, JAMAK, worked together with GA in revealing corruption cases, and at the same time supplies GA with volunteers, especially recent graduate students.

Since inception, GA has received hundreds of public complaints regarding corruption, and has successfully put into the judicial process, more than 70 graft cases in Aceh.²⁵⁶ Stories of GAs judicial action against offenders are generally similar to those of

²⁵⁵ In order to build the capacity of the committee in monitoring corruption, GA provided training for the committees in matters such as budget supervisions/monitoring, budget investigation, and litigation process.

²⁵⁶ Among the cases are: (1) Mark-up case on the provision of land for a truck terminal undertaken by the City Government of Banda Aceh and District Government of Aceh Besar with potential state loss of Rp 8 million. This case has been under investigation of Provincial Prosecutor Office and KPK; (2) The case of misappropriation of government budget at Bireuen District Government with potential state loss of Rp 4 million. The suspects in this case include the former regent of Bireuen Mustafa Glanggang, former vice regent Amiruddin Idris, and former district secretary Hasan Basri A. Djalil. In the trial process, the suspects were sentenced to two years probation penalty, the decision of which made GERAK and other CSOs file an appeal to the High Court; (3) The case of misappropriation of budget by Pidie District Government with potential state loss of Rp 7 million. Until the mid of 2009, the case is still under investigation in the District

CSOs in other places. The CSO undertakes a range of actions to bring cases of corruption to trial, typically including making an investigation, collecting evidence, finding witnesses, calculating State losses, publicising the findings, monitoring investigation and examination by police, monitoring prosecution, and keeping an eye on the court process, which all takes time, expense, expertise and a high degree of integrity. Frustration often mounts due to the fact that judicial processes-as-usual often produce outcomes that contravene a sense of justice. However, although the final results of judicial processes are often disappointing, the tussle has shown that the CSO can do something to put the government in check. The campaign also stimulates judicial agencies to work more responsively to demands to eradicate corruption. As many trials occur but produce no convictions, the CSO and affiliates question the accountability of the judicial institutions themselves. GA with other CSOs, especially student organisations, organise smear campaigns against the institutions in the local media and via street demonstrations, making them explain to the public cases under their investigation.

Apart from taking on the judicial process, GA also tirelessly endorses provincial and district governments in Aceh to implement 'islands of integrity.' Under collaboration with TI and ICW, the CSO have successfully endorsed the implementation of the island of integrity treaty in Aceh province and several districts, including Sabang, Aceh Besar, Pidie, Bireuen, Lhokseumawe, Aceh Utara, Aceh Timur, Aceh Selatan, Aceh Barat, and Aceh Jaya. As formulated elsewhere, the treaty aims to encourage the governments to increase transparency in public services as well as procurement processes so the public can find out what items are under auction while at the same time there is an independent body that can monitor the process. This attempt is considered very important since Aceh is under massive reconstruction projects post the tsunami disaster in 2004.

The efforts of GA are not only limited to the creation of formal documents, but also various measures to ensure that the treaty is effectively implemented. Not infrequently, when a government is too slow in taking action, the CSO turns to the media to voice a statement appealing the government to put the treaty into operation. GA also occasionally conducts public forums to discuss and evaluate the effectiveness of

Court; (4) Mark-up case of the publication of one year Tsunami book by the BRR with potential state loss of Rp 480 million. Two suspects in this case were sentenced for one year jail by the District Court, but then were freed by the High Court of Aceh following an appeal.

implementation of the treaty by inviting representatives from government, business community, press, university and civil society.

Another significant action undertaken by GA includes monitoring rehabilitation projects of the post-tsunami disaster undertaken by BRR²⁵⁷ and international agencies.²⁵⁸ In this regard, GA has been instrumental in promoting the rights of tsunami-affected people by assisting those who have received poor quality housing assistance. In some cases, this attempt has led to the repair of the poor quality houses and compensation by contractors. Further, GA also advocates for tsunami-affected people who did not receive the full amount of their entitled living allowance, and those who did not receive the correct amount of compensation for their land.

Public recognition concerning the significance of GA in combating corruption is indicated by a number of signs. For example, many people frequently visited CSO office for providing report and assistance for the CSO. Until recently GA also constantly receives huge number of online complaints about corruption in its website (www.gerakaceh.org). Meanwhile, in 2006 Akhiruddin Mahjuddin (GA coordinator) was granted an award of 'the Anti-corruption Figure in Aceh' by Aceh regional magazine of Law and Politics.

Capacity and constraint

After six years of existence, GA promises to be a strong, professional, and functional civil society organisation. Since 2006 (three years after its establishment) GA has

²⁵⁷ In 2005, for example, GA reported indications of corruption in three cases: mark up of the annual book report committed by BRR staff, mark-up in the land exemption in Simeulue district, and substandard house building project in the Village of tsunami Rima Keuneureum, District Peukan Bada, Aceh Besar.

²⁵⁸ In 2006 GA reported indications of corruption in development of houses for the victims of the tsunami made by a Germany NGO. The alleged corruption in the project is worth around two million euros (about Rp 23 billion) due to mark up, substandard materials, overlapping, and claims of the other party as it works (*Tempo*, 11/06/2006). The finding became a media headline in Aceh, Jakarta, and even in Germany. German embassy staff in Jakarta visited GA to verify the findings, and promised legal steps against the NGO. Although the NGO denied the allegation, a trial process in the Court of Hamburg, Germany convicted and ordered the NGO to pay compensation to its donors. GA with other CSOs have also exposed fraud by local contractors in the development of houses for tsunami victims funded by Oxfam and Save the Children. They accuse local contractors of foreign NGOs of using substandard materials in building the houses and asked the latter to demolish the houses that had been built and start afresh (*IPSNews*, 27/12/2006). Due to this allegation, Oxfam and Save the Children scaled back their relief work in Aceh. Oxfam even shut its operations in the city of Aceh Besar for a month and carried out investigation which led to charges of misconduct against 10 Indonesian staffers over the loss of \$22,000 (*AsiaTimes*, 20/09/2006).

formulated five year (2006-2010) strategic planning, which determines its goals, recognises its strengths and weaknesses, as well as crafts action plans to achieve the goals. Due to planning, the CSO has determined clear milestones and targets of activities that enable them to measure the progress of their agendas. The CSO is also relatively successful in accumulating financial resources necessary for their long-term struggle as some donors have expressed commitment to support GA across multi-year projects. On top of this, the CSO has been doing relatively well in eliminating internal conflicts that can jeopardise the existence of a CSO.

Although a number of factors contribute to its effectiveness, the process of the establishment of GA has probably been pivotal. Unlike other CSOs formed as ‘temporary institutions,’ GA was formed as an organisation with long-term goals that aimed ‘to revitalise’ the anti-corruption movement undertaken by its earlier counterparts. So the CSO has accumulated ‘lessons learned’ from older organisations, assisting it to avoid similar problems encountered by other CSOs. Furthermore, the CSO has benefited by having well educated and experienced members from various backgrounds, making it able to develop sound organisational characteristics. Through the role of Jailani Hasan as the head of the Indigenous People’s Network, GA has effectively developed networks and constituencies with a wide-range of communities including peasants, religious leaders, and village leaders. A significant role is also played by Muhammad Ibrahim. As former director of WALHI, he developed various channels with donor agencies, national CSOs, and the media. Not surprisingly, the CSO has been able to obtain funding from a number of donor agencies on a relatively regular basis.²⁵⁹ Meanwhile, as a former auditor, Misran Nirto has developed a manual guidance and training kit to undertake investigations. Although Jailani Hasan and Muhammad Ibrahim tragically passed away during the tsunami disaster, their contributions have constructed a strong foundation for stimulating the growth of GA in the future.

Having relatively sound organisational capacity, GA’s constraints mainly come from outside. The most significant is probably the fact that the condition of governance in

²⁵⁹ The main donors for GA are: TAF (The Asia Foundation), PGRI, TI-I (Transparency International-Indonesia), LGSP (Regional government Support Program)-USAID, TiFA Foundation, HSP (Health Services Program)-USAID, IRC (International Rescue Committee), ICW, and FES (Friedrich Ebert Stiftung). Some of them have funded GA for more than one project.

Aceh generally is uneven, making corruption in the province intense. Unlike other provinces that mainly deal with corruption due to the side effect of decentralisation, Aceh has a lot more problems that cause corruption. There are at least three factors that contribute to the situation: the post-conflict process following the prolonged rebellion of the Aceh independence movement,²⁶⁰ the occurrence of the tsunami disaster,²⁶¹ and the conferral of special autonomy on this province in 2006.²⁶² These three factors have led to a paradox: on the one hand, Aceh has received a huge fund from the government through a compensation scheme for victims of conflict and the sharing of income related to the special autonomy, as well as assistance from various sources of recovery for tsunami relief programs; on the other hand, while these funds need to be managed, government capacity and civil society is not fully prepared to manage the funds properly. Accordingly, the funds may easily become a source of serious and prevalent corruption.

Taking this situation into account, despite GA's strengths, GA members are snowed under by the rampant corruption surrounding them. As one GA activist put it, 'The huge number of reports from the people plus the sluggish process of the prosecutor's office, the police and the court, have really overwhelmed us in achieving our desired targets' (Interview with I-24, 18/07/2008). This made GA very selective in determining which cases would be brought to the legal process; causing many reports from the people to be neglected. As a result, many people have expressed disappointment in GA. On the GA website, sometimes there are comments such as: 'Why has our report had no response?', 'Why does GA never appear anymore on the newspapers?', 'What are you doing? Are you sleeping?' and the like.

²⁶⁰ Liberation Aceh Movement (GAM) undertook a rebellion to gain independence from Indonesia from 1976 to 2005. Although difficult to be verified, many observers believe that the conflict has caused thousands of casualties on both sides, and hundred of thousands of people have fled. A massive military operation conducted by the Indonesian military and Police in 2003-2004, and the destruction caused by the Tsunami disaster in 2004, has led the Indonesian government and GAM to undertake negotiation for a peace agreement that ended the rebellion in 2005.

²⁶¹ The tsunami disaster struck Aceh on 26 December 2004, causing massive devastating impact to the region. It is believed that the disaster led to more than 180,000 casualties, wiped out more than 60,000 houses, and destroyed major infrastructure in the province.

²⁶² Special autonomy in Aceh is governed by the Law on Government of Aceh (no. 11/2006). Due to the Law, Aceh became the beneficiary of budgetary formulae which are far more generous to them than to other provinces, and bring them greatly increased flows of revenue. The provincial government in the first allocation of funds under the Special Autonomy and Oil and Gas Revenue Fund received allocation funds totaling nearly \$920 million.

In summary, as a second generation anti-corruption CSO, GA shows that civil society can develop a natural mechanism to learn and make improvements in the anti-corruption movement created by its predecessors. The special nature of the GA is that it developed a better organisational arrangement from the beginning, which has proven to make the organisation work more smoothly than other organisations that transformed from informal groups such as KP2KKN.

As previously mentioned, although generally speaking CSOs share similarities in their work to combat corruption, there are particular characteristics adhering to each level of the work. In the following section I discuss a CSO that works at a district level in order to understand roles and characteristics it has that may be different from its counterparts at national and provincial level. CSOs at district level typically work on a provisional basis to respond to clear-cut irregularities. The case of ASA represents this situation.

ASA (Aksi Sosial dan Advokasi, ‘Social Action and Advocacy’)

ASA is a relatively small CSO which operates in Kendal district of Central Java.²⁶³ It was established in 2000 following the fall of Suharto by former student activists who considered that their district needed an organisation to oversee the district government. The *reformasi* together with the social movement against corruption inspired three students to assemble a similar movement in their district.

Initially in mid 1998, the students formed an informal study group, named ‘Lantera,’ which aimed to organise ‘critical exercises’ against the district government. One of the activists mentions that:

...Lantera wanted to organise *reformasi* movement at Kendal level. As the movement at national level wanted to end KKN and create better government, so we also wanted to fight for the practice of good governance in our regional government. By establishing Lantera, we might be able to see what can be done to make the regional government better, especially in servicing the people... (Interview with I-14, 31/03/08).

²⁶³ Kendal is a district in Central Java with rural characteristics. Its location is around 40 kilometers from Semarang (the capital city of Central Java province).

Following its establishment, the study group organised a series of discussions by inviting key figures in the district to find out what issues needed to be addressed in order to realise their expectations.

At the same time, however, the Lantera activists found that the impact of 1997 economic crisis²⁶⁴ on the daily life of the people in their district needed more attention rather than the issue of good governance. Due to the crisis, people at grass root level suffered the most. This situation shifted the focus of the study group from ‘democratisation and governance’ to ‘people empowerment’ to help the poor. In this respect, the Lantera activists refocused their activities for helping small traders and public transport drivers, especially those in villages. They collected donations and levies to provide micro-credit for the traders and drivers in a number of villages. To support this intention, Lantera promoted the establishment of an association of traders and drivers, namely PPPP (*Persatuan Pedagang Pasar Pegandon* or Association of Pegandon Market Traders) and PSAK (*Persatuan Sopir Angkot Kendal* or Association of Kendal Public Transport Drivers). Later on both associations played a very crucial role in supporting anti-corruption activities in the district.

When interacting with the traders and drivers, the activists often received complaints from the traders and people regarding abuse in regional government offices. People reported the occurrence of ‘ghost projects’ in some villages. People also reported that when the projects were real, they went without a proper and fair bidding process. On other occasions, people reported the peculiar process of job rotation in district government offices, mentioning that the process was conducted without proper consideration, transgressed the laws, and suspiciously contained collusion. Rumours mentioned that the Head of District (*Bupati*) was behind all the mess.

Taking this information into account, in late 2000, Lantera activists decided to form a new CSO that could be used to deliver the voice of the people and focus to work on democracy and governmental issues. With support from reform-minded businessmen and bureaucrats, they finally established ASA. ASA, however, was not intended as a long

²⁶⁴ Indonesia was struck by economic crisis in 1997, through which the family institution in Indonesia went through a lot of upheavals. The negative effects of the economic crisis fractured every structure of society. During the peak of the crisis daily thousands of people lost their jobs. From 1996 to 1999, the proportion of poor families increased from 18% to 24% of the total Indonesian population (UNDP 2001).

term permanent organisation. Rather, it was established to respond to the current socio-political situation, especially during the transition to democracy. As one activist stated:

We only want to escort the democratic transition process in our district. When government works on the track, ASA might not be needed anymore. So, our intention is merely to make our regional government meet democratic governance criteria, under which it should be transparent and accountable, and especially free from corruption (Interview with I-14, 21/03/2008).

Because of this consideration, the organisation of the CSO was developed as a very simple structure, with a chairman, secretary, and treasurer. The activity of the organisation was limited to curative actions against corruption, mainly detecting and revealing corruption cases. Preventative action such as education and training on anti-corruption were not on their agenda.

ASA in action: political competition as a boon

During its first two years, ASA undertook diagnostic work to reveal patterns of power abuse and corruption in Kendal. In late 2002, ASA discovered frauds in the government budget, especially regarding expenditure allocated for the District Hospital. The discovery came from a leaked report provided by staff in Bawasda (*Badan Pengawas Daerah* or Local Supervisory Agency), mentioning that the Bawasda had found an awkward process in the hospital's facilities procurement. The Bawasda predicted that the budget for the procurement was very much higher than normal market prices. Besides the possibility of mark-ups, the project was also carried out through direct appointment without transparent and competitive bidding.²⁶⁵ ASA undertook a prolonged struggle that consumed much of its time and effort to bring this case to justice. With informal support from some Bawasda personnel, ASA collected documents ranging from district government budget files, Bupati's decree, receipts, to correspondence letters. The CSO also carried out interviews with a number of related civil servants in the Hospital, Bawasda, Bappeda (District Development Planning Agency), and District Finance Unit.

The investigation, which took almost a year, revealed that there was a gap (mark up) of price between the project and the market of up to Rp 3 billion. In other words,

²⁶⁵ According to government regulation (Minister of Home Affairs Regulation No. 2/1996), government procurement project for a minimum value of Rp. 1 billion has to be done through a fair bidding process. So, direct appointment for such procurement therefore is a transgression.

there was a possibility that the public budget could have been stolen by this amount. The investigation also found several people involved in the case, including the Bupati, Head of DPRD, Director of the Hospital, and the contractor.

Once collection of documents and a draft report was finalised, ASA conducted a press conference, inviting local and national media to expose the case in mid June 2004. For several days, the media enthusiastically broadcasted the investigation of their report. One radio station facilitated the CSO in organising a weekly talk show program with the theme of ‘corruption in Kendal’. Some local newspapers and magazines also made regular reports on the progress of corruption handling.

Response from the general public was extremely robust. The local newspapers and radio were flooded with letters and telephone calls from a very broad audience, showing general public support and sympathy for what had been done by ASA. In order to strengthen the public support, ASA invited other CSOs, including religious, business and student organisations to discuss the possible actions that could be taken to ensure that deception would be punished. Several organisations including the traders’ association of PPPP, drivers’ association of PSAK, IPM (Youth Muhammadiyah), IMAKEN (Kendal University Student Association), and GP Anshor (Youth Nahdlatul Ulama) agreed to provide strong support to ASA. After several series of discussions, ASA and these organisations decided to form an alliance to be called KaPK (*Komite Penegak Kebenaran* or Upholder Committee for Righteousness). The KaPK then actively organised demonstrations and lobbies to pressure law enforcement bodies like the police and public prosecutor to take measures to bring alleged corrupt figures to justice.

Meanwhile, public support continued: people did not only provide moral but also logistical support. For example, they collected donations and also helped KaPK activists when they were doing their works. They also organised volunteers to operate daily activities at the KaPK office, as well as to provide protection when KaPK activists were terrorised by thugs allegedly associated with corrupt figures.

Being confident and with strong public support, KaPK reported the case to Polres (district police) and Kejaksaan Negeri (district public prosecutor) on October 2004. They also reported the case to law enforcement bodies at higher level, including provincial police, provincial public prosecutor, national police, national attorney general, KPK, and

the President. In order to monitor the report, KaPK activists contacted several national figures and officials.

The accusation made those under allegation respond. Rumours mentioned that Bupati pressured Bawasda to deny the allegation by saying that the Bawasda's report was false. The Bupati also gossiped to influence district police and prosecutors to disregard the KaPK's report. Bawasda arranged a press conference to say that Bawasda had never issued any report regarding the presumption of mark ups on the hospital facilities procurement project. On the same occasion, the head of the District Hospital also stated that the hospital did nothing wrong in the procurement process. Both the head of the Bawasda and head of the Hospital alleged that the KaPK only distributed slander instead of fact (*Suara Merdeka*, 31/01/ 2005). The head district prosecutor also declared that his institution did not find any possible deception in the suspected project. The head prosecutor stated that 'since there is no significant evidence, our office will not bring the allegation into the court' (*Suara Merdeka*, 03/02/2005). The KaPK activists, however, were not surprised with this outcome as they already considered that the district prosecutor was strongly under the influence of the Bupati. One interviewed activist said:

We already predicted that *Kajari* (head of district prosecutor office) will not have any intention to handle the allegation, since the Bupati had close relation with him. We were aware that Bupati, the head district prosecutor, and other government officials at district level are members of MUSPIDA (Council for Regional government Leaders), so it was almost impossible to expect the *kajari* to divulge corruptions that were committed by his counterparts at MUSPIDA... Moreover, we heard that the Bupati used to distribute *angpao* (gratifications) to his counterparts at MUSPIDA... (Interview with I-14, 14/03/2008).

Another activist added:

We heard from the witnesses that were cross-examined by prosecutors, saying that when the prosecutors were questioning them, they prefer to ask or say something that is irrelevant to the case. One prosecutor, for example, said that his wife wanted to buy a new car... meaning that this person will only want to continue the prosecution for money... we of course did not want to give him any money... (Interview with I-25, 14/03/2008)

Responding to this situation, KaPK resumed their focus to pressure provincial police to take over the case from the district prosecutor. The KaPK also contacted CSOs at provincial and national level, especially KP2KKN at provincial and ICW at national, to

gain support for reverberating the issue at each respective level. On a number of occasions, KaPK carried out demonstrations in front of the district government office, provincial police office, KPK, and presidential office. Sometimes, the campaign turned aggressive when the activists physically occupied government buildings and deflated the tyres of government cars.

For months, however, no institution made any serious response. In fact, the situation seemed to swing round. Being confident of having a safe position, the *Bupati* and head of the Hospital threatened to report KaPK activists to the police for an allegation of ‘insulting state officials.’ KaPK activists were nervous, bearing in mind that the Bupati could easily enforce the police to charge them of crime. Some KaPK activists received physical threats from thugs, making them flee to other cities. The hassled situation for anti-corruption activists continued into 2005.

The anti-corruption activists got relief when their district undertook a direct election for a new Bupati in mid 2005. Together with the serving Bupati, there were also three other pairs of candidates running for election.²⁶⁶ The Bupati faced strong rivalry from Hendro Arintoko (former district government manager or *Sekretaris Daerah*), who received very strong support from bureaucrats. Possibly being motivated to win the political competition, Hendro found the anti-corruption movement a potential wagon to assail the Bupati, and tried to get close to ASA and KaPK activists. He and his supporters provided financial support and utilised political links to pressure police and KPK. In March 2005, Hendro’s supporters formed the Communication Forum for Civil Servants Care for Kendal (FKPPA). This semi formal organisation collected donations from its members to support the work done by ASA and KaPK. Within a month, FKPPA collected donation around Rp 500 million, which they directed to support ASA and KaPK activities. Due to their position as bureaucrats and having more access to inside information, FKPPA member also revealed more information and data concerning possible corruption cases in the district government. They listed misappropriation and embezzlement in district government projects and overhead spending through comprehensive evidence and documents.

²⁶⁶ The pairs of candidate in the election were: Hendy Bundoro and Siti Nur Markesih from PDIP and Golkar party; Hendro Arintoko and Agus Sholeh from National Mandate Party (PAN); Thoha Masrukh Abdillah and Ismawati from National Awakening Party (PKB).

With full support of FKPPA, ASA and KaPK, once again submitted a report of the allegation of corruption to judicial institutions. At this time, they preferred to deliver the report to the higher level offices of Polda (provincial police) and Kajati (provincial prosecutor), instead of the district level. As well as street demonstrations at Polda and Kajati office, they also delivered the report to KPK, which responded by sending a letter to Polda, asking that they put attention and use all necessary means to examine the report. Despite the pressure, on November 2007, Polda declared that it did not find any state loss in the reported cases.²⁶⁷ Responding to this situation, CSO activists demanded KPK to take over the investigation from Polda. Finally, KPK took over the investigation on March 2006. In investigating the cases, KPK ransacked Bupati office in June 2006, and interrogated around 100 witnesses. After investigations, KPK concluded that the Bupati and several district government officials were involved in corruption and were suspects. The Bupati then was brought into special court for corruption, found guilty, sentenced to five years jail and fined Rp 200 million on 19 September 2007.

The situation in Kendal district soon changed dramatically. Following the imprisonment of the Bupati, the position of the Bupati was taken over by the Vice Bupati.²⁶⁸ The Vice Bupati assigned ASA and KaPK to play a role as informal advisory consultant for district government, and to work from outside to endorse transparency and accountability in the government. The district government, for example, annually assigns representatives from ASA and KaPK to be independent watchdogs when the district government is undertaking recruitment for new employees.

Capacity and constraint

While the work might be successful in revealing corruption case, leading to the punishment of some local figures, ASA is not necessarily proficient in sustaining the anti-corruption movement in the district. The CSO is financed solely by modest contributions from members. So while the CSO is relatively prominent and still operates actively, the

²⁶⁷ CSO activists received information that the decision was made due to the intention of the chief of provincial police (Kapolda) to run in the gubernatorial election. The Kapolda wanted to run the election through the PDIP (the party's of the Bupati that was chaired by the Bupati's younger brother) (Interview with M, 24/05/2008).

²⁶⁸ According to Law no. 32/2004, when a bupati could not perform his/her job, the position of the bupati will be replaced by vice bupati.

organisation has not been able to purchase a permanent office; it rents a small house for the secretariat. Due to poor financial capacity, the CSO does not have a regular program for its action. Meanwhile, since taking a new role as the consultant for the district government, ASA activists consider that they no longer need to maintain a confrontational attitude against the district government. However, the activists maintain that they keep monitoring the government and will apply a confrontational approach if the government goes wrong again (Interview with I-14 & I-25, 14/03/2008).

Concluding comments

Similar to their counterparts at the national level, CSOs at the regional level are also capable of carrying out resistance against corrupt elites and holding them to account. They have also been able to influence regional politics in their respective regions to favour anti-corruption reform. Each CSO presented here has attributes that promise to develop strong democratisation and accountability building processes.

Even though they may not have strong access to the donors, CSOs can still maximise a variety of opportunities to wage war against corruption. As in the case of ASA, a CSO can use a combination of grass roots movement and political competition to punish local politicians' malfeasance. Despite the limitation of organisational capacity and resources (it only has three members) and the fact that it operates in an environment where the judicial institutions are extremely unreliable, this CSO can bring powerful local elites to justice.

Civil society at the regional level can also make adjustments to undertake and preserve the continuance of the anti-corruption movement. PIAR's initiative to change its priority from human rights issues to anti-corruption issues illustrates that CSOs can be responsive to public demand. As well, as shown by KP2KKN, CSOs can maintain consistency in upholding the accountability of state actors including their own allies. This demonstrates the possibility that CSOs can eliminate internal conflicts of interest. In addition, civil society can also rectify its errors and revitalise the anti-corruption campaign, the measure of which is seen in the second generation anti-corruption CSOs

such as GA in Aceh. Such evidence is important not only to maintain the vitality of the anti-corruption movement in order to continue to survive in the democratic consolidation process, but also to encourage the institutionalisation of civil society movements in a democratic setting. The four cases above illustrate how CSOs have the potential to build a strong democratic culture for the future of democratic legitimacy in Indonesia.

Chapter 9. Contribution of Islamic CSOs: Case studies of Nahdlatul Ulama and Muhammadiyah

Indonesia has the world's largest Muslim population, with almost 88% of the total. During modern Indonesian history, civil Islam has played various important roles to legitimate and strengthen democratic principles through the creation of a civilised state. Nevertheless, persistent corruption has constantly embarrassed the Islamic community in the country. On many occasions, Islamic CSO leaders such as NU's KH Hasyim Muzadi and Muhammadiyah's Din Syamsuddin have expressed that corruption has become a serious problem that weighs heavily upon the Muslim community in Indonesia. They worry that the ongoing presence of acute corruption may lead to cynicism that Muslims have paid little attention to fighting corruption (*Republika*, 28/06/2007). Some Islamic figures also argue that although one may not say that the presence of corruption directly relates to Islamic teaching, the dominance of corruption in Indonesia may demonstrate a low awareness amongst Muslims about the problem (Mas'udi 2004: 139-44; Burhan 2006: 119).

This chapter will investigate questions concerning the relationship between religion and efforts to fight corruption. First, to what extent can religious organisations contribute to promote a moral foundation for curbing corruption? Second, can Islamic CSOs mobilise believers to stand up and fight corruption? Additionally, taken into a larger context, a query might be extended to investigate whether Islamic civil society can contribute, or be instrumental, in the success of democratisation in Indonesia (Hefner 2001: 509-11).

This chapter will portray the contribution of the two biggest Islamic CSOs in Indonesia – NU and Muhammadiyah – in fighting corruption. While both CSOs share some similarities in their roles, they differ in some instances. One of the main differences between these associations is the target groups being addressed. While NU involves itself

mostly with the grassroots, Muhammadiyah engages more strongly with middle-class and elite groups. The chapter will identify the characteristic activity of each Islamic CSO and situate the work of the CSOs in the broader context of struggle against corruption. By depicting the works that have been done by NU and Muhammadiyah, this chapter argues that religious CSO can play a unique role in fighting corruption and supporting democratisation. The chapter will first depict the general picture of the involvement of Islamic CSOs in the anti-corruption movement, followed by description of the role that has been played by NU and Muhammadiyah. Finally, this chapter will critically examine their effectiveness.

Islamic CSOs and the anti-corruption movement

Together with others, CSOs with an Islamic background also take part in the struggle against corruption in Indonesia. Their involvement in corruption eradication efforts was formalised and coordinated when on 27 June 2007, 14 Islamic CSOs declared a ‘Jihad against corruption.’²⁶⁹ The declaration among others pointed out that all Islamic CSOs have to support the struggle against corruption in order to prove that Indonesia, as the largest Muslim country, can be successful in eliminating corruption. During the speech ceremony of the declaration, the Chair of Muhammadiyah, Din Syamsuddin, pointed out that the declaration was made as a form of awareness of Muslims in Indonesia to save the nation from the menace of corruption. As a majority, Syamsuddin added, Muslims in Indonesia should take part in the fight against corruption and urge the government to be serious in handling the problem (*Republika*, 28/06/2007).

²⁶⁹ The CSOs include: *Nahdlatul Ulama* (NU), *Muhammadiyah*, *Persatuan Islam* (PERSIS—Islamic Unity), *Al Irsyad Al Islamiyah*, *Al Wasliyah*, *Dewan Masjid Indonesia* (DMI—Indonesia Council of Mosques), *Dewan Dakwah Islamiyah Indonesia* (DDII—Indonesia Islamic Missionary Board), *Ikatan Cendekiawan Muslim Indonesia* (ICMI—Association of Indonesia Islamic Intellectuals), *Korps Himpunan Mahasiswa Islam* (KAHMI—Corps of Association of Islamic University Students Alumni), *Badan Kontak Majelis Taklim* (BKMT—Contact Board of Islamic Forums), *Wanita Islam* (WI—Islamic Women), *Pergerakan Mahasiswa Islam Indonesia* (PMII—Indonesia’s Islamic Students Movement), *Ikatan Mahasiswa Muhammadiyah* (IMM—Association of Muhammadiyah University Students), and *Himpunan Mahasiswa Islam* (HMI—Association of Islamic University Students).

Following the declaration, the leaders of the 14 CSOs met with government institutions including the DPR, President, Vice President, Attorney General, and Chief of Indonesian Police to present the declaration, as well as to urge the officials to take necessary and tight steps in combating corruption. During the meetings, they also encouraged the implementation of Islamic principles as an ethical foundation for the practice of government in Indonesia.

In order to realise this goal, the CSOs established joint programs and activities to implement the declaration into practical activities. In a number of regions and cities the Islamic CSOs work with other non-government associations to promote anti-corruption agenda and directly involve them in the fight against corruption by scrutinising governmental processes and voicing the need for transparent and clean government.

Apart from the collective movement, each Islamic CSO also individually carried out anti-corruption activities. PMII and HMI, for example, the two largest Islamic student associations in Indonesia, have been very active in organising seminars, discussions, investigations and demonstrations to reveal and take legal action against corruption cases that were committed by state actors at national, provincial and district levels. Activists of both organisations also often write statements, articles and papers regarding corruption in the mass media. In the moment of general elections, they also used to issue public petitions, demanding voters to choose clean candidates who are free from the record of power abuse.

The two most prominent Islamic CSOs (NU and Muhammadiyah) in particular, have preceded other Islamic CSOs in the fight against corruption and stimulated them to take part. On 14 October 2003, four years before the declaration of 'Jihad against corruption', both CSOs made a joint agreement to work together in accelerating the anti-corruption movement and to form principal points of entry for encouraging believers to become involved in the struggle. Both organisations agreed that the problem of corruption in Indonesia was systemic and needed extraordinary ways to combat it. In addition, the organisations also consider that strong anti-corruption endeavours could only be taken if there is a strong public pressure on the government. This, in turn, requires re-awakening civil associations and accordingly the two CSOs wanted to pay

more attention to generate awareness among Islamic organisations and followers to stand up against corruption.

NU and Muhammadiyah asserted that they would escalate anti-corruption spirit by creating ‘national wide anger’ against corruption (*Kompas*, 15/12/2003). As part of this agenda, both organisations asserted that they would establish anti-corruption centres at the community level to detect corruption cases and report them to law enforcement authorities (*Sinar Harapan*, 19/05/2005). The centres were then formed in a number of cities and instructed by the Central Board of the CSOs to join with other organisations in breeding an anti-corruption movement and take part in urging the law authorities to immediately resolve corruption cases being reported by the people.

It is interesting to note the intention of NU and Muhammadiyah to promote Islamic values as a spiritual incentive to curb corruption. In a meeting with DPR members, on 12 December 2003 the chairs of Muhammadiyah and NU stated that the high record of corruption continuous partly because government officials fail to apply Islamic values in carrying out governmental duties, and accordingly, the CSOs urged the officials to pay more attention to religious teachings and apply them as ethical guidance in governing the state (*Republika*, 13/12/2003).

The sections below will discuss the significance of roles that have been taken by the two giant Indonesian CSOs. Both organisations have quite different methods in combating corruption. On the one hand, NU generally emphasises its actions on the grassroots level by encouraging *pesantrens* (Islamic Boarding Schools) to play an active role in the struggle against corruption. On the other hand, Muhammadiyah takes action more at the elite level and tries to develop interfaith actions to encounter corruption. Given the large size of the membership of both organisations and their long-standing reputation in counterbalancing the state, one may argue that the CSOs have a potential to play a crucial role in fostering anti-corruption and building accountability.

NU: fighting corruption from the *pesantrens*

This CSO was established in Surabaya on 31 January 1926. Its establishment was perpetuated by a long struggle of a number of Islamic clerics (*kyai*) who run traditional Islamic boarding schools (*pesantren*) to conserve and preserve Islamic traditionalist teaching and to promote the spirit of nationalism in responding to the excessive pressure of the prevailing Dutch colonial government. Following its establishment, NU enjoyed a record of serving the nation in the struggle against colonial government. During Indonesia's independence war, NU took part as one of the main forces of resistance defending the independence of Indonesia. Then, for a long period, after the end of colonial era, NU has also recorded crucial roles in resolving problems in the dynamics of Indonesian social and political processes.

The history of the organisation traces back in 1916, when some Islamic figures in Indonesia including Abdul Wahab Hasbullah and Mas Mansyur established *Nahdlatul Wathon* (the Awakening of Nation) in Surabaya, which was followed by the establishment of *Nahdlatut Tujjar* (the Awakening of Merchants) by Abdul Wahab Hasbullah in 1928. These institutions organised educational and economic activities for improving the practice of religion and national struggle against the colonial government among Islamic fellows. However, when there was disagreement in the Islamic Congress in Yogyakarta in July 1926, Abdul Wahab Hasbullah and some his fellows established *Nahdlatul Ulama* (the Awakening of Ulemas). On 26 January 1926 the Committee's meeting of the organisation appointed Muhammad Hasyim Asy'ari as the great leader (*Rais Akbar*) of the organisation.

Currently, although there is no official records, many sources claim that the CSO's membership is around 30-40 million. NU also has branches in almost entire provinces, districts, and even village levels around Indonesia and has many affiliated youth and women's organisations, including *Muslimat* (Women Association of NU), IPNU (Student Association of NU), IPPNU (Female Student Association of NU), PMII (Indonesia Islamic University Student Movement), GP Anshor (Youth Movement of NU), and *Fatayat* (Female Youth of NU). The CSO also has a number of think-tanks and subdivision organisations, including Lakpesdam (Think tank for human resource

development of NU), SARBUMUSI (Indonesian Muslims Trade Union), LP Ma'arif NU (Ma'arif Educational Institution of NU), LDNU (Islamic Preaching Institution of NU), and P3M (Centre for Pesantren and Community Development). In addition, the organisation also claims to have a wide network of *pesantren*, with a number in the thousands (around 6,830). Typically, *pesantrens* are led by, and belongs to, Islamic clerics (*kyai*) who are members of NU.

As an organisation with an Islamic religious background and bearing its reputation in resolving national problems, NU has been under pressure from the people to speak about, and to act against, the cancer of corruption. On various occasions, many people have asserted that NU should not allow Indonesia to become a failed state because of the chronic infection of corruption. Hence, NU is challenged to participate in overcoming the problem of corruption in Indonesia.

Responding to this demand, NU tried to assemble an anti-corruption moral fibre into every program and activity that it has. At the same time, it also undertakes programs that directly address the problem of corruption. The focus of NU's programs is to change the perspective of Islamic followers on corruption, by delivering the clerical message that corruption is prohibited and part of unforgivable sin. In this line, the NU leader, Hasyim Muzadi, pointed out that:

NU does not want to take over the role of the government in combating corruption, but merely to act as a moral force to raise awareness of the people, especially NU members, about the danger of corruption. Although we are disappointed by government's approach in combating corruption, we will not act as a law enforcement agent (*TempoInteraktif*, 02/12/2003).

For this purpose, in July 2002, NU's national congress issued a religious decree (*fatwa*) declaring that Muslims are prohibited to perform funeral prayers for deceased corrupt figures unless they have returned the money stolen from the public.²⁷⁰ According to the *fatwa*, corruption is a form of deception (*ghulul*) that betrays the trust of the people. The *fatwa* also declared that providing inducement for government officials is something that absolutely forbidden to Muslims, since apart from transgressing the mandate of government organisations, this act may a form of bribery (*risywah*) that can lead to abuse

²⁷⁰ The *fatwa* was referred to *hadits* narrated by Bukhari, which stated that the Prophet Muhammad did never want to pray for those died with debt.

of power. This decree appeared as a strict social sanction for those involved in corruption. For a number of months, national and local media in Indonesia published the decree, creating a hot public discussion in various public forums.

To support the anti-corruption mission, NU has carried out a number of activities that have taken place in several provinces and districts. Although generally speaking the NU's activities encompass a number of arenas including detecting, pinpointing, and revealing corruption cases, the CSO centres its activities mainly on building behaviour, moral and attitude as milestones for disseminating the idea of accountable government. These activities are described in the following section.

Making pesantrens 'pools of resistance' against corruption

The first significant step taken by NU in stimulating the anti-corruption movement is the creation of '*Gerakan Anti Korupsi Berbasis Pesantren*' (*Pesantren*-based Anti-Corruption Movement). This concept, initiated and executed by NU's P3M (Centre for *Pesantren* and Community Development), tried to encourage real direct involvement of the *pesantren* in the corruption eradication struggle. The initial pace of this program was piloted in a limited number of *pesantrens* from 2002 until 2004, and then was replicated into more *pesantrens* in subsequent years.

By hosting the movement into the *pesantrens*, it is expected that the *pesantrens* will act as centres of resistance and provide a continuing basis for the anti-corruption movement. The program formulates the *pesantrens*, besides teaching their traditional curriculum, set up additional subjects on anti-corruption and good governance principles in order to encourage their *santri* (students) to be involved in the anti-corruption movement. At the same time, the program also encourages the *kyai* of the *pesantrens* to perform as agents of change in influencing the perceptions and knowledge of the surrounding community about the danger of corruption so this can create an anti-corruption culture among the general populace. Through Friday sermons and other religious sermons, the *kyais* propagate the importance of public participation in taking part in governmental processes by saying that government is more accountable and less corrupt when there is a high public participation.

In order to accomplish this intention, it was considered that *pesantrens* need capacity-building on how they can take part in anti-corruption movement. To this end, NU and P3M recruited senior students and *kyai* to attend capacity-building training on analysing and scrutinising regional government budgets. The training also provided basic skills in public budgeting and auditing that are essential tools for conducting investigations. In addition, there were also topics on advocacy and organisational techniques. Finally yet importantly, the training was figured out with a strategy to serve *pesantren* as community organisers for the anti-corruption movement. The training took place in Bogor and then in three *pesantrens* that represented three provinces in Java (Depok in West Java, Salatiga in Central Java, and Malang in East Java) during March-May 2003. The training was followed by a workshop for mapping problems of corruption at local level. The workshop was attended by alumnus of the training from 16 cities and districts.

To make the training come into action, the program also endorsed the creation of alliances and networks among strategic groups and organisations, including anti-corruption CSOs, university lecturers, university student associations, reputable clean local politicians, and journalists in the local media. However, the formulation of such alliance is not always an easy process. Because of dissimilar backgrounds and interests, alliances among anti-corruption actors are mainly effective when they are made on temporary basis. So, while some *pesantrens* generally are interested to organise a regular meeting among civil society actors to achieve long terms goals, others have more interest to directly address corruption cases committed by government officials (Interview with I-27, 23/08/2008).

On top of these approaches, the P3M also organised a number of other supportive activities to prop up the actions that were taken by the *pesantrens*. For example, P3M published newsletters, books and journals, carried out seminars and workshops, and also provided technical assistance when the *pesantrens* find problems in executing the mission. NU and P3M also provide legal assistance when the *pesantrens* encounter legal obstacles, especially in determining allegations of corruption against suspected government officials, as well as when they received legal indictments from corruption suspects.

Installing anti-corruption issues on 'bahtsul masail'

In order to create awareness and generate an anti-corruption atmosphere more widely, NU believes that it needs to disseminate insight on the issue among Islamic believers, especially NU's constituents. To this end, NU installed a program to reformulate *bahtsul masail* (regular Islamic clerics' discussion forum).²⁷¹ Previously, the forum usually only dealt with questions of religious ceremony and private morality, but now the forum is transformed into a more critical religious movement that is concerned with social, economic and political problems (Burhan 2006: 126). Owing to the reformulation, the forum can not only increase insight of the participants into the evils of corruption from a moral perspective, but also analyse the problem from the perspective of cultural, political, economic and legal issues.

NU believes that this step is crucial for scaling-up the anti-corruption movement, since the CSO views that most *kyais* do not have sufficient knowledge about the complexity of governmental issues and corruption problems. Most *kyais* were busy running their *pesantren* and focus their attention mainly on teaching *kitab kuning* (Islamic traditional books), so they were not familiar with the idea that corruption is not simply morally wrong, but involves a broad aspect of human life and economically and politically creates a damaging effect on society (Interview with I-26, 03/05/2008).

Bearing this intention in mind, NU invited some academics and anti-corruption activists to give briefings on the forums. They usually gave explanations concerning the current situation of corruption in Indonesia, followed by a discussion with the participants of the forums that mainly concerned the way to control local budgeting and government spending. As far as the evaluation from the P3M is concerned, such activities have been able to draw high attention from the *kyais* and stimulate them to do something to participate in combating corruption (Interview with I-26, 03/05/2008).

²⁷¹ The *bahtsul masail* is a traditional regular meeting that typically is conducted on a periodical basis in every level of the organisation to discuss contemporary issues of society from an Islamic perspective. Accordingly, the *bahtsul masail* is considered an effective forum for raising public understanding concerning corruption and its interrelated factors. The forum is also expected to be able to drive public control over governmental processes especially in the formulation and implementation of budgets.

The pilot projects for the formulation of anti-corruption *bahtsul masail* forums took place in 12 cities and districts and were hosted by *kyais* or *pesantren* leaders in these districts. Typically, the forums were conducted for two to four days, and were attended by 44-65 people, which consisted of both *kyais* and anti-corruption activists. At the end, the forums usually issued a statement (*tausiyah*) that demanded regional governments avoid abuse of budgets, and allocate at least 70 percent of total spending to public services (Interview with I-27, 23/08/2008). The statement usually urged regional governments to guarantee the availability of social security (health, education and food) for poor and disadvantaged people. In short, in these districts, the instalment of an anti-corruption spirit through the forum has been able to lift awareness and the participation of NU's *kyais* in scrutinising regional government budgets and revealing abuse in the planning process and implementation of the budget (Interview with I-27, 23/08/2008). Following the completion of the forum, the participants organised regular meetings to advance the outcomes of the meeting and set up activities to ensure that their statement was taken seriously by regional government in their jurisdiction.

Establishing watchdog institutions

Following the training, NU endorsed the *pesantrons* to establish a unit that put concerns about the implementation of good governance and clean government principles in their district. In this regard, the *kyais* of the *pesantrons* then created extra institutions to function as a government watchdog for monitoring regional government budgeting and policy.²⁷²

In 2003 in Jepara in Central Java several *pesantrons* established the Jepara People's Justice Forum (FMJK). At the same time, similar organisations were also established in Lamongan (the Scientific Study Forum, LKIBM), in Brebes (the Alternative Analyses Forum, FOKAL), in Pati district (the Public Policy Study Committee, LK2P), and in Cianjur (the People's Sovereignty Network, Jagat). In 2004 similar institutions were also established in Ciamis, Garut, Kuningan, Tasikmalaya, Sumenep and Blitar. In addition, NU at provincial level generally also established an

²⁷² The districts were Cianjur, Tasik, Ciamis, Garut, Pati, Kuningan, Brebes, Jepara, Lamongan, Ponorogo, Blitar dan Sumenep.

extra division within its organisational structure to deal with issue of democratisation and anti-corruption issues. In Central Java, for example, the Provincial Board of the CSO currently has established a Public Policy Commission (*Komisi Kebijakan Publik*) in order to maintain day to day activities of the anti-corruption movement and other public policy advocacies.

In a number of districts, the institutions have been the main actors in pressuring their regional governments to undertake an eradication of corruption agenda. They also are important actors in bringing alleged corrupt actors into the justice system. In Jepara district, for instance, the FMJK has been able to disclose the impact of budget abuse that was allocated for district council (DPRD). Supported by CSOs alliance in the district, FMJK reported the suspicion to the public prosecutor's office, which then carried out investigation to see the possible deviation. Although investigation of the case so far has no conclusion, the report has raised public awareness of the case. Letters to editors in local newspapers appear to respond to the news.

Apart from these newly established watchdog institutions, the NU's family organisations, especially GP Anshor, PMII and Lakpesdam, also take part in supervising the performance of government both directly through field actions and indirectly by undertaking seminars and other public forums. In some districts and provinces, the organisations have conducted investigations to reveal corruption cases and reported their results to police, prosecutors and KPK. In a number of districts, the reports have led to prosecution and conviction of corrupt figures.²⁷³

Generating grassroots awareness of anti-corruption movement

Publication has been an important method employed by NU and its affiliated organisations to combat corruption. Since the declaration of the jihad against corruption in 2003, the NU's family organisations have been very active in propagating anti-

²⁷³ For example, on 8 November 2007, GP Anshor of North Sulawesi handed nine reports of allegations of corruption in regional government budget APBD in eight districts and cities in North Sulawesi province to the Corruption Eradication Commission (KPK). The reported cases include, among others: (1) Allegation of corruption on the use of regional government budget in Manado city in 2006 fiscal year, which contains around Rp 48.5 billion expenses without proper auditing; and (2) Allegation of corruption in Bolaang Mongondow district in 2006, worth around Rp 102 billion. KPK responded to the report by conducting investigations against concerned government officials. At the end of 2009 the cases are still in the stage of prosecution.

corruption messages. The publications are carried out through various media and methods. PMII, in particular, have occasionally distributed stickers and organised demonstrations and theatrical shows to raise awareness of people concerning the danger of corruption.²⁷⁴ Similar actions are also undertaken by IPNU and IPPNU.²⁷⁵ NU have also published a number of books on anti-corruption topics. In 2006, for example, the CSO issued a book 'NU against corruption' that examines corruption from an Islamic law perspective, aiming to provide a reference point for the anti-corruption movement. Previously, the task force published several books including: 'Rejecting corruption: developing social piety' that contains a collection of Friday sermon speeches with anti-corruption messages; 'Combating corruption: the raise of religionists to tackle corruption in Indonesia' that contains a collection of case studies of the work of some *pesantrens* in scrutinising regional government budgets in several districts; and 'Corruption in a religious country: attempts to formulate anti-corruption Islamic law' that provides some thoughts on corruption based on Islamic texts.

In order to coordinate and maintain the effectiveness of anti-corruption propaganda, the central board of NU established an anti-corruption task force in 2003. The task force is an ad hoc team, mandated to run a number of programs. The team consists of an advisory board and executive personnel from NU's structure. So far, NU claims that the team has been successful in organising and coordinating various methods

²⁷⁴ For example, on 9 December 2007, PMII branch of Jombang, East Java commemorated the world's anti-corruption day by undertaking street action in front of University of Darul Ulum. The students sealed their mouth to symbolise that the government does nothing in preventing and combating corruption. The organisation also issued a public statement, blaming the government for taking no action against corruption suspects. The statement recommended that the government should take serious transparent actions in dealing with corruption cases (*Jawa Pos*, 1012/2007). In 23 April 2007, the board of PMII Tulungagung district branch, East Java, organised a musical parade in order to raise public awareness concerning corruption. Apart from the music show, the students' organisation also made a declaration of Anti-corruption manifesto which was signed by public figures in Tulungagung, including the regent of Tulungagung district, Head of local parliament, Head of District Public Prosecutor Office, Head of Police District, Commander of Military district, and also some businessmen. A number of issues were exposed on the parade. Among others are the need of supremacy of law, public participation on local governance, and anti-discrimination of public services. In the event, PMII also promoted the urgency of participatory budgeting in the formulation of regional government budget in order to ensure the accommodation of public interests on the budget.

²⁷⁵ For example, to commemorate national education day in 2008, IPNU and IPPNU organised an 'Anti-corruption poster competition for students Indonesia-wide in March-April 2008. The competition was aimed to increase the awareness and participation of students in dealing with corruption. At East Java, IPNU's provincial board also participated in supporting anti-corruption movement by undertaking Students Anti-corruption Festival in May 2005. The festival contained a series of activities, including a seminar, academic writing contest, caricature contest, and performing arts, with anti-corruption topics.

of publications. In order to disseminate and communicate the work on anti-corruption, the task force formulated an online website (www.nu-antikorupsi.or.id) for publishing information and receiving complaints about corruption. The website has been used very actively by NU activists for sharing experiences and lessons learned in dealing with various issues.

Anti-corruption messages were also broadcasted through radio talk shows, especially in Surabaya and Semarang. Typically the programs invited resource persons from universities, NGOs, law enforcement authorities, and religious leaders to discuss a topic on corruption issues with a moderator from NU. There were various topics discussed including, for example, 'corruption in the public services', 'corruption and culture', 'the role of media in combating corruption', 'the role of *ulemas* in reducing corruption', 'public participation in budget supervision', and so forth. During the program, members of the public asked questions and responded to discussions through calling via telephone and sending SMS (short message service) text.

Undertaking policy advocacy

Considering that government's policy is a determinant factor, NU has been very active in lobbying government institutions and policymakers in order to deliver anti-corruption messages and draw their attention to the problem. To increase the capacity of members in lobbying, NU created books, followed by training on advocacy and monitoring of public policy.

In addition, NU initiated the establishment of an anti-corruption parliamentary caucus in some district parliaments. In this program, NU gathered together parliamentary members who have a NU background from across parties to form a caucus that was assigned to support the anti-corruption movement. The caucus was piloted in four districts including Probolinggo, Tulungagung, Kendal and Magelang. The caucus usually organises three monthly meetings to discuss strategies of advocacy for anti-corruption policy in the non-litigation area. Regrettably, due to lack of commitment and deviation of political interests, the caucus has not been very effective in supporting the movement (Interview with I-32, 12/04/2008).

On top of this, all NU's affiliated organisations tried to endorse the establishment of the Corruption Eradication Commission (KPK) in 2002-2003. Moving with other CSOs, they participated in lobbies and public gatherings to pressure the Indonesian Parliament (DPR) and President to accelerate the establishment of the commission. NU elements also contributed in the selection of KPK members in order to make sure that the candidates who lead KPK are those who really have clear vision, capacity and a personal record clean from corruption. On 4 December 2003, for example, PMII organised a demonstration during an interview session for selection of KPK member candidates, demanding the selection team make decisions as objective, transparent and democratic as possible. PMII also insisted that KPK should consist of persons who are independent, sincere, capable, honest, morally reliable, and having a clean reputation. Moreover, PMII rejected candidates that come from judicial institutions background, such as police and prosecutors who are typically alleged to be involved in judicial mafia.

Internal capacity-building for organisational governance

Apart from actions addressed for an external audience, NU also carried out internal actions to implement good organisational governance from 2003-2005. The program aimed to develop an organisational system that is capable of curbing corruption within NU. To achieve this end, NU set up several series of activities. First, it undertook focus group discussion (FGD) for analysing areas and points in the organisation of NU that may vulnerable to corruption. By conducting the FGD, NU could detect and prevent the potential of abuse in the operation of the organisation. NU then carried out a workshop of good organisational governance and its application on the arrangement of organisation of NU. The workshop produced organisational guidelines and ethical conduct for NU staff and members. Further, in order to implement the product of the FGD and the workshop, NU undertook training on financial management for some board members at a national and provincial level. The training addressed a financial management system that has been developed to avoid abuse and mishandling of finance and assets. Finally to ensure the system works, NU carries out periodical progress monitoring to see whether there is imperfection in the system.

Muhammadiyah's contribution on anti-corruption

Muhammadiyah is the first Islamic civil society organisation established during the early stage of the growth of civil associations and political organisations in Indonesia on a national scale (Fuad 2002: 134). It was established in Yogyakarta on 18 November 1912 (8 Dzulhijjah 1330 Islamic Calender) by Muhammad Darwis, who was later known as Ahmad Dahlan. He was a priest officer in the kingdom of Yogyakarta and also a trader. Originally, the organisation aimed to purify Islamic religion from mystical acts and then extended its activities to provide social services. From 1913 to 1918 Ahmad Dahlan established five primary schools, and in 1919 he established a secondary school (Hooge School of Muhammadiyah, which in 1921 turned into Kweek School of Muhammadiyah). Mr. Ahmad Dahlan led Muhammadiyah from 1912 until 1922 and then he was replaced by Mr. Ibrahim.

Similar to NU, during the war of independence, Muhammadiyah also functioned as a central front against the Dutch colonial government. Some of its figures became anti-colonialist activists who were able to mobilise the people's struggle to expel the imperialist from Indonesia. Soedirman, Mas Mansyur and HOS Tjokroaminoto, to name few, are Muhammadiyah figures who were admired as heroes of the nation due to their great contribution in founding the nation. Soedirman, more specifically, was the founder and the first commander of Indonesian Army, under which he received the government's honour as 'the great general'.

Currently, Muhammadiyah enjoys the reputation of being a prominent Indonesian Islamic CSO that is well known for providing education and health services. Throughout Indonesia, the organisation possesses thousands of non-profit institutions such as schools, universities, clinics, and hospitals. In a limited number, the CSO also operates profit institutions such as workshops, supermarkets, and small banks. From these activities, the organisation governs their mission in proliferating Islamic faith, developing the community, and improving the well being of Muslims. The branch structure of the organisation of Muhammadiyah exists in almost every province and district Indonesia-

wide. In short, similar to NU, Muhammadiyah has broad and deep roots in the Indonesian community.

During the democratic transition process, Muhammadiyah was very active in voicing anti-corruption concerns. As mentioned in Chapters 2 and 3, former Muhammadiyah chair, Amien Rais, was the initiator and locomotive of the *reformasi* movement to push President Suharto from power in 1996-1998 by voicing the people's demand to abolish KKN. Amien Rais' successors as Muhammadiyah's chair, Ahmad Syafii Ma'arif and then Din Syamsuddin, also become public figures who vigorously promoted anti-corruption campaign.

As noted above, Muhammadiyah and NU have encouraged other Islamic CSOs to participate in the anti-corruption movement by making a joint agreement in 2003. Like NU, following the agreement Muhammadiyah also undertook a number of anti-corruption programs. The CSO emphasises the struggle to combat corruption from within the organisation. The CSO set up a program, named 'enhancement of good governance,' which was aimed to encourage Muhammadiyah members who serve as state officials to implement the principles of transparency, accountability and participation in their respective institutions. To this end, Muhammadiyah initiated to set up a policy to sack its members when they are confirmed to be involved in corruption (*Tempo*interaktif, 02/12/2003). Although this policy is not strictly implemented due to resistance from some internal elements, the initiation has functioned as a deterrent for Muhammadiyah members to avoid any involvement in corruption. The program also installed good governance principles (namely transparency, participation, and accountability) in its internal management of the organisation. Muhammadiyah claims that the program has increased the commitment of its members in complying with the principles and internally increases the effectiveness of its financial management and limits possible abuse in the organisation (Interview with I-28, 17/03/2008).

Apart from targeting internal audiences, Muhammadiyah also took a number of anti-corruption programs that targeted a general public audience. The following section will describe the programs.

Organising ‘Halaqoh Tarjih’ Forum

In order to formulate a corruption eradication strategy, Muhammadiyah organised a national dialogue forum for its religious leaders. The forum, named ‘*Halaqoh Tarjih*’ (experts meeting), was attended by 80 of Muhammadiyah’s clerics from 19 provinces on 10 August 2005. The forum produced relatively comprehensive insights from the clerics on the application of Islamic law (*fiqh*) concerning corruption. To put the insights into practice, Muhammadiyah then conducted training on advocacy and local budget monitoring for its members in several provinces, including Central Java, Lampung, West Sumatra, and Yogyakarta.

Another activity that has been undertaken by Muhammadiyah in correlation with this program is stakeholder’s discussions at local level for addressing corruption issues in the provinces and districts. The participants of the discussion typically were NGO activists, labours, religious leaders, teachers, and professionals. Regular meetings were held, aiming to improve the knowledge and awareness of the public so as to allow people to critically examine and monitor government budgets. In a number of districts, the discussion has been successful in encouraging the participants to work together in analysing, detecting, and revealing corruption cases. For example, as mentioned in the Chapter 8, such forums could stimulate Muhammadiyah members in Kendal district of Central Java province to work together with ASA to reveal corruption committed by the *Bupati* (regent) in the district. The work successfully led to the dismissal of the *Bupati* and punishment of five years jail.

Establishment of Muhammadiyah politicians’ caucus

Similar to NU, to encourage an anti-corruption outlook among decision makers Muhammadiyah formulated a ‘caucus of anti-corruption for Muhammadiyah politicians across political parties’ at provincial and district level. In this regard, Muhammadiyah provides analytical assistance for the members of the caucus in overviewing the government’s budget and policies. Unlike NU’s caucus that is relatively unsuccessful, the Muhammadiyah caucus reportedly could increase the awareness and capacity of politicians in detecting abuse of government budget (Interview with I-29, 12/07/2008). The key of the success is due to the continuous assistance from Muhammadiyah board at

provincial and district levels, which organise ‘pool of academics’ from across Muhammadiyah’s affiliated universities to support the caucus (Interview with I-29, 12/07/2008).

Formulating an anti-corruption curriculum

In order to expand the anti-corruption spirit among youth, Muhammadiyah developed a curriculum on anti-corruption topics for students. Although the curriculum was generally derived from common theories of public policy and political science, it also incorporated some perspectives from Islamic teachings. The curriculum, for example, cited several sources in the Koran and *Hadith* (the sayings of Prophet Muhammad) that related to the basic conception of honesty on social interaction to develop modules and teaching exercises. The curriculum is then installed into Muhammadiyah universities and schools. The modules were also scaled up and disseminated more widely through religious teachings and sermons.

Establishing an interfaith coalition against corruption

Since 2004 Muhammadiyah has also tried to strengthen and widen the attempt to combat corruption by formulating an interfaith coalition against corruption. The establishment of the coalition is aimed to build a synergy across religious believers in disseminating anti-corruption spirit. To this end, the coalition carried out Training of Trainers (TOT) on anti-corruption advocacy for youth and women leaders from various religious organisations. The participants of the TOT further worked together to develop a common platform to combat corruption and spread anti-corruption spirit among the members of their organisations. In early 2004, the coalition carried out a joint study research study, which examined the possibility to establish anti-corruption curriculum for schools.²⁷⁶ The report of the study was then discussed with Yogyakarta Provincial Parliament, which agreed to support the establishment of an anti-corruption course for every school in Yogyakarta. The interfaith coalition then delivered the materials to school principals, teachers, and school preachers. This endeavour has led to the incorporation of anti-

²⁷⁶ One of the surprising points of this study is that it reveals that although generally speaking people commonly have an aversion to corruption, in their behavior they tend to be permissive to corrupt behaviors and maintain an ambiguous standpoint when they deal with their interests.

corruption education into civic education courses in many junior and senior high schools in Yogyakarta.

Taking this experience into mind, on 20 December 2005, the coalition met with the Minister of Education at national government level to recommend the incorporation of anti-corruption education into civic education as a subject nation-wide. The minister then agreed to adopt the initiative as a national policy for supporting the anti-corruption movement. Now, anti-corruption education is an element of teaching content in civic education topics in primary and secondary schools.

The challenges for effectiveness

While the work of NU and Muhammadiyah has done a lot to promote anti-corruption and accountability, a number of constraints have undermined the effectiveness of their work and potentially lessen the significance of the investments that have been made.

Firstly, probably the most prominent constraint is the presence of differing views between conservative and progressive leaders of the CSOs over the extent to which they address corruption. The conservatives appear less interested in institutionalising an anti-corruption agenda. They prefer to put the agenda merely as an ad hoc program. This is not surprising because, traditionally, the conservative *ulemas* used to be close to government officials and are beneficiaries of government's funds, which are not infrequently derived from corruption (Davidson *at all*, 2006: 68). Moreover, there are some clerics who maintain a close relationship with the family of former president Suharto (who probably has been the most harmed by the anti-corruption movement). This condition has made it difficult for them to play an optimum role in serving as anti-corruption models, while at the same time they also fail to uphold their moral authority (Burhan 2006: 126). The disagreement limits NU and Muhammadiyah deal with anti-corruption on an ad hoc basis rather than permanent one. In other words, while the anti-corruption movement needs continuous work and should be managed by solid teams, the CSOs have not developed solid divisions within the organisations responsible for keeping the movement alive. Although NU has tried to settle this problem by establishing

watchdog organisations, as noted above, debate within NU still continues concerning whether such an organisation will be permanently sustained.

Secondly, the ad hoc basis of the CSOs' anti-corruption activities has led the activities to operate without sufficient vision and long-term planning. As a result, the nature of the anti-corruption programs seems to focus on program output only and does not much consider the outcomes or impacts of these programs. Although probably the anti-corruption issue is not a major concern for faith-based organisations like NU and Muhammadiyah, the lack of a definite long-term plan could make vain their investments planted so far.

Thirdly, for a long period religious leaders of both organisations did not pay much attention to government and politics. Traditionally, most religious leaders tended to focus on teaching Islamic rituals rather than socio-political issues. As a consequence, while their support and enthusiasm are generally quite impressive, their capacity to play a role in the anti-corruption movement has not yet been optimal. It is quite a common observable fact that religious leaders, mostly the traditionalists, are not always acquainted with even a basic knowledge of government and political terms.²⁷⁷

Fourthly, while generally the Islamic CSOs are trying to contribute to the anti-corruption movement, there are elements within the CSOs that are vulnerable to corruption. There are a few cases where NU and Muhammadiyah's members have been suspected of corruption. In Riau province, for example, the chair of GP Anshor (Youth NU) was arrested by police in July 2008 due to an allegation of abusing Rp. 800 million of a scholarship fund allocated for poor students.²⁷⁸ This has ruined the reputation of the Islamic CSO and undermined the effectiveness of CSOs in campaigning in an anti-corruption spirit.

²⁷⁷ Several informants mentioned that during anti-corruption training, for instance, many *kyais* cannot differentiate between the term '*polisi*' (police) and '*policy*'; between '*transparansi*' (transparencies) and '*transportasi*' (transportation); and between '*regulasi*' (regulation) and '*reformasi*' (reform), which sometimes leads to confusion in communication between them and other groups (Interviews, with I-27, 23/08/2008; I-26, 03/05/2008).

²⁷⁸ He was charged with allegation of corruption concerning the provision of scholarship for students of Siak district who study on Java Island. The story began in 2003 when he submitted a proposal for the scholarship program to Siak district government. When receiving the money, however, he only distributed a small proportion of the funds to the students. In 2004, Zaenal has been reported to the police by Siak district government. Following a long investigation and hunt, police arrested him on 29 July 20008 (Source: *Lampung Post*, 31/07/2008).

Finally, the effectiveness of the anti-corruption movement also has been undermined by the fact that CSOs are not immune from political influence. Although it cannot be generalised, some NU and Muhammadiyah leaders hold strong political ambitions and ardently desire to run for election.²⁷⁹ Bearing in mind that CSOs have a large number of members and constituents, the leaders of the associations enjoy a significant political capital, mainly in terms of popularity. This encourages them to use their followers as primary voters in the elections. The involvement of the CSOs' leaders in elections by no means has shifted the nature of the organisations as a 'civil society' that should stay away from political competitions. Political engagements have made the CSOs in a less moral position to promote the anti-corruption movement and criticise power holders as one could say that the movement and criticism may not be genuine but may be embedded in political interests only.

Concluding comments

With or without donors' funding support, for nearly a decade NU and Muhammadiyah have explored the manifold relationships between their religion and the Indonesian democratisation process. Inspired by Islamic religious doctrines, the CSOs can play unique roles in fighting corruption, upholding accountability, and most importantly supporting democratisation. The CSOs have been able to contribute in the creation of democratic habits to a great extent, particularly by creating a risk of punishment for corrupt figures in psychological and social aspects. Given the nature of the organisations that possess broad and deep roots in the community, the CSOs could provide a colossal front to curb corruption if they are effective in their actions.

The efforts of NU and Muhammadiyah in many places have changed attitudes in a positive manner. Their members, despite limitations of numbers and locations, have become more familiar and knowledgeable about political and governmental issues, especially those in relation to corruption. People of *pesantren* and Islamic clerics have

²⁷⁹ For example, the chair of the National board of NU ran for the vice presidential election in 2004. Chairs of NU in Jakarta, Central Java, and East Java province ran for gubernatorial election respectively in 2007, 2008, and 2008.

now started to use terms such as ‘transparency,’ ‘participatory budgeting,’ ‘public accountability’ and ‘pro-poor policy’ when they are teaching in religious sermons or meetings among themselves. They also are more willing to participate or speak or complain. In some places, this has led to some improvements in governmental processes. As discussed, in some districts there are examples of an increased demand for accountability, greater public participation in monitoring government institutions, and relatively greater awareness of community members of the corruption problem.

Overall, both CSOs have played various crucial roles in addressing two questions mentioned at the beginning of this chapter. Both CSOs have contributed in providing a moral-ethical foundation for addressing corruption. NU’s decree (*fatwa*) that corrupt figures who have died have no right to have funeral prayers and Muhammadiyah’s policy to sack its member when they are confirmed of being involved in a corruption case provide an ethical message to followers and the public that corruption cannot be tolerated and that committing such a crime is unforgivable. Both CSOs can make a clear link between religion and the effort to curb corruption. The inclusion of the topics of good governance and anti-corruption in the NU’s *pesantrens* and Muhammadiyah’s school curriculum and clerical forums indicate that the CSOs are able to address this issue. Secondly, the CSOs have been able to encourage believers to rise up and exhibit resistance against corruption. The establishment of watchdog institutions within NU, and Muhammadiyah’s attempt to establish an interfaith coalition against corruption, show that the CSOs can stimulate their members to be in the front line in demanding the government be accountable.

Further, what the case studies demonstrate is that religious CSOs can be a potential force for democratic change. The CSOs did not simply limit themselves in serving the people with religious lessons and ceremonies, and consider corruption merely as a product of moral decadence or spiritual bankruptcy, but can respond to socio-political dynamics and work together with other CSOs to rescue democratisation from the infection of corruption with more pragmatic actions. Furthermore, the examples support Hefner’s (2001: 491) argument that in Indonesia, ‘there is an emerging democratic or civil-pluralist tradition that seeks to recover and amplify Islam’s democratic endowments’. The work of NU and Muhammadiyah confirms that, borrowing Hefner’s

(2001: 509) words, Islamic teaching is not only compatible with, but demands, a democratic state.

Conclusion: towards democratic consolidation, anti-corruption CSOs at the crossroads

...The study of democratisation... always generates concern on the survival of democratic government and democratic consolidation. In its positive formulations, the study speaks about reaching the goal of democratic continuity, maintenance, entrenchment, survival, permanence, endurance, persistence, resilience, viability, sustainability, or irreversibility. By contrast, negative formulations invoke the necessity of moving beyond democratic fragility, instability, uncertainty, vulnerability, reversibility, or the threat of breakdown (Croissant 2004: 95-6).

This study began with questions about the role CSOs play in combating corruption in Indonesia during the democratic transition. Further, it has also questioned whether and how CSOs' movement against corruption can contribute to the consolidation of democracy. The research investigated the general nature of CSOs' work on anti-corruption and also used eight cases studies from different backgrounds to explore these questions. The findings of this study show that the power relations in Indonesia during the democratic transition has constituted a complex socio-political context, which provided a unique platform for civil society actors to lead and strengthen the democratisation process, particularly in developing accountability traditions. Notwithstanding limitations and constraints, it is an undeniable fact that CSOs in Indonesia – anti-corruption CSOs in particular – have been able to play substantial roles in combating corruption and force the power holders to comply with people aspirations.

Taking the above rationale into account, this thesis argues that the civil society movement against corruption has been crucial for consolidating democracy in Indonesia. The movement has opened channels between the state and civil society that work as a system of accountability, part of a long-term project of establishing a democratic principle rooted in grassroots participation. Many watchdog organisations in Indonesia have done their best to influence national and local policies for improving the accountability of multi-level governance. They have also been able to organise social monitoring to punish corrupt officials. This helped democratisation in Indonesia take root

in society, as civil society's strategic and practical activities to curb corruption have mobilised citizens politically, and strengthened legal constraints on the state to an extent unachieved previously. Below is a further discussion of how CSOs combating corruption have contributed to the process of democratic consolidation.

Democratisation does not cure corruption

As discussed in Chapter 2, democratisation in Indonesia was driven by the strong desire of the people to end the practice of corruption under Suharto's authoritarian rule. The process was then followed by revisions of the constitution, reformulation of various functions of governmental and political institutions, formulation of a variety of new laws, and the execution of free and fair elections. Nevertheless, all these governmental reforms cannot stop corruption practices that have been systemic. Similar with experience of other Southeast Asean countries such as Philippines²⁸⁰ and Thailand²⁸¹, corruption became more intensive and widespread following democratic transition in Indonesia. During the transition, those in power or on the verge of losing power often exploited the opportunity for manipulating various rules and democratic procedures to obtain illegal benefits from the state. Accordingly, widespread public disappointment has emerged and the people continue to show anger to the government. In many places, they even demand the resignation of corrupt officials. In other words, 'the establishment of democratic institutions of elections and political liberalisation does not automatically lead to the creation of social justice or a substantive feeling of trust in government' (Antlov 2003: 139).

Some writers explain that the formulation of formal accountability mechanisms through checks and balances between governmental institutions produces positive outcomes such as good governance within their own structures (Diamond 2003a; 2003b; Morlino 2004). However, along with the rule of law and accountability mechanisms, the democratic institutions can make up good governance, which will lead to the absence of

²⁸⁰ See for example, Estifania (2005).

²⁸¹ See for example, Warsta (2004)

corruption in the political, administrative, and judicial branches (Morlino 2004: 15). But, as anywhere else, democratic institutions and procedures in Indonesia do not exist in a vacuum. They interact reciprocally with cultural and socio-political life that sometimes hampers the function of democratic processes. Meanwhile, similar to other countries, Indonesian politics is frequently a cruel business carried out by narcissistic politicians. They can simply disregard moral-ethical principles when these restrict their manoeuvres in attaining individual or a group's interest. Elected officials may legitimise their unethical behaviour by using democratic institutions and procedures, while opposition parties may overlook the behaviour for getting illicit deals.

All in all, formal democratisation in Indonesia does not automatically produce effective mechanisms for controlling corruption. There are some variables that contribute to this failure. Partly, as this study shows, it is because patrimonial culture continues strongly to influence the new political landscape. Although to some extent patrimonial attitudes have decreased, in the large part they remain pervasive (World Bank 2003: 6-9). The patrimonial culture overshadows the democratic system, for example, through the formation of patron-client networks wherein serving elites make political deals with clients who can otherwise cause nuisance and political instability. This facet is actually not surprising since international experience generally also shows that 'the transition from a networks-based patrimonial system to a rules-based participatory system is marked by high corruption' (World Bank 2003c: vii). As some theorists argue, despite the existence of democratic institutions, democracy as a process does not function properly in many states because these societies have not developed certain values and cultural norms that allow the democratic process to function (Linz & Stepan 2001: 94; Sen 2001: 15).

Moreover, while it is true that democratisation has transformed the rules of the game, Indonesian governance still operates with the old machinery. Political reform did not change the bureaucracy and judicial institutions. Because of the possession of a virtual monopoly of knowledge about planning, budgets, financial management, and the workings of government administration, the bureaucrats can even dictate and mislead new inexperienced politicians. The old bureaucracy and judicial institutions retain their

power with corrupt practices since the new politicians have less initiative to hold them to account.

Meanwhile, despite the creation of democratic institutions and procedures that aim to uphold checks and balances between institutions, this mechanism has not functioned well due to the capacity deficit of new power holders within the political system. Although possessing legitimate power in their hand, the new politicians are generally inexperienced in directing and supervising government. Not surprisingly politicians have little capacity to monitor other government branches and hold them accountable. In turn, most government institutions have little incentive to become more transparent and more compliant to the law.

Regrettably, after *reformasi* many people were too quick in claiming victory. It was commonly considered that the end of authoritarian regime would automatically remove the practice of corrupt cultures within government and politics. People did not anticipate the risk that the new and old elites who repositioned themselves in the new political landscape could hijack the democratisation process. As a result the people became less able to monitor criminal behaviour. For example, despite the continuance of mega scandals disclosed by anti-corruption CSOs since 2005 (seven years after the *reformasi*), only a few large-scale demonstrations took place to protest the government's action at the national level. This signal cannot be interpreted in any other way than that communal movement has declined because the people have to return to their own business and no longer pay much attention to the violations committed by the government.

Besides, subsequent to the democratisation, people also joined a variety of new political groups that competed with each other, causing them to forget that corruption was their common enemy. The competing groups have also caused political instability and riots. The political upheaval during democratic transition instigated each group to use any possible means to defeat its competitors, including violence. This then gave more opportunity for offenders to embezzle state belongings. The absence of proper supervision of crimes made it difficult to detect who did what in many scandalous cases. Not surprisingly, although there were many rumours about the occurrence of mega scandals, only a few could be brought to resolution.

To conclude the above discussion, the process of democratisation does not always have a positive result in stamping out corruption. From an optimistic perspective, democratisation is the path that opens up opportunities for citizens to influence policy-making in accordance with their expectations. However, democratisation can also be like opening Pandora's Box, for it allows all kinds of evil to escape without any effective control.

Civil society can take the lead

For many theorists, a bourgeoisie that emerges from the growth of industrial-economic sector is often considered to play a dominant role in fostering democratisation and citizen control over the government (Ridley 1984: 8). In Indonesia, however, high dependency on government projects and protections means the middle class has little incentive to take initiative. The prolonged impact of economic crisis that broke out along with transition to democracy in 1998, has weakened the capacity of the business sector to begin monitoring the government. There are many business persons who condemn corruption and recommend firm punishments to those proven guilty, but they fully benefited from the favour-trading game (Makarim 2001: 5). As a result, notwithstanding the increase of democratic freedom, monitoring from the business sector remains weak.

Against the above background, it is only the CSOs that can take the lead. As Lindsey (2002) maintains, civil associations in Indonesia can suitably drive anti-corruption eradication because of two reasons. First, since their organisational structure is independent from the government and business, civil associations have more freedom to criticise and monitor the state and commercial sector. Second, since in terms of resources and authority the organisations do not rely exclusively on the state or business, attempts to control them is relatively difficult.

What method or approach can assure that they produce positive results? In measuring the outcome of non-governmental organisations' role in public policy-making, Charnovitz (1997: 268) proposes two variables; namely the 'degree of penetration' of the organisations into decision making, and the 'degree of influence' over governmental

outcomes.²⁸² From this point of view, the work that has been done by CSOs shows that they not only influence decision making, but also make substantial contribution to the final products of governmental processes. The CSOs have initiated, contributed, and took part in almost every process of the formulation of anti-corruption regulations, the establishment of corruption supervision institutions, the revelation of several scandals, and the punishment of huge number of malfeasances. In fact, almost all initiatives in the anti-corruption agenda came first from CSOs, not from the government. The successes of CSOs in revealing corruption cases and bringing the corrupt figures to the court, and even, in some cases, forcing the officials to resign demonstrate that the organisations are capable to undertake counter balancing action against the state. Through both the strategic role of initiating policy and institutional reforms, as well as the practical role of revealing and taking legal action against malfeasances, CSOs can make corrupt behaviour more costly, increase the likelihood of its detection, and provide rewards for non-corrupt behaviour.

There are several important conclusions that can be drawn by this study: First, it shows that the growth of anti-corruption CSOs in Indonesia is the continuance of the *reformasi* movement that demanded democratisation and accountability of government. Although the institutionalisation of anti-corruption CSOs' might be facilitated by a combination of social capital, political motives, and financial stimuli from donor agencies, the driving factor for the anti-corruption campaign is the people's initiative to ensure the success of democratic consolidation and overcome the failure of the state in tackling corruption.

Second, in order to ensure their demands being heard, CSOs undertake heterogeneous methods to deliver the anti-corruption campaign. As battling corruption proves the need for multiple tracks and flexibility, CSOs applied various approaches that are suitable to their immediate circumstances. Many times, CSOs evolved to respond to shifting issues, apply different tactics, alter demands, as well as narrow or widen activity at different times. Moreover, as their work may be influenced by various socio-political

²⁸² The degree of penetration deals with work such as the submission of petitions, attendance at meetings, participation on advisory committees, and so forth. The degree of influence focuses on substance concerning the differences they have made (Charnovitz 1997: 268).

conditions and opportunities, an anti-corruption CSO cannot simply imitate the methods and experiences being taken by other organisations.

Third, capacity development is a matter of time. Many CSOs started their activities from nothing but then significantly developed their capacity in various ways. The case studies described in this research provide example of how some CSOs developed their organisation and strategy through ‘learning by doing’. Experiences and training received from various sources in particular have enabled the CSOs to develop not only new tactics and strategies, but also organisational management skills. Many of them also learned methods that were replicated or modified to suit different contexts from other CSOs. Obviously, it is important to note that the learning process in the anti-corruption campaign is still far from over. But this process shows that a tradition of citizens of holding the government to account is developing.

Fourth, many anti-corruption CSOs have remarkable diligence and the staying power that is fundamental for victory. This study shows that because an effort to combat corruption frequently dealt with so many complicated processes, CSOs often had to spend a long time and consumed much energy to accomplish their mission. For bringing a case into the court, for instance, CSOs have to undertake various activities ranging from investigation, collecting evidence, finding witnesses, calculating indication of state losses, publicising the findings, monitoring investigation and examination by police, monitoring prosecution by prosecutors, and keeping an eye on the court process. More resilient actions were also required when CSOs wanted to promote anti-corruption regulations and encourage the establishment of anti-corruption bodies. The CSOs have to formulate proposals, form alliances to strengthen their pressure, attract public and media attention, lobby the concerned politicians and bureaucratic agencies, apply pressure on the parliament, monitor the formulation process, observe the implementation of regulations, and even accelerate and provide supports for the early operation of anti-corruption institutions. Time, cost, expertise and high integrity were required, without which otherwise the regulations and institutions would not come to existence and the offenders could not be punished. CSOs also have to pay full attention at all times to ensure that their propositions move along in line with their original intention, and do not deviate to serve certain political interests.

Fifth, the limitation of organisational resources is not always a hindrance to achieve a significant result. Whatever measurements are applied, many anti-corruption CSOs in Indonesia are still weak; but this does not mean that they cannot function effectively as a counterbalancing power to the state. As shown by the case of ASA, a CSO with limited resources can achieve a significant accomplishment when it works with courage and intelligent approaches. By building up alliances and fostering communications with various groups – particularly disappointed bureaucrats, the media, and religious youth organisations – ASA was able to hold the local ruling elites to account.

Sixth, Indonesian CSOs – particularly anti-corruption CSOs – have been able to develop natural mechanisms to prevent distortion and maintaining the vitality of their campaign. CSOs are not always immune from infection set up by outsiders who want to co-opt the organisation under their control. Consequently, many anti-corruption activists and organisations fall into activities that are far from their original mission to combat corruption. However, in many cases there were always other persons or organisations to refresh the spirit of the anti-corruption campaign. The reformers typically drew up a code of conduct for anti-corruption activists and organisations in order to prevent fraud. In some cases, civil society components also re-established new anti-corruption organisations in order to maintain the integrity of the campaign. In some places, this attempt has produced ‘second generation’ anti-corruption CSOs, which usually work in a more systematic mode than their predecessors.

Seventh, networks become a key to the effectiveness of campaigns. Since many CSOs lack experience or special knowledge of anti-corruption activities and retain less understanding of the technical skills required, networks become the main solution to overcome these deficits. In other words, CSOs can maximise their influence for policy reform and legal action by engaging with as wide a range of groups as possible, including peer organisations, professional groups, universities, media, and donor agencies. The presence of networks allows information exchange and cooperation among CSOs to support each other and seek assistance from other institutions when they deal with particular cases.

Eighth, religious CSOs were also able to take part and deliver significant contributions. While there are observers who question the compatibility of religion – Islam in particular – with democracy (e.g. Fukuyama 1992; Huntington 1984, 1991, 1996a, 1996b; Lipset 1994), Islamic CSOs in Indonesia have been able to play unique roles in strengthening the spread of the anti-corruption sentiments that were significant for democratisation. They can build a social piety movement based on the principles of theological doctrines and take advantage of religious institution instruments to invest anti-corruption education. Islamic CSOs can work with inter religious institutions and develop an interfaith movement. Although there is still a long way to go before institutionalisation and ultimate success, all these signs indicate that religion and democracy can co-exist.

Finally, yet probably most importantly in theoretical terms, the emergence of CSOs in the anti-corruption movement is not always a result of endorsement from either the bourgeois class or donor agencies. This viewpoint is quite different from the common consensus, which suggests that the pathway of the emergence of the civil society movement in developing countries is often tied to the growth of the bourgeois class (Doig 2000: 16) or encouragement from donor agencies (Howell 2000). While there are organisations such as ICW, FITRA and MTI which were established by middle class interests with strong backing from donor agencies, many anti-corruption CSOs were established by villagers, university students, and ordinary people who have no bourgeois or middle class background. Many of these, especially at the local level, came into existence without assistance from donor agencies. Looking at the bigger picture, this means that developing democracies actually do not have to repeat every stage experienced by mature democracies. Civil society can arise and contribute substantially to democratic consolidation without relying on the growth of a large bourgeois class or on donor stimuli. Corruption has created an opportunity for the working class and previously disenfranchised citizens to get politically involved. This is why the campaign against corruption in particular has had great significance in Indonesia, thus making a more inclusive and grassroots-driven democracy work.

On the other hand, the effectiveness of CSOs in fighting corruption has been weakened by a number of features. Firstly, a number of CSOs are short-lived. Some

CSOs closed their operations simply because of a lack of stamina and high dependency on donor aid. Likewise, most CSOs have a lack of experience in dealing with corruption; not only because anti-corruption is a fairly new game for CSOs, but also because most anti-corruption CSOs are young organisations and still finding the best way to operate. The fact that the vast majority of CSOs in Indonesia just started their campaign against corruption in 1998 means that they are still in the process of building their capacity to organise effective actions. A further factor is that, while anti-corruption CSOs can pride themselves in achieving some goals, splits and conflicts between CSO actors internally and externally seems unavoidable, and have undermined the investments that have been made. Moreover, with so many obstacles to fight corruption, CSO activists find insurmountable barriers before them. Not surprisingly, among some activists it has caused the emergence of a fatalistic attitude and perception that corruption is impossible to eradicate (Widjojanto 2006: vii).

Accordingly, queries centre on how truly focussed the anti-corruption CSOs are on their long-term prospects. Although the anti-corruption work has produced a number of outcomes, the danger exists that there will be a reversal of achievements if the sustainability of CSOs' work is uncertain. In this sense, the main challenge for the CSOs focuses on their capacity to re-engage wide public support and involvement. As already discussed, although anti-corruption CSOs have partly succeeded in mainstreaming anti-corruption issues on contemporary public discussion, they did not always succeed in gaining people's support of their work. They still struggle against a climate of social apathy and limited public confidence in the long-term investment in this work. While the general public assert their rights and demands regarding the need for clean government, their willingness to stand behind the CSOs seems very limited. This lack of popular support is demonstrated by the fact that only few CSOs collect sufficient public donations to operate their organisation. The CSOs, accordingly, need to find well thought-out strategies concerning when and how to mobilise silent public support into a real energy.

Another important point to be noted is that CSOs cannot always rely on first-generation activists to maintain the anti-corruption movement as they may have become already tired of fighting. Anti-corruption CSOs need new fighters to continue the struggle. Accordingly, whether or not CSOs will continue their struggle against

corruption will also be determined by their capacity to recruit younger and spirited activists.

At the same time, the CSOs also need to increase their organisational capacity by accumulating financial capital, increasing technical skills, and eliminating internal conflicts. During a long-term struggle networking systems need to be maintained and improved, for CSOs cannot always depend upon the financial and technical capacity of other institutions. In addition, in order to secure their existence, CSOs need to have an effective system to deal with internal conflicts. If they are successful in the long term, CSOs can accumulate experience, achieve organisational maturity, and develop their organisational instinct for fighting corruption.

Significance of anti-corruption CSOs' contribution to democratic consolidation

Democratisation is a process which aims to return sovereignty to the people. Thus, the core functions of the state are not exercised mainly for the benefit of the ruler or ruling elite. Accordingly, democratisation should not be limited merely to 'electoral democracy',

where the visible and formal trappings of political participation mask the continuing control of state by rulers and ruling elites who manipulate the electoral process (from electoral fraud through to the creation of parties that are mobilised, funded and controlled by the elites) to legitimise their retention of power and their continuing use of the state machinery in pursuit of their own interest (Doig 2000: 14).

In addition, democratisation must involve participation of the people in determining the direction of state policies and activities. Through democratisation with greater popular participation, the people thus have the greater opportunity to control the state, and can place more trust on the elected and appointed officials to serve as agents that are responsive to their requests and demands. Also, there are more opportunities to participate in decision-making processes and ensure each policy has a real benefit for their lives. For this reason, successful democratisation requires far more citizen involvement than merely participation in general elections. This, in turn, requires

sufficient capacity of citizens in positioning and engaging themselves in governmental processes to make state institutions serve to articulate their interests and hold them to account. By developing such capacity, citizens would be able to both monitor and discipline corrupt officials who betray their trust.

Despite the variation in democratic systems, in general, the realisation of popular sovereignty in the political process is carried out through the mediation of political parties and their affiliate organisations. Political parties are established to recruit new potential leaders who then are elected as the legitimate representatives of the people. Ideally speaking, these new leaders should no longer act as elite patrons, but as part of the people.

During democratic consolidation political parties have a tendency to fail, however, to maintain democratic values. Not only because in the early days of democracy political parties still do not have adequate experience and capacity to provide an effective way of channelling the interest of the people, but also because most political parties are generally formed and subsequently dominated by elite groups or even individual. The elites then use political parties as a tool to exploit imperfect processes of democratic consolidation for pursuing their own interests. They still can employ patronage to extend corrupt practices through formal political institutions. Accordingly, there are important questions in a democratic consolidation: what happens when the political parties act merely as an instrument for the elite rather than for the ordinary people? What happens when ordinary people are so weak so they cannot hold the state actors to account? To whom can the people turn for assistance when democratisation runs 'off the rail'? Can democracy (both institutional and functional) be revived? Who will rescue democratic consolidation when all democratic institutions retain their power as a commodity to get private benefit? Examination of these queries is important since the failure of democratic consolidation can bring about a serious delay in the maturation of democracy.

The examination of the democratic consolidation process in Indonesia suggests that in order to support the process, the availability of alternative means for the realisation of popular sovereignty is very important. From a pluralist perspective, the alternative channels are significant in providing a balance between different power centres, interests and opinions, to ensure that state direction is not monopolised by a

limited number of elites (Hadenius & Ugglå 1996: 1622). As this research shows, in Indonesia democratisation has not made significant progress toward achieving the sound governance that is necessary to improve the accountability of the government to the people. The creation of democratic institutions and formal procedures of democracy have not prevented the actions of greedy elites who are attempting to maintain corrupt behaviour. If CSOs did not intervene, it could be that democratic consolidation will not take place, lead to a 'vicious cycle': corrupt politicians would continue hijack democratic procedures and they use the procedures to maintain status quo. Luckily, the anti-corruption campaign promoted by CSOs' has been able to contribute in overcoming some of the problems that limit Indonesia's future democratic consolidation. The CSOs' advocacy in promoting legal and institutional frameworks to curb corruption provides grounds for further democratic consolidation processes. Their attempts to bring corrupt officials to justice also impose state actors punctiliously adhere to legal and constitutional processes and comply with democratic principles.

In this respect, if we regard the democratisation process as the increase of citizens' actions to ensure their voices are heard and to determine how their community is governed, the expansion of anti-corruption campaign by the CSOs is a promising sign. The campaign clearly shows that CSOs have significantly influenced policy-making and delivered outcomes that make much difference to Indonesia's governance. The anti-corruption movement's have accomplished more than fleeting responses to individual frauds but, overall, uphold the rule of law and build accountability traditions. In other words, the movement exhibits a clear sign of the emerging mechanisms of societal accountability, which can positively contribute to a gradual consolidation of democracy in Indonesia. Societal accountability can be defined as:

a nonelectoral, yet vertical mechanism of control that rests on the actions of a multiple array of citizens' associations and movements and on the media, actions that aim at exposing governmental wrongdoing, bringing new issues onto the public agenda, or activating the operation of horizontal agencies (Smulovitz & Peruzzotti 2000: 150).

It can function to enhance the short-comings of the formal-political accountability during consolidation process. Although state actors still can use various means, including legal procedures, to limit and oppress the CSOs (as this research demonstrates) the CSOs can

resist these forces through building collective fronts. The counter-mobilisations in response to attempts to sabotage the anti-corruption movement represent the independence of CSOs from the state and their capacity to balance the state's power.

But one should bear in mind that not all anti-corruption CSOs are by definition supportive of democratisation. When co-opted by corrupt officials, CSOs may take a position against democracy. They can be politically biased, maintain tolerant attitude to frauds, legitimate malfeasances, and use anti-corruption issue as a political weapon to ruin political rivals for the benefit of their masters. In this respect, the civil society actors may behave the same as the dirty politicians and bureaucrats. If such situations develop among CSOs, then democratisation will fail to develop properly. As Warren (2004: 340) warns, a corrupt civil society can seriously endanger democracy, because it can annihilate the capacity of non-state collective action and undermine capacity for disciplining and guiding the state.

Taking this view into consideration, the constructive contribution of anti-corruption CSOs to democratic consolidation is determined by CSOs' capacity in resisting co-optation. Only if the CSOs can maintain independence from political influence, will they be able to continue to function effectively in the fight against corruption. The CSOs will not be able to function effectively if they are caught up in political co-optation and are distracted from their genuine mission. In this regard, while some anti-corruption activists want to play a more active role in decision-making by becoming members of political parties and participating as a candidates in general elections, this proposal needs very careful consideration. The simple question is whether the activists can survive as strong anti-corruption agents in the middle of a corrupt culture of political parties. If this is to be the case, what methods or mechanisms can be used to ensure this occurs? Without the design of precautionary methods and mechanisms, anti-corruption activists could not withstand the infiltration of political interests.

One possibility is forming a new political party (such as PAK as mentioned in Chapter 6) of anti-corruption CSOs. By establishing a new independent political party, CSOs can manage and determine their own party platforms and organisations without having to compromise their own principles. In addition, the established political party can continue to promote the anti-corruption message. The question is whether CSOs have the

ability to build an effective infrastructure for a party that obviously requires a lot of funding and further assistance. This option also contains a large risk, especially if the political party does not succeed in placing its representatives in the parliament or in other political positions. If this occurs, CSOs will not only find it difficult to lobby and to convey their aspirations to other political parties, but also they will have limited opportunities in the community because the public impression of political parties in general has been so bad.

Considering all the above concerns, the best option seems to be for anti-corruption organisations and activists to remain in the domain of the civil society sector. As suggested by many scholars, autonomous civil associations are crucial for developing a strong sense of democratic citizenship (Tocqueville 1966; Putnam 1993). They need to be essentially independent in terms of decisional competence, the recruitment of leaders, and the economic and administrative resources necessary for continued operation (Hadenius & Uggla 1996: 1622). CSOs can thus continually develop a strong influence on ruling governments, regardless of their political party's background. CSOs and their activists would not need to regard themselves as subordinate to political parties on issues that were not related to the anti-corruption agenda. If the CSOs could focus on the anti-corruption issue, they could sharpen actions by learning from their experiences. In the long run, the CSOs could develop a strong tradition of power balancing and can attract public confidence to support their investment.

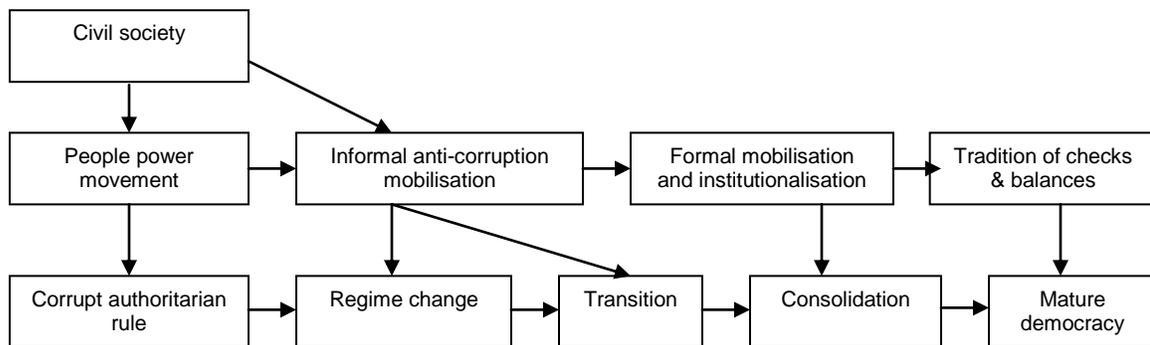
In addition, one has to bear in mind that curbing corruption needs action beyond policy-institutional reform and law enforcement. The creation of formal regulations and anti-corruption bodies as well as punishment against corrupt figures, has proven not to be sufficient to curb corruption. As shown in Chapter 4, the numerous policies and anti-corruption institutions did not always prevent the culprits from their corrupt acts. Similarly, putting the offenders into the jail would not be enough. For instance, in 2002 the head of Bulog (Bedu Amang) was successfully prosecuted, convicted and sentenced to four years jail; yet soon after, his successor (Widjanaryo Puspoyo) was doing similar things in 2007, causing him to receive ten years jail – more than his predecessor. Accordingly, CSOs should put forward any meaningful analysis of the underlying causes of corruption. They should not merely attribute corrupt behaviour, implicitly, to moral

weakness on the part of the individuals concerned, and the solution to the problem is formulated in terms of punishing corrupt behavior with conception that if a sufficient number of corrupt officials can be imprisoned, corruption will begin to disappear. In an endemic corrupt environment, this approach is very likely to threaten the interests of the officials (Setiyono & McLeod 2010: 367). The more successful the effort, the stronger the backlash from corrupt official whose face the possibility of receiving the threat. This is shown, for example, by recent attempts by certain state officials to change the legislation relating to the KPK (Patunru and von Luebke 2010: 9–10), and the attempts of certain police officials to weaken the commission by bringing false charges of corruption against two of its commissioners (Baird and Wihardja 2010: 145).

Further, to make democratisation work, CSOs needs to advance the anti-corruption movement by developing social cultures and traditions that uphold transparency, honesty, and accountability. As Linz and Stepan (2001: 94) argue, the creation of democratic institutions and procedures need to be accompanied by the development of behaviour that supports a democratic state. Otherwise, the institutions and procedures will be nothing but counterfeit ornaments for legitimising the elites' influence. For such concern, the CSOs need to devise strategic actions to develop favourable communal behaviour. Religious CSOs in particular, should not stop their action at symbolic narcissism, but rather advance their prophetic mission to strengthen public commitment to social ethics. Thus, transparent and democratic governance must not only be seen as merely procedural, but also substantial and ethical. Only by the persistence of the CSOs fight will the country move forward in the democratic consolidation process, wherein the ruling elites will learn to comply with accountability demands and the people will dare to hold the elites to account.

When the commonsense idea that corruption is socially unacceptable has been established, it will persist in harmony with more formal models of behaviour. Figure 8 suggests how the development anti-corruption CSOs interact with the process of democratic consolidation, leading to the formation of democratic traditions.

Figure 7: Possible path for the evolution of anti-corruption CSOs in the process of democratic consolidation



Source: compiled by the author, adapted from Schmitz, H.P. (2004), 'Domestic and Transnational Perspectives on Democratization,' *International Studies Review*, Vol. 6, p. 408.

During democratic consolidation, obviously, CSOs need to pinpoint and initiate remedies for the fundamental casualties of corruption including, for example, the overhaul and reform of the old machinery. Corrupt bureaucrats cannot be allowed to continue their influence over the new political landscape. For these bureaucrats there are only two choices: change their fraudulent behaviour or remove themselves from the game. Apart from this, CSOs also need to continue ongoing programs such as campaigns against rotten politicians during general elections. The consecutive campaign against these politicians could stimulate citizens to make good judgements when they vote so that the elected politicians are mainly those who possess a good reputation and integrity. After all, whether corruption remains entrenched or not in the Indonesian governance system will be determined by the success of the CSOs in leading Indonesian people to be aware of sound governmental practices.

Proposals for further research

This thesis has provided an empirical study on the importance of corruption and the civil society's activities against it for democratisation in Indonesia. It does not, however, provide a similar discussion on the role of CSOs in supporting consolidation of

democracy in other areas. Other research is accordingly needed to evaluate whether other CSOs also can provide positive contribution to the process of democratic consolidation in areas such as public services, environment, general elections, human rights, and the security. For example, research may be taken to investigate whether CSOs can also play a role in democratising the environmental arena, both stimulating check-and-balance mechanisms among state institutions and the accommodation of the people's interest in decision making.

In addition, despite the very large literature regarding the contribution of civil society in making government accountable, the causal mechanisms that determine the pattern of civil society's influence on horizontal accountability have not been well specified (Fox 2000: 1). In other words, studies of how CSOs stimulate better check-and-balance mechanisms between state institutions (by strengthening existing institutions and establishing new ones) deserves to get more attention. This research is undertaken partly in response to Fox's appeal for more discussion of the issue, and has contributed a range of examples in the Indonesian context. A comparative investigation of other countries in democratic transition is needed to find out whether similar patterns also exist with regards to the campaign against corruption in government. Such studies will contribute to the development of a general theoretical conception on specific details regarding corruption, civil society and democratic transition and consolidation.

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AFX News

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Appendix 1 Letter of Introduction

PROFESSOR COLIN BROWN
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LETTER OF INTRODUCTION

Dear Sir/Madam,

This letter is to introduce Mr. Budi Setiyono who is a PhD student at Curtin University of Technology.

He is undertaking research leading to the production of a thesis or other publications on the subject of "Making Democratization Work: The Role of Civil Society Organizations (CSOs) in Efforts Combating Corruption in Indonesia's Democratic Transition". As the title suggests, the focus of this research is on the work of CSOs; it will not be concerned with researching corruption itself, or any particular acts or omissions which might be considered to constitute corruption.

Mr Setiyono would be most grateful if you would volunteer to spare the time to assist in this project, by answering a questionnaire and granting an interview which touch upon certain aspects of this topic. No more than 2 hours on one occasion would be required.

Be assured that any information provided will be treated in the strictest confidence. None of the participants will be individually identifiable in the resulting thesis, report or other publications. You are, of course, entirely free to discontinue your participation at any time or to decline to answer particular questions without any consequence.

At the conclusion of the research, you will be given the chance to overview the last draft of the report in order give you an opportunity to make clarifications, objections, or suggest amendments to the particular part of the report that deals with the information you have provided.

Any enquiries you may have concerning this project should be directed to me by email, letter of telephone, the details of which are given above.

This research project has been approved by the Curtin University Human Research Ethics Committee (Approval Number HR 97/2007). If needed, verification of approval can be obtained either by writing to the Curtin University Human Research Ethics Committee,/- Office of the



Research and Development, Curtin University of Technology, GPO Box U1987, Perth WA 6845
AUSTRALIA or by telephoning +618 9266 2784, or by emailing hrec@curtin.edu.au.

Thank you for your attention and assistance.

Yours sincerely,



Professor Colin Brown

|||

Appendix 2 Consent participation in research

Dear Mr/Mrs/Ms.

Firstly, allow me to introduce myself. My name is Budi Setiyono, a lecturer at Diponegoro University Semarang Indonesia and currently a PhD student at Curtin University of Technology Perth Western Australia.

Currently, I am undertaking research with the title of 'Making Democratization Work: The Role of Civil Society Organisations (CSOs) in Efforts Combating Corruption in Indonesia's Democratic Transition'. I am contacting you in order to seek information regarding the topic. Let me emphasize that this research will only overview the work of CSOs, and will not reveal any particular case of corruption.

I would be most grateful if you would be pleased to answer some questions related to the topic about the activities and work of CSOs in combating corruption effort in Indonesia.

Your participation is completely voluntarily and you can decide any time to freely withdraw from the participation without any consequence. Confidentiality of all information will be preserved and you will be fully anonymous. You will be given opportunity to overview the format of citation related to your information and overview the overall draft of the report, whereby you can make clarifications, or objections, in order to make sure that all information will not have effects on you.

I am conducting the research under supervision of Professor Colin Brown, the Dean of Media, Society and Culture Curtin University of Technology in Australia. He can be contacted at email address: colin.brown@curtin.edu.au. Attached are a letter of introduction from Curtin University of Technology and the list of my research questions.

Please be aware that you are welcome to contact me at any time with any questions, comments, or concerns regarding this research at my email

budi.setiyono@postgrad.curtin.edu.au, or phone +62246929243 (Indonesia),
+61423568608 (Australia), or mail: Jl. Sadewa III no. 8 Mapagan Ungaran Indonesia.

If you are agree to participate, please write your preferred pseudonym on the participant signature line, and date your acceptance. By doing this, you indicate that you are fully understand to the above information, and you freely and voluntarily consent participate in this research.

I look forward to have your consent confirmation and thank you for your attention and assistance.

Kind regards,

Budi Setiyono

Respondent signature (pseudonym):	_____
Date:	_____

Appendix 3 Questionnaires and interview framework

Questionnaire for CSOs activists

Q-SS1

Attention: This questionnaire is strictly for PhD research only, and will not be used for other purposes. It would be appreciated if you are pleased to answer the questions as much detail as possible. You are not required to mention your name; instead, pseudonym name is preferable. In case you do not want to answer certain questions, you can leave them blank. Your participation in this research would be very important for my study in exploring CSOs efforts against corruption in Indonesia. As a token of my appreciation, I will send you the draft of the report, soon after it has been finalised.

Thank you very much for your kindness and help.

Pseudonym: _____

Part I About Your Organisation

1.1. When was your organisation established? (*fill with year*)

1.2. When did your organisation start to become involve in efforts combating corruption? (*fill with year*)

1.3. How long has the current head of your organisation held the position? (*fill with number of years*)

..... years

1.4. What is the vision and mission of your organisation (if any)?

Vision:	
Mission:	

1.5. Does your organisation direct its activities toward combating corruption only?

- Yes (to question no. 1.6)
 No (to question no. 1.7)

1.6. Apart from combating corruption, what are the area(s) that your organisation is involved with?

- Democratisation
 Human rights
 Economic development
 Governance & public service
 Religion
 Arts and culture
 Environment
 Others.....

1.7. Number of personnel:

- a. Permanent workers
 b. Volunteers
 c. Other staff

Part II

About Corruption in Indonesia

In this part, I would like to ask you to explain your opinion about the problem of corruption in Indonesia, and several issues related to it.

- 2.1. According to you, has corruption become a serious problem in Indonesia (your region)?
- Yes
- No

Explanation:

- 2.2. Compared with the new order era, what is the current situation regarding corruption?
- Worst
- No change
- Better

What the rationale(s)?

- 2.3. According to you, what kind of factors influence (contribute to) the occurrence of corruption in Indonesia (your region)?

- 2.4. According to you, what are the impacts of corruption on the life of ordinary people in Indonesia (your region)?

- 2.5. What are points that need to be addressed in regards of corruption eradication efforts in Indonesia (your region)? *(for example, whether there is need for cultural shift, reorientation of traditions, establishment of new system, and so forth)*

Part III

Government's Response on Corruption

In this part, I would like to ask you to give your analyses and opinion regarding the government's response to the problem of corruption in Indonesia.

- 3.1. According to you, does government (national, provincial, and local level) have adequate response to the problem of corruption in Indonesia? Yes No

Rationale(s)?

- 3.2. According to you, if any, what are the weaknesses of the response (policy, program, and action) of the government? Why is this the case? Can you give some examples?

- 3.3. According to you, has the policy-making process in corruption eradication accommodated the participation of CSOs?

3.4. According to you, could participation of CSOs in the policy-making process improve the policy outcomes? Yes

No

Your rationale(s)?

3.5. Do you have any comments about how to improve policy, program, and action to eradicate corruption in Indonesia? (*for example, whether should be there is regulation reform, shift in law enforcement officers, judicial reform, establishment of certain institution, and so forth*)

Part IV About Your Organisation's Activities

In this part, I would like to ask you to explain how your organisation engages in corruption eradication efforts.

4.1. Could you please to tell me the historical background of your organisation's involvement in effort combating corruption:

4.2. What are the main reasons why your organisation is involved in effort against corruption activities?

4.3. What are the goal(s) of your organisation in anti-corruption activities?

--

4.4. What kind of activities does your organisation undertake for combating corruption?

<ul style="list-style-type: none">• Education and socialisation	
<ul style="list-style-type: none">• Monitoring / detection of fraud	
<ul style="list-style-type: none">• Policy advocacy / policy-making in anti- corruption policy	
<ul style="list-style-type: none">• Anti-corruption training	
<ul style="list-style-type: none">• Mass mobilisation (eg. demonstration) against corruption	
<ul style="list-style-type: none">• Others (please explain)	

4.5. So far, does your organisation have certain achievements in the struggle against corruption? Can you give example(s)?

--

4.6. According to you, what is the government's response toward your organisation's activities?

- Sympathetic**
- Neglecting**
- Unsympathetic**

Explanation & Examples?

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4.7. Do you expect the government to support your organisation's activities? Yes

No

If yes, what do you expect from the government to support your organisation's activities?

4.8. According to you, does the public in general provide favourable support to your organisation? Yes

No

Could you give example(s)?

4.9. Is your organisation involved in any kind of networking (cooperation or alliance) with other CSOs (including media, academics, and business organisations) in anti-corruption activities? Yes

No

Could you give example(s)?

4.10. Does your organisation face any external obstacles in effort combating corruption activities? (eg. facing intimidation, terror, gossip, and so forth) Yes

No

Examples?

Part V Managerial Issues

In this part, I would like to ask you about managerial issues of your internal organisation in effort combating corruption.

5.1. Could you explain your organisational structure? (*you can also attach your organisational profile*)

5.2. Did your organisation receive any donation from individual or particular institutions? Could you describe how your organisation relates to these donors?

Yes (to question 5.4)

No (to question 5.3)

5.3. If you did not receive donation, how do you finance your activities?

5.4. Who are the donors of your organisation?

Government

International organisations
(*such as World Bank, UNDP, ADB, etc*)

Foreign donor institutions (*such as USAID, AusAID, Asia Foundation, JICA, CIDA, GTZ, Ford Foundation, etc*)

Domestic institutions (*such as National companies, national NGOs, etc*)

Individuals (*such as businessmen, Politicians, etc*)

5.5. Does your organisation have working plans (strategic planning) for short, medium, and long term?

Yes (to question 5.6)

No (to question 5.7)

5.6. Could you describe your working plan (strategic planning)?

Short term:	
Medium term:	
Long term:	

5.7. About your office (*tick one as appropriate*):

<input type="checkbox"/> The office is owned/rented by the organisation.
<input type="checkbox"/> The office belongs to one of the executive, and the organisation pays rent.
<input type="checkbox"/> The office belongs to one of the executive, but the organisation does not pay rent
<input type="checkbox"/> Other, explain _____

5.8. According to you, does your organisation have adequate human resources in handling the activities?

Yes

No

5.9. According to you, does your organisation have adequate facilities to support the activities?

Yes (to question 5.10)

No (to question 5.11)

5.10. What kind of facilities do you have in your office?

--

5.11. Generally speaking, what kind of internal problems do you consider undermine your organisation activities in combating corruption, if any?

--

Appendix 4 Frameworks for focus group discussion

Part I About corruption in Indonesia

1. How do you think the current situation of corruption in Indonesia?
2. Is the situation worse than it was during Suharto era? Why?
3. Who are the main actors of the current corruption?
4. What are the typical patterns?
5. What are general public responses to the situation?

Part II The emergence of CSOs

6. How CSOs emerged on the movement against corruption?
7. What are the patterns?
8. Do they have connection with people power movement in 1997-8 to push down Suharto?
9. How the CSOs transform themselves into formal association?
10. What areas that CSOs fight in?
11. What approaches that they employed?

Part III Outcomes & challenge of CSOs

12. Does CSOs' work produce outcomes? What are the outcomes/significances?
13. What are the benefits of the outcome for democratization and good governance?
14. What the situation of the capacity of the CSOs?
15. How they maintain organisational operation?
16. What are the obstacles of CSOs?
17. How do they deal with the obstacles?
18. How CSOs make networks?
19. What the role of the networks?
20. What is the prospect of CSOs work in the short and long term?

Appendix 5 Suharto's legacy on corruption

[derived from Cole (2001); Muna (2002); King (2000); and Schwarz (2000)]

Suharto's administration had significant contributions in setting up systematic corruption in Indonesia. In spite of efforts during his earlier presidency to tackle corruption, Suharto maintained various approaches that fertilised the growth of corruption in all government levels. The approaches were directed to maintain his position as an almost uncontested authority.

The legacy of the regime may be summarized in the following:

- The practice of 'bureaucratic polity' and patrimonial political norms and practice on Suharto's presidency has created unintended consequence of tradition where state apparatuses have no accountability and obligation but to preserve the interests of the power holders.
- In order to seek support and loyalty, Suharto allowed armed forces (military and police) to organise businesses without proper and sufficient check. The military businesses, which touched wide rank of sectors from security services to airline companies, enabled the military personnel to be customarily abused their authorities and take illicit profits from the businesses devoid of being accountable.
- For maintaining effectiveness and stability, Suharto's regime favoured an informal approach above the formal procedure. On most occasions, the regime took unofficial process before a formal decision was made. The unofficial process enabled power brokers and gate keepers to dominate negotiations, while at the same time taking illicit advantages.
- Being a supreme power holder for almost 32 years, Suharto used to distribute state resources and powers to his cronies and family members without worrying opponent. The cronies, who were mainly ethnic Chinese businessmen, made deals for reciprocal exchange: they provided inducements, and in return, the officers gave protection the businessmen from any forms of distractions and also provided access to government munificence such as low interest credit, tax breaks, and soft licenses on environmental impact concerns.
- Suharto used to authorise monopoly rights to his children and his cronies, whereby they could own huge businesses on certain sectors, especially on highly valued economic resources. Suharto, for example, authorised his daughter Tutut to develop and operate highways, his son Tommy to build Indonesia's national car and the right to monopolise the cloves trade, and his conglomerate crony Liem Soei Liong to monopolise the flour trade.

Appendix 6 Ambiguous resolution on Akbar Tandjung case of corruption

In 1999, Akbar Tandjung, the chair of Golkar party, was the Minister of State Secretary, and under instruction of President Habibie, he was required to distribute logistics for the poor when Indonesia's economic crisis reached its crescendo. Instead of giving logistics for the poor, however, Akbar was suspected of misusing the funds, which were taken from Bulog, for the interests of Golkar. In 2001, Rizal Ramli --the Coordinating Minister of Finance under Megawati's administration, pointed out that there was peculiar transfer of Rp 90 billion from Bulog to Golkar pocket. His statement soon became a hot public discussion and attracted comments from most politicians in the DPR, especially those from PDIP. Since Megawati was elected as president with significant contribution from Golkar, however, elite of PDIP seems did not want to disappoint Golkar by revealing the case. DPR and political parties then maintained an ambiguous stance concerning the case. DPR was failed to form investigative committee to scrutinise the possibility of his involvement in the misuse of non-budgetary state finance. The initiation was dropped by PDIP after its member declined to vote on the motion. The position of PDIP correlates with the overall parties' inconsistency of their coalition behaviour. As discussed earlier, the election of President Abdurrahman Wahid in October 1999 was a result of coalition among Islamic parties (mainly PKB, PAN, PPP, PBB, and PKS) that so called *Poros Tengah* (central axis). The coalition, under support from Golkar, defeated PDIP in the presidential election in the 1999 MPR general assembly. When Abdurrahman was considered incompetent, during the next two years, however, the Islamic parties with Golkar and their former opponent, PDIP, formed a new coalition to impeach the president without PKB. Then, the parties that previously stood as opponents became coalition partners.

The following is the chronological sequence of Akbar Tandjung case (derived from Hartanti (2007: 75-7):

11/02/1999: Restricted meeting in which President Habibie, Akbar Tandjung (Minister of State Secretary) and Haryono Suyono (Coordinating Minister of Welfare) discussed the plan of Bulog to distribute Rp 40 billion of logistics for the poor.

02/03/1999: Head of Bulog, Rahardi Ramelan, instructed Ruskandar --Deputy Director of Finance to present 2 checks which each valued of Rp 10 billion to Akbar Tandjung.

07/03/1999: Golkar party made a public gathering for inaugurating the declaration of 'New Golkar'. Rumors mentioned that the 20 billions of the Bulog's funds were used for financing the inauguration.

20/04/1999: For the second time, Ruskandar presented several checks to Akbar Tandjung. The total value was Rp 40 billion.

01/10/1999: General election: Golkar was beaten by PDIP. Habibie withdrew from presidential race. Later, Akbar was elected as the speaker of DPR.

01/02/2001: The new Chief of Bulog and the Coordinating Minister of Finance, Rizal Ramli, pointed out that there was peculiar transfer of Rp 90 billion from Bulog to Golkar pocket.

09/07/2001: Former Head of Bulog, Rahardi Ramelan, was concluded as a suspect by AGO.

23/07/2001: Under coalition of several parties including Golkar, MPR elected Megawati as a president, replacing Abdurrahman Wahid.

09/10/2001: During investigation in AGO, Rahardi Ramelan admitted that he presented checks 40 billions to Akbar Tandjung.

11/10/2001: Akbar admitted that he received the checks, but he mentioned that the checks were handed to a foundation, which he forgot its name. He mentioned that the checks were handed directly by Ruskandar to a representative of the foundation.

31/10/2001: Under AGO's investigation, Akbar finally mentioned that the foundation was Raudhatul Jannah, which according to him has distributed logistics for the poor.

20/11/2001: Ruskandar claimed that the checks were indeed received by Akbar.

03/12/2001: Attorney General, MA Rahman pointed out that verification of AGO did not find any distribution of logistic to the poor.

10/12/2001: Habibie was investigated by AGO. He mentioned that he never received report concerning the use of the Bulog's fund and the distribution of the logistic for the poor.

07/01/2002: The AGO decided that Akbar is a suspect for the Bulog case.

07/03/2002: The AGO detained Akbar. Despite the detention, Akbar still held his position as the speaker of DPR.

25/03/2002: The first trial was conducted in Central Jakarta District Court.

05/04/2002: The Court decided to postpone the detention of Akbar.

01/07/2002: DPR failed to form investigation committee to investigate Akbar's case.

04/11/2002: The Court sentenced Akbar 3 year jail; Akbar stated that he is innocent and submitted an appeal to high court of Jakarta. Despite the sentence, Akbar remained free from jail.

17/01/2003: High Court of Jakarta strengthened the decision of Central Jakarta District Court to sentence Akbar for 3 year jail. Akbar did not accept the decision and submitted an appeal to the Supreme Court.

29/01/2004 & 04/02/2004: The Supreme Court failed to make decision concerning the appeal from Akbar Tandjung. Rumors on the media correlated the failure to political negotiations between PDIP and Golkar.

12/02/2004: Despite a dissenting opinion from a judge, mentioning that Akbar is guilty since he transgresses a number of procedures in the procurement of the logistics distribution, the Supreme Court accepted the Akbar's appeal and declared that Akbar is innocent. Akbar then was unchained from any punishment.

Appendix 7 Examples of some prominent corruption cases resolved by CSOs contribution

Bob Hasan (former minister of forestry under Suharto's administration)

Under contribution of ICW and WALHI, a corruption case committed by Bib Hasan was brought into the legal system in late 2000. Bob Hasan was alleged to detriment the state for total losses of Rp 2.4 trillion concerning the allegation of a collusion case on forestry mapping projects between his company, PT Mapindo Parama, with the Association of Forestry Businessmen and Department of Forestry. He was sentenced to two years in prison by Centre Jakarta's district court on 14 March 2001, but then he asked for a review from the Supreme Court, which then increased the punishment by sentencing him to six years jail and obliging him to return US\$ 243 million to the state and to pay Rp 15 million fine. Bob Hasan concluded his six years punishment in the 'Indonesia's Alcatraz' of Nusakambangan prison in 2007.

Rahardi Ramelan (former Minister of Trade)

Following investigation and report from various CSOs, including LARI (Indonesia Advocacy Reform Institute), Rahardi Ramelan was sentenced to two years in jail by the court on 24 December 2002 concerning the allegation of taking Rp 62.9 billion of state budget for self-enrichment. Apart from jail, the judges decided that Mr. Ramelan has to return Rp 400 million to the state and pay Rp 50 million in fines.

Muchammad Basuki (former Chair of DPRD Surabaya)

In 2002- 2003 several CSOs in Surabaya including MARAKS (*Masyarakat Anti Korupsi Surabaya*, Surabaya Anti-corruption Society) and SCW (Surabaya Corruption Watch) successfully undertook legal action to bring Mochammad Basuki, the Chair of DPRD Surabaya into court. The Chair was accused of abusing his position to manipulate local regulations for self-enrichment. On 16 July 2003 the district court of Surabaya sentenced Muchammad Basuki to one year and six months jail for an allegation of robbing state budget as much as Rp 2.7 billion. Apart from jail, he had to pay Rp 50 million and return Rp 150 million to the state.

Beddu Amang (former head of the state logistics agency, Bulog)

Various CSOs, including LARI and ICW took an investigation concerning corruption cases in Bulog (State Logistic Agency) in 2000, and brought the case to judicial institutions in 2001. Following a series of trials, on 28 November 2002 the Supreme Court sentenced Beddu Amang to four years jail and fined him Rp 5 million. He also has to return state assets of Rp 5 billion. Bedu Amang is accused of undertaking illegal asset exchange between Bulog and PT. Goro Bathara Sakti (GBS) which belongs to Tommy Suharto. In the transaction, Bulog released a storage area of 50 hectare area in Kelapa Gading in an exchange of 125 hectare of PT. GBS land in Marunda. However, the PT. GBS's land in Marunda is considered undervalued and some parts of it are still under possession of other parties. According to the public prosecutor's office, the transaction has created state losses of around Rp 95.4 billion.

Tommy Suharto (Suharto's youngest son)

Various CSOs including LARI and ICW contributed to the conviction of Tommy Suharto on the allegations of his involvement in a controversial case of asset exchange between his company (PT. Goro Batara Sakti) and Bulog. The CSOs undertook investigation and provided data to police and prosecutors concerning the corruption. The public prosecutor estimated that the transaction involves state losses of around Rp 95.4 billion. On 22 September 2000, the Supreme Court sentenced Tommy to 18 month jail and a fine of Rp 30 billion. Due to the verdict, Tommy then ordered the killing of one of his judges. The killing then led him to receive another sentence.

Abdullah Puteh (governor of Aceh province)

Several CSOs in Aceh including SAMAK and SoRAK reported a case of corruption committed by the Aceh governor in 2004. On 11 April 2005, the Court of South Jakarta district sentenced Abdullah Puteh to ten years jail. He was charged for corruption in the procurement of two helicopters PLC Rostov MI-2 type with an estimated worth of about Rp12.5 billion. This case was the first corruption case that was handled by KPK since its inception in 2002. Apart from the sentence, Abdullah Puteh was dismissed as governor from DPRD Aceh and the Department of Home Affairs.

Hendro Budiyanto, Heru Suprptomo, and Paul Sutopo (former directors of BI, Indonesia Central Bank)

Several CSOs under the leadership of ICW undertook public pressure to encourage judicial institutions to take legal action against officials of Indonesia Central Bank (BI) concerning the case of BLBI. On 21 June 2005, the Supreme Court fortified the verdict of Central Jakarta court district to punish three BI officials (Hendro Budiyanto, Heru Suprptomo, and Paul Sutopo) to 18 months jail for allegation of their involvement in the corruption in BLBI case. Each of them also have to pay fine as much as Rp 20 million.

M. Sahid (former Chair of DPRD Bogor)

Several CSOs in Bogor (particularly Gerak and Gerindo) contributed to the disclosure of corruption committed by M. Sahid the Chair of DPRD Bogor in 2004. On 26 January 2006, the Court of Bogor district sentenced M. Sahid to four years jail for an allegation of corruption concerning the misuse of the district budget for private purposes. The prosecutors alleged that M. Sahid organised a fictitious expenditure (knowingly as *dana penunjang DPRD*) as much as Rp 6.8 billion on regional government budget when he was the chief of DPRD Bogor in 1999-2004.

Said Agil Almunawar (former Minister of Religious Affair)

Owing to legal action from FITRA and GOWA, corruption in the Department of Religious Affair was brought into court in 2005. Said Agil Almunawar, the minister of the department was charged with an allegation of corruption concerning abuse of the disbursement of extra budgetary funds named *Dana Abadi Umat* (DAU). On 7 February 2006 Said Agil was sentenced to five years jail. The judges of the court believed that Said had abused Rp. 2 billion of the funds for private gain. Apart from the jail, Said was fined Rp. 200 million and ordered to return Rp. 2 billion to the state.

Hendi Bundoro (Regent of Kendal District)

A number of CSOs (mainly ASA) in Kendal district, Central Java reported corruption cases committed by Hendi Bundoro in 2002. The regent was allegedly involved in abusing a number of projects in his district, creating an estimated state loss of Rp 6,709 billion. It was not until 2006 that the cases were examined. Under strong pressure from CSOs, KPK took over investigation from police and PPO. In order to investigate the case, KPK had to ransack the regent's office in June 2006, and interrogated around 100 witnesses. After investigations, KPK concluded that the regent was involved in corruption in a number of projects to which he is considered sufficient to be determined as a suspect. The regent then was brought into a special court for corruption, and received a sentence of five years jail, returning assets of Rp 3,474 billion and paying fines of Rp 200 million in 18 September 2007.

Dicky Iskandar Dinata, Marie Pauline Lumowa, Adrian Waworuntu, Suyitno Landung, and Samuel Ismoko (Scandal in Bank BNI)

In 2003 ICW was instrumental in dismantling a corruption scandal in Bank BNI involving three suspects: Dicky Iskandar Dinata, Marie Pauline Lumowa and Adrian Waworuntu. The CSO also tirelessly undertook various efforts to insist on the police and prosecutors arresting the suspects so they did not run away overseas. On 20 June 2006 the court found Dicky Iskandar Dinata and his business partners – Marie Pauline Lumowa and Adrian Waworuntu – guilty for their involvement in manipulation of numerous fictitious letters of credit presented to Bank BNI, causing Rp 1.9 trillion losses to the state. The court sentenced Dicky to 20 years jail and ordered him to pay fines of Rp 500 million. Dicky's partner, Adrian was sentenced to life imprisonment for the crime, while Marie, who now holds Dutch citizenship, remains untouched and is believed to be living in Singapore. This scandal also led to the disclosure of the involvement of several high-ranking police officers who allegedly took bribes from the suspects. Comr. General Suyitno Landung, a former National Police chief of detectives, and Brigadier General Samuel Ismoko, a former police fraud unit head, were among those who faced trial on the charges.

Rohmin Dahuri (former Minister of Maritime and Fishery)

ICW was influential in making legal resolution against a corruption scandal involving Rokhim Dahuri (former minister of Maritime and Fisheries). On 23 July 2007 the Special Court for Corruption sentenced Rokhim Dahuri to seven years jail and fined him Rp 200 million. Rohmin was accused of misusing budgets in his department by ordering his subordinate officials to take 1% from every budget project for financing something not related to its intention. The prosecutors believed that the collected funds were then distributed to several political parties, politicians and presidential candidates in the 2004 elections.

Nazaruddin Syamsuddin and Mulyana W Kusumah (former members of Electoral Commission, KPU)

FITRA and several other CSOs reported corruption case involving KPU members in 2005. Former Chief of Electoral Commission (KPU), Nazaruddin Samsuddin was then sentenced to a seven year jail term by the Special Court for Corruption on 14 December

2005. The court also ordered him to return the state loss of Rp 5.032 billion. Nazaruddin has been accused by the prosecutor of making a fictitious insurance project for electoral commission staff in the 2004 general election. It is predicted that the fictitious project has created a state loss of Rp 14.1 billion. Another KPU member, Mulyana W Kusumah was also sentenced to 46 months jail and Rp. 50 million fines by the Special Court for Corruption on 12 September 2005.

Herman Allositandi (judge on South Jakarta district court) and Jimmy Andrian Lumanau (clerk on South Jakarta district court)

A coalition of CSOs consisted of TII, LEIP, PSHK, KRHN, MTI, Indonesian Legal Roundtable (ILR) and ICW was influential in disclosing a court mafia involving Herman Allositandi (judge on South Jakarta district court) and Jimmy Andrian Lumanau (clerk on South Jakarta district court). Herman Allositandi was a judge who handled a corruption case against PT Jamsostek. Herman faced an allegation of ordering Jimmy Andrian Lumanau to take bribes from a witness of the case. Jimmy was arrested when he was receiving the bribery on 3 January 2006. Herman Allositandi, was sentenced to four years jail, while Jimmy was sacked from his job.

Harini Wijoso (former judge of the Supreme Court)

Several CSOs including MTI, TII, KRHN, IPW and ICW were very persistent in revealing court mafia involving Harini Wijoso, a former judge who became a lawyer for Suharto's brother Probosutedjo. Harini and a Supreme Court officer, Pono Waluyo, were caught for attempting to bribe the chief of the Supreme Court with Rp 6 billion (US\$644,000) to sway decision on Probosutedjo. On 9 November 2006 the Supreme Court sentenced Harini Wijoso to four years jail.

Urip Tri Gunawan (Senior Public Prosecutor) and Artalyta Suryani (Businesswoman, briber of Urip)

Although CSOs did not directly contribute to investigation of corruption involving Urip Tri Gunawan, some CSOs such as ICW were very vocal in bringing this case into the public spotlight and asking KPK to be uncompromising in handling the case. Urip was a senior public prosecutor who was in charge as the chief of Attorney General investigating unit for BLBI case. He was arrested by KPK agents on 2 March 2008 when he was receiving bribery of as much as \$660,000 from Artalyta Suryani, a business woman close to one of BLBI suspects, Syamsul Nursalim. On September 2008, the Anti-corruption special court sentenced Urip to 20 years jail. Artalyta Suryani was also found guilty and sentenced to five years in jail and fined Rp 250 million by the Anti-corruption court.

Widjanarko Puspoyo (Head of Bulog)

Several CSOs including MAKI contributed to detection, leading to confiscation of assets, of Widjanarko Puspoyo, former Head of State Logistics Agency (Bulog). Widjanarko replaced Beddu Amang (also convicted in corruption cases – see the explanation earlier) in 2003. On 1 May 2008, the court sentenced him to ten years in prison for corruption that caused state losses of Rp 79 billion (US\$8.59 million). Widjanarko was charged with three counts of graft: fictitious import of 22,000 cattle from Australia in 2001, the price

manipulation export of 50,000 metric tons of rice to Africa in 2005, and accepting a bribe of \$12,000 from a businessman in a rice importing dealing from Vietnam.

Appendix 8 Chronological sequence of the handling of Suharto's case (derived from the media, especially *Tempo*, 11/06/ 2007; and *Tempo*interaktif, 27/01/2008)

1998

13 November: MPR issues regulation number. XI/MPR/1998 on Anti-corruption, collusion, and nepotism, which mandates the government to tackle corruption cases, including those involved the former president Suharto.

2 December: President Habibie issued Presidential Instruction no. 30/1998, which ordered the Attorney General to immediately take legal action against Suharto's corruption cases.

4 December: Director of the Crime of Corruption Attorney General invited Suharto to provide information concerning public suspicion on his cases.

9 December: Suharto attended the invitation of Attorney General for examination.

1999

11 October: Acting Attorney General Ismudjoko warranted termination of investigation (SP3) for the reason that the allegation of corruption against Suharto cannot be proven.

6 December: Attorney General Marzuki Darusman revoked the SP3, for the reason that there are some quite basic evidences to continue the investigation against Suharto.

2000

31 May: Suharto submitted pre-trial, questioning the revocation SP3, but judges denied his application.

31 August: The first trial concerning the case of Suharto was undertaken in South Jakarta district court, but the former president did not show up for the reason of going to hospital.

14 September: Judges request Suharto's doctors and Attorney General to give detailed explanations about the condition of Suharto. Judges set the formation of an independent team of doctors to check the health condition of Suharto.

28 September: The doctors' team said Suharto was not fit to attend a court trial. Judges stated that criminal charges against Suharto cannot be accepted. Suharto was released from city detention. Prosecutors started to appeal.

8 November: Jakarta High Court received the appeal judges and the district court decision was cancelled.

17 November: Suharto lawyers filed an appeal to the Supreme Court.

2001

2 February: Supreme Court decided to receive the lawyers appeal and annulled the decision of the Jakarta High Court.

2002-2005

No significant action is taken.

2006

12 May: Attorney General Abdul Rahman Saleh issued a decree terminating the prosecution case (SKP3) Suharto.

22 May: Seven non-government organisations filed a pre-trial claim against the Attorney General's SKP3 through South Jakarta District Court. The court stated that the SKP3 is legal.

1 August: Jakarta High Court decided to receive a pre-trial claim from NGOs and annulled the verdict of South Jakarta District Court on SKP3 Suharto.

28 September: South Jakarta District Court rejected the appeal of Suharto's lawyers against the decision of the issuance SKP3 Suharto.

2007

May: Attorney General planned to sue Suharto in civil law.

2008

27 January: Suharto died without clear legal status. Several days before Suharto's death, the AGO renewed efforts to bring Suharto to trial despite persistent claims by the former president's doctors and lawyers that Suharto remained unfit for the courtroom. No action has been taken since Suharto passed away.

Appendix 9 Example of unresolved corruption in Indonesia: BLBI (Bank of Indonesia Liquidity Assistance) case

BLBI was a financial support scheme from the Central Bank of Indonesia (BI) to 52 banks when they were facing liquidity problem during economic crisis in 1997-1998. Through the scheme, each bank received a sum of money from the central bank to pay their creditors. In return, the banks had to surrender their assets to the government, which further was being managed under The Indonesian Bank Restructuring Agency, IBRA (also known as *Badan Penyehatan Perbankan Nasional*, BPPN). However, most of the banks manipulated their assets, because the values of the given assets were not always equivalent to the received money. According to former Minister of National Development, Kwik Kian Gie, 'The value of assets received by BPPN is Rp 53 trillion, but it only valued of Rp 20 trillion when it sold' (*Suara Merdeka*, 06/09/2007). Further, most banks did not disburse the government's financial assistance for the initial purposes. Many of them relocated the money to overseas and exacerbated Indonesia's financial crisis.

The misconduct of the Bank Indonesia Liquidity Support (BLBI) case, for the first time, was disclosed by State Audit Agency (BPK) when the agency publicised the results of its audit in August 2000. The report mentioned the existence of irregularities to BLBI funds as much as Rp 138.4 trillion of the total funds worth Rp 144.5 trillion. In addition, the report also mentioned the misuse of BLBI funds that was received by 48 banks of Rp 80.4 trillion. BPK considered that former Governor of Bank Indonesia Soedradjad Djiwandono is the person who should be responsible in releasing BLBI. However, investigations by AGO only prosecuted three former BI officials involved on the BLBI, namely Hendrobudiyanto, Paul Sutopo, and Heru Soeprapto. All of them have been sentenced respectively to three, two and a half, and three years in prison, which is considered too light by observers. Together with the three BI officials, the owner-commissioners of the 48 banks BLBI involved are also considered responsible, but only a few of them have been prosecuted and punished by law enforcement agencies, including: Hendrawan Haryono (Bank Aspac), David Nusa Widjaja (Bank Servitia), Hendra Rahardja (Bank Harapan Santosa), Sjamsul Nursalim (BDNI), and Samadikun Hartono (Modern Bank). Until the end of 2008 of 48 cases, only 20 cases are in the process of investigation and examination, and only 11 cases that have been devolved into the court.

In addition, BPPN, the organisation responsible for managing an estimated Rp 445 trillion in assets, has also been subject to allegations of corruption and receives increasing transparency demands and external oversight.

Source: *Tempo*interaktif (25/10/2004), *Suara Merdeka* (06/07/2007), ICW (2008)

Appendix 10 PGRI, a central focus for the donors' anti-corruption stimulus

In March 2000, amid the political confusion following the fall of Soeharto, several donors such as the Asian Development Bank (ADB) and the World Bank, and other bilateral funding institutions under the umbrella of the United Nations Development Programme, supported the establishment of the Partnership for Governance Reform in Indonesia (PGRI). At the time, due to the intense political turmoil, government had little initiative in reforming the structures and processes of governance, stimulating some Indonesian intellectuals to consider that an independent institutional mechanism was crucial for promoting reforms. The PGRI was designed to assemble donors' support on Indonesian initiatives from committed people across society. The initiation was based on the perspective that reformed governance practices cannot be imposed from outside, but rather should emphasise national ownership for ensuring sustainability and effectiveness (Mallarangeng & Tuijl 2004: 919). At this point, PGRI has been assigned to facilitate a strategic and multi-stakeholder approach to reform by bringing together key Indonesian government, civil society, and private sector actors. A number of people, however, have questioned the terms of 'national ownership' in the operation of PGRI. Crawford and Hermawan (2002), for example, argue that PGRI is only a means for donors to use the power of their money to enforce a donor-driven agenda of reform. Crawford (2003: 142) even further maintains that the terms of 'Partnership' is a 'terminological Trojan Horse' as 'an instrument for deeper, wider and more effective penetration into a country's development choices and path'.

In 2003, the Partnership became an independent legal entity with a governing board that advises on policy lines and other major issues. The governing board comprises Indonesian government officials, Indonesian civil society representatives, and major international funding agency representatives, including Indonesia Resident Mission country directors from ADB, the World Bank, UNDP, and some ambassadors representing donor countries. The daily operation is executed by an executive board comprising the Indonesian members of the governing board, which leads the organisation and decides on strategic issues and on overall project implementations.

At the initial operation in May 2001, the institution managed a \$35 million trust fund provided on a grant basis from bilateral assistance sources, and another US\$ 33.5 million in 2003-2005, followed by some more millions on the subsequent years. The organisation also manages a facility to cover its operating costs and the costs of external activities that aim to engage stakeholders or prepare for projects funded under the trust fund. Following the establishment of basic institutional framework, the Partnership started to take action in promoting the concept of 'good governance' and reaching out to a wide array of actors to create a critical mass of governance reform program. The institution invited potential grantees to submit proposals for review and funding. The approach was successful in generating proposals from NGOs, universities, professional associations and media. Until recently, the institution's investment has covered more than 300 projects (see www.kemitraan.or.id). Despite experiencing repetitive modifications, the PGRI's projects encompass six priority areas namely Anti-corruption, Decentralisation, Civil Service Reform, Representation Reform, Legal-Judicial Reform, and Police and Security Reform.

In its operation, the organisation has adopted a two-track approach to facilitating governance reform across these sectors, namely facility (strategic) work and trust fund activities. The earlier are the activities where PGRI office undertakes analyses on the governance situation and reform through studies and engaging a policy dialogue on governance reform by organising lobbies, seminars, workshops, conferences, and training. The activities are directed to generate new ideas and approaches on governance reform and spearhead breakthrough in initiatives and build a wider and stronger constituency on the issue. The later are activities that were designed to support the strategic functions by developing and implementing reform projects with grantee partners, including professional organisations, mass organisations, universities, NGOs, and government's institutions, both at local and central level, under the PGRI trust fund.

In the area of anti-corruption, the PGRI started its focus on analysing the problem of corruption, moving onto drafting national action plan for corruption eradication, facilitating the formation of the Anti-corruption Commission (KPK), and then sponsoring a number of anti-corruption projects initiated by its grantee partners.

Analyses work on the problem of corruption has included a comprehensive diagnostic study of corruption in 2000, which provided the baseline for its following work on anti-corruption. The study covered a series of research papers on different topics in corruption along with a national survey of corruption. At the same time, PGRI also undertook workshops as a mean of public consultation process. The results of this public consultation contributed to the development of the draft of the PGRI's plan to fight corruption. Further, the organisation supported Government's co-ordination of anti-corruption efforts through a project mapping all the anti-corruption policies from each government department. The PGRI also assisted Bappenas and Ministry of State Aparatuses on the development of the National Action Plan of Corruption Eradication (RAN-PK) in 2004. On top of that, since its inception, PGRI also tried to initiate and manage donor co-ordination meetings on anti-corruption, either focused on particular institutions, such as KPK and Attorney General, or sector-wide, in order to harmonise and synergise anti-corruption programs.

Facilitating the establishment of KPK, PGRI undertook a sequence of steps. In the initial years, PGRI in cooperation with some CSOs tried to generate the necessary political commitment from DPR and the president in order to make the institution comes to be real. Following approval from the DPR and the president, PGRI supported the KPK on constructing its organisational structure, recruiting its members, designing standard operating principles, and also undertaking programs to introduce the commission to the public. In the following years, PGRI maintain its on-going support to the KPK on a number of strategic issues.

Appendix 11 Example of violence experienced by anti-corruption CSO activists in several regions

Location	Short description
Bandar Lampung	<p>CSO activists of Lampung Society Forum for Transparency (FMTL) received torment from semi-criminal group on 12 Desember 2004. The activists believed that the attack was deliberately organised by a political party that have been reported by the CSO concerning an allegation of corruption committed by DPRD members in Lampung province (<i>Lampungpost</i>, 28/09/2005).</p>
Samarinda in East Kalimantan Province	<p>Anti-corruption and environmental activists were reportedly beaten up and suffered serious injuries due to an attack allegedly done by employees of a suspect of corruption who is also a politician and local timber tycoon on 21 January 2000 (<i>BBC News</i>, 22/01/2000).</p> <p>A similar incident also occurred on 28 November 2001, when a CSO activist of Wana Cipta Lestari (WCS) undertook an investigation on illegal logging allegedly involving the same politicians and timber tycoons. The activists were attacked due to their activity in collecting information concerning illegal logging in <i>Tanjung Puting</i> National Park (<i>Sinar Harapan</i>, 09/07/2002).</p>
Palangkaraya in Central Kalimantan	<p>In August 2000 several CSO activists of People Institute for Environmental Rescue (LRPL-KT) in Central Kalimantan were also reported to be terrorised and to receive intimidation following their report to the police concerning allegations of corruption committed by the governor of the province. The governor made a contra-report to the police, mentioning that the CSO activists have made a false allegation and slander. The police then undertook a series of interrogations and investigations over the CSO activists. Apart from the interrogations, CSO activists also received threats from an unidentified person via telephone and blackmail, stating that they would be killed if they did not withdraw the allegation. Due to the threats, at least one of the activists had to flee to Jakarta for several months in order to avoid physical confrontation (Interview with I-18, 23/05/2008).</p>
North Maluku	<p>Ridha Ajam and Mohammad Konoras, two anti-corruption activists of <i>Konsorsium Makuwaje Maluku Utara</i> (KMMU), and Maeruddin Maede, from Corruption Hunters Forum (Formak), were terrorised and physically attacked when they were reporting a corruption case that allegedly involved top government officials in their province.</p>

Garut in West Java	CSO activist of Garut Governance Watch (G2W) also experienced quite dramatic terrorisation and intimidation. G2W has been very active in voicing allegations of corruption in the Garut district government. Due to the actions, G2W activists continuously received multiple threats, starting with verbal abuse, throwing stones at the glass window of G2W office, and physical attacks to G2W activists from a party's para-military group that came directly to the G2W office (<i>Pikiran Rakyat</i> , 02/07/2007). Agus Sugandhi, the Secretary General of G2W, is one activist who received more dangerous harm. His house was burned by unidentified persons on 2 March 2007. The incendiarism almost killed his family who only escaped in the last minute before the house was completely burned (<i>Pikiran Rakyat</i> , 02/07/2007).
Muna district of Southeast Sulawesi	A small bomb exploded in front of the house of Hidayatullah, an anti-corruption activist of Southeast Sulawesi Advocacy Network (JAS) on the early morning of 11 October 2004. Investigations by the police revealed that the attack correlated to the Hidayatullah's campaign against corruption concerning illegal logging and manipulation of timber auction in Muna 2002-2003 (<i>Tempointeraktif</i> , 12/10/2004).
Mamuju in Western Sulawesi	A number of CSO activists of Laskar Anti Korupsi Sulawesi Barat (Lak-Sulbar), claim to have been intimidated by a number of crooks following their actions in revealing corruption in the province. The intimidation led to the disruption of the CSO activities for several months (<i>Suara Merdeka</i> 06/03/2009).

Appendix 12 Island of Integrity in Solok district

Under assistance from TII and Indonesian Procurement Watch (IPW), Solok district government took an initiative to require its government officials to sign the island of integrity on 11 November 2003. Basically the document contains a declaration that the officials:

- (1) Will not serve or provide the opportunity to anybody who does not submit a request through official procedures and working hours in relation to their job;
- (2) Will channel any public donations through procedure, which is determined by the official rules;
- (3) Will establish an integrity agreement with all stakeholders for not accepting illegal deals in all the relationships that are associated with given service, or suspected of having links with the service.

In correlation with the island of integrity, the Solok district government regulates that:

- (a) The public can control the implementation of the island of integrity statement by forming a supervisory commission of corruption that will be funded by the district government with the procedures determined by applicable law or agreements are made;
- (b) The district government will protect, conceal and, if necessary give tribute to anyone who provides correct information concerning abuses, and to give sanction to anyone who provides false reports;
- (c) The district government will create and manage the standardisation of the delivery of aid to justice and prevent the occurrence of abuse of power and authority;
- (d) The district government will evaluate all policies and decision making procedures to avoid any unfair decisions, collusion, irregularities and misappropriation;
- (e) When the government finds any irregularities on contracts, licensing and other services that is contrary to the island of integrity, the government will give sanction against employees in accordance with personnel rules, and other legal process that is in accordance with the rules and regulations. While any business institution that violates the island of integrity will be revoked from government list of vendors and proceed with legal process;
- (f) The district government will continuously undertake reform and apply a strict control of administration in order to eliminate possibility that allows the occurrence of corruption collusion and nepotism;
- (g) The district government will control and evaluate services in every unit to ensure that the rules set by the standard of services is implemented; and
- (h) The district government will regulate the provision of additional benefits for its employees that will be associated proportionally with the performance and presence of the employees.

An evaluation undertaken by TII in 2006 pointed out that the implementation of the treaty has been able to reduce corruption in the district government services and salvage about 30% of the government budget.

Appendix 13 The chronology of KP2KKN’s work in taking legal action against a corruption case committed by DPRD members in Central Java province.

Date	Events
October 2003	KP2KKN received information concerning irregularities in Central Java’s provincial budget in the 2003 fiscal year. The CSO decided to investigate the report.
November 2003	The investigation concluded that there are at least ten forms of irregularity in the form of additional budget items relating to DPRD allowances and expenses amounting to Rp 38 billions.
12 December 2003	KP2KKN filed a report to Provincial Prosecutor Office (PPO) regarding the findings.
15 January 2004	KP2KKN urged the prosecutor’s office to follow-up the allegations.
31 May 2004	The PPO declared that an investigation confirmed that there is abuse in the allocation and disbursement of provincial budget. However, the PPO stated that they will not take legal action since the abuse is merely an administrative aspect.
1 June 2004	Consortium of NGOs Anti Money Politics (Kolamp), including KP2KKN organised a street demonstration to demand an enquiry and discussion of the PPO’s statement. Due to the demonstration, the PPO promised to reconsider the decision.
15 June 2004	The PPO called several members of the budget committee within DPRD and some officials on the Secretariat of the DPRD to an investigation.
17 June 2004	The PPO further examined four secretariat officials of the DPRD.
21 June 2004	The PPO reiterated that indications of the financial irregularities in the DPRD have been confirmed.
8 July 2004	Again, the PPO examined 19 members of the DPRD and eight staff secretariat of the council.
19-20 July 2004	Under suggestion from several NGOs, the PPO invited experts on criminal law, state administration, and finance from several universities to express their opinion regarding the case.
29 July 2004	Some academics, lawyers, and NGO activists visited PPO to urge the PPO to resolve the case as soon as possible. Some of them accused the PPO of being too slow in handling the case.
30 July 2004	KP2KKN reported the case to Corruption Eradication Commission (KPK)
3 August 2004	For the first time, PPO called the Chair of DPRD (Mardijo) for an investigation.
10 August 2004	Mardijo came to PPO and stated that he is innocent. Rumours mentioned that he made a secret deal with PPO to annul his case.
2 Sept 2004	KP2KKN delivered a letter to the Attorney General Office (AGO) in Jakarta to pay attention to the case and supervise the work of the PPO of Central Java in dealing with the case. The CSO also argued that Mardijo should be determined as a suspect in the case.

10 Sept 2004	Some DPRD members that are sympathetic to CSO movement urged PPO to be transparent in investigating the case and asked PPO to conduct public exposure.
23 Sept 2004	The AGO in Jakarta undertook public exposure concerning the result of investigation taken by PPO Central Java. AGO also instructed PPO Central Java to further undertake examination instead of investigation.
28 Sept 2004	The PPO declared that 14 members of DPRD in the period 1999-2004 including Mardijo are suspects in the corruption case.
7 October 2004	Mardijo collected all his colleagues who have been declared suspects. He was reported to take legal and political actions to revenge the decision.
20 October 2004	Some of the suspects returned amounts of money allegedly taken from the government budget.
8-9 Nov 2004	Dozens of people (hypothetically Mardijo's supporters) conducted a demonstration in front of PPO building, asking PPO to annul the legal process against Mardijo.
16 Dec 2004	PPO filed the indictment to the court of Semarang district.
20 Dec 2004	The court given permission for PPO to confiscate the suspects' property. Due to the permits, Mardijo and Asrofi handed over money to PPO respectively Rp 200 million and 83 million.
3 January 2005	By the reason of some hesitations, PPO recalled and cancelled its indictment from the court. Again, rumours mentioned that PPO made a secret deals with the suspects.
5 January 2005	A number of NGO activists visited PPO to seek clarification concerning the suspension of the legal process.
10 January 2005	PPO stated that they want to bring the document of indictment to AGO for a consultation.
7 February 2005	PPO stated that there are different perception between PPO Central Java and AGO about the term 'against the law and abuse of authority'.
7 March 2005	PPO for the second time invited experts from universities to discuss the indictment.
20 April 2005	PPO resubmitted its indictment to the court of Semarang District.
6 May 2005	The first trial was made by the court.
22 May 2005	The Semarang District Court sentenced Mardijo one-year prison sentence with two years probation and fined Rp 500 million. Verdicts were also made for other suspects.
29 May 2005	Considering that the verdict was too low, PPO filed an appeal to High Court of Central Java.
23 June 2006	High Court of Central Java accepted the appeal and increased the punishment for Mardijo to two years jail. The High Court also increased punishment for the other suspects.
17 July 2006	All suspects filed an appeal to the Supreme Court.
21 January 2008	The Supreme Court sentenced Mardijo to one-year prison sentence with two years probation and fined him Rp500 million, similar to the initial verdict from Semarang District Court.