Monitoring Report Trends in Prosecution of Corruption Cases in 2022

"Corruption Across the Trias Politica"

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Background

The Government's commitment to eradicating and preventing corruption throughout the year 2022 must be questioned. Indisputably, the consistent increase in corruption cases shows that the various efforts made by the Government has increasingly hit a dead end. This is at least reflected in the latest Corruption Perceptions Index published by Transparency International Indonesia (TII) which shows that in 2022 Indonesia will experience a very drastic decrease in its score from 38 to 34.

It is important to note that the drop in the score by 4 points is the worst decline since the reform era. In addition, Indonesia's ranking has also slipped from 96th in 2021 to 110th out of 180 countries surveyed. The decline in points and Indonesia's CPI rating is actually a reflection of the poor commitment to eradicating corruption carried out during Joko Widodo's administration, including the prosecution of corruption cases. This is further strengthened by TII's record which shows that the indicators of anti-corruption law enforcement have proven to be ineffective in eradicating corruption.

Looking closely at the year 2022, the condition of corruption in Indonesia is increasingly worrying indeed. Corruption occurs in almost all sectors of government which include executive, legislative and judicial as shown in the recent corruption case of the Supreme Court judges. As a result, the principle of checks and balances between the three branches of power does not work. Instead of being a balancer, each of these institutions is in a vortex of corruption. As a result, the parody of the trias politicia into the trias corruptica perfectly describes this situation.

Consequently, these conditions will require Law Enforcement Agencies (LEA), namely the Attorney General's Office (AGO), the Police, and the Corruption Eradication Commission (KPK) as the backbone of corruption eradication. However, in order to maintain the checks and balances of case handling and to ensure that the legal process runs fairly and objectively and to avoid the potential for abuse of authority by law enforcement, community participation in conducting oversight will be the key.

Community participation in the efforts to eradicate corruption itself has been guaranteed by international conventions and laws and regulations in Indonesia. This is regulated in Article 13

Number 1 of the United Convention Against Corruption (UNCAC) and Article 41 of the Corruption Eradication Act. Technical regulations regarding the implementation and procedures for community participation have also been regulated through Government Regulation Number 43 Year 2018 concerning Procedures for Public Participation and Reward in the Prevention and Combating of Corruption. These regulations essentially emphasizes that the government must open up space for the public to participate in and contribute to the corruption eradication agenda, including by conveying suggestions and opinions to law enforcers regarding the handling of corruption cases.

There are a number of systematic stages that law enforcement agencies go through in dismantling corruption crimes so they can target the intellectual actors. In general, the flow of handling corruption cases is illustrated in the following chart:

Preliminary investigation → Investigation → Prosecution → Execution of the court's decision

The figure above shows that case handling supervision by the community can begin since the investigation process after suspect identification. However, this supervision should be supported by law enforcement agencies who convey general information to the public. Generally, law enforcement agencies should make available information including a description of the case, the name or initials of the suspect, the articles imposed, and the value of state loss or bribery. This information is not excluded by Article 17 of Law Number 14 Year 2008 concerning Public Information Disclosure, and has been proven to be information that can be conveyed to the public.

This is further emphasized by Indonesia Corruption Watch (ICW) in 2015 when submitting an information dispute resolution related to the handling of corruption cases that have been or are being handled by the Police and the Attorney General's Office to the Central Information Commission. It should be noted that the purpose of the request for information is to encourage the management of information on handling corruption cases to be open to the public. As a result, the Central Information Commission stated that the information requested in the form of information on handling corruption cases was public information. Through the Information Commission

Mediation Decision Number 059/XII/KIP-PS-A-M/2015 and Number 060/XII/KIP-PS-A-M/2015, the Attorney General's Office and the National Police have expressed their willingness to convey this information to the public, although unfortunately not all the results of the mediation are carried out.

Furthermore, in terms of transparency and disclosure of information related to case handling, the Attorney General's Office and the Police should be able to follow the example from the KPK. Both on the official website (kpk.go.id) and in its year-end report, the KPK always conveys information in the form of a list of cases being investigated, the initials of the suspect, and the articles imposed. Therefore, it is important for law enforcement agencies to facilitate public involvement through official websites or other channels that are easily accessible by the public to encourage disclosure of information on the handling of corruption cases by law enforcement agencies.

Disclosure of information about the performance of law enforcement agencies is necessary not only because the public as taxpayers has the right to know the quality and work achievements of ministries or agencies, but also because the budget allocated by the state for law enforcement is not insignificant. Based on the Budget Implementation List (DIPA) for Fiscal Year 2022, the total budget for corruption case investigation allocated to all law enforcement agencies in 2022 is IDR 449,006,937,000 (IDR 449 billion) which is detailed in the following table:

Description	Attorney		Police		KPK	
	Budget	Target	Budget	Target	Budget	Target
Central Government	IDR 198 million/case	40 cases	IDR 220 million/case	25 cases	IDR 138,3 million/case	120 cases
Province	IDR 129,8 million/case	2 cases	IDR 116 million – 1.3 billion/case	2-47 cases	-	-
Regional	IDR 129,8 million/case	2 cases	IDR 4.1 million– IDR 640 million/case	1-75 cases	-	-

Table 1. Budget allocation for handling corruption cases at the preliminary investigation/investigation stage in law enforcement agencies based on DIPA FY 2022

For this reason, as a form of public participation in monitoring the performance of law enforcement agencies in handling corruption cases, ICW since 2004 has developed a study product called Trends in Prosecution of Corruption Cases. Published twice a year, the study is expected to provide information for the public to oversee and ensure the effectiveness of the handling of corruption cases. In addition, ICW hopes that the results of this monitoring can help policy makers, especially law enforcement agencies at the central and regional levels, formulate a concrete long-term agenda in formulating a better anti-corruption legal substance.

Objectives

In general, there are two objectives for preparing The Monitoring of Trends in the Prosecution of Corruption Cases:

1. Provides an overview of the prosecution of corruption cases carried out by the Attorney General's Office, the Police and the Corruption Eradication Commission throughout 2022.
2. Encouraging transparency and accountability of data handling of corruption cases in every law enforcement agency.

Methodology

ICW monitored corruption cases which had entered the investigation stage by law enforcement agencies, including the Attorney General, the Police, and KPK throughout the year of 2022 from January 1 to December 31, 2022. The data were mainly obtained from two sources: primary sources or the official websites of law enforcement agencies, and secondary sources or media report.

It is important to note that the authors encountered two obstacles in the data search process. First, at the time of data collection, the data obtained by ICW was mostly obtained from secondary data sources because primary sources regarding case handling information that should have been conveyed openly by law enforcement officials were very difficult to find. This condition leads to differences in data and results of analysis by ICW and the data from law enforcement agencies regarding the process of handling cases at the investigation stage.

Second, the case terminology used by ICW and law enforcement is different. The case terminology as used by law enforcement officials is defined as a series of investigative actions that are produced

based on administrative documents for handling cases, namely a charging document (Sprindik). Due to the limited information regarding the Sprindik documents, in this report ICW assumes that there is one suspect in one Sprindik.

These two obstacles will eventually result in differences in the data monitored by ICW. However, it is important to underline that this obstacle is also caused by information on case handling which is very difficult for the public to access.

As stated in the previous section, information regarding the process and developments in the handling of corruption cases must be conveyed to the public, as stipulated by Article 9 Paragraph (2) Letter b of the Public Information Disclosure Law which explicitly states that information regarding the activities and performance of Public Agencies must be provided and announced periodically.

The data obtained is then tabulated and processed based on several variables ranging from case descriptions, suspect names, suspect positions, modes, sectors, to the potential value of state losses, bribes and illegal fees. After that, the results of the data processing will be compared statistically on all analysis parameters with data on the trend of prosecution of corruption cases for the last five years, from 2018 to 2022, and finally will be analyzed descriptively.

General Findings

Throughout 2022, ICW found 579 corruption cases handled by law enforcement agencies, with 1,396 designated suspects from various professional backgrounds. The potential total state losses found by law enforcement agencies were around IDR 42,747,547,825.313 (IDR 42.747 trillion), bribes and gratification of IDR 693,356,412.284 (IDR 693 billion), illegal fees or extortion of IDR 11,926,507,750 (IDR 11.9 billion), and money laundering of IDR 955,980,000,000 (IDR 955 billion).

On average, each month there were 48 corruption cases with 116 suspects named by law enforcement agencies. This means that on average each law enforcement agency investigated 16 corruption cases with 39 suspects per month. Then, based on these general findings, ICW created five categories to measure the successful performance of law enforcement by the Attorney, Police and KPK in handling corruption cases.

ICW based the measurement on the number of cases targeted by each law enforcement agency as stated in DIPA FY 2022, which shows that the total target of law enforcement as a whole throughout 2022 is to investigate up to 2772 corruption cases with the following details:

No	Agency	Target
1	Attorney General	1.027 cases
2	Police	1.625 cases
3	KPK	120 cases
	TOTAL	2.772 cases

Table 2. Target Number of Corruption Case Investigations for Each Law Enforcement Institution in 2022

ICW subsequently measured the performance of law enforcement institutions by comparing the targets with the handling of corruption cases, and classified it into five assessment categories as follows:

No	Rating	Description	% Cases Handled
1	A	Execellent	81-100
2	B	Good	61-80
3	C	Fair	41-60
4	D	Poor	21-40
5	E	Very Poor	0-20

Table 3. Assessment Category for Prosecution of Corruption Cases

Based on case monitoring, ICW gave a C or Fair rating for the performance of prosecution of corruption cases carried out by the Attorney, Police and KPK with the percentage of cases handled by law enforcement throughout 2022 only reaching 1,396 suspects or around 50 percent of the 2,772 target cases.

Trends in The Prosecution of Corruption Cases in the 5-Year Period

To find out trends in the performance of prosecution of corruption cases, ICW conducted a comparative analysis of the findings in 2022 with the findings in the previous five years (2018-2022). The comparative analysis shown in the graph below shows quantitatively the data on the

handling of corruption cases from the number of cases investigated and actors named as suspects to the potential value of state losses incurred.
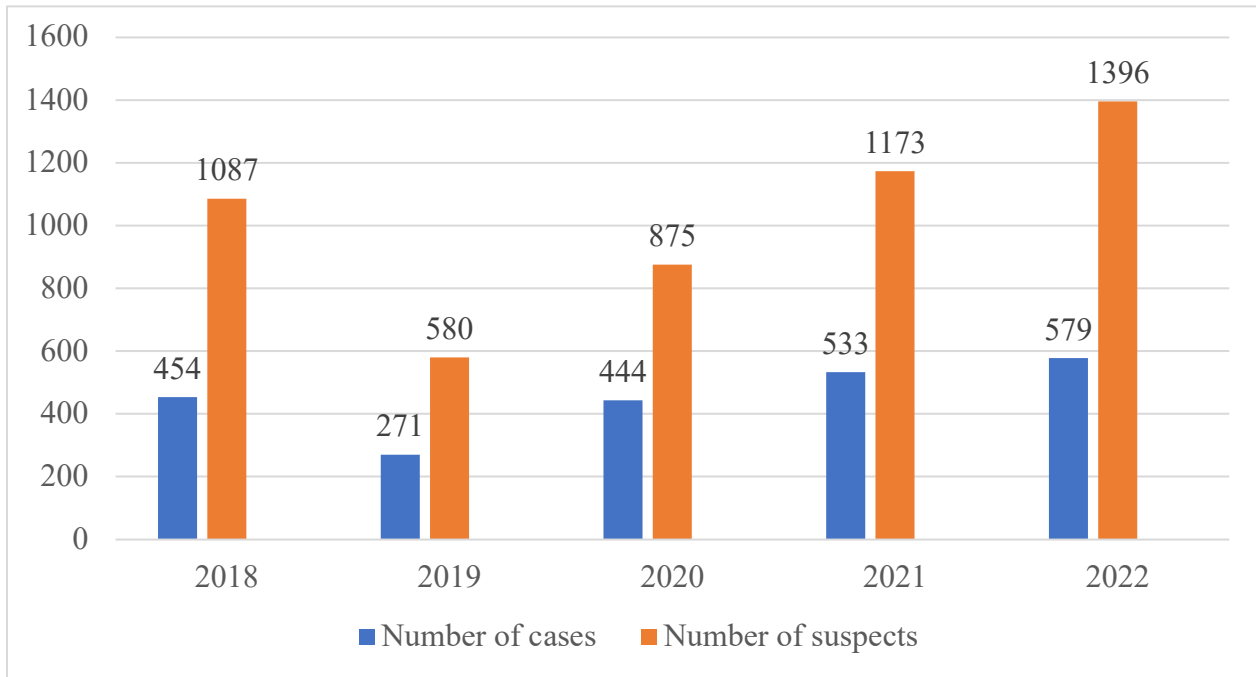
Figure 1. Trends in the Enforcement of Corruption Cases in the 5-Year Period (2018-2022)
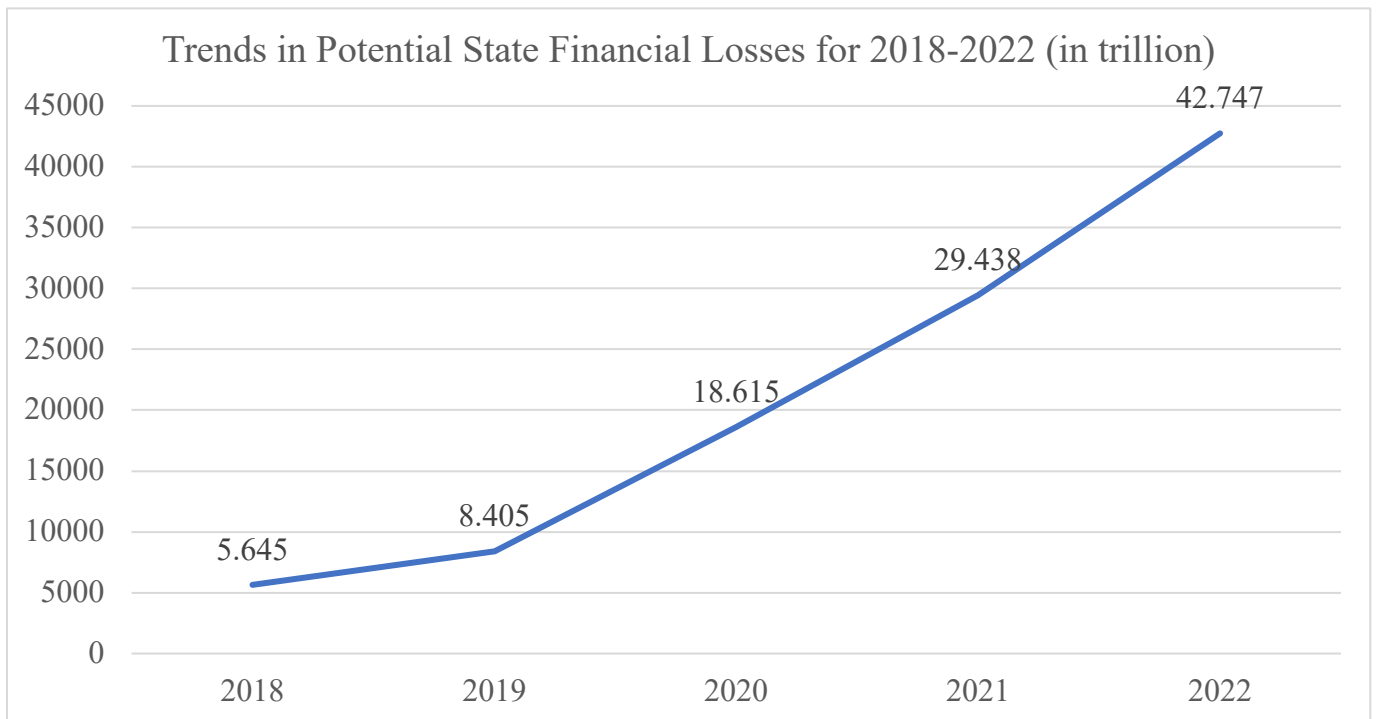
Figure 2. Trends in Potential State Financial Losses for 2018-2022

The graph above shows that the prosecution of corruption cases in 2022 has increased quite significantly compared to the previous four years. The most significant increase occurred both in terms of the number of suspects and the potential value of state losses. If we take a closer look, the fantastic potential value of state losses this year has only been caused by a few cases. The following table presents five cases with potential state losses of up to trillions of rupiah:

No	Case	Suspect	Potential Value of State Loses (IDR)[1]	Law Enforcement Agency Handling
1	Alleged Corruption of Provision of Crude Palm Oil (CPO) Export Facilities Including Cooking Oil and its Derivatives	1. Indisari Wisnu Wardhana 2. Master Parulian Tumanggor 3. Picare Togar Sitanggang 4. Stanley MA 5. Weibinanto Halimdjati alis Lin Che Wei	18.359.698.998.925	Attorney General
2	Alleged Corruption of CRJ 1000 and ATR 72-600 Aircraft Procurement	1. Emirshay Satar; 2. Soetiko Soedardjo; 3. Setiko Awibowo; 4. Albert Buhan	8.947.198.402.688	Attorney General
3	Indragiri Hulu Palm Oil Land Corruption	1. Raja Thamsir Rahman; 2. Surya Darmadi	4.900.000.000.000	Attorney General

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[1] The calculation of the potential value of state financial losses is based on information from law enforcement agencies during the investigation and determination of suspects

4	Alleged Corruption in the Implementation of National Export Financing Agency (LPEI)	1. Arif Setiawan; 2. Ferry Sjaifullah; 3. Josef Agus Susanta; 4. Johan Darsono; 5. Suryono; 6. PSNM; 7. DSD	2.726.976.347.917	Attorney General
5	Waskita Concrete Corruption Case	1. Agus Wantoro; 2. Agus Prihatmono; 3. Benny Prastowo; 4. Anugrianto; 5. Hasnaeni; 6. Kritadi Juli Hardjanto; 7. Jarot Subanal 8. HA	2.583.278.721.001	Attorney General

Table 4. List of Corruption Cases with the Largest Potential State Losses in 2022

The high amount of potential value of state financial losses on the one hand shows that the performance of law enforcement agencies is slowly starting to show a positive trend. At the same time, this condition also shows that the state financial management system by the government, ministries and state institutions is still very poor.

This misuse of the state budget must be taken seriously because improper financial management at the central and regional levels will greatly affect the direction of national development. Furthermore, according to the concept, corruption with a background of economic crimes that is carried out systematically and widely will violate the social and economic rights of the people.

If examined further, the root cause of rampant corruption in the government budget is state finances that are not transparent. It is important to note that in the general explanation section of Law no. 1 of 2004 concerning the State Treasury, the management of state finances must be carried out in a

professional, open and responsible manner for the greatest prosperity of the people, which is manifested in the State Revenue and Expenditure Budget (APBN) and the Regional Revenue and Expenditure Budget (APBD).[2]

Basically, one of the manifestations of good governance is the implementation of development that is effective and has an impact on people's welfare. This concept is actually the dream and ideals of a welfare state, including Indonesia.[3]

Case Mapping by Modus

ICW carried out a mapping of the modes used by the suspects in committing corruption, which is important as it becomes the basis for closing the gap for corruption based on the most frequent modes. The following table presents the results of the mapping:

Modus	Number of Cases	State Losses (IDR)	Brbes/Gratification/Illegal Fees (IDR)	Money Luandering
Budget Abuse	303	17.857.397.845.012	49.274.300.000	724.280.000.000
Fictitious project/activity	91	543.896.258.643	-	
Mark Up	59	879.376.625.833	-	224.700.000.000
Fictitious report	51	108.212.755.788	-	-
Illegal Fees	24	1.758.710.325	17.544.207.750	7.000.000.000
Trading in Influence	19	18.424.335.029.448	508.784.000.000	-
Cutting	18	22.270.600.000	2.582.500.000	7.000.000.000
Issuance of Illegal Permits	12	4.910.300.000.000	127.097.912.284	-
Deceiving Witnesses	2	-	-	-
Total	**579**	**42.747.547.825.049**	**705.282.920.034**	**955.980.000.000**

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[2] Read in the weighing section b of Law Number 1 of 2004 concerning the State Treasury
[3] *Ibid*

Table 5. Case Mapping by Modes in 2022

ICW found budget misuse as the most dominant modus operandi in 2022. This mode is connected to the use of budgets that are not in accordance with their designation or any misuse that are directly related to the state budget, including those related to community interests such as community aid funds. In addition, the other modes that often appear throughout are mark ups or price inflation and fictitious activities or projects.

The dominance of the three modus operandi which are often used by perpetrators of corruption indicates weaknesses in the state oversight system in development activities, and further indicates the massive corruption in the goods and services procurement process. This is further shown that in out of 579 corruption cases, 250 cases or 43 percent were related to the procurement of goods and services.[4]

ICW also identified the modes related to trading in influence or trading in influence. As a result, this mode was used 19 times by suspects to make personal gains by trading their influence. One of the cases with an indication of influence trading as modus operandi of is the alleged bribery case in the proposal for the National Economic Recovery Fund (PEN) for East Kolaka Regency.

This case that dragged the name of East Kolaka Regent Andi Merya Nur started when he wanted to obtain funds related to infrastructure development needs in East Kolaka Regency. To that end, he contacted businessman LM Rusdianto Emba (LM RE), who is also the younger brother of the Regent of Muna, who is known to have extensive networks in the Muna Regency government.[5]

Rusdianto then contacted another suspect, Mochamad Ardian Noervianto as Director General of Regional Financial Development of the Ministry of Home Affairs (Kemendagri), to seek approval for the proposed PEN Fund loan for East Kolaka Regency. Through the construction of this case,

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[4] The term procurement in this report is defined as the procurement of government goods and services as referred to in Article 1 point 1 of the Presidential Regulation of the Republic of Indonesia Number 12 of 2021 concerning Amendments to Presidential Regulation Number 16 of 2018 concerning Government Procurement of Goods/Services which reads "Government Procurement of Goods/Services hereinafter referred to as the Procurement of Goods/Services is the activity of procuring goods/services by Ministries/Institutions/Regional Apparatuses financed by the APBN/APBD whose process starts from identification of needs, up to the handover of the work results

[5] AntaraSultra, "KPK Tetapkan Adik Bupati Muna Sebagai Tersangka Kasus Suap Dana PEN", accessible at WWW: https://sultra.antaranews.com/berita/421617/kpk-tetapkan-adik-bupati-muna-sebagai-tersangka-kasus-suap-dana-pen (accessed on 22 February 2023)

it can be seen that LM Rusdianto Emba traded his influence via his extensive networks in the Muna district government, to expedite this fraudulent practice.

However, it should be noted that the mode of trading in influence itself has not been categorized as an act of corruption in Indonesian positive law. The provisions regarding this offense have actually been regulated in Article 18 of the UNCAC. As one of the participating countries in the convention, Indonesia has a big responsibility to harmonize the provisions of the UNCAC as a general standard for the formation of national legal policies for combating corruption, one way of which is to revise the Corruption Law and include trading in influence as one of the regulated offenses.

If the Government and the DPR do not immediately take these corrective steps, it is not impossible that the agenda for eradicating corruption in the future will reach an impasse. Even though corruption actors from the backgrounds in state administration or civil servants who carry out influence trading can be charged with bribery, difficulties will arise if the perpetrators selling their influence do not come from that background.[6]

Caes Mapping by Types of Corruption

ICW also monitored the imposition of articles used by law enforcement agencies to catch perpetrators of corruption. ICW used seven types of corruption based on Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Crimes of Corruption (the Anti-Corruption Law or Tipikor) with the following details:

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[6] Donal Fariz, et.al, *Kajian Implementasi Aturan Trading in Influence dalam Hukum Nasional,* Policy Paper (Jakarta: Indonesia Corruption Watch, 2014), p.16
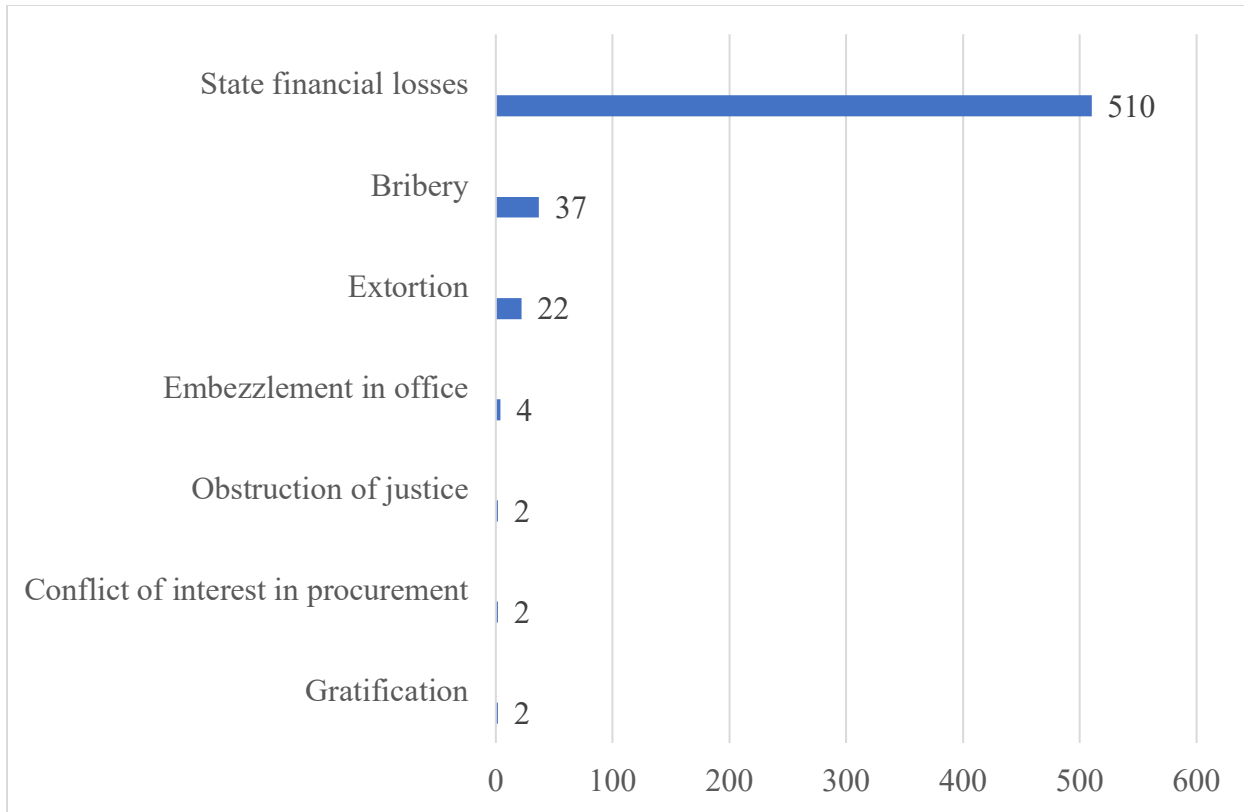
Figure 3. Case Mapping by Types

ICW found that throughout 2022, law enforcement agencies mostly imposed articles regarding state losses, namely Article 2 paragraph (1) and/or article 3 of the Corruption Law. This is similar to the findings of the previous year where corruption cases involving state losses often dominated the process of handling corruption cases.

Unfortunately, the massive use of the state loss article was not accompanied by the drive to seize the assets resulting from the crimes. Out of 579 cases, only 13 showed that law enforcers used the money laundering article, detailed as follows:

No	Case	Suspect	Law Enforcement Agency Handling
1	Corruption Case at Ministry of Public Works and Public Housing Service Kab. Banjarnegara	Budhi Sarwono	KPK
2	Steel Import Corruption Case	1. Taufiq;	Attorney General

		2. Budi Hartono Linardi;	
		3. Tahan Benurea	
3	Land Procurement Corruption Cases for Apartment Houses in Cengkareng	1. Sukmana; 2. Rudy Hartono Iskandar	Criminal Investigation Division (Bareskrim) Polri
4	Kasus Korupsi Pengadaan ``Lahan Perkebunan	Mularis Djhari	South Sumatra Regional Police
5	Corruption Case in Bekasi City Government Position Auction	Rahmat Effendi	KPK
6	Corruption Case in the construction of Liquefied Natural Gas (LNG) Receiving and Distribution	Dewa Gede Rahea Prana	Bali Provincial Prosecutor's Office
7	Corruption Case in the Land Transportation Education and Training Center, Department of Transportation Mempawah, Mempawah	Erry Iriansyah	West Kalimantan Regional Police
8	Corruption Case at the Sulawesi Tenggara Bank	Ahmad Badrun	South-East Sulawesi Regional Police
9	Land Mafia Corruption Case DKI Jakarta Parks and Forestry Service	HH	DKI Jakarta Provincial Prosecutor
10	Corruption Case at the Bank DKI Branch of Kelapa Gading	John Erens Rengku	North Jakarta District Prosecutor
11	The Indragiri Hulu Palm Oil Corruption Case	1. Raja Thamsir Rahman 2. Surya Darmadi	Attorney General
12	Papua Governor Corruption Case	Lukas Enembe	KPK

| 13 | Mamberamo Raya Regent Corruption Case | Ricky Ham Pegawak | KPK |

Table 6. List of Corruption Cases Prosecuted Using Money Laundering Articles

This condition at least illustrates that law enforcement agencies are not serious about recovering assets resulting from crime. We know that the recovery of assets resulting from crimes in corruption cases remains a serious problem in Indonesia. According to ICW's monitoring, the 2021 sentencing trend shows that out of a state financial loss of IDR 62,931,124,623,511, the additional punishment in the form of replacement money is only IDR 1,441,329,479,066.

Based on the notes above, it can be said that law enforcement agencies have not prioritized giving a deterrent effect through an economic approach. The importance of the investigative process in handling corruption cases cannot be stressed enough. Apart from being used to identify unlawful acts committed by perpetrators, this phase should also be a starting point for tracing the flow of funds from proceeds of crime.

If identified, attempts by the suspect to divert or hide the flow of funds may be subject to an article regarding money laundering (TPPU Law). In concept, there are a number of advantages if law enforcement agencies are able to maximize the evidence testing forum by using the TPPU Law. More specifically at the investigative stage, the money laundering article provides a broad scope for identifying perpetrators of corruption by using the *follow the money* approach.

In addition, the use of money laundering articles is also believed to be able to return assets resulting from crime through a fast mechanism. Unfortunately, law enforcement agencies rarely use the instrument throughout 2022.

President Joko Widodo needs to pay attention to the minimal use of the money laundering article in seizing assets, considering that in 2015 the President ordered every law enforcement agency to maximize the use of the money laundering article. The order was then set forth in Presidential Instruction No. 7 of 2015 concerning Actions to Prevent and Eradicate Corruption. Specifically,

President Jokowi asked law enforcement agencies to coordinate with PPATK to optimize this step.[7]

However, in practice, the synergy between PPATK and law enforcement agencies rarely went well. One example is in the handling of an alleged corruption case involving the Governor of Papua, Lukas Enembe. In the development of this case, PPATK was known to have submitted 12 reports of suspicious transactions worth hundreds of billions since 2017, ranging from cash withdrawal to bank transfers that are suspected of being money resulting from corruption.[8] However, as we know, the handling of this case can be said to be very slow considering that Lukas Enembe was only named a suspect in September 2022.[9]

Beyond that, it is important to emphasize that in order to support the performance of law enforcement agencies in prosecuting corruption cases, the Government and DPR must become the most influential actors in formulating a better corruption eradication agenda. One of them is through a political commitment to legislation by prioritizing the discussion of legal products that are pro-corruption eradication. There are at least several important regulations that need to be ratified immediately, including the Asset Confiscation Bill which has been proposed since 2012, the Draft Law on the Restriction of Cash Transactions, and the Revision of the Law on Corruption Crime Eradication.

Case Mapping by Sector

Throughout 2022, ICW found corruption cases in 21 sectors, including such sectors as village government, education, health, to investment and the capital market. The monitoring in all these sectors was carried out to map which sectors are most prone to corruption. The following table provides the details:

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[7] Detik.com, "Presiden Perintahkan Penegak Hukum Lebih Galak Gunakan Pasal Pencucian Uang" at WWW: https://news.detik.com/berita/d-2925422/presiden-perintahkan-penegak-hukum-lebih-galak-gunakan-uu- pencucian-uang (accessed on 18 November 2022)

[8] KompasTV, "Sejak 2017, PPATK Punya 12 Analisis Transaksi Gubernur Papua Lukas Enembe" at WWW: https://www.kompas.tv/article/329845/sejak-2017-ppatk-punya-12-analisis-transaksi-gubernur-papua-lukas- enembe (accessed on 21 February 2023)

[9] CNN Indonesia, "KPK Tetapkan Gubernur Papua Lukas Enembe Tersangka Korupsi" at WWW: https://www.cnnindonesia.com/nasional/20220914182537-12-847927/kpk-tetapkan-gubernur-papua-lukas-enembe-tersangka-korupsi (accessed on 21 February 2023)

Sector	Number of Cases	State Losses	Bribery/Illegal Fees	Money Laundering
Village funds	155	381.947.508.605	2.700.000.000	-
Utilities	88	982.650.170.188	450.184.912.284	224.700.000.000
Government	54	238.864.223.983	67.788.000.000	-
Education	40	130.422.725.802	4.411.700.000	-
Natural Resources	35	6.991.905.298.412	104.315.000.000	700.000.000.000
Banking	35	516.311.670.301	29.600.000.000	24.280.000.000
Land	31	2.660.495.253.696	25.251.307.750	7.000.000.000
Health	27	73.905.212.389	-	-
Social	26	116.235.776.805	8.700.000.000	-
Youth affairs and sports	13	46.336.115.709	300.000.000	-
Transportation	12	8.829.811.532.887	1.700.000.000	-
Disaster relief	12	94.473.033.327	282.000.000	-
Religious affairs	10	77.316.361.942	500.000.000	-
Trade	10	20.962.979.341.935	2.500.000.000	-
Election	10	25.959.510.384	350.000.000	-
Telecommunication and information	9	20.444.303.484	-	-
Investment and stock market	4	123.885.725.659	-	-
Law enforcement	4	-	7.200.000.000	-
Defense and security	2	453.094.059.541	-	-
Culture and tourism	2	20.510.000.000	-	-
Demographic affairs	0	-	-	-
TOTAL	**579**	**42.747.547.825.049**	**705.282.920.034**	**955.980.000.000**

Table 7. Case Mapping by Sectors in 2022

The table above shows that the most dominant sectors do not change significantly compared to the findings in previous years, namely the village sector as the sector most handled by law enforcement agencies. However, the large number of corruption cases in the village sector throughout 2022 is not surprising because this sector itself often occupies the top position as the sector handled by law enforcement agencies.

ICW data shows that since the Government allocated village funds in 2015, the trend of corruption cases in this sector has increased significantly until 2022, which is detailed in the following figure:
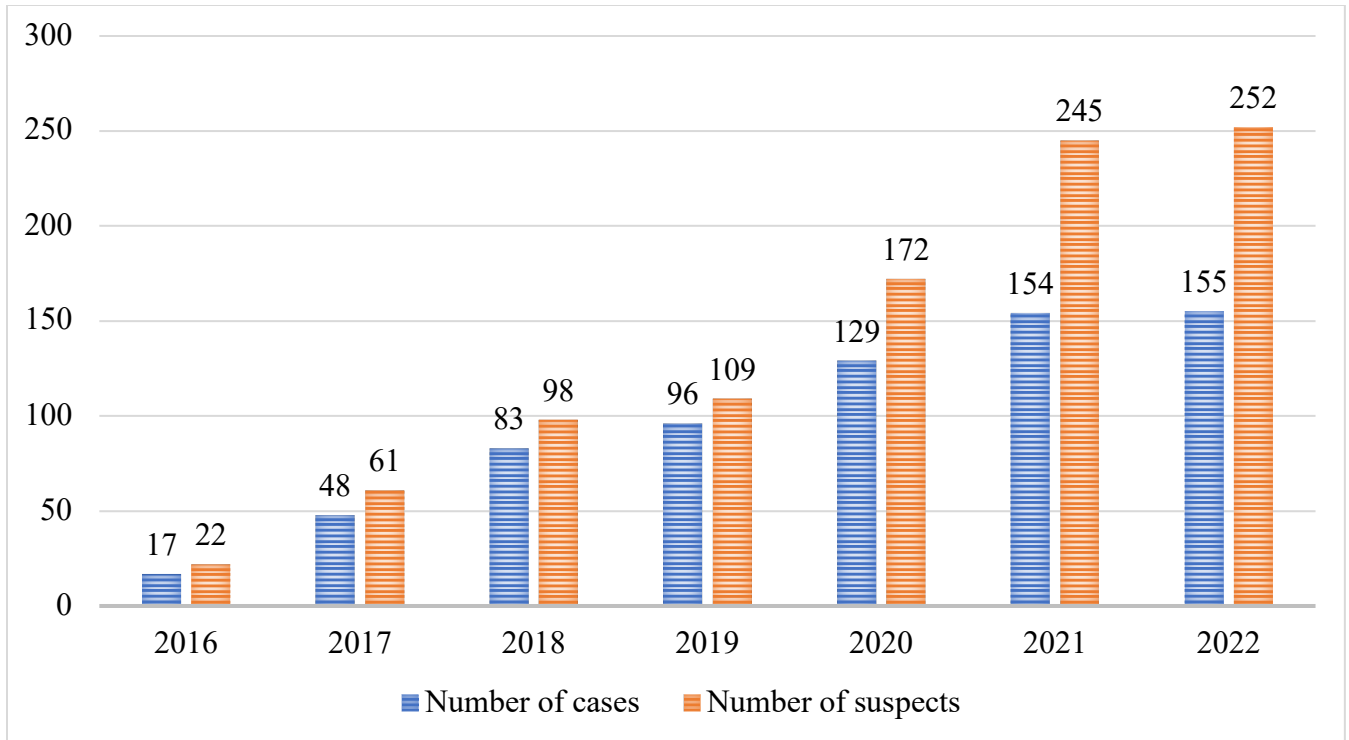
Figure 4. Trends in Corruption in the Village Sector 2016-2022
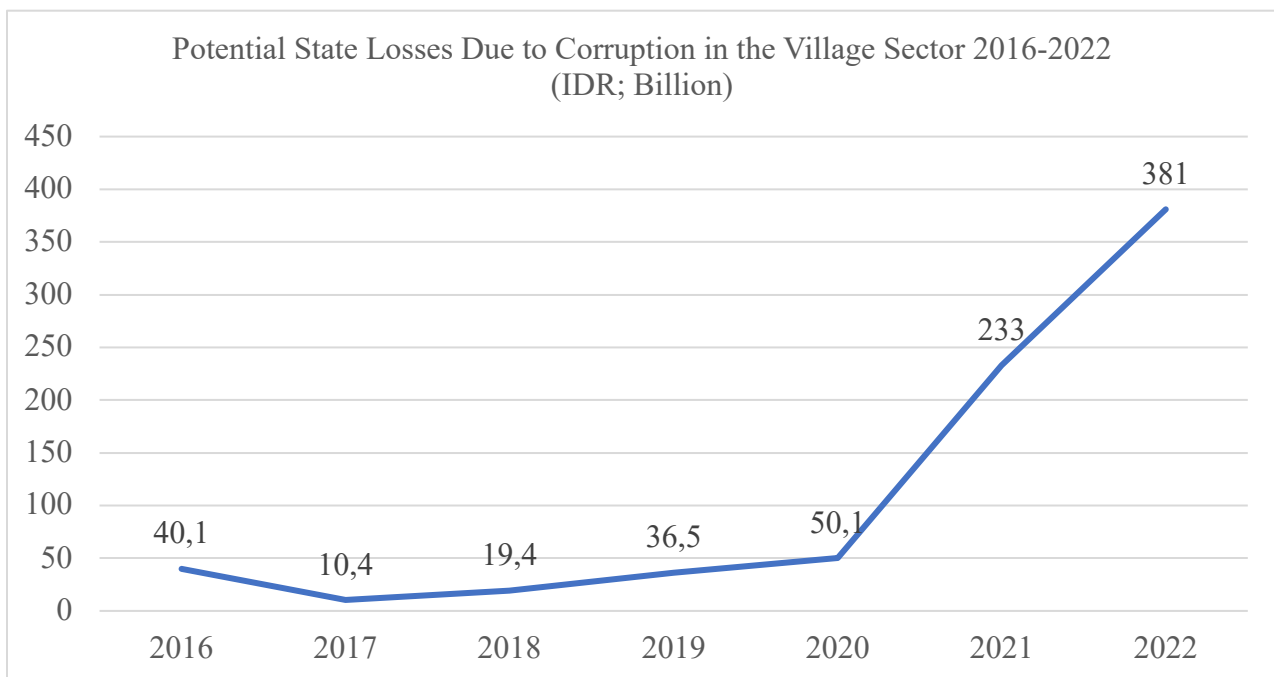

Figure 5. Potential State Losses Due to Corruption in the Village Sector 2016-2022 (IDR)

For the record, the Government allocated a national budget for villages since 2015 when Law No. 6 of 2014 concerning Villages had been ratified. This village fund program aims to achieve

equitability in improving life quality of people who live in villages. As explained in Article 18 of the Village Law, the village government has authority to administer village governance, implement village development, develop village communities, and empower village communities.

Therefore, the indicators that should be achieved are improved public services in villages, advanced and empowered village communities, and most importantly, these villages can become the subject of development.[10] The development and empowerment of rural communities aims for the community to gain access to good public services to improve their quality of life. The fantastic village budget allocation is expected to improve people's prosperity.

As is known, the allocation of village funds in 2022 is IDR 68 trillion which were distributed to 74,961 villages spread across 434 districts and cities throughout Indonesia.[11] Although experiencing a decrease of IDR 4 trillion compared to the previous year, this amount is still quite significant considering that each village receives an average budget of around IDR 900 million.

The size of the village budget allocation is certainly a big challenge in the efforts to eradicate corruption, especially in the aspects of transparency and accountability. If the village heads and village officials do not have an understanding of proper budget management, then this will result in the risk of mass corruption in the budget.

It is important to note that of the 155 corruption cases at the village administration level, not all of them were related to village funds. In this report, apart from village funds, ICW also found corruption related to village income.

Village funds are defined in Article 1 Number 8 of Government Regulation no. 43 of 2014 concerning Implementing Regulations for Law No. 6 of 2014 concerning Villages as funds from the state budeget (APBN) allocated to villages which are transferred through the APBD in districts/cities and used to finance government administration, implementation of development, community development and community empowerment.

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[10] Indonesia Corruption Watch, "Outlook Dana Desa 2018 Potensi Penyalahgunaan Anggaran Desa di Tahun Politik" 2018, at WWW: https://antikorupsi.org/sites/default/files/dokumen/outlook_desa_2018_-icw.pdf (accessed on 25 October 2022)
[11] *Ibid*

Village income itself is regulated in the Minister of Home Affairs Regulation Number 113 Year 2014 concerning Village Financial Management Article 9 paragraph (2), which states that village income is grouped into three categories: 1). Village Original Income (PADes); 2). transfers include: Village Funds, part of regional tax proceeds, Village Fund Allocation (ADD), financial assistance from provincial and district/city revenue and expenditure budget (APBD); and 3). other income.[12]

Cases of corruption in the village sector can be seen in the figure below, including its various sub-sectors.
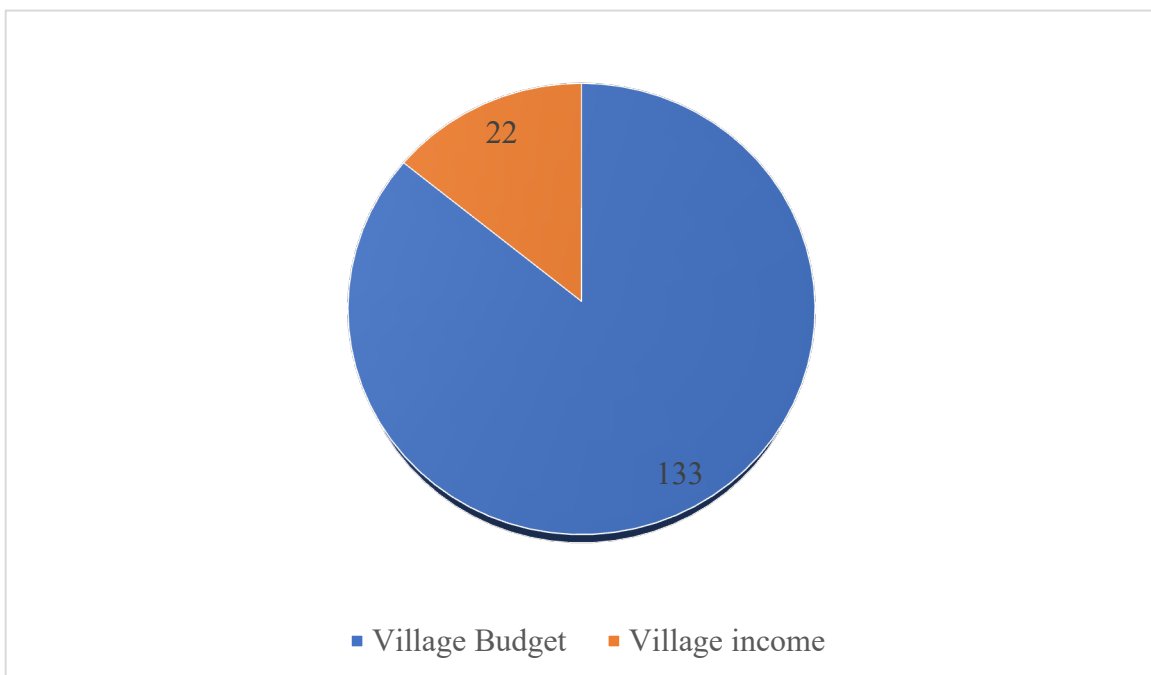
Figure 6. Corruption in the Village Sub-Sectors

The figure above shows an increase in the number of cases and suspects, as well as the potential value of consistent state losses every year since 2016. Based on ICW's monitoring, there are at least five process areas that make village budgets prone to corruption. The five process areas are: 1). Planning process (potential for elite capture); 2). Implementation process (potential for nepotism and non-transparency); 3). Goods and services procurement process in the distribution and management of village funds (potential mark-up, engineering and non-transparency; 4).

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[12] Section 9 ayat (2) Peraturan Menteri Dalam Negeri Number 113 Tahun 2014 tentang Pengelolaan Keuangan Desa

Double accountability process (potential fictitious report), and 5). Monitoring and evaluation process (formal, administrative, and late corruption detection).[13]

Seeing this condition, one of the real problems faced by the village government is pseudo-participation in the planning process. This is a problem because the laws mandate community involvement in formulating the programs to be carried out. It is hoped that the impacts of these jointly-developed programs will be felt directly and supervised by the community.

Case Mapping by Regions

ICW conducted a mapping of corruption cases by region in each of the 34 provinces, including district, city and national to see the anti-corruption commitments in those regions and ensure the implementation of good governance. However, it should be noted that the results of this mapping are NOT a basis for deeming a region as the most corrupt.

We identify in this report two factors that can lead to a high corruption rate in the region. The first factor is high public participation in reporting cases of alleged corruption and supervising the handling of corruption cases by law enforcement agencies. The second factor is law enforcement agencies' high level of activity in the regions in cracking down on corruption cases and periodically conveying information to the public.

The following are the results of the monitoring in 2022:

Province	Number of Cases	State Losses	Bribes and Illegal Fees	Money Laundering
East Java	57	54.017.332.070	37.972.800.000	-
West Java	33	197.946.272.982	9.817000.000	-
East Nusa Tenggara (NTT)	30	22.792.268.183	2.415.000.000	-
Aceh	28	88.449.238.949	-	-
South Sumatera	28	50.478.205.863	392.300.000	700.000.000.000
Riau	25	4.958.300.679.272	3.225.000.000	-
Bengkulu	24	73.799.748.211	311.700.000	-
North Sumatera	19	37.037.689.820	1.144.000.000	-

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[13] KPK Report on Village Financial Management: Allocation of Village Funds (2015

Region	Cases	Col3	Col4	Col5
Central Java	19	59.584.129.210	18.582.207.750	-
West Kalimantan	18	55.791.594.825	572.000.000	-
South East Sulawesi	17	10.976.586.239	2.400.000.000	7.780.000.000
Bali	17	301.230.100.367	4.700.000.000	7.000.000.000
North Maluku	17	17.488.855.703	-	-
Central Kalimantan	15	29.796.737.765	-	-
North Sulawesi	15	145.372.810.268	500.000.000	-
National	15	34.866.818.950.819	10.900.000.000	-
Lampung	14	40.366.081.835	4.400.000.000	-
Riau Islands	14	37.435.725.574	1.200.000.000	-
South Kalimantan	13	14.734.008.197	104.300.000.000	-
East Kalimantan	13	85.511.765.914	5.700.000.000	-
South Sulawesi	13	67.445.217.925	-	-
West Sumatera	12	29.405.879.288	25.000.000	-
Bangka Belitung Islands	12	11.034.089.103	7.500.000.000	-
Papua	12	120.564.710.659	432.600.000.000	-
Jambi	11	12.685.840.553	12.900.000.000	-
West Sulawesi	11	25.966.923.737	-	-
Maluku	11	35.559.124.642	500.000.000	-
Banten	10	208.286.731.509	18.700.000.000	-
Central Sulawesi	10	11.048.075.969	397.912.284	-
West Nusa Tenggara (NTB)	10	13.580.239.790	31.900.000.000	-
DKI Jakarta	8	867.473.261.604	-	241.200.000.000
DI Yogyakarta	8	38.430.054.081	397.912.284	-
West Papua	8	40.869.684.138	800.000.000	-
North Kalimantan	6	104.603.100.000		-
Gorontalo	6	12.666.109.985	-	-
Total	**579**	**42.747.547.825.049**	**705.282.920.034**	**955.980.000.000**

Table 8. Case Mapping by Region in 2022

Based on the data above, the highest number of corruption cases in 2022 occurred in East Java Province where law enforcement agencies successfully handled 57 cases and named 128 people as suspects. If we examine this further, East Java Province from 2018 to 2022 has consistently

ranked in the top five provinces with the highest number of corruption cases, which are detailed in the following figure:
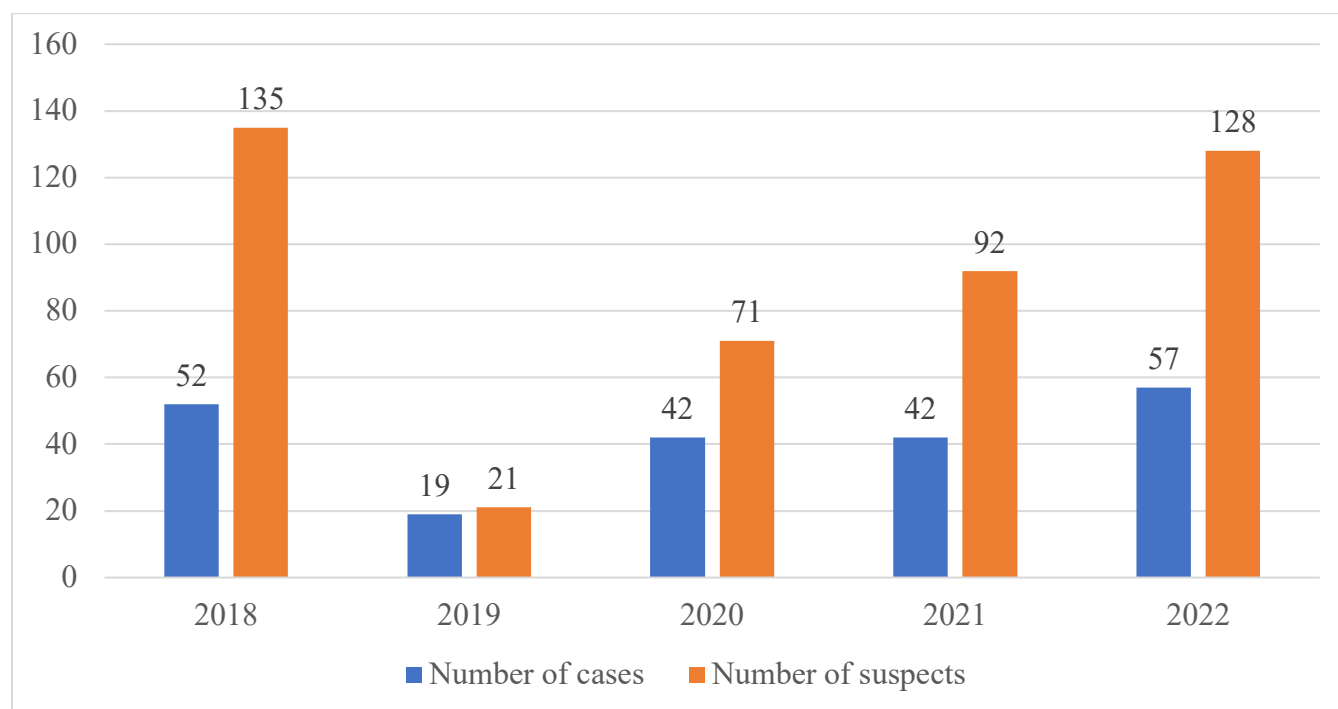

Figure 7. Corruption Trends in East Java Province 2018-2022

The massive corruption in East Java Province indicates that local governments need to optimize budget management and government services in the context of preventing corruption.

Other provinces with the highest number of corruption cases successfully handled by law enforcement agencies include West Java (33 cases), East Nusa Tenggara (30 cases), Aceh (28 cases), and South Sumatra (28 cases). From this data, ICW conducted a cross-tabulation between corruption-prone sectors and the five regions with the highest corruption rates in order to identify law enforcement agencies' tendency to focus on eradicating corruption.

As a result, in these five regions law enforcement agencies tended to prosecute cases of alleged corruption related to the village sector (36 cases), natural resources (25 cases), education (19 cases), and utilities (19 cases). This shows that the prosecution of corruption cases by the prosecutors in the provinces of East Java, West Java, East Nusa Tenggara, Aceh and South Sumatra tended to target the village sector with the lowest administrative position.

If examined further, the pattern of corruption in the village sector still uses various old modes so that law enforcement agencies can resolve targeted cases in their work units in their area.

Case Mapping by Actors

ICW mapped corruption cases by actors and found at least 25 positions that were involved in corruption. This report wants to emphasize the importance of mapping by actors to see the performance of law enforcement agencies in trapping high/middle/low level actors, and also because corruption is generally carried out systemically and involves actors with high authority. The following is the result of mapping corruption by actors:

Actor	Number of Cases	Percentage
Regional Government Employees	365	26,15
Private sectors	319	22,85
Heads of subdistrict/village	174	12,46
Employees of Ministries/Non-Ministerial State Agencies/State Agencies	79	5,66
Subdistrict/village apparatus	77	5,52
Speakers/members of DPRD	60	4,30
Community members	57	4,08
BUMD employees	46	3,30
BUMN employees	37	2,65
BUMD CEOs	24	1,72
Regents/Vice Regents	21	1,50
School or Other Equivalent Educational Institutions Staff	21	1,50
Head/members of organizations/groups	18	1,29
Unidentified	17	1,22
BUMDes employees	16	1,15

Head of Non-Ministerial Government Agency/State Agency	14	1,00
BUMN officials	14	1,00
Law enforcement agencies	10	0,72
Higher Education/University Administrators	9	0,43
Corporate	6	0,64
School Education Personnels or Equivalent Educational Institutions	3	0,21
Members of political parties	3	0,21
Notaries	3	0,21
Health workers	2	0,14
Village Consultative Council	1	0,07
TOTAL	**1.396**	**100,00**

Table 9. Case Mapping by Actors in 2022

It can be seen in the table above that corruption cases in 2022 do not differ significantly from the previous years in that they were mostly perpetrated by two main actors: local government officials and the private sector. The involvement of actors with the backgrounds in both professions in many corruption cases is interrelated, especially in cases related to the procurement of goods and services.

In all of these cases, public officials acted as passive bribers (Passief Omkoping) because as state administrators they have significantly broad access to the policies taken, which then has an impact on transactional relationships with private parties as active bribers (Active Omkoping). Without integrity as the basis for policy making, this will certainly have a very negative impact on public accountability which cannot work properly because public officials have abused their authority. [14]

ICW also classified professional background based on their employment status to see whether the named suspects had the status of a State Civil Apparatus (ASN) or a Non-ASN. From the data processed, ICW found that out of 1396 suspects, 506 people or 36 percent had ASN status, while

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[14] Radita Ajie, "Kriminalisasi Perbuatan Pengayaan Diri Pejabat Publik Secara Tidak Wajar (*Illicit Enrichment*) dalam Konvensi PBB Anti Korupsi 2003 (UNCAC) dan Implementasinya di Indonesia", *Jurnal Hukum,* p. 4

873 people or 63 percent had non-ASN status. As for the remaining 17 suspects, we could not find more detailed information.

Even though the number of ASN actors is not as high as the actors with Non-ASN status, the government still have to pay serious attention to this matter because it relates to the Bureaucratic Reform Grand Design which is further regulated in Presidential Regulation No. 81 of 2010. In this draft there are eight areas of change in bureaucratic reform which are essentially focused on administering government that is clean and free from corruption, collusion and nepotism, as well as improving the quality of public services.

However, looking at the findings that have been discussed, this agenda does not appear to have had a significant impact. This at least suggests that each inspectorate, whether central or regional, needs to optimize the oversight or control function as an effort to prevent corruption within the government bureaucracy.

Formally, the ASN Law confirms that the President has the highest authority over professional development policies and ASN management. In its implementation, the President is assisted by the Ministry of Administrative Reform and Bureaucratic Reform (KemenPAN-RB), the State Administration Agency, the State Civil Service Agency (BKN), and the State Civil Apparatus Commission (KASN).

ICW noted that since the enactment of the ASN Law in 2014 to 2022, at least 3,098 ASNs have been caught in corruption cases. The large number of corruption cases involving civil servants indicates that corruption loopholes are still extant especially at the regional level. The phenomenon of bureaucratic corruption, especially after the implementation of decentralization has more or less explained the failure of the bureaucratic reform agenda and the poor supervision from the center over the regions.

In addition, ICW's monitoring also identified corruption cases specifically perpetrated by the three branches of government - the executive, legislative and judiciary.

Cases of Buying and Selling Position by Regional Heads

The great authority given to regional heads makes the promotion and transfer of ASN prone to corruption by conspiracy, which is seen in at least two cases involving two regional heads in 2022, namely Bekasi City Mayor Rahmat Effendy and Pemalang Regent.

Such discretion actually has the potential to open space for transactional politics to occur which eventually causes this practice to become a vicious circle that is difficult to break and hinders public services because it prioritizes power over the general principles of good governance.

The KASN chairman revealed that the recurring cases of buying and selling positions involving regional heads and ASN were caused by the symbiosis between the two actors. On the one hand there is greed for power, and on the other hand there is the ASN mentality that wants to get a position quickly.[15] Furthermore, the rampant cases of buying and selling positions in Indonesia are like an iceberg phenomenon. There may still be a few cases that have been uncovered, but it is possible that there are still many cases that have yet to be uncovered.

Problems with Judicial Corruption and the Judicial Mafia

Basically, judicial mafia practices are systematic, conspiratorial, collective and structured. This practice involves at least two actors, namely law enforcement officials and parties who are in litigation with the aim of winning their interests through abuse of authority and administrative negligence in an unlawful manner in order to influence the law enforcement process in the context of the judge's considerations.

As a result, the court's honor as a gateway for justice seekers has turned into an arena for seeking victory rather than truth and justice, which will eventually cause damage to the legal system.[16] This was further exacerbated when KPK named two Supreme Court Justices as suspects, namely

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[15] Komisi Aparatur Sipil Negara, Berita, "Jual Beli Jabatan Terus Berulang, ASN Perlu Tingkatkan Integritas" at WWW: https://kasn.go.id/id/publikasi/jual-beli-jabatan-terus-berulang-asn-perlu-tingkatkan-integritas (accessed on 21 February 2023)

[16] Candra Ulfatun Nisa & Nyoman Serikat Putra Jaya, "Fenomena Mafia Peradilan terkait Independensi Kekuasaan Kehakiman dalam Perspektif Budaya Hukum di Indonesia" Journal of Judicial, Vol.23 No. 2 (December 2021) pp. 162-163

Sudrajad Dimyati[17] and Gazalba Saleh, in the alleged bribery case in the handling of the Intidana Savings and Loans Cooperative case at the Supreme Court (MA).[18]

It is important to underline that this *Judicial Corruption* has harmed the sense of justice, even though the concept of a rule of law is to guarantee the implementation of an independent judicial power as an integral part of law enforcement agencies and is the spearhead for enforcing the law and realizing justice.[19]

Rampant Corruptoon by the Member of the Legislature

ICW's monitoring found many corruption cases involving political actors. In 2022, law enforcement agencies succeeded in naming 60 suspects with legislative backgrounds. An interesting thing that is important to highlight is the rampant corruption which is carried out jointly by the representatives of the people. The phenomenon of mass corruption was found in two cases, namely the alleged corruption in the Paniai Regency APBD funds involving 12 DPRD members and the alleged corruption case which was an extension of the Jambi RAPBD bribery case, in which the KPK named 21 Jambi Provincial DPRD members as suspects.

Both cases are very ironic and concerning. Instead of carrying out the oversight function of local government performance, these DPRD members actually participated in the vortex of corruption. Congregational corruption committed by DPRD members has also created distrust by the public towards almost all members of the legislature in the regions.

Even so, corruption involving members of the legislature at the regional level did not only occur in 2022. In 2019, 45 members of the Malang City DPRD members were named suspects, and in 2020 a similar case also ensnared 14 members of the DPRD in Jambi Province.

One of the root causes of the high rate of corruption carried out jointly by the members of the legislature at the regional level is the high political costs in the nomination process, while at the

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[17] Kompas.com, "KPK Tetapkan Hakim Agung MA Sudrajad Dimyati Jadi Tersangka Suap" at WWW: https://nasional.kompas.com/read/2022/09/23/03440571/kpk-tetapkan-hakim-agung-ma-sudrajad-dimyati-jadi-tersangka-suap (accessed on 12 February 2023)

[18] Kompas.com, "KPK Resmi Umumkan Hakim Agung Gazalba Saleh dan Bawahannya Jadi Tersangka" at WWW: https://nasional.kompas.com/read/2022/11/28/19145541/kpk-resmi-umumkan-hakim-agung-gazalba-saleh-dan-bawahannya-jadi-tersangka (accessed on 12 February 2023)

[19] *Ibid*

same time the income as a member of the legislature is considered inadequate. As a result, people's representatives in the regions are trying to find additional funds through fraudulent practices. Weak oversight within the DPRD internally and from the political parties they originate from is also another reason why mass corruption can occur.

Case Mapping by Law Enforcement Agencies

As the spearhead in efforts to eradicate corruption, and also as an instrument of law enforcement, the Attorney General's Office, Police and Corruption Eradication Commission are certainly the foundation of public hope to work optimally in eradicating corruption. However, looking at the recent level of public satisfaction, it is difficult to conclude that the performance of law enforcement officials has been going well.

One classic problem in the three law enforcement agencies is their lack of synergy in handling cases. In fact, in many cases, the main factor for their poor coordination is the existence of sectoral egos from each law enforcement agency.

This problem can actually be avoided by establishing coordination and cooperation between the KPK, the Police and the Attorney General's Office. The role of coordination and supervision is the KPS's main task, which has a trigger mechanism function to support other law enforcement agencies including the Attorney General's Office and the Police in accelerating the process of eradicating corruption.

Coordination and supervision within the framework of enforcement need to be properly implemented to make it easier for law enforcement officials to catch corruption offenders and their intellectual actors. Unfortunately, this function has not run well as noted in this 2022 report on trends in corruption cases.

In addition, case mapping by law enforcement agencies was carried out to measure the performance of each agency for six months in 2022. It should be emphasized that the data used to measure the performance of the three law enforcement agencies are the case handling targets and budget allocations contained in the DIPA FY 2022 compared to the actual handling of the case.

Another aspect related to the importance of this monitoring is the various obstacles that are often faced by the community, namely the lack of information regarding the prosecution of corruption cases that are already at the investigation stage, which makes it difficult for the community to participate in carrying out the supervision. Therefore, ICW conducted case mapping by law enforcement agencies in 2022 to provide an overview of law enforcement performance, especially at the regional level, which is expected to be a source of information for the local community to monitor the process of handling cases carried out by local law enforcement agencies.

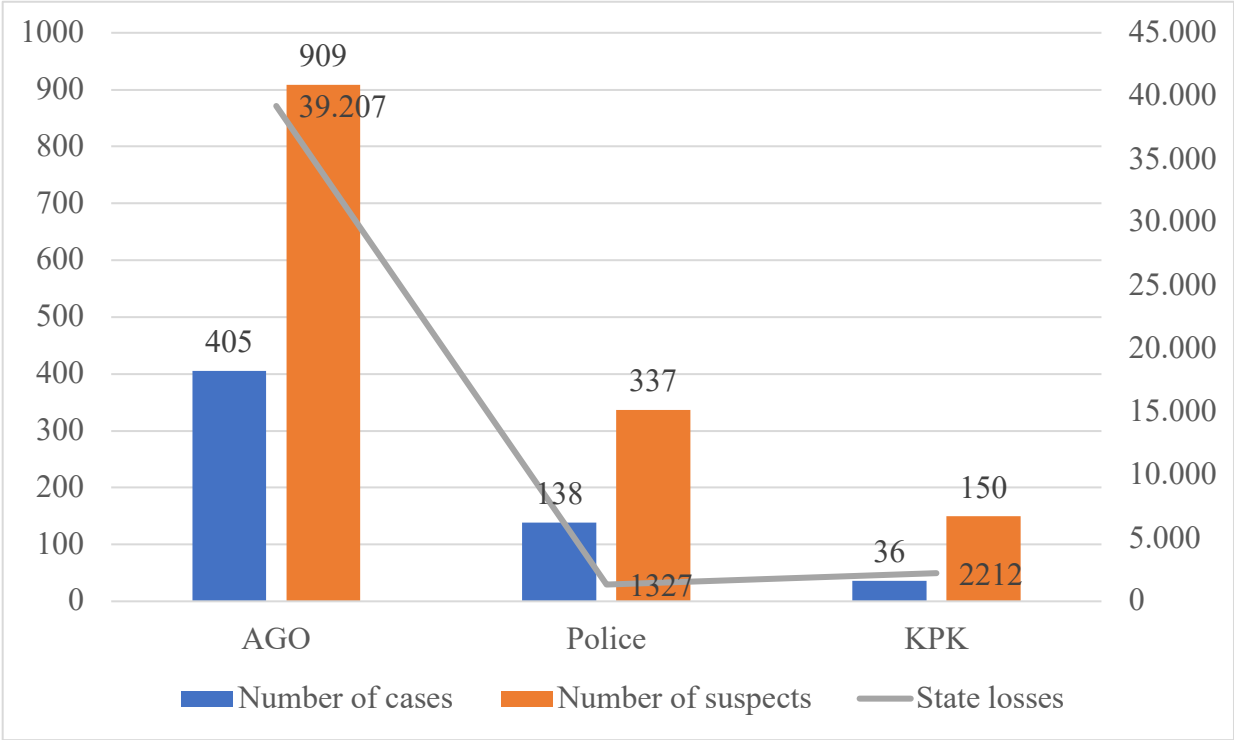The results of corruption cases monitoring by law enforcement agencies can be seen in the following figure:

Figure 8. Case Mapping by Law Enforcement Agencies in 2022

The figure above in general shows that AGO outperforms the Police and KPK in handling corruption cases. AGO during 2022 has handled 405 cases with 909 suspects and potential state financial losses of IDR 39,207,812,602,078 (IDR 39.2 Trillion).

Meanwhile, during 2022 the Police handled 138 corruption cases with 337 suspects. The potential loss to the state which has been investigated by the police is IDR 1,327,532,895,638 (IDR 1.327

trillion). The KPK itself only handled 36 corruption cases with 150 suspects resulting in state losses of IDR 2,212,202,327,333 (IDR 2.212 trillion).

In analyzing the performance of law enforcement, ICW considered three aspects: First, a comparison between the target for prosecution of corruption cases and the realization. Second, the imposition of articles to impoverish corruptors as a deterrent effect. Third, actors who are designated as suspects by law enforcement. Below is a further breakdown of the performance of each law enforcement agency

Attorney General's Office (AGO)

AGO's performance over the last two years has indeed shown a positive trend, at least if you look at the cases handled by AGO which have had fantastic losses, starting from the Jiwasraya case, PT Asabri, to the cooking oil corruption. This can also be seen in the trend of prosecution of corruption cases carried out by the Attorney General's Office over the past five years, which has increased from all sides, both the number of cases, suspects, and the potential value of state losses. In more detail, the trend of prosecution of corruption cases by the Attorney General can be seen in the table below:
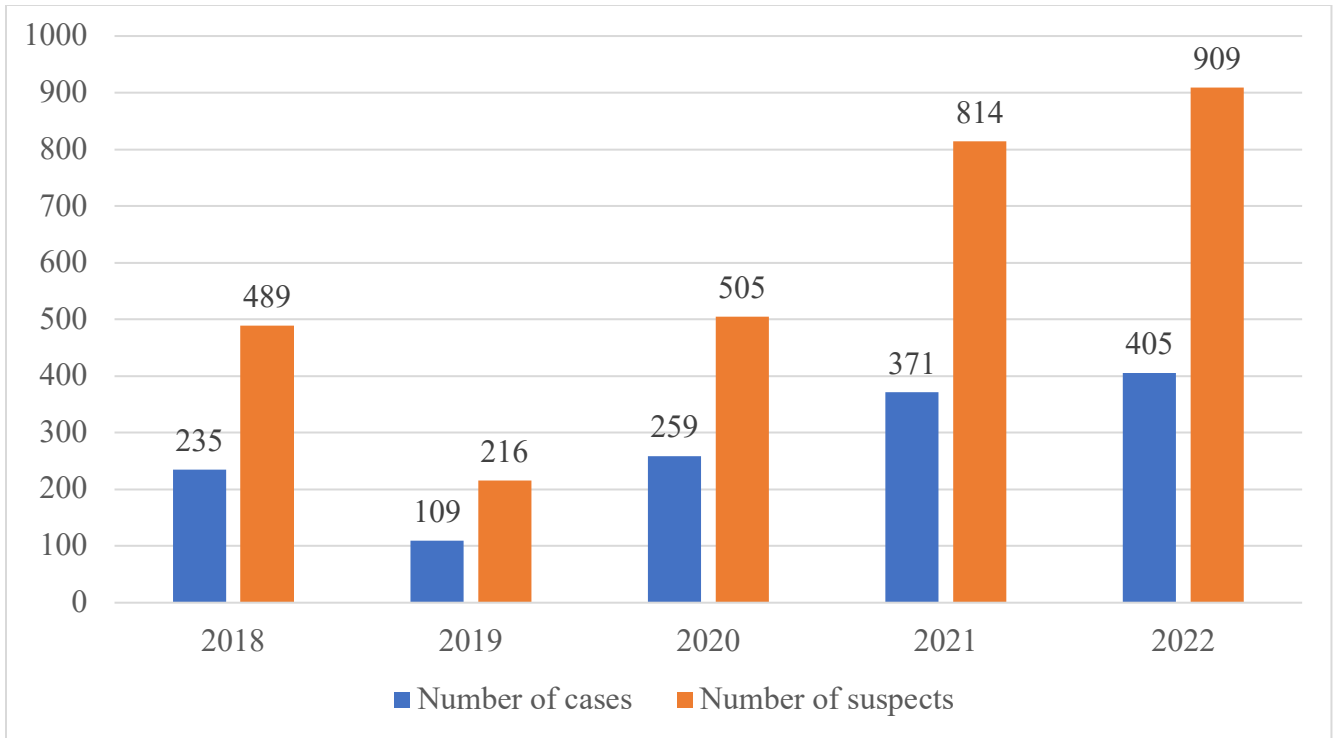
Figure 9. Trends in Enforcement of Corruption Cases by the Attorney General's Office in 2018-2022
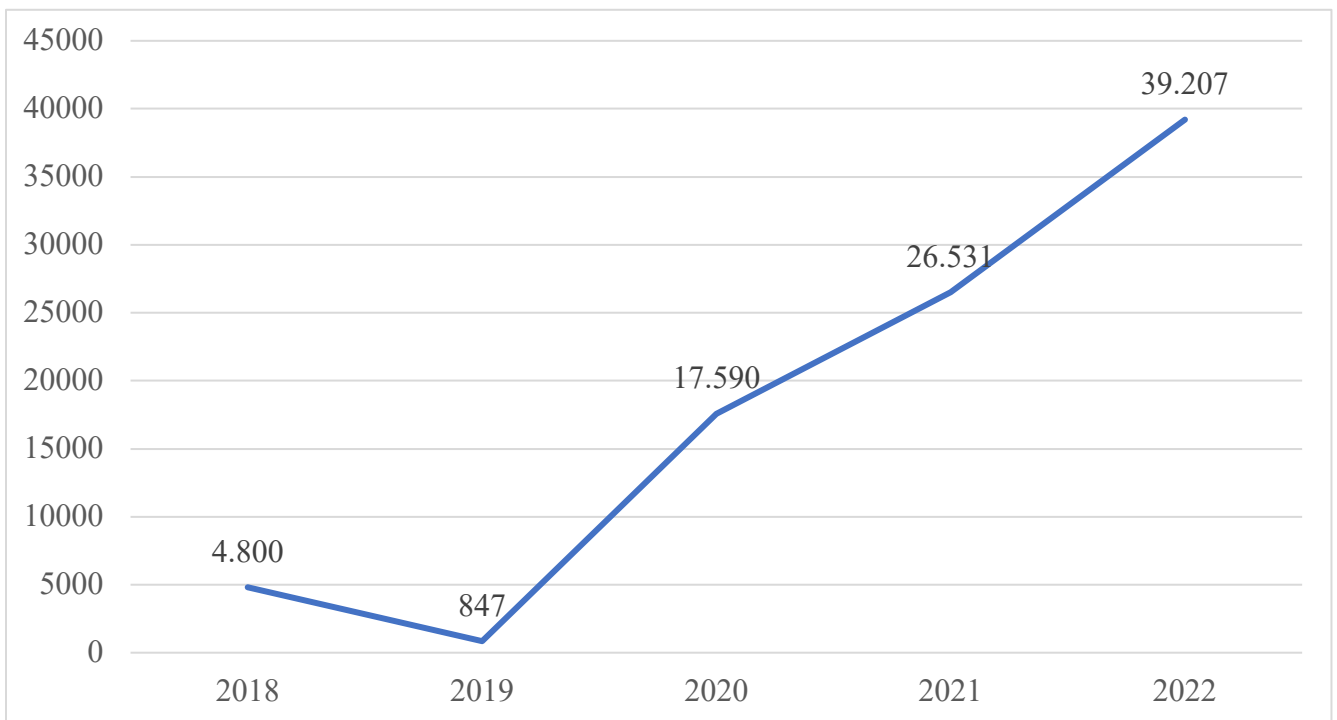

Figure 10. Potential State Losses Investigated by the Attorney General's Office for 2018-2022

AGO has succeeded in investigating cases with a total potential state loss of up to IDR 39 trillion. On the one hand, the agency's success in uncovering cases with fantastic value deserves appreciation. On the other hand, this cannot be the only indicator of success because there is still an adjudication process that must be followed. AGO, which has the authority to carry out the prosecution process, needs to ensure that the value of potential state losses that have been uncovered by investigators can be fully returned to the state treasury.

Therefore, it is important to supervise the handling of every corruption case with the potential for fantastic state losses at the Attorney General's Office. As explained, in the last two years there have been several major cases with significant losses to the state, including PT. Asabri case, which based on BPK's calculations, cost the state up to IDR 22.78 trillion[20] and the Jiwasraya corruption case which amounted to IDR 16.81 trillion.[21]

Even though the number of cases handled is the highest, information management regarding case handling at AGO needs to be continuously developed. During the monitoring process, we experienced difficulties in obtaining primary sources of information, especially at the district attorney's office. We found that the official websites of a number of prosecutor office were not working, or even not being found at all. This issue should become the focus of the Attorney General to immediately address it to ensure transparency and accountability for law enforcement performance.

Target vs Realization

Based on the 2022 Budget Implementation List, the target for handling corruption cases by the AGO in one year is 1027 corruption cases per year, which has doubled compared to the previous year, namely 571 cases. This increase has of course been adjusted to the resources they currently have considering from a personnel perspective, the number of Prosecutors' Agencies throughout Indonesia is recorded at 536 offices consisting of 1 (one) Junior Attorney General for Special

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[20] Michael Joshua, CNN, "Jaksa Agung: Kerugian ASABRI Hitungan BPK Rp22,78 triliun" at WWW: https://www.cnnindonesia.com/nasional/20210531151540-20-648805/jaksa-agung-kerugian-asabri-hitungan-bpk-rp2278-triliun (accessed on 17 November 2022)

[21] Devina Halim, Kompas.com, "BPK: Kerugian Negara dalam Kasus Jiwasraya mencapai Rp 16,81 triliun", at WWW: https://nasional.kompas.com/read/2020/03/09/15334091/bpk-kerugian-negara-dalam-kasus-jiwasraya-mencapai-rp-1681-triliun (accessed on 17 November 2022)

Crimes at the national level, 34 High Prosecutors in at the province level, and 501 District Attorneys at the regency/city level.

On average, each Prosecutor's Office at the provincial, district or city level is required to handle 2 corruption cases, while the Attorney General's Office has a target level of investigation of 40 cases. The increase in the target number of cases was accompanied by an increase in the Attorney General's budget ceiling. Last year the prosecutor's budget under investigation was IDR 75.5 billion, while in 2022 it increased to IDR 138,957,660,000 (IDR 138 billion). This means that on average each prosecutor's office received a budget allocation of IDR 135,005,233 (IDR 135 million) per case.

From the aspect of performance realization, the Attorney General's Office in 2022 was recorded to have handled 405 cases and named 909 suspects (cases) of the targeted 1,027 cases or reaching 88 percent. If we take a closer look, on average each judiciary institution has handled 3 cases.

The figure below shows the Attorney's performance in handling corruption cases in all provinces in Indonesia.
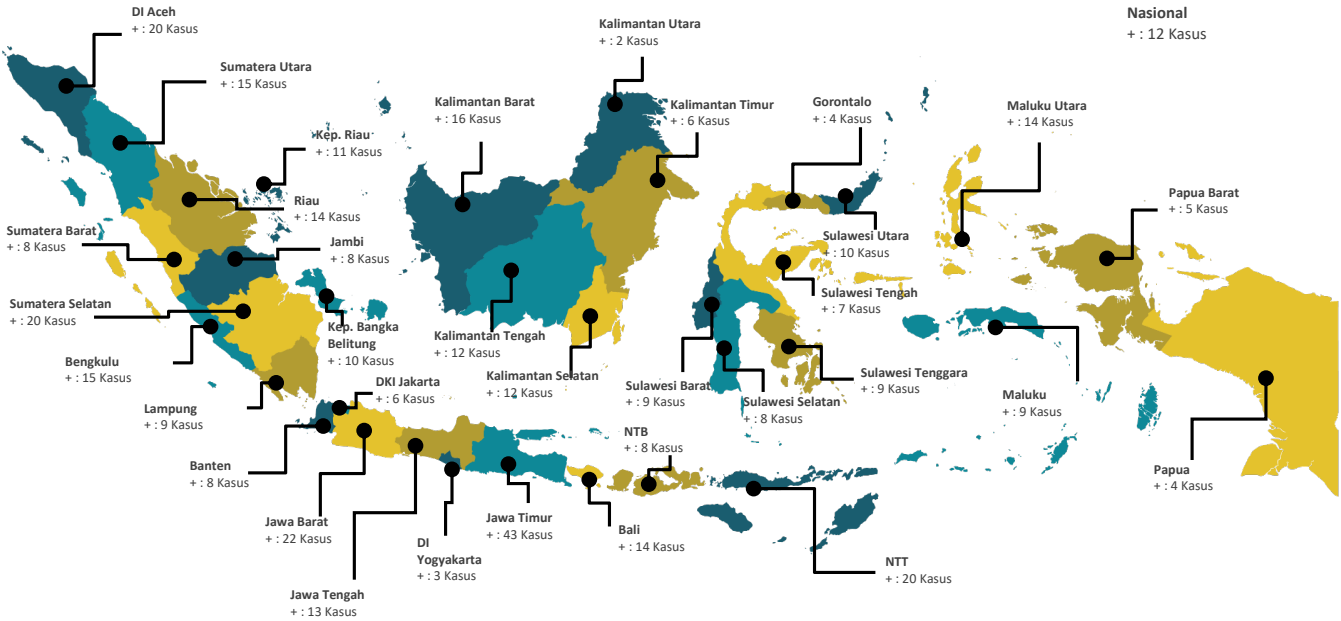

Figure 11. Distribution of Areas Handled by the Prosecutor's Office in 2022

Although relatively good, the performance of the prosecutor's office at the regional level still requires increased coordination and supervision from the Junior Attorney General for Special Crimes at the Attorney General's Office. It is also important to note that the handling of corruption cases by the AGO should not only appear to be pursuing targets or as if it is forcing cases to be handled, or submitting cases to court without being accompanied by strong evidence, and not developing cases to target intellectual actors.

Imposition of Article

Similar to findings in previous years, almost every law enforcement agency, including the AGO, used article 2 or article 3 of the Corruption Law more frequently. Throughout 2022, out of 405 corruption cases investigated, 376 or around 93 percent of them were handled under this state loss article. Of the remaining, the AGO charged extortion in 14 cases, bribery in 7 cases, conflict of interest in procurement in 2 cases, embezzlement in office in 2 cases, and obstruction of the investigative process in 2 cases.

Unfortunately, the spirit to seize assets resulting from crime by the AGO has not yet been seen. The AGO has only been recorded using the money laundering article five times, which shows that the AGO does not yet have a clear vision for recovering assets resulting from corruption crimes. It is also unfortunate that the solution to this problem as proposed by the Attorney General is to apply restorative justice in corruption cases.

According to this proposal, the AGO will apply restorative justice to perpetrators of corruption with state losses of under IDR 50 million, and the settlement of cases will be carried out outside the court. According to the Attorney General, this concept is applied because the handling of corruption cases needs to emphasize the follow-the-money approach, not follow-the-suspect.

It is important to emphasize that this proposal from the Attorney General is inappropriate and has no clear legal basis. Article 4 of the Corruption Law emphasizes that recovering state losses does not eliminate criminal prosecution. That is, if the application of restorative justice as interpreted by the Attorney General's Office is to eliminate punishment for corruptors, then it is certain that legally the Attorney General's proposal is baseless and contradicts the provisions of article 4.

To put it more simply, the concept of restorative justice is to place interested parties, both perpetrators and victims in certain criminal acts, to resolve the consequences of these violations. This means that this approach focuses on justice and restoration of victims. Therefore, this concept is not appropriate for cases of corruption. Instead of drafting a Prosecutor's Regulation that would accommodate this principle in corruption cases, the Attorney's Office should focus more on pursuing criminal proceeds using existing legal instruments.
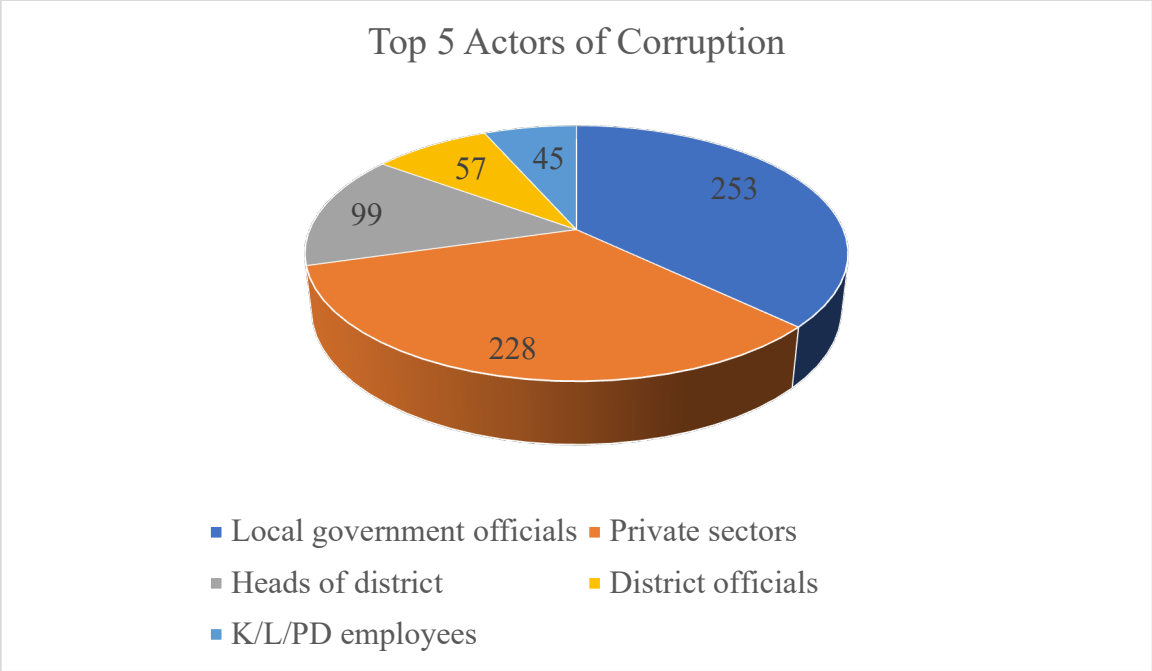
Actors of Corruption

Figure 12. Top Five Actors Handled by the Attorney General's Office of the Republic of Indonesia in 2022

If we take a closer look, of all perpetrators of corruption that have been handled, the AGO has not approached that many cases involving actors with high profile categories or parties from the political sphere. In fact, the AGO has the same authority as other law enforcers in handling corruption cases, namely the Corruption Law, so it is not impossible that the Attorney General's Office can investigate the involvement of actors whose roles are more strategic or intellectual dader.

Police Departement

Corruption cases investigated by the police at least until 2022 are almost unheard of. The figure below shows that in terms of quantity, the number of cases, the number of suspects and the potential value of state losses handled have fluctuated compared to the trend of prosecution of corruption over the last five years.
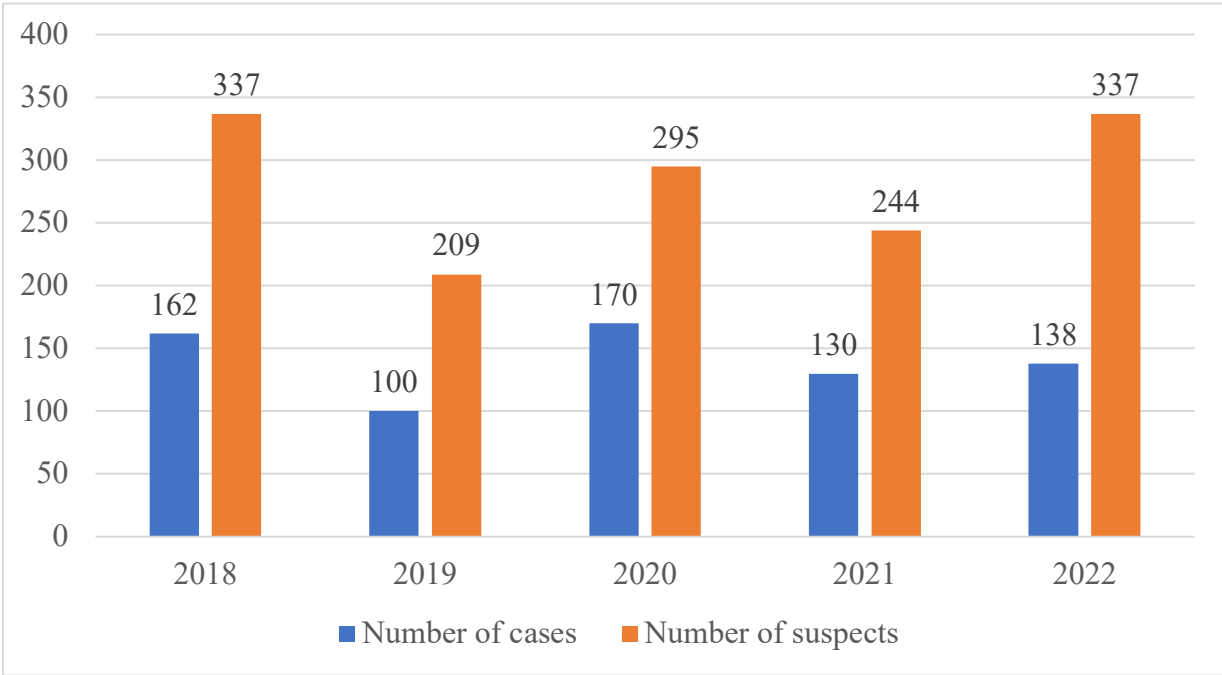

Figure 13. Trends in the Prosecution Corruption Cases by the Indonesian National Police in 2022
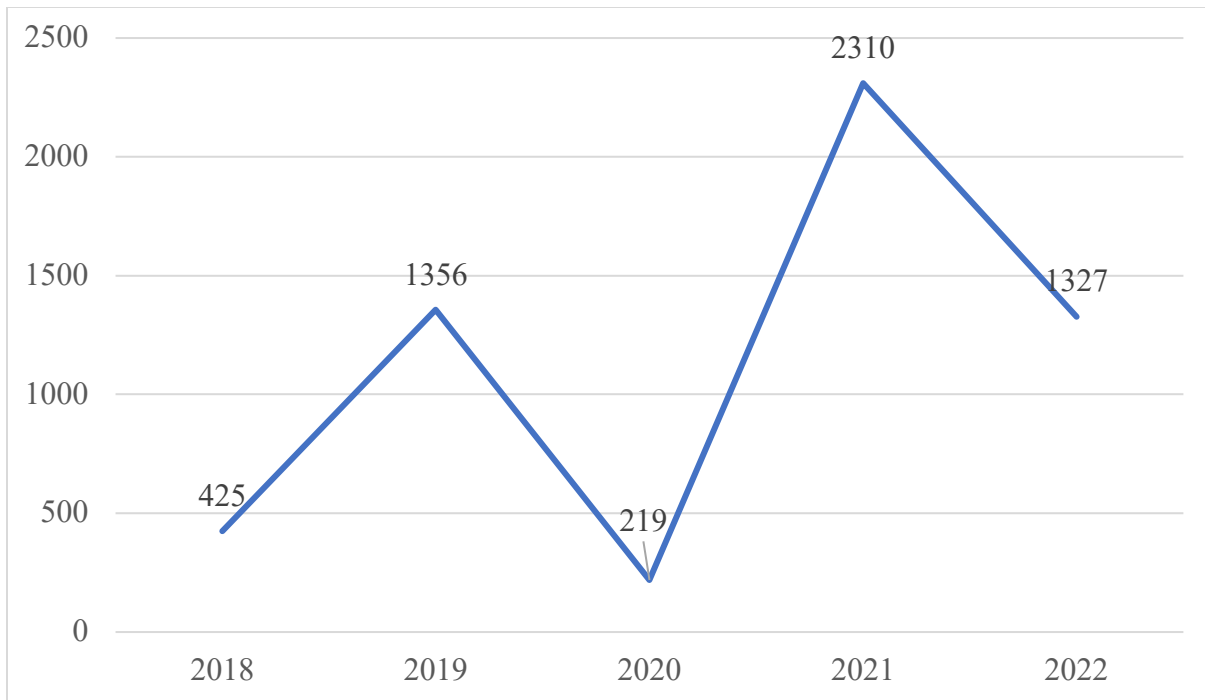
Figure 14. Potential State Losses Investigated by the Police in 2018-2022

As seen in the figure above, the prosecution of corruption cases by the Police has fluctuated and tends not to show a significant amount, which at least indicates two things. First, the performance of the Police in handling corruption cases has decreased in terms of quantity. Second, the management of information regarding the prosecution of corruption cases by the Police is getting worse.

Just like with the AGO, any information related to the case handling process was very difficult to find at the national, provincial, or district/city levels. As explained at the beginning of this report, one of the information that is very difficult for the public to access is the progress of case handling. This situation raises the potential for abuse of authority, especially if it is not followed by clear and strict internal controls. One legal instrument that has the potential to be misused and can be a means to enrich oneself is the issuance of an Investigation Termination Warrant (SP3).

The reduction in the handling of corruption cases by the Police in quantity needs to be tested in terms of the quality of handling cases, just like the AGO. Following are the results of an analysis of the performance of the Police throughout 2022.

Target vs Realization

Based on the 2022 Budget Implementation List, the target for handling corruption cases by the Police Department is 1625 cases per year. This high target should not pose a problem since the Police have more resources compared to the other two law enforcement agencies. There are 517 police headquarters in Indonesia, which consist of 1 (one) Sub-Directorate of Corruption at the national level, 34 Regional Police headquarters (Polda) at the province level, and 483 Departmental Police headquarters (Polres) at the regency/city level.

Each police force at the provincial and district/city levels is required to handle corruption cases with a minimum of one case and a maximum of 75 cases. Meanwhile, at the Criminal Investigation Agency (Bareskrim) at the National Police Headquarters, the target for handling cases is 25 cases per year, with a total budget managed by the Police at IDR 291,711,981,000 (IDR 291 billion).

The average budget for the prosecution of one case is IDR 209,604,463 (IDR 209 million). Bareskrim received a budget of IDR 5,503,393,000 (IDR 5.5 billion) for 25 corruption cases or IDR 217,847,920 (IDR 217 million) per case.

If we compare the target with the actual handling of cases carried out by the Police throughout 2022, this agency has only managed to handle 138 cases with 337 suspects (cases). Even though it increased compared to the previous year, the realization of the target of case handling by the police only reached 21 percent.

The Police's performance, which has been stagnant in handling corruption cases for the last five years and is far from this target, requires special attention from the National Police Chief as the supreme leader. The National Police Chief needs to take concrete steps to increase the capacity and quality of human resources, especially all investigators tasked with handling corruption cases. In terms of performance transparency and accountability, the Police also rarely make annual reports which are actually important so that the public can find out about the performance of the Police every year, including in terms of handling corruption cases.

Furthermore, given the very limited information we found regarding the handling of corruption cases by the Police, along with the distribution of areas for handling corruption by the Police. It can be seen that the Police did not carry out handling in many areas:
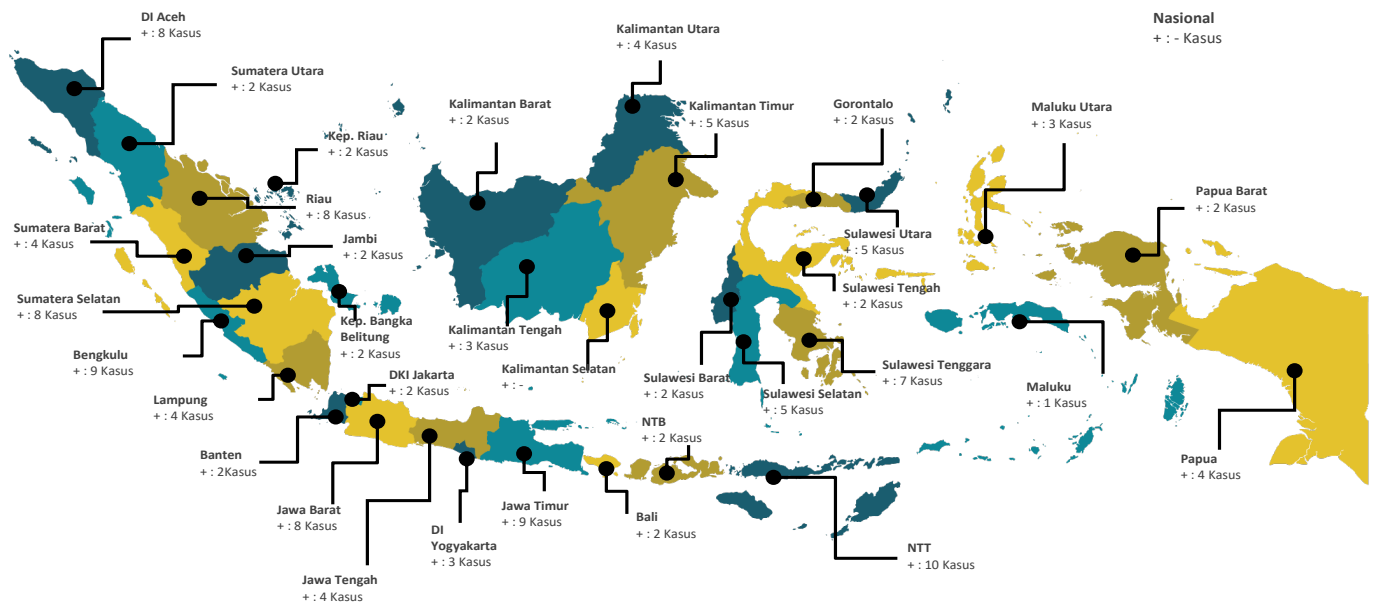
DI Aceh
+ : 8 Kasus

Sumatera Utara
+ : 2 Kasus

Kep. Riau
+ : 2 Kasus

Riau
+ : 8 Kasus

Jambi
+ : 2 Kasus

Sumatera Barat
+ : 4 Kasus

Sumatera Selatan
+ : 8 Kasus

Kep. Bangka Belitung
+ : 2 Kasus

Bengkulu
+ : 9 Kasus

Lampung
+ : 4 Kasus

Banten
+ : 2Kasus

Jawa Barat
+ : 8 Kasus

DI Yogyakarta
+ : 3 Kasus

Jawa Tengah
+ : 4 Kasus

DKI Jakarta
+ : 2 Kasus

Jawa Timur
+ : 9 Kasus

Bali
+ : 2 Kasus

NTB
+ : 2 Kasus

NTT
+ : 10 Kasus

Kalimantan Barat
+ : 2 Kasus

Kalimantan Utara
+ : 4 Kasus

Kalimantan Timur
+ : 5 Kasus

Kalimantan Tengah
+ : 3 Kasus

Kalimantan Selatan
+ : -

Gorontalo
+ : 2 Kasus

Sulawesi Utara
+ : 5 Kasus

Sulawesi Tengah
+ : 2 Kasus

Sulawesi Barat
+ : 2 Kasus

Sulawesi Selatan
+ : 5 Kasus

Sulawesi Tenggara
+ : 7 Kasus

Maluku Utara
+ : 3 Kasus

Maluku
+ : 1 Kasus

Papua Barat
+ : 2 Kasus

Papua
+ : 4 Kasus

Nasional
+ : - Kasus

Figure 15. Distribution of Areas with Corruption Cases Handled by the National Police in 2022

Imposituon of Articles

Based on the data we processed, out of 138 corruption cases, 125 cases or 91 percent were subject to Article 2 paragraph (1) and/or Article 3 of the Corruption Law on Loss of State Finances, while the rest included extortion (7 cases), bribery (3 cases), and embezzlement in office (1 case).

Apart from that, as an effort to encourage a deterrent effect, the police also very rarely apply money laundering articles. Only 4 cases were recorded that were subject to the article. The lack of efforts to impose money laundering provisions is no longer surprising, considering the Police Strategic Plan (Renstra) document for 2020-2024 does not contain a program to prosecute suspected money laundering cases.

In addition, the commitment of the Indonesian National Police Chief Listyo Sigit Prabowo to maximize the return of criminal assets is important to question. During a fit and proper test at the DPR in January 2020, Listyo Sigit said that law enforcement on corruption cases by the Police would prioritize asset prevention and recovery.

In 2021 the National Police Chief also coordinated with PPATK and expressed his agreement that the application of the money laundering crime article needs to be increased considering that corruption has a very high risk in the national economy.[22]
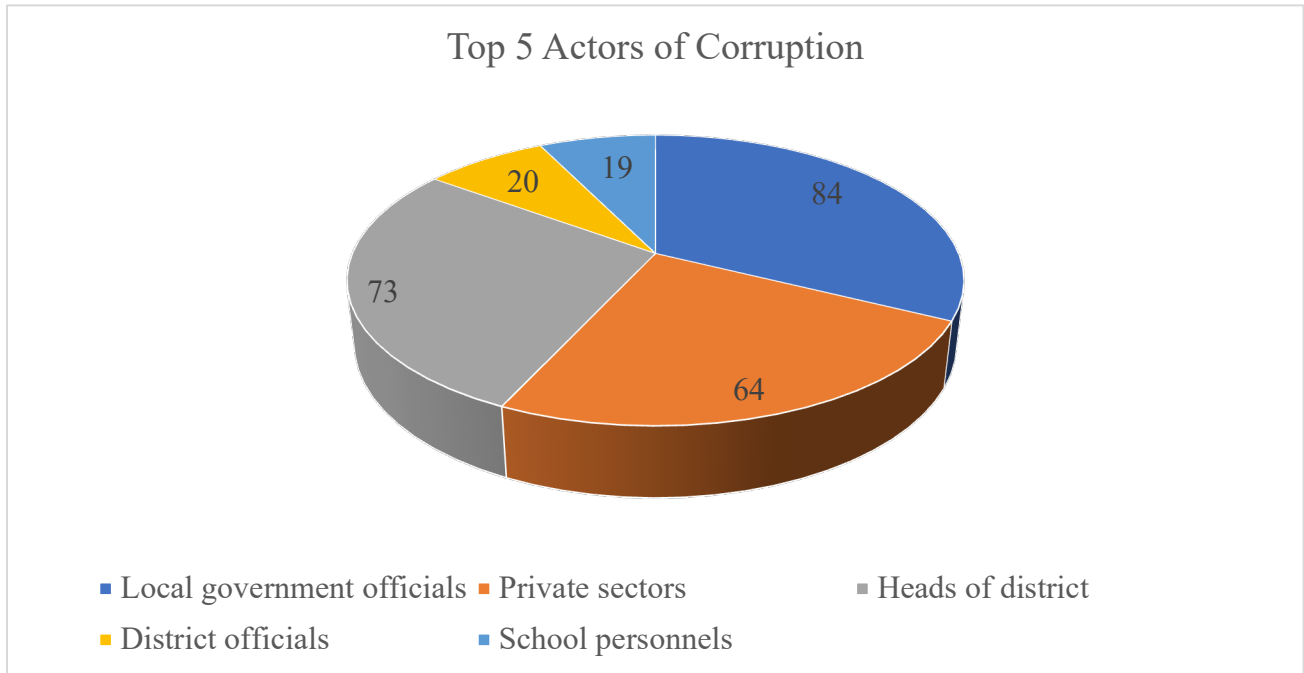
Actors of Corruption

Figure 16. Top Five Actors Handled by the Police in 2022

The figure above shows that the actors being prosecuted by the Police are only limited to operational positions. With the same authority as the KPK and the Attorney General's Office, the Police should also be able to investigate actors from among public officials or state administrators. This is important so that public perception no longer leads to the protection carried out by the police against intellectual fathers in handling corruption cases.

Corruption Eridication Commission

ICW's monitoring in 2022 shows that the KPK's performance has stagnated in terms of the number of cases handled compared to previous years, and has increased in terms of the number of suspects and the potential value of state losses from the cases investigated.

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[22] Budi Suyanto, "PPATK-Polri sepakat tingkatkan penerapan TPPU untuk kejahatan ekonomi" Antaranews.com, 18 Februari 2021, at WWW: https://www.antaranews.com/berita/2006869/ppatk-polri-sepakat-tingkatkan-penerapan-tppu-untuk-kejahatan-ekonomi (accessed on 15 November 2022).

Even so, this increase has not been able to provide a positive trend in the handling of corruption cases that the KPK carried out in the period prior to 2020. It should be suspected that this was caused by the efforts to weaken the KPK through revisions to laws that undermined the authority of this anti-corruption agency. The trend of prosecution of corruption cases by the KPK can be seen in the figure below:
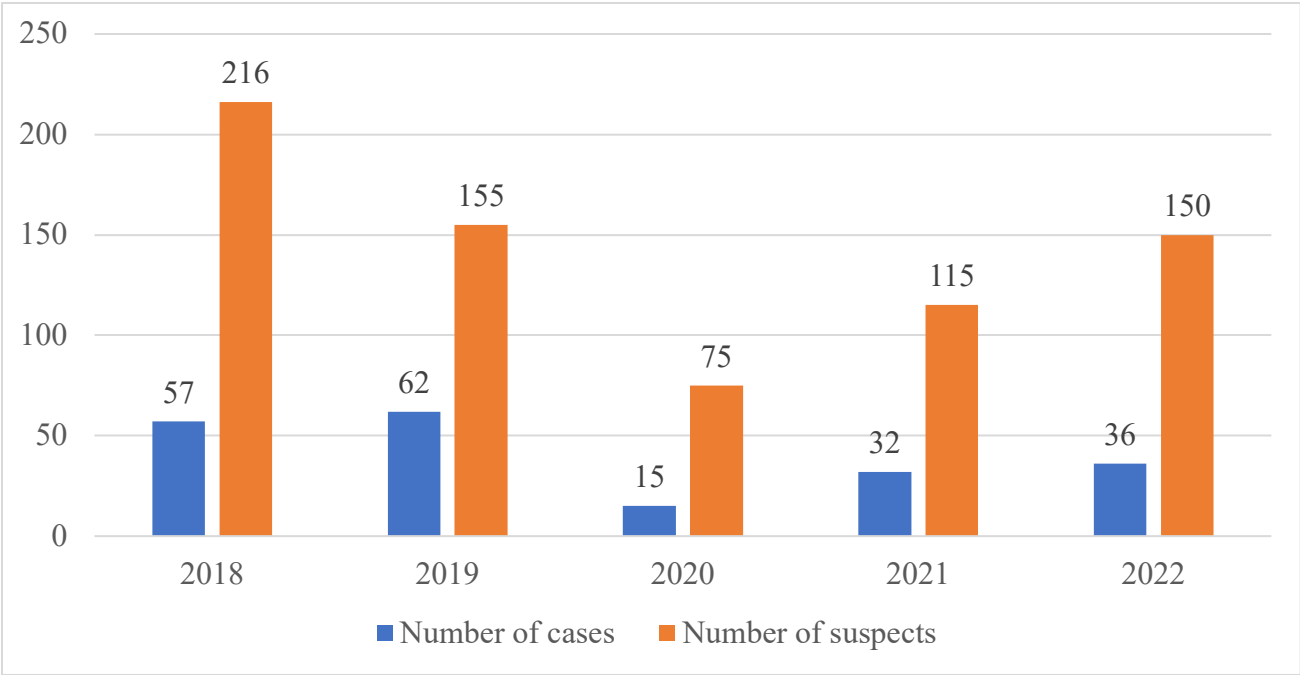

Figure 17. Trends in the Prosecution of Corruption Cases by the Corruption Eradication Commission in 2018-2022
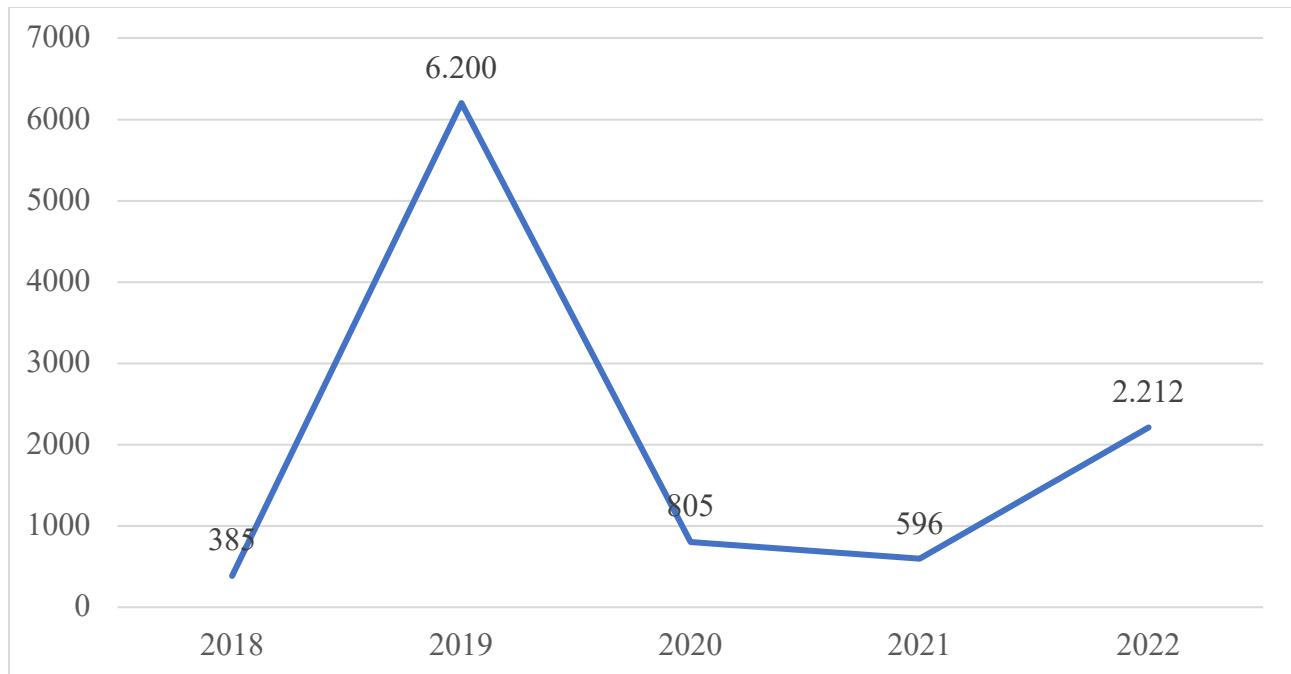
Figure 18. Potential State Losses Investigated by the Corruption Eradication Commission 2018-2022

The consistent decline in KPK's performance in handling corruption cases is not only due to regulatory changes, but also influenced by its leaders. This can be seen from the performance of the KPK commissioners for the 2019-2023 period, who tend to highlight sensations rather than achievements. From problematic institutional policies to allegations of code of ethics violations, all of these factors lead to a conclusion why the trend of prosecution of KPK corruption cases has stagnated.

Target vs Realization

Based on the 2021 Budget Implementation List, the target for handling corruption cases by the KPK is 120 cases per year. The total budget allocated for handling corruption cases is IDR 16.6 billion with an average budget of IDR 138.3 million per case. Compared to other law enforcement agencies, the KPK's enforcement budget is relatively low. This budget did not increase compared to the previous year.

If we take a closer look, the actual handling of the KPK case itself has actually met the target. However, there are several notes on cases that the KPK was unable to develop to target intellectual actors who were allegedly involved.

One example is the case of corruption in social assistance (bansos). As is well known, although the case being investigated in 2021 has ensnared the former Minister of Social Affairs Juliari Batubara, there are two names of DPR members who are widely reported to have also received social assistance procurement projects from the Ministry of Social Affairs, namely Herman Herry and Ihsan Yunus. The alleged involvement of the two of them even became more prominent in the trial process. Unfortunately, there has been no significant development in the progress status of this case.

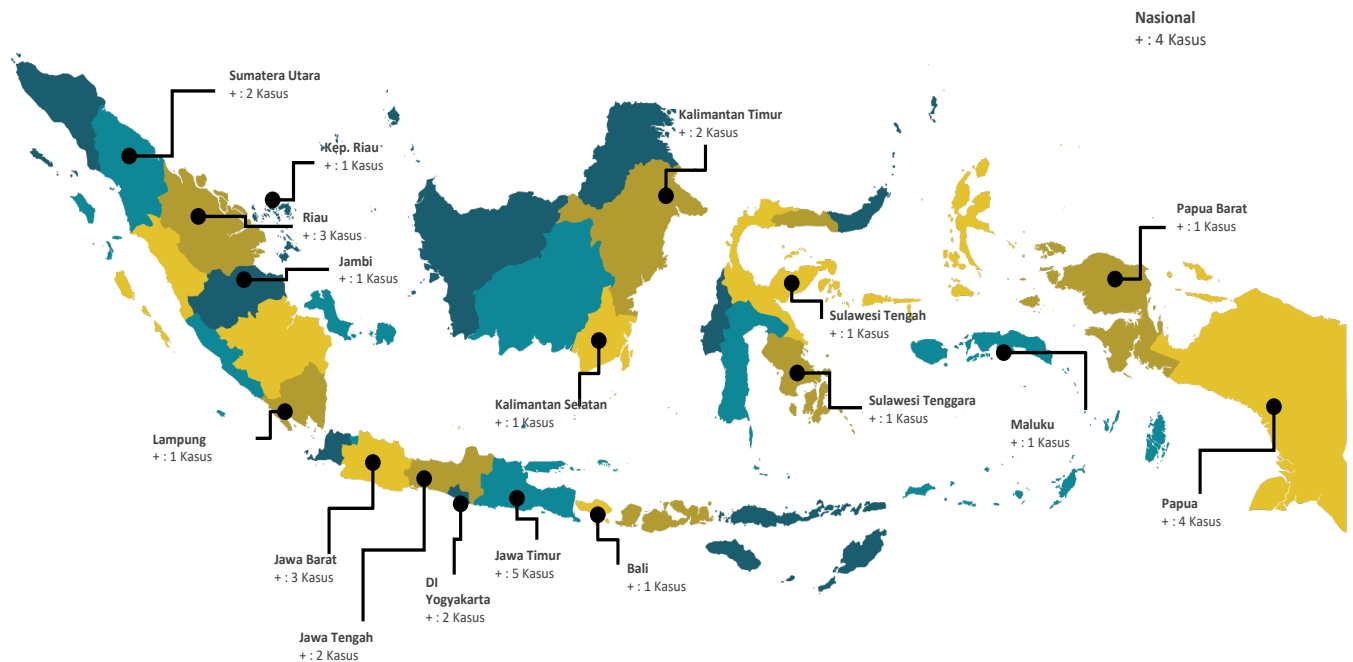The distribution of corruption cases handled by the KPK can be seen in the figure below:

Figure 19. Distribution Areas of Corruption Cases Handled by the Corruption Eradication Commission in 2022

Apart from cracking down on corruption, KPK's other roles that must be considered is coordinating with other agencies and supervising the handling of corruption cases. It is important to note that, as stipulated in Article 6 of the KPK Law, this anti-corruption agency is mandated to supervise and coordinate the prosecution of cases handled by other law enforcement officials. In

fact, this function is not functioning properly, which indirectly contributes to the poor performance of other law enforcement agencies.

The KPK, which has a function as a trigger mechanism, must have received copies of administrative letters pertaining to case handling from other law enforcement agencies, so it is strongly suspected that the KPK did not examine all copies of the letters for further study.

Imposition of Articles

In contrast to the Attorney General's Office and the Police, in general the Corruption Eradication Commission in 2022 most often applied the bribery article, namely in 26 cases. Meanwhile, the articles on state losses were imposed for 7 cases and articles on gratuities for 2 cases. In addition, as part of efforts to recover assets resulting from corruption, the KPK unfortunately only used the instruments of the money laundering article four times, which shows that the KPK leadership and their staff at the Deputy for Enforcement have no vision regarding recovering assets from the proceeds of corruption.

One of the reasons for KPK's inability to investigate cases with aspects of state losses is the lack of KPK personnel, which was directly confirmed by the Chairperson of the KPK, Firli Bahuri.[23] Based on the KPK's 2020 annual report, the KPK has a total of 1,551 employees, including 272 investigators at the Deputy for Enforcement and Execution.[24]

If we look at the KPK's broad authority in prosecuting corruption cases, the number of staffs is certainly far from sufficient. However, the KPK leadership responded to the low number of employees, especially in the investigative division, by dismissing 58 employees through the controversial and problematic National Insight Test (TWK) process.

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[23] Viva.co.id, "Ketua KPK Curhat ke Jokowi Kurang Personel dan Markas di Daerah", online at WWW: https://www.viva.co.id/berita/nasional/1430604-ketua-kpk-curhat-ke-jokowi-kurang-personel-dan-markas-di-daerah#:~:text=Salah%20satunya%20mengenai%20kurangnya%20jumlah,%2C%20Kamis%2C%209%20Desember%20%202021 (accessed on 27 March 2022)

[24] Annual Report 2021 Corruption Eradication Commission, online at WWW: https://cms.kpk.go.id/storage/2688/Laporan-Tahunan-KPK-2021.pdf

Actors of Corruption

Top 5 Actors of Corruption

- Local government officials: 28
- Private sectors: 27
- Regional heads: 18
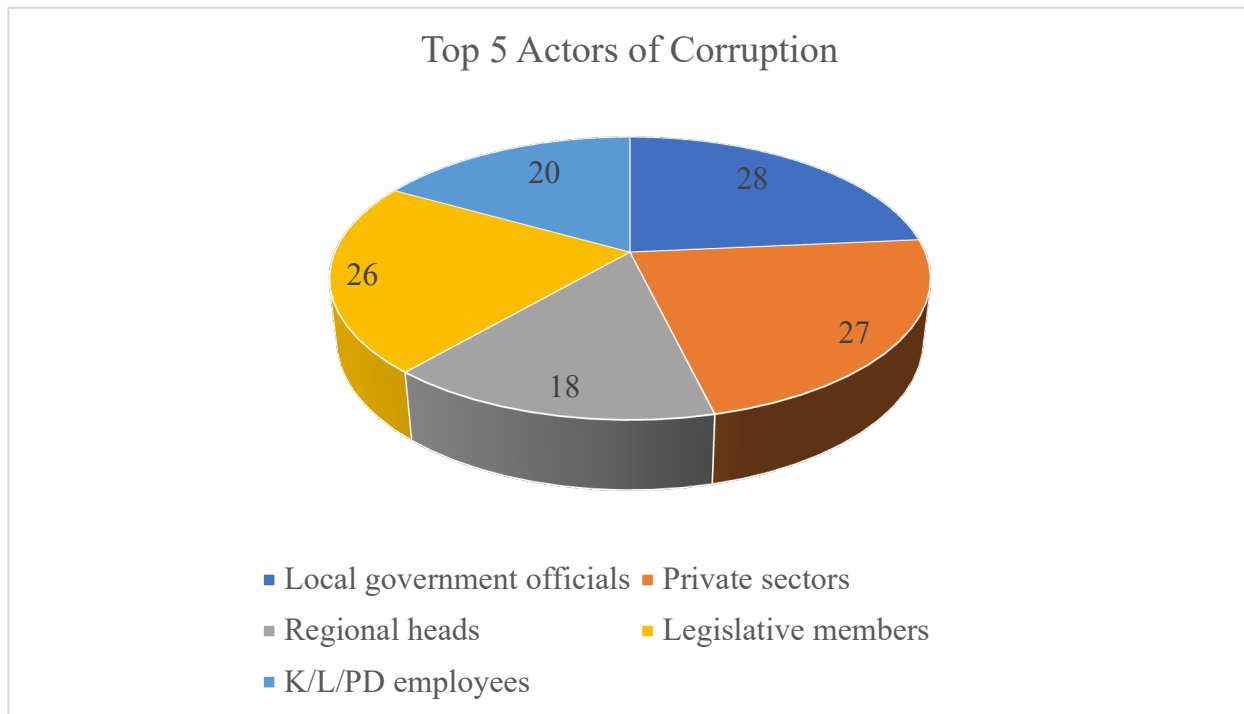- Legislative members: 26
- K/L/PD employees: 20

Figure 20. Top Five Actors Handled by the Corruption Eradication Commission in 2022

In general, the KPK has targeted strategic actors in the cases it handles, including policy makers. Even though there are not many, this effort needs to be increased up to the prosecution stage so that all parties allegedly involved can be arrested.

As explained in the previous section, the decline in the KPK's performance, which is indicated by the lack of case development process and the change in the status of KPK employees through the problematic TWK, was more or less influenced by the controversial KPK leadership for the 2019-2023 period. Apart from that, the worst manifestation of the KPK leadership's performance was the resignation of one of the KPK leadership, Lili Pintauli Siregar.

Lili's resignation as deputy chairman of the KPK is questionable because it was done while she was undergoing a code of ethics violation trial over the alleged receipt of gratuities.[25] Apart from trial process and the dull enforcement of the KPK code of ethics, this shows that the KPK

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[25] Kompas.com, "Lili Pintauli Resmi Mundur dari Pimpinan KPK" online WWW: https://nasional.kompas.com/read/2022/07/11/12471201/lili-pintauli-resmi-mundur-dari-pimpinan-kpk (accessed on 12 February 2023)

leadership's integrity is highly questionable because the alleged receipt of gratuities will have an impact on the case handling process if the gratuity giver is involved in a corruption case..

Another thing that should be highlighted is the potential for law enforcement to be used as a tool for political interests ahead of the upcoming 2024 general election contestation. One of the indications is Firli Bahuri's statement in October 2022 that he will again investigate the "*kardus durian*" corruption case handled by the KPK in 2011.[26] This case allegedly involved one of the top party officials, so it is difficult to say that there was no political interest in the KPK chairman's statement.

Conclusions

1. The trend of prosecuting corruption cases by the Attorney, Police and Corruption Eradication Commission in 2022 has increased both in terms of the number of cases, the number of suspects, and also the potential value of state financial losses. If we compare the target with the realization of the investigation, the performance of law enforcement agencies can be put in C or Fair category.
2. In terms of information disclosure regarding case handling, the authors of the present report experienced many difficulties finding the data on corruption cases handled by the Attorney General's Office and the Police, especially at the regional level.
3. Trading in influence is a new mode that has been identified in this report. In 2022, 19 cases were observed using this mode, but at the same time this act has not been deemed criminal under Indonesian national law.
4. Corruption in the village sector still ranks as the domain most handled by law enforcement agencies. Out of a total of 579 cases, 155 were corruption at the village level.
5. East Java Province is the region with the most corruption cases found. Throughout 2022, law enforcement agencies managed to investigate a total of 57 cases in the province.

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[26] CNN Indonesia, "Firli Bahuri Beri Perhatian Kasus Kardus Durian: Tolong Kawal KPK" online at WWW: CNN Indonesia, "Firli Bahuri Beri Perhatian Kasus Kardus Durian: Tolong Kawal KPK" online at WWW: https://www.cnnindonesia.com/nasional/20221027201333-12-866326/firli-bahuri-beri-perhatian-kasus-kardus-durian-tolong-kawal-kpk (accessed on 12 February 2023) (accessed on 12 February 2023)

6. Corruption cases involving three branches of power are the main focus of this report. The three branches of power, the Executive, Legislative and Judiciary, should be able to ensure checks and balances, but instead they are caught up in the vortex of corruption.

7. It was observed that the handling of corruption cases carried out by the Attorney General's Office and the Police did not target strategic actors or *intellectual dader*, and consequently the KPK did not carry out significant case development to target the actors suspected of being involved in the cases.

Recommendations

Law Enforcement Agencies

1. All enforcement work related to the investigation of corruption cases by every law enforcement agency must be carried out with the principle of transparency and prioritizing accountability by conveying information regarding the handling of cases on a regular basis through information channels that are easily accessible to the public. This is in line with the mandate of Law Number 14 of 2008 concerning Public Information Disclosure.

2. Every law enforcement agency must be more active in maximizing the efforts to recover assets proceeds of crime by maximizing the forums for evidence testing and tracing the assets proceeds of crime through the mechanisms stipulated in Law Number 8 of 2010 concerning Prevention and Eradication of Money Laundering Crimes.

3. Law enforcement agencies and the Financial Transaction Reports and Analysis Center (PPATK) need to build a good synergy to encourage optimizing the tracing of assets resulting from corruption crimes.

4. Each law enforcement agency needs to periodically evaluate and increase the capacity of its investigators so that the prosecution of corruption cases can run more effectively.

Government and DPR

1. The government and the DPR must prioritize the legislative process by immediately passing a number of anti-corruption regulations such as the Asset Confiscation Bill, the Bill on the Limitation of Cash Transactions and the Revision of the Corruption Crime Act to support the work of eradicating corruption carried out by law enforcement agencies.

2. The government as the administrative superior of all law enforcement agencies must periodically evaluate the heads of law enforcement agencies based on their performance in handling corruption cases.

3. The DPR, which has a role in formulating the state budget, must cut the budget ceiling for law enforcement agencies whose performance has proven poor in handling corruption case