Monitoring Report

Trends in Corruption Cases Prosecution

1st Semester of 2020

Wana Alamsyah

Law and Court Monitoring Division

Indonesia Corruption Watch

2020

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BACKGROUND

Corruption is still main problem in Indonesia. Corruption causes poverty, inequality, injustice, poor public services, delaying investments and other impacts.

In order to eradicate the corruption problems, the government uses two strategies. First, preventive strategy and second, repressive efforts strategy or to tackle the corruption cases.

One of the things that should be considered in the context of eradicating corruption is the efforts to suppress corruption cases carried out by law enforcement. The purpose is to provide a deterrent effect for criminals or potential criminals to commit corruption crimes. The way can be by applying corporal punishment or asset seizure to impoverish corruptors.

In the process of handling corruption cases, public scrutiny is an important key to implementing check and balances mechanisms to prevent abuse of power by law enforcement. Therefore, law enforcement must convey information on the handling of corruption cases aspects of the investigation. It does not conflict with Law Number 14 year 2008 on Public Information, Article 17.

In practice, ICW sees law enforcement as not yet transparent and accountable enough about the handling of corpus cases in the aspect of investigation, especially in the Police and Prosecutor's Office. Unlike the Corruption Eradication Commission. The anti-corruption agency routinely conveys information about corruption cases through press releases on its website.

Information disclosure is also seen in the Monitoring and Evaluation of the Openness Information of Public Bodies in 2019 conducted by the Central Information Commission. Based on the Central Information Commission Decision No. 10/KEP/KIP/VIII/2019 on The Method and Technique of Monitoring and Evaluation of Public Information Disclosure of Public in 2019 in the eighth dictum mentioned that there are 5 (five) qualifications for assessment of public namely: 1). Informative (values between 90 to 100); 2). Towards Informative (values between 80 to 89.9);

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3). Quite Informative (values between 60 to 79.9); 4). Less Informative (values between 40 to 59.9); and 5). Not Informative (value less than 39.9).[1]

The Central Information Commission has submitted the results of its Monitoring and Evaluation in the form of documents uploaded into the (hyperlink). Unfortunately there are only 3 (three) qualification information: informative, towards informative, and quite informative. While information about qualifications is less informative and not informative is not conveyed on the page.

Based on the results of Monitoring and Evaluation of Public Information Disclosure, KPK is in the category of Public of Non Structural Institutions that are ranked towards informative. While the Police and Prosecutor's Office are not in the 3 (three) qualifications of its information.

The conditions for eradicating corruption can also be seen in the Rule of Law Index report in 2020. In general, Indonesia is ranked 59th out of 128 countries with a score of 0.53 points on a scale of 0-1. The lower the value, the worse the legal state index, and also vice versa. In 2019, Indonesia was ranked 62nd out of 126 countries with a score of 0.52 points. Rankings increased from the previous year. Indonesia's points increased by 0.01 points only. [2]

One indicator in ROLI is the absence of corruption. From these indicators there are 4 (four) variables namely: 1). Absence of corruption in the executive branch; 2). Absence of corruption in the judiciary; 3). Absence of corruption in the police/military; and 4). There is no corruption in the legislature.

Based on indicators of lack of corruption in ROLI in 2020, Indonesia is ranked 92nd out of 128 countries with a score of 0.39. While in 2019 Indonesia was ranked 97th out of 126 countries

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[1] Komisi Informasi Pusat, *"Penganugerahan KIP 2019",* diakses dari https://storage.komisiinformasi.go.id/pydio_public/anugerahkip2019 pada tanggal 25 September 2020 pukul 15:51 WIB.
[2] World Justice Project, "*Rule of Law Index*" diakses dari https://worldjusticeproject.org/our-work/wjp-rule-law-index pada tanggal 20 September 2020 pukul 02:08 WIB.

with a score of 0.38. Both on a ranking and also points, Indonesia has not experienced a significant increase.

From the above information can be concluded that the Indonesian government has no serious concern in the efforts to eradicate corruption, especially in terms of information disclosure handling corruption cases. Even at extreme points, the government is failing to uncover corruption cases categorized as white-collar crimes.

The government's failure to disclose corruption cases is in fact inversely proportional to the budget allocation that has been derailed to eradicate corruption. Based on the 2020 Budget Year Implementation Stuffing List maintained by law enforcement agencies, consisting of police, prosecutors, and KPK, the costs for conducting investigations and investigations vary. Below is the details:

Table 1. Case budget allocation at APH investigation level

Description	Police		Attorney		KPK	
	BUDGET	Target	BUDGET	Target	BUDGET	Target
Central Goverment	IDR297,8 million/cases	25 cases	IDR158,7 million/cases	50 cases	IDR244,5 million/cases	120 cases
Province	IDR182 million-IDR1,3 miliar/cases	2-47 cases	IDR129,8 million/cases	1 cases	NA	
Regional	IDR6,4-IDR543,2 million/cases	1-75 cases	IDR129,8 million/cases	1 cases	NA	

Every law enforcement institution has a target case per year to be able to handle corruption cases. Each level of territory in the target law enforcement institution is different.

In the Police Institution, the handling of corruption cases at the national level is handled by The Directorate of Criminal acts of corruption, Criminal Investigation Agency, Police Headquarters. Corruption cases targeted during 2020 counted as many as 25 cases. While at the provincial level, the targets set are quite diverse. There are Regional Police that targeted only 2 (two) cases

per year even there are up to 47 cases per year. The same thing is also experienced by Resort Police at the district/city level. Resort Police have targets for handling corruption cases ranging from 1 (one) case to 12 cases.

Whereas in the Attorney, the process corruption cases at the national level are in Deputy Attorney General for Special Crimes (Jampidsus). Jampidsus has target for handling corruption cases at the investigative level to the investigation as many as 50 cases. At the provincial level (high attorney) and regional level (district attorney), there's only one target for handling corruption case.

Last, KPK targeted to handle as many as 120 corruption cases during the year of 2020.

With the facilities provided by the state in an effort to fight against corruption, the public has a role in overseeing/monitoring the performance of law enforcement, ranging from handled cases, suspect sets until state losses found. It's necessary for public to jointly monitoring, and also it is in line with Presidential Regulation No. 43 of 2018 on Procedures for Public Participation and Reward in the Prevention and Combating of Corruption.

Public capacity in the context of alleged corruption cases needs to be placed as an effort to escort the process of handling cases so that can be done completely. This means that law enforcers are obliged to provide channels of information to facilitate the public in knowing progress of case handling.

To encourage the information of corruption handling cases by law enforcers open to public, *Indonesia Corruption Watch* (ICW) tracing information as an effort to provide an overview of corruption cases that occurred in Indonesia during first semester of 2020.

GOALS

The monitoring of the prosecution of corruption cases in semester I of 2020 that ICW carries out aims to:

1. Mapping corruption cases investigated by law enforcement.

2. Encouraging transparency and accountability of data of the handling of corruption cases in law enforcement institutions (prosecutors, police and KPK)

METHODOLOGY

ICW monitoring corruption cases that have entered investigation level and law enforcers named suspect. This monitoring been held for one semester, starting from January 1st until June 30th 2020. ICW collected data from information that has been published by mass media, online media, or through official law enforcement website –although not all sites provide information. The collected data was then tabulated and proceed also compared statistically on analysis parameter. Proceeded data then analyzed descriptively.

There are two things that become limitations in monitoring process. First, at the time of data collection. Sources of data obtained by ICW comes from secondary source. This is because primary sources of information on corruption cases are very difficult to obtain, especially in local law enforcers. Up until now, ICW has only succeeded in collecting press releases regarding the handling of corruption cases - if available - on law enforcement websites. This will have an impact on data differences which have implications for the results of analysis related to the performance of law enforcement

Second thing is Terminology "an incident of corruption that is processed by law enforcement" used by ICW and law enforcement is different. ICW use the term "case" at the time the criminal act of corruption occurs. Meanwhile, law enforcer use the term "cause" in every criminal act of corruption and the resulting document are case files. As a result, there will be a differences number of criminal act corruption which is monitored by ICW and those handled by law enforcement. This is why there is a difference number between cases monitored by ICW with cases that have been handled by law enforcement.

Despite limitations, ICW views that it is necessary to have information on the handling of corruption cases open to the public. All the limitations that arise are expected to encourage law enforcers to be transparent and accountable for corruption cases that are being handled.

FINDINGS

This report is divided by two, General findings and Specific findings. General findings is a description regarding the conditions for corruption cases handled by law enforcers. Those variable are The Number of Cases, Number of Suspects, Total State Losses, Total of Bribes, Total amount of illegal fees and Total amount of Money Laundering. The following are the results of the monitoring.

General Findings

At the first semester of year 2020 ICW found 169 corruption cases been held by law enforcement. There were 372 actors named as suspects by law enforcers from various professional backgrounds. The amount of state losses that have been calculated is IDR 18.1 trillion. Meanwhile, the amount of bribes that were successfully disclosed by law enforcers was IDR 20.2 billion, and the amount of illegal fees was IDR 44.6 billion.

On average, every month there are 28 corruption cases with 62 suspects named by law enforcement. So, on average every law enforcement institution investigates 9 (nine) corruption cases with 20 suspects per month.

Of the 169 corruption cases handled by law enforcers, 23 of them or around 13.6 percent were development cases from previous years. Meanwhile, the prosecution of corruption cases using the caught red-handed was as many as 7 (seven) cases or about 4.1 percent. The remaining 139 cases or around 82.3 percent were new cases being investigated in the first semester of 2020.

Trends in the Action of Corruption Cases for Five Semesters

ICW compares the handling of corruption cases carried out by law enforcers for 5 (five) years in semester I. The comparisons have been made since the first semester of 2016. The following are the results of the comparison.

Graphic 1. Comparison of Corruption Case Handling for Semester I 2016 - Semester I 2020

Based on the graphic above, it is known that the handling of corruption cases carried out by law enforcers from the first semester of 2016 to the first semester of 2020 has fluctuated. Likewise with the parties who were named as suspects. However, the total value of state losses that have been estimated to have been lost or have been calculated by the Supreme Audit Agency (BPK) and / or the Financial and Development Supervisory Agency (BPKP) has increased.

The average number of corruption cases that can be investigated by law enforcers in the first semester of each year is 181 cases. Meanwhile, the average number of parties named as suspects in the first semester of each year is 412.

Decreasing performance in law enforcers began to appear since the first semester of 2018. There was also an increasing performance in the first semester of the following year, the figure was not significant. The same is seen in the aspect of determining the suspect. Meanwhile, in the aspect of the value of state losses, there was a very significant fluctuate from the first semester of 2018 to the first semester of 2020.

The information above shows at least two things. First, the level of transparency in the handling of corruption cases handled by law enforcement institutions is low in terms of cases. Because the information processed and obtained by ICW is based on news and press releases delivered by law enforcers. Second, the oversight mechanism on the use of the state budget is malfunctioning. The

proof is, during the first semester period from 2016 to 2020, the total state budget was corrupted IDR 28.8 trillion.

Corruption mapping based on Modus Operandi

ICW maps corruption cases based on the mode used by the perpetrators. Mapping of the modes is carried out to see the tendency of the perpetrators to commit acts of corruption. The question is: Was there a new mode used by the suspect? The following are the results conducted by ICW during the first semester of 2020.

Table 2. Cases based on Modus Operandi

No	Modus	Cases Number	Total State Loses	Value of Bribery	Value of Extortion
1	Embezzlement	47	IDR233,7 billion	-	-
2	*Mark Up*	33	IDR509 billion	-	-
3	Fictional Activities/ Projects	26	IDR376,1 billion	-	-
4	Fictional Report	14	IDR48,4 billion	-	-
5	Extortion	12	-	-	IDR44,6 billion
6	Abuse of Authority	9	IDR78,6 billion	-	-
7	Budget Abuse	8	IDR2,6 billion	-	-
8	Bribery	6	-	IDR1,1 billion	-
9	Circumcision/ Cutting	6	IDR8,5 billion	-	-
10	Manipulasi Saham	4	IDR16,9 trillion	-	-
11	Gratuities	2	-	IDR19,1 billion	-
12	Double Budget Charge	1	IDR1,5 billion	-	-
13	*Mark Down*	1	-	-	-
TOTAL		169	IDR18,1 trillion	IDR20,2 billion	IDR44,6 billion

The most dominant mode for corruption perpetrators is embezzlement. There were 47 cases of corruption with a state loss of IDR233.7 billion, involving 83 people with various professional backgrounds. The average state loss incurred as a result of the embezzlement mode was IDR4.9 billion.

The perpetrators dominated by State civil apparatus (ASN), Village Chief and Director/Staff of BUMN. The average state money embezzled by ASN was IDR 1.4 billion. Meanwhile, the average loss of state finances incurred by the Village Head due to embezzlement was Rp.460 million. Whereas, the average contribution of BUMN Directors / Employees in taking state funds using the embezzlement mode is very large, which is around IDR 20.1 billion.

One of the cases that caused considerable state losses was the alleged corruption case in the provision of credit facilities by Bank NTT, Surabaya Branch. The value of the losses incurred as a result of these acts was IDR 126 billion There are 7 (seven) suspects arrested by the East Nusa Tenggara High Court and all of them are debtors. The debtors are suspected of not being able to pay collateral, causing bad credit.[3]

Another mode that is often used by corruption criminals is mark-ups or attempts to inflate values. The number of cases with the mark up mode was 33 cases with 76 suspects determined by law enforcement. The value of losses incurred due to the mark-up mode was IDR 509 billion or around IDR 15.4 billion per case.

It was identified that there are at least 3 (three) professions that dominantly use the mark-up mode in committing acts of corruption, namely the private sector, civil servants, and village heads. The average value of state losses incurred by the private sector using the mark-up mode is IDR 30 billion. Meanwhile, the average state loss arising from the actions of corruptors who served as civil servants and used the mark-up mode was IDR 26.5 billion.

One of the cases that caused considerable state losses using the mark-up mode was the alleged corruption case of four road projects in Bengkalis Regency. The law enforcer who is investigating the case is the KPK. There were 10 people named as suspects by the KPK. The amount of state losses incurred was IDR 475 billion.[4]

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[3] Liputan 6, "*Kajati NTT Ungkap Dugaan Korupsi Kredit Macet Bank NTT Cabang Surabaya*", diakses dari https://www.liputan6.com/regional/read/4283660/kajati-ntt-ungkap-dugaan-korupsi-kredit-macet-bank-ntt-cabang-surabaya pada tanggal 21 September 2020 pukul 14:28 WIB.
[4] Berita Satu, "*KPK Tetapkan 10 Tersangka Korupsi Proyek Jalan* "

The mark-up mode is often used by corruption suspects during the process of procuring goods and services. There are several indications that point to corruption with the mark up mode, including: 1). Incompetent providers of goods; 2). Company rental service 3). Decrease in the quality of goods / projects.

Commented [UA1]: a company for rent to participate in tender for the purpose of manipulating the process.

ICW found a new mode of corruption act. From the results of the monitoring it was found that there was a new mode, namely shares manipulation. There were 4 (four) cases of corruption related to shares manipulation. The number of suspects appointed by law enforcers with the mode of manipulation of shares were 14 people and 13 corporations. As a result of the manipulation of shares, the state lost IDR 16.9 trillion.

One of the corruption cases with the manipulation mode of shares was the alleged corruption case in the financial management and investment funds of PT. Jiwasraya Insurance which is a state-owned company. There are 7 (seven) suspects in this case and 13 corporations as investment managers. Based on the calculation of state losses conducted by BPK, the corruption case of PT. Jiwasraya Insurance caused losses to the state amounting to Rp. 16.81 trillion. [5]

The corruption case of PT. Jiwasraya Insurance began when the BUMN invested in stocks and mutual funds in year 2014-2018. Investment management is carried out by investment managers, namely 13 corporations that have been named as suspects. Mutual funds issued by 13 investment managers contain stock portfolios.

The method used by Heru Hidayat and Benny Tjokrosaputro in the case of PT. Jiwasraya Insurance, namely the existence of shares manipulation. Meanwhile, the other perpetrator, namely Fakhri Hilmi as Head of the Capital Market Supervision Department 2A at the Financial Services Authority

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[5] Kontan, "*BPK: Kerugian negara akibat Jiwasraya capai Rp16,81 triliun*", diakses dari https://nasional.kontan.co.id/news/bpk-kerugian-negara-akibat-jiwasraya-capai-rp-1681-triliun pada tanggal 21 September 2020 pukul 14:34.

(OJK), is suspected of knowing the crime. However, it is alleged that Fakhri did not supervise by ignoring information about the manipulation of these shares.[6]

Corruption Mapping Based on Imposition of Articles

ICW conducts a mapping of the imposition of articles on corruption that are used by law enforcers in the investigation process. Based on Law Number 31 of 1999 jo. Law Number 20 of 2001 concerning the Eradication of Corruption (Anti-Corruption Law) has 7 (seven) types of corruption. The types of corruption include: 1). State financial losses; 2). Bribery; 3). Embezzlement in office; 4). Extortion; 5). Fraudulent acts; 6). Conflict of interest in procurement; and 7). Gratuities. [7]

In addition to the Anti-Corruption Law, ICW also identifies the imposition of articles on the crime of money laundering as regulated in Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering (TPPU Law). Here are the details:

Table 3. Corruption Mapping Based on Imposition of Articles

No	Imposition of Articles	Total Case Number	Value of State Losses	Value Of Gratification/ Bribery	Illegal Fees
1	State Financial Losses	146	IDR 18,1 trillion	-	-
2	Extortion	13	-	-	IDR 44,6 billion
3	Bribery	6	-	IDR 1,1 billion	-
4	Money Laundering	2	-	-	-
5	Gratification	2	-	-	-
TOTAL		169	IDR 18,1 trillion	IDR 20,2 billion	IDR 44,6 billion

Based on the results of ICW monitoring, law enforcers most often use articles regarding state financial losses with a total of 146 cases or around 86.3 percent. There were 303 suspects determined using this article or around 81.4 percent.

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[6] CNBC Indonesia, "*Tersangka Jiwasraya, Apa 'Dosa' Fakhri Hilmi Versi Kejagung?*" diakses dari https://www.cnbcindonesia.com/market/20200625195003-17-168141/tersangka-jiwasraya-apa-dosa-fakhri-hilmi-versi-kejagung pada tanggal 21 September 2020 pukul 14:58 WIB.
[7] Komisi Pemberantasan Korupsi, *Memahami untuk Membasmi: Buku Panduan untuk Memahami Tindak Pidana Korupsi*, (Jakarta: Komisi Pemberantasan Korupsi, 2006), hlm. 16-17.

Meanwhile, there were 13 cases of corruption using the extortion clause (3.5 percent), 6 cases of bribery (1.6), 2 cases of money laundering (0.5 percent), and 2 gratuity articles. 2 cases (0.5 percent).

Then the suspects who were subject to the bribery article amounted to 29 people (7.8 percent), 24 people extortion (6.4 percent), 14 people (3.7 percent) money laundering, and 2 people gratuity (0.5 percent).

From the results of the search, there were no law enforcers who used 3 (three) other articles contained in the Anti-Corruption Law, such as the article on embezzlement in office, fraudulent acts, and conflicts of interest in procurement. This shows that in handling corruption cases, law enforcers have not maximally used the instruments contained in the regulations.

An important point that deserves to be highlighted is there are still few law enforcers using the instrument of the money laundering article as an effort to recover the assets of corruptors. This is certainly counterproductive when the government plans to impoverish corruptors, but at the same time the aspect of confiscating assets through the money laundering article is not used. This means that the government is only strong in the discourse level that the government has a firm attitude towards eradicating corruption. But the implementation aspect is weak.

In addition, the few cases of corruption that use the money laundering article approach are suspected to be the result of laziness by investigators in tracing the assets of corruptors. Asset tracing is carried out by looking for evidence of suspicious financial transactions. One of its efforts is to collaborate between law enforcers and the Financial Transaction Reports and Analysis Center as the financial intelligence agency.

Sector-based Corruption Mapping

ICW mapping of sectors that are prone to corrupt practices. From the identification results in each case, it was found that at least 30 sectors were prone to corruption. The clustering of sectors varies, from natural resources, public services, governance, to social aspects. Following are the results of monitoring related to corruption cases by sector in the first semester of year 2020.

Tabel 4.Corruption Mapping on Sector Based

No	Sector	Total Case Number	State Losses Value	Bribery/ Gratification Value	Extortion Value
1	Village Budget	44	Rp16,6 billion	-	-
2	Government	13	Rp18,2 billion	Rp19,5 billion	-
3	Land	13	Rp36,3 billion	-	Rp1,2 billion
4	Transportation	12	Rp809,9 billion	-	-
5	Banking	11	Rp254,2 billion	-	-
6	Education	8	Rp26,7 billion	-	Rp43 billion
7	Irrigation	7	Rp5 billion	-	-
8	Agriculture	6	Rp4,9 billion	-	Rp122 million
9	Social	6	IDR760 million	IDR100 million	IDR3,6 million
10	Health	5	IDR13,3 billion	IDR120 million	-
11	Tax	5	IDR4,4 billion	-	IDR118 million
12	Trade	4	IDR2,2 billion	-	-
13	Capital Market	4	IDR16,9 trillion	-	-
14	Religious	3	IDR11,9 billion	-	-
15	Sanitation	3	IDR1,8 billion	-	-
16	Sports	3	IDR3,1 billion		
17	Election	3	IDR1 billion	IDR400 million	-
18	Energy & electricity	2	IDR6 billion	-	-
19	Lighting	2	IDR2,2 billion	-	-
20	Housing	2	IDR900 million	-	IDR5 million
21	Mining	2	IDR7 billion	-	-
22	Fishery	2	IDR300 million	-	-
23	Natural Disaster	2	IDR11,9 billion	-	-
24	Forestry	1	IDR17,5 billion	-	-
25	Demography	1	-	-	-
26	Employment/ Man Power	1	-	IDR65 million	-
27	Cooperative / Coop	1	IDR1 billion	-	-
28	Tourism	1	IDR190 million	-	-
29	Gardening	1	IDR697 million	-	-
30	Farm	1	-	-	IDR100 million
	TOTAL	169	IDR18,1 trillion	IDR20,2 billion	IDR44,6 billion

Based on the results of ICW monitoring, there were 44 cases or around 26 percent of corruption cases in the village budget. The number of actors named as suspects by law enforcement was 53 with a total state loss of IDR. 16.6 billion. The average state loss incurred was IDR 378 million per case.

The definition of village budget corruption refers to the Minister of Home Affairs Regulation Number 113 of 2014 concerning Village Financial Management Article 9 paragraph (2) which states that village income is grouped into 3 (three), namely: 1). Village Original Income (PADes); 2). Transfers include: Village Fund, part of local tax proceeds, Village Fund Allocation (ADD), financial assistance from the provincial and district / city APBD;[8] and 3). Other income. Therefore, corruption in the village budget sector is not entirely related to central government disbursements through the Village Fund (DD) program.

One of the cases of corruption in the village fund budget with a large amount of state loss was the alleged corruption case of village funds for the 2015-2016 fiscal year. The Probolinggo Police appointed the village head of Gunggungan Lor with the initials HB because he was suspected of causing state financial losses of IDR 1.5 billion.

The mode used by HB is duplicating the budget for physical projects in Gunggungan Lor Village. Whereas previously the Inspectorate of the Probolinggo Regency Government had known and asked the Village Head to repair problematic physical projects. The Inspectorate's request was fulfilled by the Village Head. However, the Village Head instead used the 2017 budget to repair problematic physical projects. So that the Probolinggo Police concluded that there was a double budget by the Village Head. [9]

In addition to the village budget sector, it is known that a new sector has emerged in the first semester of year 2020 which is prone to abuse, namely corruption in the capital market sector. From the monitoring results, the number of corruption cases in the capital sector was 4 (four) cases. The number of subjects designated as suspects by law enforcers consisted of 27 suspects with details, 14 people with various professional backgrounds and 13 corporations.

One of the corruption cases that occurred was related to the capital market sector apart from the corruption case of PT. Asuransi Jiwasraya, namely a suspected corruption case at PT. Danareksa

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[8] Pasal 10 ayat (1) Peraturan Menteri Dalam Negeri Nomor 113 Tahun 2014 tentang Pengelolaan Keuangan Desa
[9] Bangsaonline.com, "*Korupsi DD, Kades Gunggungan Lor Probolinggo Ditetapkan Jadi Tersangka*", diakses dari https://www.bangsaonline.com/berita/70154/%E2%80%8Bkorupsi-dd-kades-gunggungan-lor-probolinggo-ditetapkan-jadi-tersangka pada tanggal 22 September 2020 pukul 15:23 WIB.

Sekuritas, a subsidiary of the state-owned company PT. Danareksa. The Attorney General's Office has named 6 (six) people as suspects with a total state loss of IDR 105 billion.

The Attorney General's Office is investigating the case because of the failure to pay the shares in PT. Sekawan Intipratama Tbk (SIAP). The mode used is fictitious stock trading. [10]

Corruption Mapping Based on Region

ICW mapping of suspected corruption cases based on areas that are prone to criminal acts of corruption. Of the 34 provinces monitored by ICW, only 32 have information on the handling of corruption cases. Meanwhile, the rest were not found any reports regarding the handling of corruption cases that were included in the investigation stage, namely Yogyakarta Special Region Province and North Kalimantan Province. This is done as an effort to see the level of vulnerability of a region in committing corruption crimes.

For the record, mapping of provinces CAN NOT form the basis that an area is the most corrupt. There are 2 (two) indicators that cause the high number of suspected corruption cases in the regions. First, the high level of public participation in reporting suspected cases of corruption and overseeing the handling of corruption cases in law enforcement. Second, law enforcement is active in prosecuting corruption cases and the information is open to the public. The following are the results of monitoring conducted by ICW during the first semester of year 2020.

Table 5. Corruption Mapping Based on Region

No	Region	Total Case Number	State Losses Value	Bribery / Gratification Value	Extortion Value
1	Central Java	17	IDR61,4 billion	IDR65 million	IDR686 million
2	East Java	16	IDR139,2 billion	IDR550 million	IDR118 million
3	North Sumatera	13	IDR24,5 billion	-	IDR7,5 million
4	West Java	10	IDR6,9 billion	IDR120 million	-
5	Riau	9	IDR497,5 billion	-	IDR100 million

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[10] CNBC Indonesia, "*Ini Orang-orang yang Diduga Terlibat Kasus Korupsi Danareksa*", diakses dari https://www.cnbcindonesia.com/market/20200223213415-17-139919/ini-orang-orang-yang-diduga-terlibat-kasus-korupsi-danareksa pada tanggal 22 September 2020 pukul 15:39 WIB.

6	South Sumatera	9	IDR4 billion	-	IDR3,6 million
7	Jakarta	7	IDR17,2 trillion	IDR400 million	-
8	East Nusa Tenggara	7	IDR7,6 billion	-	-
9	Riau Islands	6	IDR1,5 billion	-	-
10	South Sulawesi	6	IDR2,5 billion	-	IDR43 billion
11	Central Kalimantan	5	IDR2,9 billion	-	-
12	East Kalimantan	5	IDR32 billion	IDR100 million	IDR700 million
13	Southeast Sulawesi	5	IDR14,9 billion	-	-
14	Aceh	4	IDR1,8 billion	-	-
15	Bali	4	IDR1,3 billion	-	-
16	Bangka Belitung Islands	4	IDR6,4 billion	-	-
17	Maluku	4	IDR65,9 billion	-	-
18	Papua	4	IDR21,7 billion	IDR19 billion	
19	Bengkulu	3	IDR435 million	-	-
20	South Kalimantan	3	IDR2,6 billion	-	-
21	Lampung	3	IDR5,3 billion	-	-
22	North Maluku	3	IDR7,2	-	-
23	West Nusa Tenggara	3	IDR178 million	-	-
24	Central Sulawesi	3	IDR236 million	-	-
25	North Sulawesi	3	IDR863 million	-	-
26	West Sumatera	3	IDR2,8 billion	-	-
27	Banten	2	IDR2,5 billion	-	-
28	Gorontalo	2	-	-	-
29	West Kalimantan	2	IDR11,1 billion	-	-
30	West Sulawesi	2	IDR2,1 billion	-	-
31	Jambi	1	-	-	-
32	West Papua	1	IDR392 million	-	-
TOTAL		169	IDR18,1 trillion	IDR20,2 billion	IDR44,6 billion

Based on ICW monitoring, many corruption cases occurred in Central Java with a total of 17 corruption cases. The number of suspects named as many as 28 people with value of state losses incurred as much as IDR 61.4 billion.

In Central Java Province, the mode most often used by corruption suspects was embezzlement totaling 5 (five) cases or around 30 percent of the total 17 corruption cases. Meanwhile, the sector prone to corruption is the village budget. There were 6 (six) cases of corruption related to the village budget.

The number of law enforcers in Central Java Province is 74 offices consisting of: 1 (one) High Prosecutor's Office, 37 Public Prosecutors' offices, 1 (one) Polda office, and 35 Polres offices.

Referring to the DIPA document of Central Java Province, the target of the Police in handling corruption cases is 83 cases with a budget of IDR 18.6 billion. The average handling budget per case was IDR 277 million.

Meanwhile, the attorney's target in handling corruption cases is 38 cases with a budget of IDR 4.9 billion. The average handling budget per case was IDR 129.8 million. In total, the target cases that must be resolved by law enforcers in Central Java are 121 cases.

Comparing the handling of corruption cases handled by law enforcers with the target that must be achieved for 1 (one), it means that the performance of law enforcement institutions in Central Java is only around 14 percent in the first semester of year 2020. This shows that the performance of law enforcement institutions in Central Java is still low and is considered bad to reach the target that has been set.

Many cases of corruption also occur in East Java Province, which is in the second place. The number of corruption cases in the province was 13 cases with value of total state loss is IDR. 139.2 billion and 36 suspects were named.

Most of the corruption suspects arrested by law enforcers used the mark up mode. The sector that is prone to corruption in East Java Province is similar to that in Central Java, namely the village budget. This shows that the typology of corruption committed by the suspects in East Java, namely inflating prices in Regional development project uses the village budget.

The number of law enforcers in East Java is 79 offices consisting of: 1 (one) High Court office, 38 District Attorney Offices, 1 (one) Polda office, and 39 Polres offices.

Based on the DIPA of East Java Province for the 2020 fiscal year, the police are targeted to handle 301 corruption cases. The budget allocated for the handling of these corruption cases is IDR 27 billion. The average budget per handling of corruption cases is IDR 7 billion.

The Attorney is targeting 39 corruption cases to be resolved in the DIPA of East Java Province for the 2020 budget year. The amount of the budget for handling corruption cases is IDR 5 billion. Per corruption case, the prosecutor's office gets an average budget of around IDR. 129.8 million.

When compared between the realization of the handling of corruption cases carried out in East Java Province with the plans that have been determined, the monitoring process during the first semester of 2020 shows poor results. Because for 6 (six) months, law enforcers in East Java Province were only able to investigate about 4.3 percent of corruption cases. With a very large budget, the accountability mechanism for the target case handling must be clear.

Corruption Mapping Based on Institution

The mapping of corruption cases carried out by ICW also targets the institutions where criminal acts occur most. This is done to show the condition of each institution in its efforts to prevent corruption. The increasing number of cases is suspected that the monitoring mechanism is not running optimally. The following is the results of the mapping of corruption cases based on the institutions that ICW found.

Table 6. Corruption Mapping Based on Institution

No	Institution	Total Case Number	State Losses Value	Bribe Value
1	District Government	62	IDR605,8 billion	Rp19,6 billion
2	Village Government	53	IDR21,4 billion	-
3	City Government	11	IDR64,5 billion	-
4	BUMN	9	IDR17,3 trillion	-
5	BUMD	9	IDR140,3 billion	Rp65 million
6	Provincial Government	7	IDR11,1 billion	-
7	DPRD	4	-	Rp100 million
8	State Agencies/ Institution	3	IDR1 billion	Rp400 million
9	Village-owned Enterprises	3	IDR420 million	-
10	Hospital	3	IDR8,5 billion	-
11	Ministry	2	IDR 500 million	-
12	Non-Ministerial Government Agencies	1	IDR2 billion	-
13	Court	1	IDR100 million	-
14	University	1	IDR14 billion	-
TOTAL		**169**	**Rp18,1 trillion**	**IDR20,2 billion**

Based on the monitoring results, it is known that the institution with the most corruption cases is the district government. A total of 62 cases of corruption cases occurred in district governments in a number of provinces, which caused losses to state finances amounting to IDR. 64.5 billion. The number of suspects named by law enforcement was 150 people from various backgrounds, such as civil servants, private parties, the community, members of the DPRD and regents.

The district government that has committed a lot of corruption is in North Sumatra Province. There were 9 (nine) corruption cases that occurred involving 19 suspects. The amount of state losses incurred was IDR 24 billion. Others, District Government in East Java Province has the second highest number of cases with a total of 7 (seven) corruption cases and 18 suspects were named. The state loss incurred was IDR 2.9 billion.

In the second rank, the institution found to be the most corrupt is the Village Government. There were 53 cases of corruption that occurred in the Village Government with 75 suspects named. The value of the losses incurred was IDR 21.4 billion.

The Village Government, as the second most corrupt institution, is in Central Java Province and West Java Province with 10 cases and 6 (six cases) each. The value of state losses incurred for the respective provinces was IDR 3.6 billion and IDR 3 billion.

This phenomenon indicates that internal monitoring mechanism carried out by the Inspectorate at the district level has not been running optimally. The number of cases that have occurred at the regional level is a sign of the Ministry of Home Affairs as an institution that carries out guidance and supervision of regional government administration.

Weak guidance and supervision systems provide an entry point for parties who have malicious intentions to commit corruption. Based on data submitted by the Ministry of Home Affairs, it was noted that there were still 1,124 civil servants who were caught in corruption cases but there was

no Respectful Discharge (PTDH).[11] This shows that there is no strict sanction given by the Ministry of Home Affairs for parties committing corruption.

Corruption Mapping Based on Actors

Corruption as a white-collar crime is carried out systemically and involves a wide network. ICW conducted a mapping based on the actors caught in suspected corruption cases. The aim is to map the extent to which law enforcers can uncover the nodes of crime down to the main actors. The following is the results of the ICW mapping regarding the actors involved in corruption.

Table 7. Corruption Based on Actors

No	Actors/ Description	Number of Suspects	%
1	ASN	114	30,7
2	Private Sector	84	22,6
3	Village Chief	47	12,6
4	Director/Staff BUMN	23	6,2
5	Chairman/ Member of DPRD	23	6,2
6	Village Apparatus	15	4
7	Director/Staff BUMD	13	3,5
8	Corporate	13	3,5
9	Member of Public	11	3
10	Unknown	7	1,9
11	Head/Organization Staff/Group	7	1,9
12	Regent/ Deputy Regent	4	1,1
13	Non ASN	4	1,1
14	Chairman/ Member of Cooperative	2	0,5
15	Chairman/ Member of Party	2	0,5
16	Honorary/ Contract Based Employee	1	0,3
17	Chancellor / Dean / Lecturer / Academics	1	0,3
18	Adjutant	1	0,3
	TOTAL	**372**	**100**

ICW found that the actor who committed the most acts of corruption was ASN. There were 114 people or around 30.65 percent who were named suspects. Meanwhile, the second actor who

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[11] Kompas.com, "*Soal PNS Koruptor, 1.372 Orang Sudah Dipecat dengan Tidak Hormat, 1.124 Belum*", diakses dari https://nasional.kompas.com/read/2019/04/28/10522231/soal-pns-koruptor-1372-orang-sudah-dipecat-dengan-tidak-hormat-1124-belum?page=all pada tanggal 22 September 2020 pukul 23.29 WIB.

committed the most acts of corruption was the private sector with a total of 84 people or around 22.6. Others, the Village Head is in third place with 47 suspects.

The role of ASN and the private sector in committing corruption is known when there is an agreement between a public agency and a third party in carrying out work, which can be in the form of procurement of goods or services. The mode commonly used when the perpetrators of ASN and the private sector are marking up the price of the goods or services offered.

Another case is the case involving the Village Head as a corruption suspect. The mode commonly used is embezzlement of village budgets. The source of the budget varies, it can be from the Village Fund Allocation or the Village Fund.

What's interesting about the findings in the first semester of year 2020 are, there were 13 corporations named as suspects. Since the issuance of Supreme Court Regulation No. 13 of 2016 concerning Procedures for Handling Criminal Cases by Corporations (Perma 13/2016), law enforcement began to criminalize malicious corporations.

When compared to the first semester of year 2018 until now, a total of 19 corporations have been named as suspects by law enforcement. The increase in corporate punishment by law enforcers when compared to the first semester of year 2019 is a good step that must be continued.

Table 8. Number of Suspects from Corporations

No	Period	Corporations Number
1	1st Semester of 2018	3
2	1st Semester of 2019	3
3	1st Semester of 2020	13
	TOTAL	19

However, the corporations that were named as suspects in the first semester of year 2020 are not numbers to be proud of. This is because law enforcers are only able to arrest 3.5 percent of the

corporation from the total number of suspects named. This is certainly a challenge for law enforcers.
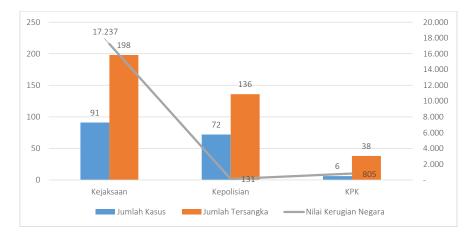
If private parties are the second most suspected corruption actors, law enforcers should also be diligent in looking for other evidence. The search for evidence needs to be done to see the link between crimes committed by individuals and corporations as entities.

The Performance of Corruption Case Enforcement by Law Enforcers

Law enforcers are at the forefront of holistic corruption eradication. One of the objectives of this monitoring is to see the performance of law enforcers (Attorney General's Office, Police, KPK) in efforts to eradicate corruption. The database used to measure the performance of law enforcers is the target case handling, budget, and actual handling.

The obstacle faced by the public as an informant is the lack of information regarding the prosecution of corruption cases that are currently in the investigation stage. The implication of the right to information that is difficult for the public to access is reduced supervision to law enforcers,

Therefore, ICW mapping the performance of law enforcers during the first semester of year 2020 to provide an overview of their performances, especially in the regions. The following are the results of the monitoring.

Graphic 2. *The Performance of Corruption Case Enforcement by Law Enforcers 1ˢᵗ semester of year 2020*

Generally, law enforcers who take the most action against corruption cases are the Attorney General's Office. There are 91 cases or around 54 percent of corruption cases investigated by the Attorney. There were 198 named as suspects with a total state loss of IDR 17.2 trillion.
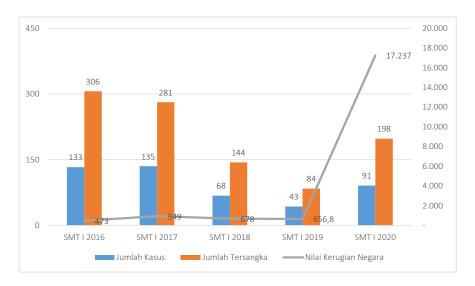
Meanwhile, the Police handled 72 corruption cases or about 43 percent of the total cases with 136 suspects. The value of state losses incurred as a result of corruption was IDR. 131 billion

While the cases investigated by the KPK during the first semester of 2020 were 6 (six) corruption cases or around 3 percent. The number of suspects investigated by the KPK was 38 people with state losses incurred amounting to IDR 805 billion.

In analyzing the performance of law enforcers, ICW uses 3 (three) aspects. First, the comparison between the target of prosecution for corruption cases with the realization. Second, the imposition of articles to impoverish corruptors as a deterrent effect. Third, actors named as suspects by law enforcers. Following are further details on the performance of each law enforcement institution during the first semester of 2020.

The investigation of corruption cases held by the Attorney General's Office has fluctuated since the first semester of 2016. In terms of numbers, the decline in prosecution for corruption cases occurred in the first half of 2017 to the first semester of 2019. However, in the first semester of 2019. In year 2020 there was a significant increase, both from the number of cases, the number of suspects to the value of state losses

Graphic 3. Trends in Corruption Cases Prosecution 1st Semester of 2016 – 1st Semester of 2020 by The AGO

Although in terms of quantity the number of prosecutions for corruption cases is increasing, it needs to be seen from the perspective of the quality of case handling. Following are the results of an analysis of the performance of law enforcers regarding the handling of corruption cases.

Target vs Realization

Based on the 2020 Budget Implementation List, the target of handling corruption cases by the attorney's office is 566 cases per year. There are 517 public attorneys' offices throughout Indonesia, consisting of 1 (one) Deputy Attorney General for Special Crimes at the national level,

33 High Attorney's Office in Provinces, 483 District/City Attorney General Offices. There is 1 (one) province that is unknown, namely North Sulawesi Province.

Each attorney at the provincial and district / city levels is required to handle 1 (one) corruption case. Meanwhile, at the Attorney General's Office, the target for case handling must be achieved is 50 cases.

Each semester it is assumed that the AGO is capable of handling 283 corruption cases or about 50 percent of the target to be achieved. In fact, the realization of the handling of corruption cases carried out by the prosecutor's office in the first semester of 2020 was only 91 cases. When compared between the target for handling corruption cases and their realization, the attorney's contribution to achieving the target of investigation is only 16.1 percent. This means that the attorney's performance in handling corruption cases is bad.

Methodically, the cases handled by the attorney included 77 new cases investigated in the first semester of 2020 (84.6 percent), development cases as many as 13 cases (14.3 percent) and 1 (one) case of hand arrest. (1.1 percent).

Meanwhile, based on the same document, it is known that the total budget allocated for handling corruption cases is IDR 75.3 billion. Each attorney's office at the provincial and district level receives a budget allocation of IDR 129.8 million per case. There are exceptions for attorneys located in Papua and West Papua. The budget allocation for attorneys in Papua and West Papua is IDR 160 million per case.

Meanwhile, the Deputy Attorney General for Special Crimes received a budget of IDR 7.9 billion for the target of 50 corruption cases handled. Per case, Deputy Attorney General for Special Crimes received a budget of IDR 158 million. Meanwhile, the cases handled by Deputy Attorney General for Special Crimes during the first semester of 2020 were only 6 (six) cases or around 12 percent.

A number of corruption cases handled by the attorney's office caused state losses of IDR 17.2 trillion. The amount of state money lost should be a question for the attorney, whether the attorney's office is able to recover those number of state financial losses?

Imposition of Articles

In general, attorneys often use articles of state financial losses in prosecuting corruption cases. There were 82 cases of corruption or around 90 percent of which were prosecuted using article 2 and article 3 of the Anti-Corruption Law. In addition, for several cases, the attorney's office used articles of extortion (5 cases), money laundering (2 cases), gratuities (1 case) and bribery (1 case).

In an effort to recover state financial losses, the attorney's office can use the instrument of the article on money laundering. In terms of quantity, there are few cases of corruption that are subject to money laundering by the attorney. This means that the AGO does not have a vision to recover state financial losses.

However, there are things that should be appreciated by the AGO. From the 82 cases of corruption that had the dimensions of state losses, there were 2 (cases) of corruption which were subject to the money laundering article totaling IDR 16.9 trillion. The case is the alleged corruption case of PT. Jiwasraya Insurance, which caused state losses of IDR 16.8 trillion and a case of alleged corruption in the provision of financing facilities from PT. Danareksa Sekuritas, which the state lost amounting to IDR 105 billion.
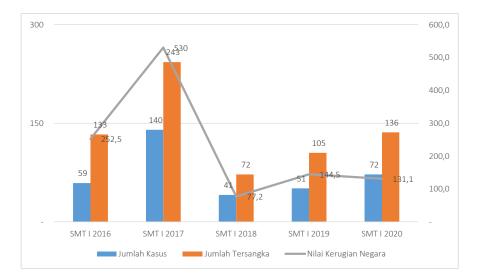
Corruption Actors

Based on the monitoring results, it is known that there are 5 (five) most dominant actors set as suspects by the attorney, namely ASN (55 people), the private sector (51 people), Village Heads (20 people), Corporations (13 people), and Managing Director / Staff of State-owned Enteprises (12 people). Meanwhile, there are still a few political actors appointed by the prosecutor's office, such as Chairman / Members of DPRD (5 people), Regent (2 people), and party members (1 person).

In general, the prosecution of corruption cases carried out by the attorney has not targeted strategic actors such as those who make a policy. This is due to the inability of the attorney's office to trace every party suspected of being involved in acts of corruption. This is because the illustration above shows that it is the executing actors who are still dominantly arrested.

Thing that should be appreciated is the attorney's efforts to establish corporations as corruption suspects. With the existence of Supreme Court Regulation No. 13/2016, it is hoped that it can snare additional instruments for the prosecutor's office to increase its efforts to investigate corruption cases with a corporate dimension. This is because the number of private parties who have been named as suspects by the prosecutor's office does not rule out the possibility of corporate involvement when committing corruption crimes.

Police Department

Investigation of corruption cases carried out by the police has fluctuated since the first semester of 2016. In terms of numbers, there is an increasing trend in the prosecution of corruption cases that occurred in the first semester of 2018 to the first semester of 2020.

Graphic 4. Trends in Prosecution of Corruption Cases 1st Semester 2016 − 1st Semester 2020 by Police Depratment

The increase occurred in terms of the number of cases and the number of suspects. Meanwhile, in the aspect of state losses, there was decreased from 1st semester of 2019 to 1st semester of

year 2020. However, the increase was not too significant. The following is an analysis of the performance of law enforcers regarding the handling of corruption cases.

Target VS Realization

Based on the 2020 Budget Implementation List, the target of handling corruption cases committed by the police institution is 1,539 cases per year. The total number of police institutions in Indonesia is 483 offices consisting of 1 (one) Directorate of Corruption at the national level, 33 Polda at the Provincial level, 449 Polres in District / City. There is 1 (one) province which is not known because the data in the DIPA is the 2019 budget year, namely North Sulawesi Province.

Each police station at the provincial and district / city levels has different targets. There are police that have a target of 1 (one) case, some are obliged to settle 75 cases, as happened to the Tanjung Perak Harbor Police and Jombang Resort Police. Meanwhile, at the National Police Criminal Investigation Unit (Bareskrim Mabes Polri) the target of case handling must be achieved is 25 cases.

Each semester is assumed that the police are capable of handling 770 cases of corruption or about 50 percent of the target to be achieved. In fact, the realization of the handling of corruption cases carried out by the police in the first semester of 2020 was only 72 cases. When compared between the target for handling corruption cases per year and their realization, the contribution of the police in achieving the target of investigating corruption cases is only 4.7 percent. This means that the police performance in handling corruption cases is bad.

In terms of methods, cases handled by the police include 77 new cases investigated in the first semester of 2020 (84.7 percent), 7 (seven) development cases (9.7 percent), and 4 (four) cases hand arrest operations (5.6 percent).

Meanwhile, based on the same document, it is known that the total budget given to the police for handling corruption cases is IDR 277 billion. Each police force at the national, provincial and district levels receives various budget allocations. The smallest budget given is IDR 6.4 million per case at

the Tanjung Perak Port Police. The largest budget was given to the North Sumatra Regional Police, amounting to IDR 1.3 billion per case.

The Directorate General of Corruption Crimes National Police Criminal Investigation Unit received a budget of IDR 7.4 billion for the target of 25 corruption cases that must be handled. Directorate General of Corruption Crimes National Police Criminal Investigation Unit receives a budget of IDR 297 million for each case. Unfortunately, in the first semester of 2020 Directorate General of Corruption Crimes National Police Criminal Investigation Unit can only handle 1 (one) case or about 4 percent.

A number of corruption cases handled by the police caused state losses of IDR 131.1 billion. With the amount of state money that has been lost, will the police capable to recover those money?

Impositions of Articles

In general, the police most often use state financial losses articles in prosecuting corruption cases. There were 62 cases of corruption or about 86 percent that were prosecuted using article 2 and article 3 of the Anti-Corruption Law. In addition, for several cases, the police used the article extortion (8 cases), gratuities (1 case) and bribery (1 case).

In an effort to recover state financial losses, in the first semester of 2020 the police never used the instrument of the money laundering article. This is a bad record for police performance. This also means that the police have absolutely no effort to recover state financial losses.
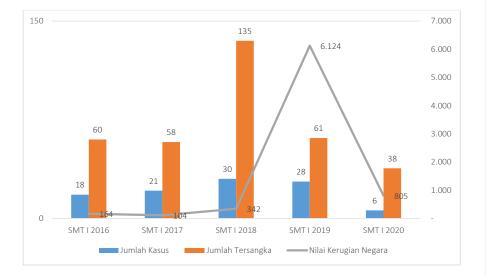
Corruption Actor

Based on the monitoring results, it is known that there are 5 (five) most dominant actors designated as suspects by the police, namely ASN (53 people), Village Heads (27 people), private parties (22 people), CEOs / employees of BUMN (9 people), and Village Apparatus (8 people). Meanwhile, there are very few political actors appointed by the police, such as the Chairman / Member of DPRD (3 people) and the Deputy Regent (1 person).

In general, the prosecution of corruption cases by the police has not targeted strategic actors such as those who make a policy. This is due to the inability of the prosecutor's office to trace every party suspected of being involved in acts of corruption. This is because the illustration above shows

that it is the executing actors who are still dominantly arrested. In fact, there is a tendency for actors at the village level to become targets in handling corruption cases.

The police never identified corporations as parties suspected of being involved in corruption. This is unfortunate because the existence of Supreme Court Regulation No. 13/2016 is not used optimally by the police. Even though the actors who come from the private sector are the second most perpetrators.

Corruption Eradication Commission (KPK)

Corruption case investigations by KPK have fluctuated since the first semester of 2016. In terms of numbers, there is an increasing trend in the corruption cases prosecution that occurred in the first semester of 2016 to the first semester of 2018.

Graphic 5. Trends in Corruption Prosecution 1st Semester 2016 – 1st Semester 2020 by KPK

The increase occurred in the aspect of the number of cases, the number of suspects and the amount of state financial losses. Meanwhile, based on the graph, it can be seen that the

phenomenon of gradually decreasing from the first semester of 2018 to the first semester of 2019 and a sharp decreasing in the first semester of 2020. Below are the results from analysis of the performance of law enforcers regarding the handling of corruption cases.

Target VS Realization

Based on the 2020 Budget Implementation List, the target for handling corruption cases by the KPK is 120 cases per year. The budget for prosecuting corruption cases is IDR 29.3 billion with an average per case of IDR 244.5 million.

Each semester it is assumed that the KPK can handle as many as 60 corruption cases or about 50 percent of the target that must be achieved per semester. In fact, the actual handling of corruption cases carried out by the KPK in the first semester of 2020 was only 6 cases. When compared between the target for handling corruption cases per year with their realization, the contribution of the KPK in achieving the target of investigating corruption cases is only 5 percent. This means that the KPK's performance in prosecuting corruption cases is bad.

This is allegedly due to number of regulations that hinder KPK's performance in efforts to prosecute corruption cases through the revision of the KPK Law. In addition, the role of the KPK leadership is also a contribution to the decreasing performance in eradicating corruption.

In the prosecution method, the cases handled by the KPK included the development of 3 (three) cases (50 percent), 2 (two) cases (33.3 percent) of new cases in the first semester of 2020 (one) case (16.7 percent).

A number of corruption cases handled by the KPK caused state losses of IDR 805 billion. With the amount of state money that has been lost, is the KPK able to recover those number of state financial losses?

Imposition of Article

In general, the KPK most often uses the bribery article in taking action against corruption cases. There were 4 (four) cases of corruption or about 67 percent that were prosecuted using the bribery article. In addition, the KPK used the state losses article to take action against 2 (two) other cases.

In effort to recover state financial losses, in the first semester of 2020 the KPK did not use the instrument of money laundering at all. This is a bad record for the KPK's performance. This means that the KPK has absolutely no effort to recover state financial losses.

Actors of Corruption

Based on the results of monitoring, it is known that 3 (five) actors were most dominantly designated as suspects by the police, namely the Chairman / Member of the DPRD (15 people), the private sector (11 people), and ASN (6 people). In addition, the KPK is also prosecute a Regent of 1 (one) KPU Commissioner, and a member of a political party, Harun Masiku.

In general, the prosecution of corruption cases carried out by the KPK has targeted strategic actors such as those who make a policy. However, these efforts need to be increased to the prosecution stage so that the parties suspected of being involved can be arrested. In addition, the KPK still has homework to arrest Harun Masiku, who is fugitive for allegedly committing bribes to the KPU commissioner. If the KPK cannot arrest Harun Masiku, it means that the KPK is unable to uncover cases that are presumed of involving more strategic actors.

It is also known that KPK has never identified corporations as parties that suspected of being involved in corruption. Unfortunately, considering that in the previous year KPK had designated corporations as the party responsible for corruption.

SUMMARY

Based on the results of ICW monitoring, several conclusions were obtained, they are:

1. There is a new mode that occurs, namely stock manipulation related to the capital market sector. The value of state losses arising from the manipulation mode was very large, as much as IDR. 16.9 trillion.
2. The village budget become the most vulnerable sector to be corrupted. In addition, the emergence of cases in the capital market sector provides a warning that there is vulnerability to this sector.

3. The most dominant perpetrators of corruption arrested by law enforcers are ASN and the private sector.

4. The performance of the prosecution of corruption cases by law enforcers in the Special Region of Yogyakarta and North Kalimantan is thought to be poor. This is reflected in the absence of information obtained regarding the efforts to handle corruption cases in those two regions.

5. Law enforcers rarely or never arrest perpetrators from corporations. Prove is that there are only 13 corporations that have been named as suspects by law enforcement.

6. The performance of law enforcers in the aspect of prosecuting corruption cases is poor. This can be seen from the target achievement in accordance with DIPA for the 2020 fiscal year, the percentage is below 50 percent.

7. Law enforcers does not use money laundering instruments as a tool to recover state financial losses. This can be seen from the imposition of the money laundering article on corruption cases, only 1.2 percent of the total cases. This condition indicates that law enforcers are lazy in looking for evidence that leads to money laundering.

8. Law enforcers rarely or never use Supreme Court Regulation No.13/2016 as an instrument to arrest suspected corrupted corporation.

9. The regulatory changes experienced by the KPK indicate that the agency did not have spurs when its legal powers were castrated. In addition, KPK leaders who are suspected of having problems are also one of the main contributions in prosecuting corruption cases.

RECCOMENDATION

1. The President must immediately evaluate the performance of law enforcement officials in handling corruption cases, especially in the aspect of the imposition of money laundering article. This shows that the vision of law enforcers is not in line with the President, which is restoring state finances.

2. The government must cut the budget of every law enforcement institution that is not optimal in carrying out its function of prosecuting corruption cases.

3. DPR have to ask law enforcement agencies to take responsibility for the failure of case handling per first semester of 2020.
4. The Police Commission have to supervise the Police regarding the targets for handling corruption cases and their realization.
5. The KPK Supervisory Board have to impose sanctions on anyone at the KPK who openly detain the process of prosecuting corruption cases.