

Monitoring Report Trends in Prosecution of Corruption Cases in 2021

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Background

Corruption is essentially a serious issue whose eradication requires extraordinary efforts due to its characteristic as an economic-motivated crime that can hinder the country's economic growth which in the end will have an impact on the failure of efforts to improve the welfare of citizens, and even violate human rights and close access to the basic needs of citizens. On this basis, corruption in Indonesia is classified as an extra-ordinary crime that needs to be addressed with an extra-ordinary measure.

As an effort that must be taken seriously, cracking down on corruption, especially in the law enforcement sector, is an important task that cannot be separated from the corruption eradication agenda as a whole. However, the designation of corruption as an extraordinary crime that requires extraordinary handling has not encouraged the government to take more serious actions to eradicate corruption. The 2021 Corruption Perceptions Index (CPI) ranks Indonesia 96th place out of 180 countries with a score of 38 out of 100.¹ This improvement compared to the previous year, where Indonesia scored 37 out of 100, does not necessarily signify a comparable improvement in government's efforts to eradicate corruption.

Furthermore, based on the results of a survey by Transparency International in the 2020 Global Corruption Barometer, 92 percent of Indonesians view corruption by the government as a serious problem. Throughout 2020, the public also considered that the level of corruption had increased by 49 percent compared to the previous year.² In terms of law enforcement, the 2021 Rule of Law Index report published by the World Justice Project places Indonesia at 98th out of 139 countries with a score of 0.40 in the indicator of the absence of corruption. It should be noted that the higher this rating, the worse the condition of corruption in Indonesia.³

Based on a number of issues above, the efforts to handle corruption cases should be taken seriously by law enforcement agencies including the Attorney General's Office (AGO), the National Police, and the Corruption Eradication Commission (KPK). Public supervision is a key factor in the

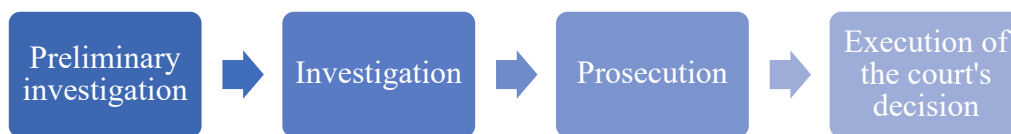
¹ Transparency International, "Corruption Perception Indeks 2021", (online) available at: <https://www.transparency.org/en/cpi/2021/index/idn> (accessed on 5 April 2022)

² Transparency International, "Global Corruption Barometer", (online) available at: <https://www.transparency.org/en/gcb/asia/asia-2020/results/idn> (accessed on 5 April 2022)

³ World Justice Project, "Rule of Law Index 2021", (Washington: World Justice Project, 2021)

checks and balances mechanism, including in the handling of corruption crimes. Public participation through monitoring the performance of state officials needs to be carried out to ensure whether the legal process runs fairly and objectively, and to avoid potential abuse of authority by law enforcement agencies. The role of the community itself is regulated in Article 11 paragraph (1) of Government Regulation Number 43 Year 2018 concerning Procedures for Public Participation and Reward in the Prevention and Combating of Corruption (PP 43/ 2018).⁴

The stages carried out by law enforcement agencies in dismantling systematic crimes to target intellectual actors can be described as follows:



It can be seen that case handling supervision by the community can begin from the investigation process after suspect identification. However, this should be supported by law enforcement agencies who convey general information to the public, which generally includes 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 openness was emphasized when Indonesia Corruption Watch (ICW) in 2015 submitted 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-

⁴ Article 11 paragraph (1) and paragraph (2) of PP 43/2018 states "The public can submit suggestions and opinions to law enforcement regarding the handling of cases of criminal acts of corruption".

M/2015, the Attorney General's Office and the National Police have expressed their willingness to convey this information to the public, although 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 something that needs to be done 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 2021, the total budget for corruption case investigation allocated to each law enforcement agency is IDR 382,832,921,000, which is detailed in the following table:

Table 1. Budget allocation for handling corruption cases at the preliminary investigation/investigation stage in law enforcement agencies based on DIPA FY 2021

Description	Attorney		Police		KPK	
	Budget	Target	Budget	Target	Budget	Target
Central Government	IDR 217.8 million/case	25 cases	IDR 155.1 million/case	40	IDR 138.3 million/case	120 cases
Province	IDR 116 million – 1.3 billion/case	2-47 cases	IDR 129.8 million/case	1	-	-
Regional	IDR 4.1 – 640 million/case	1-75 cases	IDR 129.8 million/case	1	-	-

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

The Monitoring of Trends in the Prosecution of Corruption Cases has five objectives:

1. Provide an overview of the prosecution of corruption cases by law enforcement agencies throughout 2021.
2. Compare the trends in the prosecution of corruption cases in 2021 with the previous five years.
3. Map the pattern of corruption that occurred throughout 2021 so that the government can strategically prevent it.
4. Encourage the transparency of data on corruption cases by law enforcement agencies.
5. Assess the performance of prosecution of corruption cases carried out by law enforcement agencies throughout 2021.

Methodology

ICW monitored corruption cases which had entered the investigation stage for one year from January 1 to December 31, 2021. The data were obtained from online media, official websites of law enforcement agencies, and through information request letter sent to related law enforcement agencies. The collected data was then tabulated and processed and statistically compared on all analysis parameters with the data of the prosecution of corruption cases in Semester I of the previous five years (2017-2021). Finally, the processed data is analysed descriptively.

There were two limitations in the monitoring process: First, at the data collection stage, the data obtained by ICW came from secondary sources because primary sources regarding information on corruption cases were very difficult to obtain, especially at the local law enforcement level. So far, ICW has only managed to collect press releases regarding the handling of corruption cases, when they are available, on the websites of law enforcement agencies. This results in discrepancies which impact the results of the analysis related to the performance of law enforcement agencies.

As has been explained, the official websites of law enforcement agencies such as the Prosecutor's Office and the regional police do not regularly report the performance of their enforcement. Some prosecutors and police at the regional level do not even have official websites. It is necessary for the Prosecutor's Office and the Police to conduct a review of the facilities and infrastructure of their institutions at the district/city level.

Second, the definition of “an incident of a criminal act of corruption processed by law enforcement agency” used by ICW is different from the definition used by law enforcement agencies. ICW uses the term "case" when a corruption crime occurs, while law enforcement agencies uses the term "charge" for every corruption crime that occurs and the resulting document is a charging document. This results in a difference in the number of cases monitored by ICW with cases that have been handled by law enforcement agencies.

Despite the limitations, ICW believes that information on the handling of corruption cases should absolutely be open to the public as long as it does not violate the law. In addition, Article 9 Paragraph (2) Letter b of Public Information Disclosure stipulates that any information related to the activities and performance of public agencies must be made available periodically.

Therefore, information regarding the case handling, from the description of the case, the name or initials of the suspect, the article alleged, the amount of loss, the amount of bribes, to the amount of illegal fees, should be reported regularly by each law enforcement agencies through media that is easily accessible to the public.

General Findings

Throughout 2021, ICW found 533 corruption cases handled by law enforcement agencies, with 1,173 designated suspects from various professional backgrounds. The total state losses found by law enforcement agencies were around IDR 29,438,537,001,313 (29.438 trillion), bribes of IDR 212,581,219,000 (212 billion), illegal fees or extortion of IDR 5,974,670,000 (5.9 billion), and money laundering of IDR 20,975,000,000 (20.975 billion).

On average, each month there were 44 corruption cases with 97 suspects named by law enforcement agencies. Specifically, on average each law enforcement agency investigated 15 corruption cases with 32 suspects per month. Of the 533 cases, 38 or around 7.1 percent were case

developments from the previous years. In addition, only 11 corruption cases or around 1.7 percent resulted from arrest operation (OTT). The remaining 484 cases or around 90.8 percent were new cases investigated between January and December 2021.

Based on the findings, ICW measured the performance of law enforcement institutions in handling corruption cases and put them into five categories based on case targets in accordance with DIPA for the fiscal year 2021, which is 2,217 corruption cases in one year. The following table shows the assessment categories:

Table 2. Assessment Category for Prosecution of Corruption Cases

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

ICW classified the performance of law enforcement agencies into five categories by comparing the percentage of cases actually handled with the target cases: Excellent (A) with 81 – 100 percent cases handled, Good (B) with 61 – 80 percent cases handled; Fair (C) with 41-60 percent cases handled; Poor (D) with 21-40 percent cases handled; and Very Poor (E) with 0-20 percent cases handled.

Based on the monitoring and analysis, ICW gave the performance of law enforcement agencies in the handling of corruption cases a rating of D or Poor, based on the 24 percent of cases handled from the target of 2,217 cases. Details of specific findings can be found in the next section.

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

ICW conducted a comparative analysis on the prosecution of corruption cases handled by law enforcement agencies for the last five years (2017-2021) to assess the performance of prosecution of corruption cases based on the number of cases investigated, actors designated as suspects, and the value of state losses. The results can be seen in the following chart:

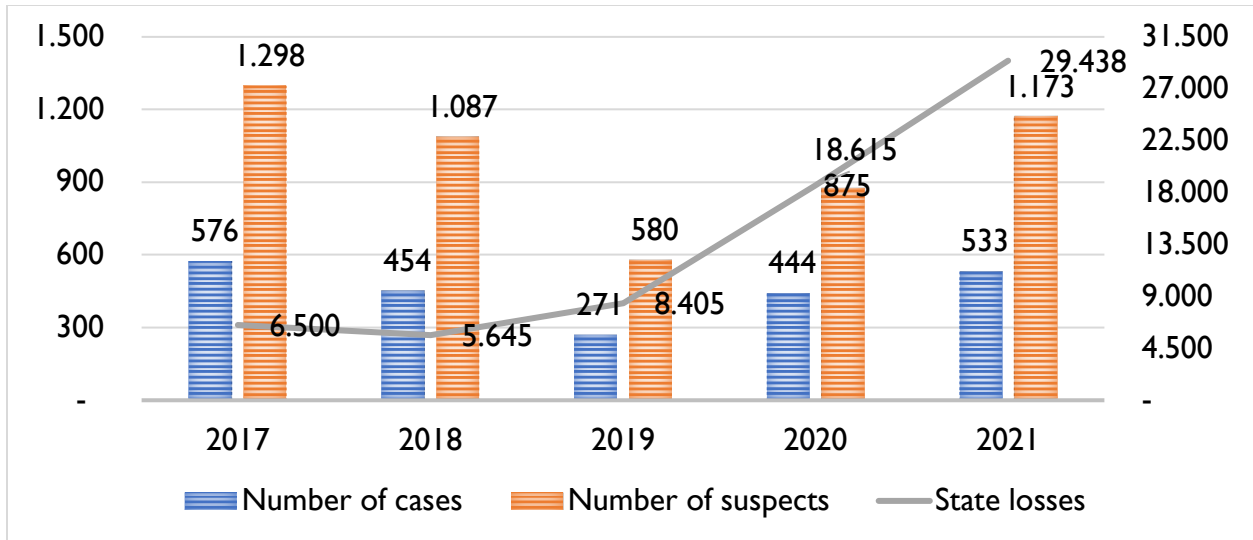


Figure 1. Trends in the Enforcement of Corruption Cases in the 5-Year Period (2017-2021)

We can see that since 2017, the prosecution of corruption cases by law enforcement seems to fluctuate, both in the number of cases handled and the number of suspects named. Meanwhile, state losses caused by corruption increased significantly, which indicates that the budget oversight carried out by the government needs to be improved to prevent state budget misappropriation.

As has been explained, corruption has severe impacts on the state's efforts to improve the welfare of its citizens. This is actually confirmed in the general explanation section of Law Number 31 of 1999 concerning the Crime of Corruption which states that the rampant and systematic corruption in Indonesia is not only detrimental to state finances, but has also violated the social and economic rights of the people.

Case Mapping by Modes

ICW carried out a mapping of the modes used by the suspects in committing corruption, which was aimed at knowing the tendency of corruption suspects when carrying out their actions. The results of this mapping can be used by the government to close the gap for corruption. The following table presents the results of the mapping:

Table 3. Case Mapping by Modes in 2021

No	Mode	Number of Cases	State losses (IDR)	Bribes/gratification/illegal fees (IDR)	Money laundering (IDR)

1.	Budget abuse	133	945,263,263,977	-	-
2.	Fictitious project/activity	109	747,127,892,530	-	1.700.000.000
3.	Embezzlement	79	2,966,556,664,979	-	-
4.	Mark Up	54	257,741,308,950	-	-
5.	Fictitious report	53	224,626,068,003	-	-
6.	Cutting	27	35,373,665,654	-	375.000.000
7.	Abuse of authority	26	1,224,159,137,220	5,700,000,000	-
8.	Bribery	21	250,000,000,000	143,959,700,000	-
9.	Illegal fees	12	-	4,974,670,000	-
10.	Gratification	11	-	63,671,519,000	-
11.	Double budget	2	4,460,000,000	-	-
12.	Money laundering	2	-	-	18.900.000.000
13.	Stock-price manipulation	2	22,780,000,000,000	-	-
14.	Mark Down	2	3,229,000,000	-	-
15.	Unidentified	1	-	250,000,000	-
TOTAL		533	29,438,537,001,313	218,555,889,000	20,975,000,000

ICW identified at least 14 modes used by the suspects in carrying out corruption. The most widely used mode throughout 2021 was budget abuse, which was 133 cases. The mode of budget abuse is the use of a budget that is not in accordance with its designation. For example, the budget that should be used for the procurement of medical equipment used for the procurement of official cars. The total potential loss to the state that occurs from this mode is IDR 945,263,263,977 (945.2 billion).

The next most widely used mode is fictitious activities/projects. Throughout 2021, there were 109 corruption cases with a total value of potential state losses of IDR 747,127,892,530 (747 billion). Fictitious activities/projects as identified by ICW are when a job is not completed but the payment has been paid. Just like with the mode of budget abuse, corruption cases using fictitious activity/project mode are often related to goods/services procurement.

Other modes of corruption related to goods/services procurement are mark ups and fictitious reports. ICW found 242 cases related to procurement in 2021, almost all of which used the four modes. This finding indicates the weakness of the monitoring system and state institutions in

development activities. In addition, corruption related to the process of goods/services procurement will certainly cause non-optimal work or activities funded by state money which will ultimately harm the community and hinder their right to obtain state facilities or services.

In addition, since 2020 a new mode has been identified by ICW, namely stock manipulation. There were as many as six corruption cases with the mode of inflating stock prices, two of which were investigated by the Deputy Attorney General for Special Crimes (Jampidsus), namely mega case of Asuransi Jiwasraya in 2020 and the corruption case of PT. Asabri in 2021. In the first case, BUMN PT Asabri based on the calculation of the Supreme Audit Agency (BPK) has caused state financial losses of IDR 22,780,000,000,000 (IDR 22.78 trillion).⁵ The mode in this case is to inflate the stock price so that it seems as if Asabri's portfolio is performing well.⁶

In the development of the case, the Attorney General's Office found the act of hiding the proceeds of crime or money laundering through cryptocurrency or bitcoin transactions. Based on a statement by the Head of the Centre for Financial Analysis and Transactions (PPATK) in a publication, bitcoin transactions are an emerging threat for money laundering media in Indonesia.⁷ In the future, it is very likely that similar modes will be more frequent, which means that law enforcement agencies must improve their competence to deal with the worst possible situation.

Case Mapping by Types

ICW also monitored the imposition of articles used by law enforcement agencies to catch perpetrators of corruption. ICW used 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*) and Law Number 8 of 2010 concerning the Eradication and Prevention of Money Laundering (TPPU) to identify several types of corruption, with the following details:

⁵ Kabar 24: "Final, Kerugian Negara Kasus Korupsi PT. Asabri sebesar Rp 22,78 Triliun", (online) available at: <https://kabar24.bisnis.com/read/20210531/16/1399690/final-kerugian-negara-kasus-korupsi-pt-asabri-rp2278-triliun> (accessed on 13 April 2022)

⁶ Nasional Tempo, "Kejaksaan Agung Ungkap Modus Kasus Korupsi PT. Asabri", (online) available at: <https://nasional.tempo.co/read/1428824/kejaksaan-agung-ungkap-modus-kasus-korupsi-pt-asabri/full&view=ok> (accessed on 20 August 2021)

⁷ Kompas.com, "Tersangka Kasus Asabri Cuci Uang Lewat Bitcoin, PPATK: Modus Baru TPPU", (online) available at: <https://nasional.kompas.com/read/2021/04/22/10341781/tersangka-kasus-asabri-cuci-uang-lewat-bitcoin-ppatk-modus-baru-tppu?page=all> (accessed on 5 April 2022)

Table 4. Case Mapping by Types in 2021

No	Types of corruption based on Tipikor/TPPU laws	Number of cases	State losses (IDR)	Value of Bribes/Gratification/illegal fees (IDR)	Money laundering (IDR)
1.	State financial losses	475	29,217,484,851,263	-	-
2.	Bribery	21	-	143,959,700,000	-
3.	Extortion	12	-	4,974,670,000	-
4.	Gratification	10	-	35,171,519,000	-
5.	Conflict of interest in procurement	4	956,000,000	5,700,000,000	-
6.	Money laundering	8	-	28,500,000,000	20.975.000.000
7.	Embezzlement in office	2	220,096,150,000	-	-
8	Unidentified	1	-	250,000,000	-
TOTAL		533	29,438,537,001,263	218,555,889,000	20,975,000,000

ICW found that law enforcement agencies mostly used articles regarding state financial losses, namely Article 2 and Article 3 of the Anti-Corruption Law, which is 475. Unfortunately, based on the monitoring in 2021, law enforcement agencies have only used the money laundering article eight times.

This condition shows that law enforcement agencies are not serious about recovering assets resulting from crimes. In fact, recovering the proceeds of crime by seizing assets that have caused

state losses is still a serious problem in Indonesia. In reality, evidence testing forums using money laundering articles will help investigate the alleged flows of corrupted money.

This problem is exacerbated by the absence of government's commitment to immediately ratify the Asset Forfeiture Bill as a standard to regulate the mechanism of the verification test forum to trace the alleged flow of money (asset tracing) so that the assets resulting from corruption crimes can be confiscated by the state. The Asset Forfeiture Bill itself has been proposed to the DPR by the Government since 2012. Another legal instrument that is believed to be capable of supporting the agenda of eradicating corruption is the Bill on Limiting Cash Transactions or Currency.

The fact that the DPR and the Government are not oriented towards anti-corruption law causes the ratification of the Asset Forfeiture Bill and the Bill on Limiting Currency Transactions to continue without clarity. In January 2022, the Government announced that the Asset Forfeiture Bill would be included in the priority national legislation program (Prolegnas) for 2022,⁸ but in fact until March 7, 2022, the Asset Forfeiture Bill was not included in the priority Prolegnas.⁹

Furthermore, regarding the Bill on Limiting Currency Transactions, Chairman of Commission III of the DPR RI Bambang Wuryanto openly stated that the discussion of the bill would hinder politicians' efforts to collect votes in elections.¹⁰ This further shows that the Government and the DPR are not serious about strengthening the corruption eradication agenda.

Case Mapping by Sectors

ICW monitored sectors that were prone to corruption and found 40 sectors, ranging from public services, natural resources, state revenues, to natural disasters, with the following details:

⁸ Media Indonesia, "RUU Perampasan Aset Bisa Dimasukkan Evaluasi Prolegnas", (online) available at: <https://mediaindonesia.com/politik-dan-hukum/452870/ruu-perampasan-aset-bisa-dimasukkan-evaluasi-prolegnas> (accessed on 15 April 2022)

⁹ Jawa Pos, "RUU Perampasan Aset Tidak Masuk Prolegnas Prioritas Tahun 2022" (online) available at: <https://www.jawapos.com/nasional/07/03/2022/ruu-perampasan-aset-tidak-masuk-prolegnas-prioritas-tahun-2022/> (accessed on 15 April 2022)

¹⁰ CNN Indonesia, "DPR Enggan Bahas RUU Pembatasan Transaksi Uang Kartal", (online) available at: <https://www.cnnindonesia.com/ekonomi/20220405201928-78-780763/dpr-enggan-bahas-ruu-pembatasan-transaksi-uang-kartal> (accessed on 15 April 2022)

Table 5. Case Mapping by Sectors in 2021

No	Sector	Number of cases	State losses (IDR)	Bribery/gratification/illegal fees (IDR)	Money laundering (IDR)
1.	Village funds	154	233,310,616,052	-	-
2.	Government	50	115,979,629,057	56,030,750,000	18.900.000.000
3.	Pendidikan	44	58,100,438,564	945,000,000	375.000.000
4.	Education	40	180,269,582,568	26,180,000,000	-
5.	Social	34	31,157,409,762	5,700,000,000	-
6.	Banking	32	1,441,298,569,008	-	-
7.	Health	23	59,306,415,604	250,219,000	-
8.	Land	21	2,555,669,023,000	29,250,000,000	-
9.	Irrigation	20	30,688,654,324	18,900,000,000	-
10.	Trade	13	259,843,106,647	8,391,000,000	-
11.	Agriculture	10	22,017,217,710	-	-
12.	Tax	7	1,748,000,000	39,687,500,000	-
13.	Sports	6	16,818,108,202	-	-
14.	Cooperatives	6	30,651,976,131	-	-
15.	Religious	5	133,143,318,452	-	-
16.	Elections	5	10,731,396,943	-	-
17.	Fishery	5	31,536,228,802	21,420,000	-
18.	Agro-industry	5	152,204,040,325	-	-
19.	Sanitation	4	6,683,042,278	-	-
20.	Law enforcement	5	3,500,000,000	4,650,000,000	-
21.	Insurance and stock market	5	22,851,319,400,000	-	-
22.	Housing	3	4,573,966,369	-	-
23.	Permits	3	190,000,000,000	28,300,000,000	-
24.	Mining	3	476,900,000,000	-	-

25.	Disaster relief	3	9,645,468,182	250,000,000	-
26.	Lighting	3	1,943,617,104	-	-
27.	Communication and technology	2	315,520,000,000	-	1.700.000.000
28.	Manufacturing	2	3,608,467,899	-	-
29.	Farming	2	4,815,000,000	-	-
30.	Fire Department	2	1,350,000,000	-	-
31.	Employment	2	655,407,050	-	-
32.	Parks and Recreation	2	3,030,000,000	-	-
33.	Energy and electricity	2	2,829,064,865	-	-
34.	Forestry	2	13,795,213,609	-	-
35.	Tourism	2	656,000,000	-	-
36.	Culture	2	2,160,000,000	-	-
37.	Unidentified	2	179,122,622,806	-	-
38.	Demographic affairs	1	1,400,000,000	-	-
39.	Judiciary	1	-	-	-
40.	Youth affairs	1	556,000,000	-	-
TOTAL		533	29,438,537,001,313	218,555,889,000	20,975,000,000

ICW found that the sector most prone to corruption in 2021 is the village budget with 154 cases. As in previous years, this sector is ranked as the sector most frequently handled by law enforcement agencies, with a massive potential value of state losses of IDR 233,310,616,052 (233.3 billion).

Village budget corruption is defined 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); ¹¹ and 3). other income. Thus, corruption in the village budget sector is not entirely related to the disbursement of the central government through the Village Fund (DD) program.

However, since Law Number 6 of 2014 concerning Villages was issued, ICW has recorded a consistent increase in corruption cases at the village level that have been prosecuted by law enforcement agencies. The following is data on cases of corruption at the village level since 2015:

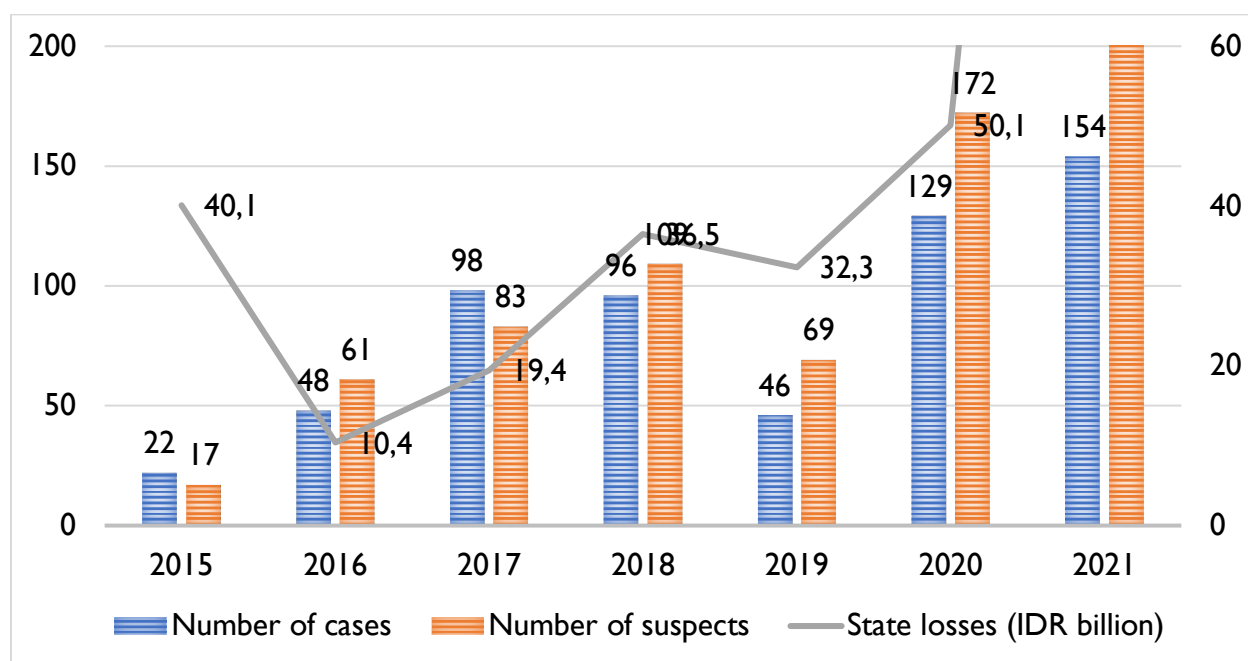


Figure 2. Village Funds Corruption 2015-2021

We can see that corruption cases in village funds have increased significantly since 2015 in terms of the number of cases, the number of suspects, and the value of state financial losses. This is very unfortunate considering that the total budget ceiling for village funds in 2021 is very large, namely IDR 72 trillion which is distributed to 74,961 villages.¹² It is assumed that one village will receive

¹¹ Article 10 paragraph (1) Regulation of the Minister of Home Affairs Number 113 of 2014 concerning Village Financial Management

¹² Sekretariat Kabinet Republik Indonesia, “Pemanfaatan Dana Desa Tahun 2021 dan Prioritas Pemanfaatan Dana Desa Tahun 2022”, (online) available at: <https://setkab.go.id/pemanfaatan-dana-des-tahun-2021-dan-prioritas-pemanfaatan-dana-des-tahun-2022/#:~:text=Tahun%202021%2C%20total%20Pagu%20Dana,85%20triliun%20pada%2074.939%20desa.> (accessed on 5 April 2022)

around IDR 1 billion. If these funds are not closely monitored, the development and welfare of village community will be difficult to achieve.

The Ministry of Village, Development of Disadvantaged Regions and Transmigration (Kemendes PDTT) needs to take concrete and strategic steps to prevent corruption. Corruption in village funds can be prevented in four steps: making an MoU between the community and village officials regarding the commitment to develop the village, forming an independent supervisory team to oversee the management of village funds, taking the oath of village officials, and providing strict sanctions against perpetrators of village funds misuse.¹³ This is important considering that in 2022, the budget ceiling for around 74,961 villages is not small, namely IDR 68 Trillion.¹⁴

In addition, the government's supervision of the village fund sector through the National Strategy for Prevention of Corruption (Stranas KP) is questionable considering that one of the focuses of Stranas PK is the strategy for monitoring village finances. This strategy should encourage the development of an electronically integrated village program and financial planning system, including monitoring and evaluation of development results. The system can then show planning, determination, implementation, and reporting.

The case of bribery and buying and selling of village head positions carried out by the Regent of Probolinggo Puput Trianana Sari and her husband who is also a member of the DPR, Hasan Aminudin, and 20 State Civil Apparatus (ASN) who are candidates for village officials also deserve attention.¹⁵ The problem is, the practice of buying and selling positions in government institutions continues and is now reaching the village level. This practice will certainly affect the quality of public services from the village government, because individuals who obtain positions fraudulently can certainly not have principles and will actually increase the potential for other acts of corruption.

Reflections on Two Years of Covid-19 Relief

¹³ Marten Bunga, et.al (2018), “Konsep Penyelamatan Dana Desa Dari Perbuatan Korupsi” *Halu Oleo Law Review*, Vol. 2 No.2, hlm. 448.

¹⁴ *Ibid.*

¹⁵ Merdeka.com, “KPK Perpanjang Penahanan Bupati Probolinggo dan Suaminya” (online) available at: <https://www.merdeka.com/peristiwa/kpk-perpanjang-penahanan-bupati-probolinggo-dan-suaminya.html#:~:text=KPK%20menetapkan%20Bupati%20Probolinggo%20Puput,jabatan%20di%20lingkungan%20Pemkab%20Probolinggo>. (accessed on 13 April 2022)

The government in March 2020 declared Covid-19 a national disaster ¹⁶ because it had negative impacts on many sectors including the economy. After establishing an emergency status, the President implemented a large-scale regional quarantine and social restrictions which hampers the economy and causes layoffs for many people.

The government's role is essential to ensure basic and social needs of many people who are affected by the pandemic. The state's obligation to provide social security is regulated in Article 28 H and Article 34 paragraph (2) of the 1945 Constitution and Article 41 of the Human Rights Law (UU HAM). The state's obligations regarding life guarantee are regulated in Article 27 paragraph (2), Article 28 C of the 1945 Constitution, and Article 11 of the Human Rights Law. Unfortunately, during the two years of the COVID-19 pandemic, the government's performance in dealing with the pandemic was unsatisfactory and encountered problems.

Several problems that arise in the handling of pandemic include discrepancy in data on recipients of social assistance, procurement of medical devices that are strongly suspected to benefit groups affiliated with public officials, delays in payment of incentives for health workers, and budget allocations that are only focused on saving the economy.

The social safety net program in the form of social assistance during the pandemic, for example, not only ignores the rights of marginalized groups such as people with disabilities and indigenous peoples, but has also been openly targeted by corruptors. One case that caught the public's attention was the corruption case involving former Minister of Social Affairs Juliari P. Batubara at the end of 2020.¹⁷

It should be clear that corruption in emergency situations is clearly a crime against humanity because it violates morals, injures justice, and violates the human rights of vulnerable groups and poor communities affected by the pandemic.

¹⁶ Badan Nasional Penanggulangan Bencana, "Presiden Tetapkan COVID-19 Sebagai Bencana Nasional" (online) available at: [https://bnpb.go.id/berita/presiden-tetapkan-covid19-sebagai-bencana-nasional#:~:text=JAKARTA%20%2D%20Presiden%20Joko%20Widodo%20secara,%2D19\)%20Sebagai%20Bencana%20Nasional](https://bnpb.go.id/berita/presiden-tetapkan-covid19-sebagai-bencana-nasional#:~:text=JAKARTA%20%2D%20Presiden%20Joko%20Widodo%20secara,%2D19)%20Sebagai%20Bencana%20Nasional). (accessed on 5 April 2022)

¹⁷ CNN Indonesia, "KPK Tetapkan Menteri Sosial Juliari Tersangka Bansos Covid-19" (online) available at: <https://www.cnnindonesia.com/nasional/20201205210711-12-578456/kpk-tetapkan-menteri-sosial-juliari-tersangka-bansos-covid-19> (accessed on 5 April 2022)

In addition to the Juliari case, ICW found 30 corruption cases related to Covid-19 relief between 2020 and 2021, which are detailed in the following table:

Table 6. Corruption Cases Related to COVID-19 Relief 2020-2021

Cases	Location	State losses (IDR)	Bribes/Illegal fees (IDR)	Law enforcement agency handling
2020				
Corruption case of village fund unconditional cash transfer (BLT) for Covid-19 relief – Musi Rawas	South Sumatera	-	3,600,000	Police
Case of bribery in the provision of social assistance related to Covid-19 relief – Jabodetabek	National	-	17,000,000,000	KPK
Corruption case of Covid-19 assistance for villages – Serang	Banten	570,000,000	-	Police
Corruption case of Covid-19 BLT distribution - Siniu Village	Central Sulawesi	-	-	Police
2021				
Alleged bribery of illegal Covid-19 vaccine sales – Medan	North Sumatera	-	238,700,000	Police
Corruption Case of Covid-19 Rapid Test Tool – Meranti Islands	Riau	96,150,000	-	Police
Cases of Covid-19 relief funds misappropriation - Payakumbuh	West Sumatera	195,000,000	-	Attorney General

Corruption case of procurement of 15,000 medical masks - Banten	Banten	1,680,000,000	-	Attorney General
Corruption case of Covid-19 assistance for villages – Pasindangan Village - Lebak	Banten	92,100,000	-	Attorney General
PKH social assistance corruption – Tangerang Regency	Banten	800,000,000	-	Attorney General
Cases of Corruption in Procurement of Emergency Equipment for the Covid-19 Pandemic – West Bandung	West Java	-	5,700,000,000	KPK
Corruption of Social Assistance Funds for the Covid-19 Pandemic - Bogor	West Java	54,000,000	-	Police
Corruption in the procurement of burial ground for Covid-19 victims - Lebaksaat Cimahi	West Java	569,520,000	-	Attorney General
Corruption of BLT Funds by the Village Head - Garut	West Java	374,000,000	-	Attorney General
Corruption of Covid-19 BLT Funds - Cirebon	West Java	325,000,000	-	Police
Corruption in the procurement of masks for Covid-19 - Indramayu	West Java	4,600,000,000	-	Police
Corruption in the Ministry of Labour’s Social Safety Net - Banyumas	Central Java	2,150,000,000	-	Attorney General

Corruption of BOP funds in Covid-19 Relief - Pekalongan	Central Java	500,000,000	-	Attorney General
Allegation of obstructing the investigation of the Covid-19 BOP corruption case - Pekalongan	Central Java	-	250,000,000	Attorney General
Alleged Corruption of BOP Pesantren and <i>Madrasa</i> Funds - Pasuruan	East Java	110,000,000	-	Attorney General
Corruption of Covid-19 relief funds for TPQ - Bojonegoro	East Java	1,007,000,000	-	Attorney General
Corruption of Social Assistance Funds - Malang	East Java	450,000,000	-	Police
Corruption of Covid-19 BLT Funds - Tarusan Village	Central Kalimantan	1,014,483,550	-	Attorney General
BOP Fund Corruption - Takalar	South Sulawesi	200,000,000	-	Attorney General
Bribes related to PEN Fund Loans - Kolaka	South East Sulawesi	-	250,000,000	KPK
Corruption in the procurement of masks at social services - Karangasem	Bali	2,900,000,000	-	Attorney General
Illegal deduction of Covid-19 BLT – Totok Village	East Nusa Tenggara	145,800,000	-	Police
Misuse of Covid-19 Funds – Mamberamo Raya Regency	Papua	3,153,100,000	-	Police
Misappropriation of BST Funds - Kokonao	Papua	504,000,000	-	Attorney General
Corruption of social assistance funds in 2020 - Yalimo	Papua	1,000,000,000	-	Police

Total	22,490,153,550	23,438,700,000	
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We can see from the data that corruption in several regions did not only occur in social assistance disbursement, but also in procurement of medical equipment such as masks, rapid test kits, and vaccines. Misappropriation of aid such as Cash Social Assistance (BST) and Unconditional Cash Transfer (BLT) are also the most common. In addition, operational assistance for religious education such as pesantren, madrasas, and Quran education centers under the Ministry of Religious Affairs is also prone to corruption. These cases are often carried out with the mode of budget abuse and illegal cuts, at the very least due to the lack of supervision and strict government policies in the regulation of COVID-19 funding assistance.

An example of COVID-19 relief funds misuse is the corruption case of the BOP Pesantren funds from the Ministry of Religious Affairs to help the COVID-19 relief in Pekalongan Regency. Based on information from the Pekalongan District Attorney's Office in the media, this case has caused state losses of up to IDR 713,285,000. The modus operandi of the seven people who have been designated as suspects by the Prosecutor's Office is to withhold assistance of IDR 500,000 from the 497 Madrasah Diniyah and TPQ that received assistance.¹⁸

Case Mapping by Regions

ICW conducted a mapping of corruption cases by region in each province, 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 due to 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 2021:

¹⁸ Detik.com, “Kasus Korupsi Bantuan Corona Madrasah di Pekalongan, 7 Orang Jadi Tersangka” (online) available at: <https://news.detik.com/berita-jawa-tengah/d-5762617/kasus-korupsi-bantuan-corona-madrasah-di-pekalongan-7-orang-jadi-tersangka> (accessed on 17 April 2022)

Table 7. Case Mapping by Regions in 2021

No	Province	Number of cases	State losses (IDR)	Bribes/Gratification/Illegal fees (IDR)	Money laundering (IDR)
1.	East Java	42	308,860,104,402	1,433,500,000	-
2.	West Java	40	162,941,784,973	8,445,000,000	-
3.	Central Java	37	414,644,768,501	27,924,000,000	-
4.	East Nusa Tenggara (NTT)	34	1,345,472,662,989	-	-
5.	South Sulawesi	30	68,088,415,582	5,500,000,000	-
6.	Central Kalimantan	23	31,187,821,856	253,250,000	-
7.	Bali	23	172,488,352,591	16,005,000,000	-
8.	Maluku	23	41,756,399,980	-	-
9.	Central Sulawesi	21	58,004,874,591	350,000,000	-
10.	North Sumatera	18	168,134,555,088	438,700,000	-
11.	North Sulawesi	18	49,449,390,494	9,800,000,000	-
12.	North Maluku	17	17,611,745,833	-	-
13.	South Kalimantan	15	8,039,790,167	46,511,519,000	18.900.000.000
14.	Riau	14	7,033,843,335	700,000,000	-
15.	Banten	14	10,110,700,927	566,000,000	-
16.	Aceh	13	25,994,129,987	-	-
17.	South Sumatera	13	569,579,383,785	11,370,000,000	-
18.	West Kalimantan	13	14,335,939,374	28,500,000,000	-
19.	Papua	13	85,685,471,675	-	-
20.	Lampung	12	80,047,892,656	2,300,000,000	-
21.	West Nusa Tenggara (NTB)	12	830,910,692,080	-	-
22.	National	12	23,139,422,622,806	43,087,500,000	-
23.	Bengkulu	9	18,308,184,809	-	375.000.000
24.	West Papua	9	25,777,720,376	-	-
25.	Jambi	8	15,855,261,000	7,000,000,000	-
26.	Jakarta	8	1,203,945,562,472	-	1.700.000.000

27.	South East Sulawesi	8	205,688,269,431	250,000,000	-
28.	Riau Islands	7	254,115,467,899	8,121,420,000	-
29.	West Sumatera	6	4,649,474,200	-	-
30.	West Sulawesi	5	6,477,543,659	-	-
31.	Bangka Belitung Islands	4	6,515,499,746	-	-
32.	Yogyakarta	4	5,843,068,000	-	-
33.	Gorontalo	4	28,159,606,049	-	-
34.	East Kalimantan	3	53,400,000,000	-	-
35.	North Kalimantan	1	-	-	-
Total		533	29,438,537,001,313	218,555,889,000	20,975,000,000

We can see that the highest number of corruption cases in 2021 were prosecuted in the Java provinces, namely East Java with 42 cases, West Java with 40 cases, and Central Java with 37 cases.

Being the province with the highest number of corruption cases, East Java has 79 police and prosecutor's offices in East Java with a target of 212 in 2021. In reality, only 42 cases were prosecuted, which means that the performance of prosecution of corruption cases by law enforcement agencies in East Java Province is very poor.

In addition, obtaining an Unqualified Opinion (WTP) from the Supreme Audit Agency (BPK) does not mean that a province is free from corruption. For example, the province of West Java in May 2021 received the title of WTP for the tenth time, but in the same year 40 corruption cases were found with state losses of IDR 162,941,784,973 (162 billion).

Although only twelve corruption cases occurred at the Central Government level¹⁹, the incurred state losses were very significant, amounting to IDR 23,139,422,622,806 (IDR 23.13 trillion).

¹⁹ Corruption cases at the national level are defined as cases handled by law enforcement agencies at the central level, namely Jampidsus, Dirlipikor Police Headquarters and the KPK.

Case Mapping by Institutions

ICW conducted a mapping of corruption cases in institutions where corruption occurred to see which institutions have the highest rate of corruption. This mapping is expected to assist stakeholders in formulating prevention strategies in these institutions. The following is the result of mapping corruption cases by institution:

Table 8. Case Mapping by Institutions in 2021

No	Institution	Number of cases	State losses (IDR)	Bribery/gratification/illegal fees (IDR)	Money laundering (IDR)
1.	Subdistrict (village) administration	176	1,081,887,107,153	608,250,000	-
2.	Regency administration	146	1,828,532,007,410	122,192,500,000	19,275,000,000
3.	Regional Owned Enterprises (BUMD)	39	2,102,599,501,320	-	-
4.	City administration	33	40,070,335,789	5,725,120,000	-
5.	Provincial administration	22	395,601,766,448	11,400,000,000	-
6.	Schools	21	22,181,466,220	545,000,000	-
7.	State Owned Enterprises (BUMN)	21	22,901,495,176,551	-	-
8.	Regional People's Representative Council (DPRD)	10	6,198,849,397	7,400,000,000	-
9.	Private sectors	10	481,448,399,788	-	1,700,000,000
10.	Banks	9	69,488,653,033	-	-
11.	State agencies	7	263,027,927,420	28,536,000,000	-
12.	Ministries	5	2,704,000,000	38,787,500,000	-
13.	Non-ministerial government agencies	5	186,744,918,300	-	-
14.	Organizations	5	5,802,000,000	-	-

15.	Regional public hospital (RSUD)	5	3,815,579,344	11,519,000	-
16.	Cooperatives	4	27,701,976,131	-	-
17.	Organizations, NGOs, and foundations	3	441,681,750	250,000,000	-
18.	Subdistrict Owned Enterprises (BUMDes)	3	4,802,904,130	-	-
19.	Police Department	3	3,500,000,000	-	-
20.	Correctional institutions	2	3,400,000,000	-	-
21.	Regional agencies	1	5,000,000,000	-	-
22.	Regional Public Service Agency (BLUD)	1	2,092,751,129	-	-
23.	Law court	1	-	-	-
24.	People's Representative Council of Indonesia (DPR)	1	-	3,100,000,000	-
Total		533	29,438,537,001,313	218,555,889,000	20,975,000,000

The institution with the highest number of corruption cases is subdistrict (village) administration (176cases), followed by regional government at the reGENCY (146 cases), province (22 cases), city (33 cases), and BUMD (39 cases) levels. The findings of the village administration as the institution with the highest level of corruption are closely related to the village fund sector which is also the most corrupted.

In addition, the number of corruption cases involving local governments also shows the weakness of the internal control system in to corruption prevention efforts. This finding deserves the President's serious attention who acts as both the administrative leader and the highest head of government.

Case Mapping by Actors

ICW mapped corruption cases by actors and found 28 positions that were prone to corruption. This mapping is important 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 actor.

Table 9. Case mapping by actors in 2021

No	Actor	Number of suspects	Percentage
1.	State Civil Apparatus (ASN)	343	29.24
2.	Private sectors	218	18.58
3.	Heads of subdistrict/village	159	13.55
4.	Subdistrict/village apparatus	86	7.33
5.	BUMD CEO/employees	78	6.65
6.	Speakers/members of DPRD	44	3.75
7.	Community members	38	3.24
8.	BUMN CEO/employees	34	2.90
9.	Head/members of organizations/groups	34	2.90
10.	Procurement officials	21	1.79
11.	Regents/Vice Regents	20	1.71
12.	Non-permanent civil servants	19	1.62
13.	Principals	15	1.28
14.	Non-permanent employees	14	1.19
15.	Corporate	11	0.94
16.	Directors/members of cooperatives	8	0.68
17.	Head/members of political parties	6	0.51
18.	Speakers/members of DPR	4	0.34
19.	Police officers	4	0.34
20.	Heads of state agencies	3	0.26
21.	Mayors/Vice Mayors	3	0.26
22.	Relatives of DPR/DPRD/DPD members, relatives of governors/regents	3	0.26
23.	Private school teachers	2	0.17
24.	Chancellors, lecturers, deans, academics	2	0.17
25.	Governors/Vice Governors	1	0.09
26.	Lawyers	1	0.09

27.	Notaries	1	0.09
28.	Aides	1	0.09
Total		1173	100.00

ICW found State Civil Apparatus (ASN) as the actor with the highest number of corruption cases with a total of 343 people or 29.59%. Corruption involving public servants in Indonesia is still a serious problem because based on ICW data in the last five years, ASN consistently ranks first as the actor most often entangled in corruption cases with the following details:

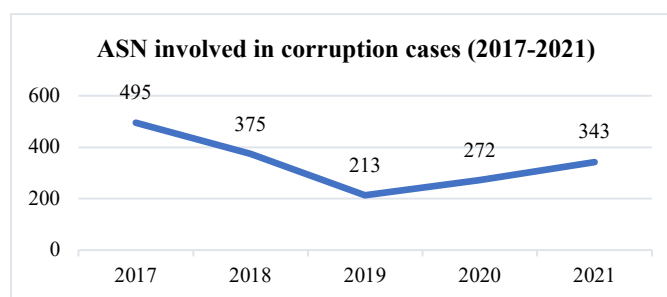


Figure 3. Trends in ASN Involved in Corruption in a Five-Year Period (2017-2021)

It should be noted that Presidential Regulation Number 81 of 2010 concerning the Grand Design of Bureaucratic Reform stipulates eight areas of bureaucratic reform which focus on administering a clean government that is free from corruption, collusion, and nepotism, as well as improving the quality of public services. However, the findings above indicate that the agenda does not seem to have had a significant impact and that the central and regional inspectorates need to optimize their supervisory or control functions as an effort to prevent corruption within the government bureaucracy.

At the same time, private sector is the second largest actor with a total of 215 suspects or around 18.55 percent. Corruption cases involving ASN and the private sector are often related, especially those related to goods and services procurement.

Many bribery cases in the public service sector involve public officials as passive bribers (*Passief Omkoping*), because as state administrators they have broad access to the policies taken, and the private sector as active bribers (*Actief Omkoping*). The lack of integrity as the basis for policy

making will greatly affect public accountability because public officials have abused their authority.²⁰

Furthermore, the positions that get the most attention are Village Head (159 suspects) and Village Apparatus (86 suspects). This is not surprising considering the village fund and village government also rank in the top five in corruption cases.

ICW monitoring throughout 2021 shows that law enforcement agencies have named eleven companies as corruption suspects, including PT Adonara Properti Indo in the alleged corruption case of land acquisition in Munjul, Pondok Ranggon which was handled by the KPK.²¹ In addition, the Attorney General's Office has also named ten companies as suspects in the corruption case of PT. Asabri.²²

Although seemingly increasing, this figure is actually lower than in 2020, where law enforcement agencies named 13 companies as suspects. Other than a bad record, this decline shows that law enforcement agencies have not been able to maximize the Supreme Court Regulation no. 13 of 2016 (PERMA 13/2016) concerning Procedures for Handling Criminal Acts by Corporations which should be better utilized.

According to Lawrence M. Friedman's legal system theory, law enforcement agencies have a significant role in the functioning of law,²³ which means that no matter how good a statutory regulation is, if it is not supported by law enforcement officers' quality, then the purpose of the law itself, namely justice, certainty, and benefit will not be achieved.

²⁰ 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.

²¹ CNBC Indonesia, "KPK Tetapkan 4 Tersangka Korupsi Tanah DP Nol Persen DKI" (online) available at: <https://www.cnbcindonesia.com/news/20210527201322-4-248882/kpk-tetapkan-4-tersangka-korupsi-tanah-dp-nol-persen-dki> (accessed on 6 April 2022)

²² CNN Indonesia, "Kasus ASABRI, Kejagung Tetapkan 10 Tersangka Korporasi", (online) available at: <https://www.cnnindonesia.com/nasional/20210728201100-12-673521/kasus-asabri-kejagung-tetapkan-10-tersangka-korporasi> (accessed on 14 April 2022)

²³ Lawrence M. Friedman, *The Legal System: A Social Science Perspective*, translated by M. Khozim, (Bandung: Nusamedia, 2011) p. 18

Case Mapping by Law Enforcement Agencies

Law enforcement agencies are spearheading corruption eradication in a holistic manner. One of the objectives of this monitoring is to assess the performance of law enforcement in corruption cases by the Attorney General's Office, the Police, and the KPK. It should be emphasized that the database used to measure the performance of the three law enforcement agencies is the target for handling cases and budget allocations in the 2021 FY DIPA compared to the realization of handling cases.

This monitoring is also important considering that the obstacles faced by many people in monitoring efforts are the lack of information about corruption cases that are currently under investigation. Therefore, ICW carried out mapping throughout 2021 to provide an overview of the performance of law enforcement agencies, especially at the regional level. This mapping is expected to be a guide for local communities to monitor case handling by local law enforcement agencies.

The results of monitoring corruption cases based on law enforcement agencies can be seen in the following graph:

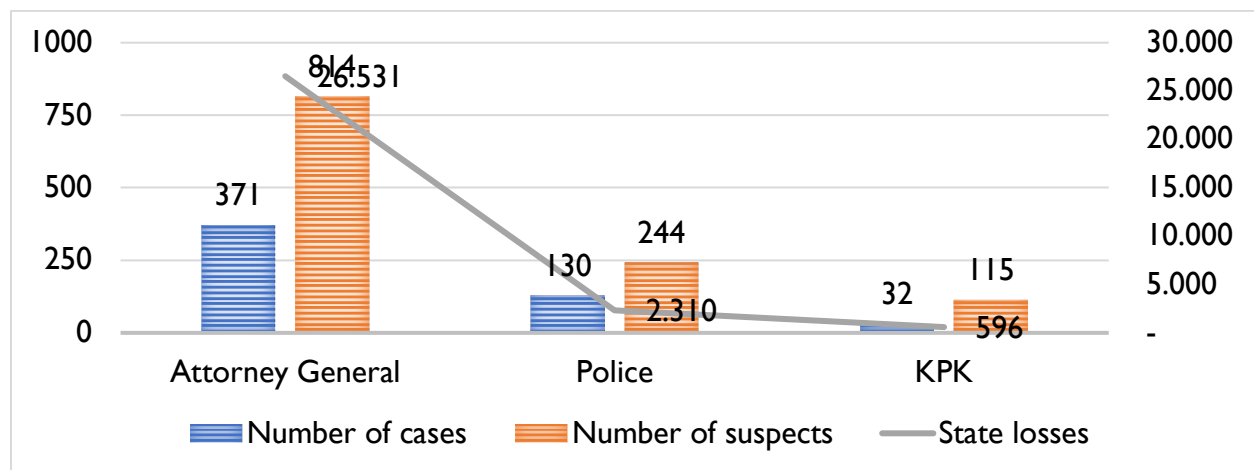


Figure 4. Case Mapping by Law Enforcement Agencies in 2021

In general, the law enforcement agency that takes the most action on corruption cases is the Attorney General's Office (AGO). The Adhyaksa Corps during 2021 has handled 371 cases and 814 suspects with potential state financial losses of IDR 26,531,760,953,618 (26.531 trillion).

Meanwhile, the Police throughout 2021 have handled 130 corruption cases or around 24.3 percent of the total cases with 243 suspects. The potential loss to the state that was successfully investigated by the Bhayangkara Corps is IDR 2,310,153,424,888 (2.3 trillion).

The KPK throughout 2021 handled 32 corruption cases or around 6 percent. The number of suspects investigated by the anti-corruption agency is 115 people with a state loss of IDR 596,622,622,806 (596 billion).

In analysing the performance of law enforcement agencies, ICW used 3 (three) aspects. First, the comparison between the target for prosecution of corruption cases and its realization. Second, the imposition of articles to impoverish corruptors as a deterrent effect. Third, the actor named as a suspect by law enforcers. The following sections present further details on the performance of each law enforcement agency in 2021.

Attorney General’s Office (AGO)

The monitoring shows that the number of investigations into corruption cases by the AGO has fluctuated in the last five years. In terms of trend, the prosecution of corruption cases has increased in the aspect of cases and suspects assigned. At the same time, the value of state losses shows an increasing trend. The following table shows the findings in detail.

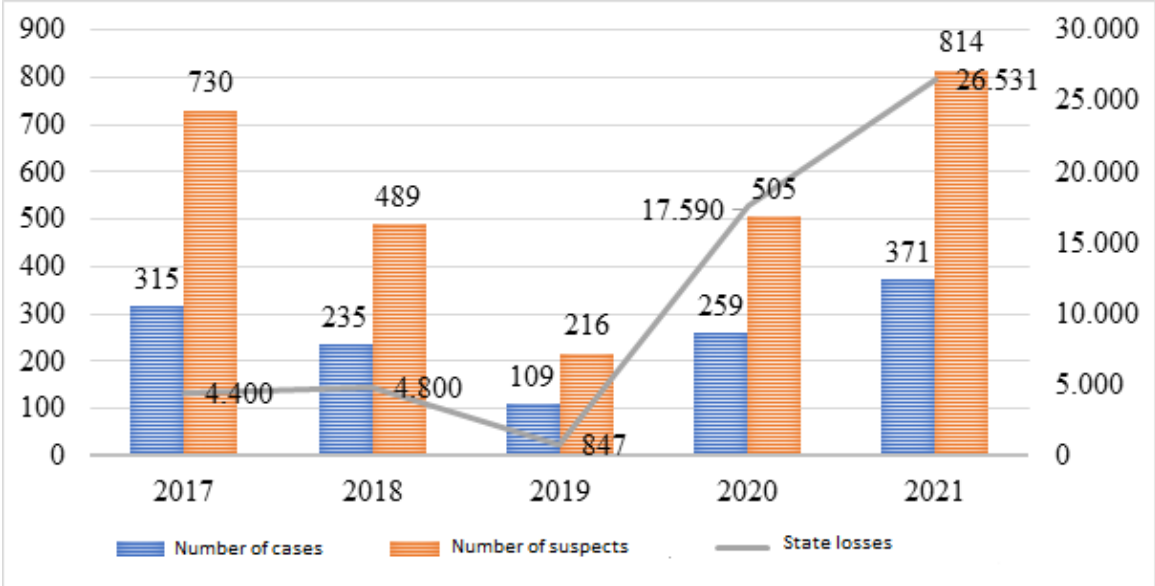


Figure 5. Trends in Corruption Cases Prosecution by the AGO in the Last Five Years (2017-2021)

The value of the largest state losses handled by the AGO was in the corruption case involving PT. Asabri which reached IDR 22.780.000.000.000 (IDR 22.78 trillion). However, this does not simply become an indicator of success because there is still an adjudication process that must be taken. The AGO which has the prosecution authority must ensure that the value of the losses handled can be fully returned to the state treasury.

In addition, ICW found that the management of information on case handling at the prosecutor's office, especially at the regional level is still poorly done. ICW monitoring also found several prosecutor's offices in regions whose official websites were not functioning or were not found. The following section presents an analysis of the performance of the AGO throughout 2021.

Target vs Realization

Based on the 2021 Budget Implementation List, the target for handling corruption cases by the AGO is 571 cases per year. There are 532 offices of the public prosecutor's office in Indonesia, which consist of 1 (one) Junior Attorney General for Special Crimes (Jampidsus) at the national level, 34 High Prosecutor's Offices at the province level, and 497 District Prosecutor's Offices at the regency/city level.

Each prosecutor's office at the provincial and district/city levels is required to handle 1 (one) corruption case. Meanwhile, the AGO is targeted to handle 40 cases annually.

The total budget managed by the AGO is IDR 75,530,146,000 (IDR 75.5 billion). Each prosecutor's office at the provincial and district levels receives a budget of IDR 130,602,471 (IDR 130.6 million) per case, except in Papua and West Papua with a budget of IDR 160,000,000 (IDR 160 million) per case. Jampidsus received a budget of IDR 6,204,750,000 (IDR 6.2 billion) or IDR 155,118,750 (IDR 155 million) per case.

ICW found that in 2021 the AGO handled 371 cases with 814 people named as suspects. When comparing the targets and the realization of corruption cases prosecution, the AGO's performance in general falls into category B or Good with a percentage of around 64.8%. However, the average number of cases handled by the AGO per month is 31 cases, which means there are prosecutors at the regional level who are suspected of not having handled corruption cases at all.

This needs to be questioned because the Attorney General once stated that it is impossible for regions in Indonesia to be free of corruption, so that all prosecutors are targeted to handle at least 2 corruption cases.²⁴ However, it should be noted that the handling of corruption cases by the AGO should not only pursue targets, for example by forcing the determination of suspects or delegating cases to court without solid evidence.

The statement by the Attorney General that perpetrators of corruption with a value of less than IDR 50 million can be processed with restorative justice or without going through a legal process also deserves to be criticized.²⁵ The Attorney General's statement that the perpetrators of corruption crimes with state losses of less than IDR 50 million only need to return state losses contradicts Article 4 of the Corruption Law which states that returning state losses cannot stop the case.

The Attorney General's statement is in contradiction with the Police, who do not include corruption as a material requirement for criminal acts that are handled with restorative justice. This is in accordance with Police Regulation of the Republic of Indonesia Number 8 of 2021 concerning Handling Crimes Based on Restorative Justice.

We can imagine that in the future, the Attorney General's statement will actually increase the enthusiasm of the perpetrators of corruption. ICW monitoring in 2021 shows that the AGO only handled cases by imposing Articles 2 and 3 with an average state loss of over IDR 50 million.

Imposition of Articles

In general, the AGO often imposed the articles regarding state financial losses when prosecuting corruption cases. There were 349 corruption cases or about 95 percent which were prosecuted using Article 2 and Article 3 of the Anti-Corruption Law. In several cases, the AGO used articles on bribery (2 cases), extortion (10 cases), money laundering (1 case), gratification (3 cases),

²⁴ CNN Indonesia, "Jaksa Agung Klaim Tidak Ada Daerah 100 persen Bebas Korupsi", (online) available at: <https://www.cnnindonesia.com/nasional/20210915183050-12-694877/jaksa-agung-klaim-tidak-ada-daerah-100-persen-bebas-korupsi> (accessed on 7 April 2022)

²⁵ Kompas.com, "Jaksa Agung Sebut Korupsi di Bawah Rp 50 Juta Tak Perlu Diproses Hukum, Ini Syaratnya", (online) available at: <https://nasional.kompas.com/read/2022/01/28/07142301/jaksa-agung-sebut-korupsi-di-bawah-rp-50-juta-tak-perlu-diproses-hukum-ini> (accessed on 6 April 2022)

embezzlement in office (1 case), conflict of interest in procurement (3 cases), and obstruction of justice (1 case).

On the other hand, the AGO was recorded only twice using the money laundering article, which means that the it has no vision to recover state losses by using money laundering instruments.

Actors of Corruption

The monitoring results show that the five actors most often named as suspects by the AGO are ASN (242 suspects), private company employees (159 suspects), village heads (101 suspects), BUMD CEOs/employees (60 suspects) and village officials (58 suspects). Meanwhile, politicians who have been named as suspects include the speakers/members of the DPRD (11 suspects), regents/vice regents (5 suspects), and the speakers/members of the DPR (2 suspects). It should be appreciated that in the corruption case involving PT. Asabri, the AGO named 10 companies as suspects.

In general, the prosecution of corruption cases by the AGO has targeted key actors. However, in terms of quality, one case deserves to be criticized, namely when the AGO was unable to develop the case of Bank Bali billing corruption case involving its own staff Prosecutor Pinangki Sirna Malasari. In this case, it is suspected that there are still actors that the AGO has not targeted.

Prosecutor Pinangki Sirna Malasari's involvement in the corruption case hurts the public's trust in the AGO because the case was not taken over to other law enforcement agencies to avoid conflicts of interest. The AGO allegedly did not intend to track down other actors involved in the case of administering the Supreme Court's fatwa for Djoko Tjandra.

These cases must be evaluated considering that in the last two years the AGO has handled two major cases that cost the state significant losses, namely the case of PT. Jiwasraya and PT Asabri. As a law enforcement agency, the AGO must be progressive in targeting key actors.

Police Department

The performance of the prosecution of corruption cases by the Police has decreased in the last five years, which can be seen in terms of the number of cases and designated suspects. The findings are summarized in the following chart:

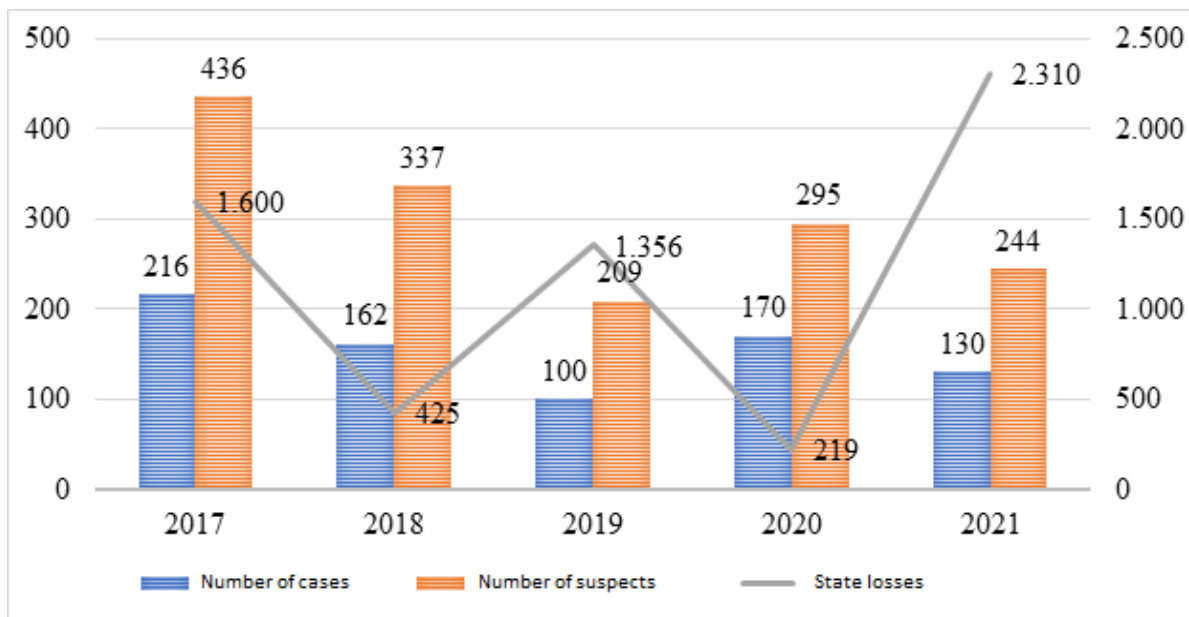


Figure 6. Trends in Corruption Cases Prosecution by Police Department in a Five-Year Period (2017-2021)

The decline in the prosecution of corruption cases indicates two things: First, the performance of the Police in handling corruption cases is decreasing in terms of quantity. Second, the management of information regarding the prosecution of corruption cases by the Police is getting worse.

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 2021.

Target vs Realization

Based on the 2021 Budget Implementation List, the target for handling corruption cases by the Police Department is 1526 cases per year. 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.

The total budget managed by the Police is IDR 290,697,052,000 (IDR 290.6 billion) with an average budget of IDR 207,300,119 (IDR 207.3 million) per case for prosecution of corruption cases. Bareskrim received a budget of IDR 5,446,198,000 (IDR 5.4 billion) for 25 corruption cases or IDR 217,847,920 (IDR 217 million) per case.

ICW found that the Police handled 130 corruption cases in 2021 with 244 designated suspects. When comparing the target with the realization of prosecution of corruption cases, the police's performance in general is in category E or Very Poor because the percentage is only around 8.45 percent.

Compared to the AGO and the KPK, the Police have abundant resources both in terms of budget and personnel. Unfortunately, this cannot be utilized properly to maximize its task in acting as an integral part of the corruption eradication agenda.

The lack of corruption case handling by the Police is exacerbated by the difficulty faced by the public in reporting corruption cases. This can be seen when civil society organizations reported the Coordinating Minister for Maritime Affairs and Investment, Luhut Binsar Pandjaitan, for the alleged acceptance of gratuities, which was finally rejected by the Polda Metro Jaya.²⁶ The rejection certainly violates the public's rights of participation in the corruption eradication agenda. In fact, Article 17 of the Human Rights Law stipulates that everyone, without discrimination, has the right to file a complaint in a criminal case.

Imposition of Articles

ICW monitoring shows that the Police mostly use articles regarding state financial losses when handling corruption cases. There were 121 corruption cases or about 94.5 percent which were prosecuted using Article 2 and Article 3 of the Anti-Corruption Law. In the remaining cases, the Police used articles on bribery (3 cases), extortion (2 cases), money laundering (2 cases), gratification (1 case) and conflict of interests in procurement (1 case). As in 2020, this year the Police did not use the money laundering article at all in their prosecution of corruption cases.

²⁶ Tempo.com, "Laporan Dugaan Gratifikasi Luhut ke Polda Metro, Dipingpong lalu Ditolak", (online) available at: <https://metro.tempo.co/read/1574471/laporan-dugaan-gratifikasi-luhut-ke-polda-metro-dipingpong-lalu-ditolak> (accessed on 14 April 2022)

This is not surprising because the 2020-2024 Police Strategic Plan (Renstra) does not contain targets for prosecution of money laundering cases. In addition, the National Police Chief Listyo Sigit stated in the fit and proper test at the DPR in January 2020 that law enforcement in corruption cases by the Police would prioritize the prevention and recovery of assets.

In February 2021, the National Police Chief increased cooperation with the Financial Transaction Reports and Analysis Center (PPATK) as an effort to optimize asset recovery in cases of economic crimes.²⁷

In fact, throughout 2021, out of 130 corruption cases, the Police only used the money laundering article twice, namely in the case of corruption in the distribution of development credit facilities at the Jakarta and Blora branches of Central Java Bank, which incurred state losses of IDR 597 billion and in the development of corruption cases involving the removal of red notices for the fugitive Djoko Tjandra by Inspector General Napoleon Bonaparte.

Actors of Corruption

The results of the monitoring shows that the five actors most frequently named as suspects by the Police are civil servants (73 suspects), heads of village (57 suspects), private sector employees (37 suspects), village apparatus (28 suspects), and BUMD CEOs/employees (17 suspects). The Police did not take any action against political actors as suspects in corruption cases.

The trend of officials' arrest at the village level, including village heads and village officials, shows that the Police have not been able to target key actors and can only act against the perpetrators. This seems to be caused by the Police's inability and unwillingness to investigate all parties suspected of being involved in acts of corruption. ICW's monitoring results illustrate that the arrest of perpetrators can be linked to the lack of case development.

Corruption Eradication Commission

The number of corruption cases investigated by the KPK has fluctuated since 2015. In terms of trend, the performance of prosecution of corruption cases by the KPK is experiencing turbulence

²⁷ Kontan.co.id, "PPATK Polri Sepakat Tingkatkan *Asset Recovery* dalam Penanganan Kejahatan Ekonomi", (online) available at: <https://nasional.kontan.co.id/news/ppatk-polri-sepakat-tingkatkan-asset-recovery-dalam-penanganan-kejahatan-ekonomi> (accessed on 15 April 2022)

because since 2020 the number of prosecutions has fallen sharply. This is allegedly due to the systematic weakening of the KPK structure.

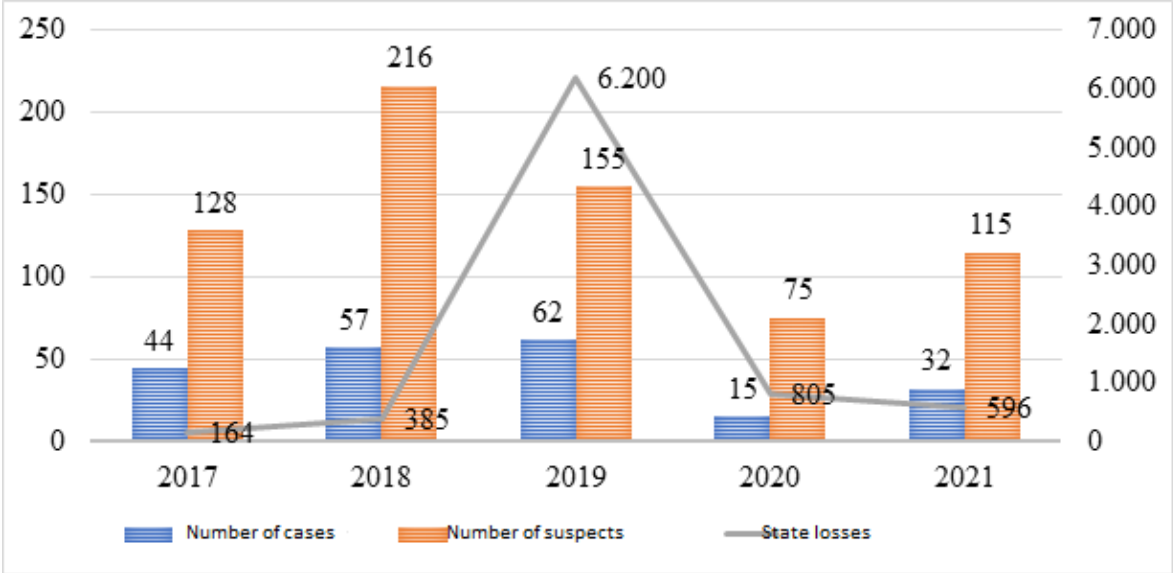


Figure 7. Trends in Corruption Cases Prosecution by the KPK in the Five-Year Period (2017-2021)

The decline in KPK’s performance has consistently occurred in case handling, suspect determination and state losses. The factors that caused the institution's performance to decline were the revision of the KPK Law and problematic leaders. ICW monitoring also shows that the impact of the deactivation of 75 KPK employees through the mechanism for transferring KPK employee status through the National Insight Test (TWK) can be seen in the decline in KPK's performance throughout 2021.

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.

During one year, ICW found 32 corruption cases handled by the KPK. When comparing the target for handling cases with its realization, the KPK is in category D or Poor with the percentage obtained only at 26.6 percent.

The stagnation of the KPK's performance over the last two years cannot be separated from the revision of the KPK Law since the end of 2019. There are a number of problems caused by the revision: First, the performance of the KPK's prosecution has decreased, which can be seen from the number of arrest operations (OTT) which also experienced a significant decrease which is explained in the following graph:

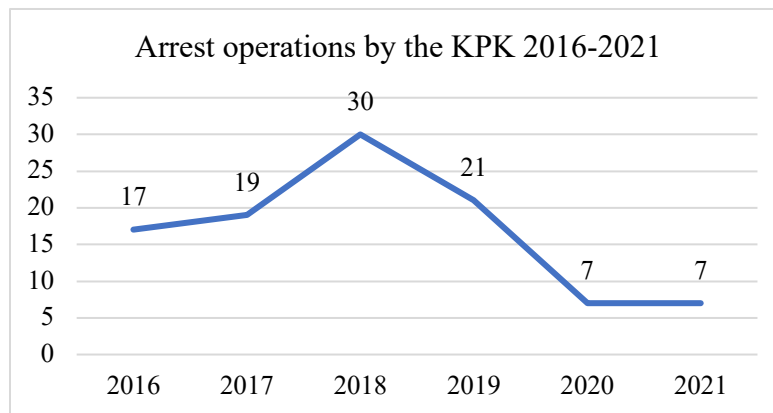


Figure 8. Arrest Operations by the KPK 2016-2021

Second, the dismissal of 58 employees through the TWK process. ICW's monitoring shows that of the 32 cases handled by the KPK in 2021, five of them were handled by investigators who had been deactivated, which would certainly hinder case development. The five cases are:

1. The bribery case of the ratification of the Jambi Regional Budget for the 2017-2018 Fiscal Year;
2. The corruption case of land acquisition in Munjul, Pondok Ranggon;
3. The corruption case in the Public Works and Housing (PUPR) of Banjar City;
4. The tax bribery case at the Directorate General of Taxes at the Ministry of Finance; and
5. The case of alleged bribery in handling the Tanjung Balai case.

Apart from the five cases, it is not impossible that the development of other cases will also be hindered. Monitoring by ICW, Transparency International Indonesia (TII), and the Center for Anti-Corruption Studies Gadjah Mada University (PuKAT UGM) shows that at least 14 cases have not been resolved by the KPK. The stalled cases should be followed up if the KPK leadership can fix the problem of personnel shortages. In its 2020 annual report, the KPK is recorded to have a total

of 1,589 employees including the Deputy for Enforcement, which consists of 413 investigators.²⁸ However, the lack of investigators was responded by the KPK leadership by firing 58 employees through the TWK process. Seeing this, it is not impossible that the fate of these cases will be the same as the BLBI case, which is resolved by issuing a letter of case termination.

Surprisingly, on December 9, 2021, Firli Bahuri made a contradictory statement during the commemoration of the world anti-corruption day. The KPK chairman before President Joko Widodo complained that the KPK lacked personnel.²⁹ Firli Bahuri's complaint further emphasizes to the public that he failed to lead the anti-corruption agency because at the same time 58 employees with integrity were forcibly dismissed.

Third, the lack of implementation of the supervisory function. It should be noted that apart from preliminary investigation, investigation and prosecution, based on Article 6 of Law Number 19 of 2019 concerning the Eradication of Corruption Crimes, the KPK is also required to act actively in supervising the law enforcement process in other law enforcement agencies. However, this function has not been carried out properly. For example, in the case of PT. ASABRI which is handled by the AGO, the KPK only responds that the case has been handled well by the AGO.³⁰ In fact, the corruption case has cost the state up to IDR 22.78 trillion and involved many suspects with complex case modes.

Apart from the case of PT. ASABRI, KPK's refusal to carry out its supervisory function was also seen in the corruption case in the Supreme Court's legal fatwa which was also handled by the AGO. In fact, the supervisory function is important considering that the AGO's handling of the case has been heavily criticized, ranging from the alleged involvement of other prosecutors, Supreme Court internal staff, to politicians who have not been exposed.³¹ Based on article 9 paragraph (1) of

²⁸ Komisi Pemberantasan Korupsi - Laporan Tahunan KPK 2020 - https://aclc.kpk.go.id/survey-soskam/article/laporan_tahunan_kpk_2020.

²⁹ Viva.co.id, "Ketua KPK Curhat ke Jokowi Kurang Personel dan Markas di Daerah", available at: <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%202021> (accessed on 27 March 2022)

³⁰ Kompas.com, "Kejagung Tetapkan Tersangka Dugaan Korupsi Asabri, KPK: Salut dan Respek" (online) available at: <https://nasional.kompas.com/read/2021/02/02/11395161/kejagung-tetapkan-tersangka-kasus-dugaan-korupsi-asabri-kpk-salut-dan-respek> (accessed on 15 April 2022)

³¹ Tempo, "ICW Minta KPK Pakai Perpres Baru untuk Supervisi Kasus Jaksa Pinangki," (online) available at: <https://nasional.tempo.co/read/1400425/icw-minta-kpk-pakai-perpres-baru-untuk-supervisi-kasus-jaksa-pinangki> (accessed on 15 April 2022)

Presidential Regulation Number 102 of 2020 concerning Supervision of Corruption Eradication, the KPK should be able to immediately take over a case if there is no concrete action from the AGO.

Imposition of Articles

Similar to the AGO and the Police, in general the KPK most often used articles on state losses and bribery in cracking down on corruption cases. There were 6 cases that were prosecuted using articles 2 and 3, and 16 cases that used the bribery article. Other cases used other corruption articles, namely 6 cases of gratification articles, 1 case of conflict of interest in procurement, and 3 case of money laundering.

In an effort to recover state financial losses, throughout 2021, the KPK only three times used the money laundering article. This is a bad record for the performance of the KPK because it means that the current KPK leadership and the staff of the Deputy for Enforcement do not have a vision to recover state financial losses.

Actors of Corruption

The results of the monitoring shows that the five actors most frequently named as suspects by the KPK are ASN (32 suspects), speaker/members of the DPRD (31 suspects), private sector employees (19 suspects), and regents/vice regents (11 suspects).

Generally, the prosecution of corruption cases by the KPK has been able to target the strategic actors, including policy makers. These efforts need to be taken further to the prosecution stage so that the parties suspected of being involved can be arrested. In addition, the KPK has yet to arrest Harun Masiku, who is still at large for allegedly bribing the KPU commissioner. The KPK's inability to arrest Harun Masiku shows that the KPK is unable to uncover cases that are suspected to involve more strategic actors. Apart from Harun Masiku, the KPK also has three other wanted lists as follows:

Table 10. Wanted List by KPK

No	Name	Case	On the run since
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1.	Kirana Kotama	Alleged bribery for filing a revision of the forest function conversion in Riau province to the Ministry of Forestry in 2014	2017
2.	Izil Azhar	Alleged receipt of gratuities related to the construction of the Sabang jetty project in 2006-2011	2018
3.	Surya Darmadi	Alleged bribery for procurement of Philippine government SSV vessels in 2014-2017	2019
4.	Harun Masiku	Alleged interim replacement (PAW) bribery of the Indonesian House of Representatives	2020

The existence of a KPK investigator who was arrested for committing a criminal act of corruption, namely Stephanus Robin in the bribery case of buying and selling in the Tanjung Balai case, made public trust in the KPK decrease. In the midst of the current political situation of corruption law, this strengthens the opinion that the weakening of the KPK from outside and from within is becoming increasingly real.

Conclusions

1. In 2021, ICW found 533 corruption cases handled by law enforcement agencies with 1,173 suspects and a state loss of IDR 29,438,537,001,313 (IDR 29.438 trillion), bribes of IDR 212,581,219,000 (IDR 212 billion), illegal levies or extortion amounting to IDR 5,974,670,000 (IDR 5.9 billion), and money laundering of IDR 20,975,000,000 (IDR 20.975 billion).
2. In terms of disclosure of information on case handling, the AGO and the Police tend to be closed while the KPK is very informative.
3. The number of corruption cases handled by law enforcement agencies has increased, although not significantly.
4. There are law enforcers in a number of regions who have not prosecuted corruption cases.
5. The performance of law enforcement agencies in 2021 only reaches around 24%, thus earning a D category or Poor.

6. Throughout 2021, law enforcement agencies only used the money laundering article eight times.
7. In 2021, the most frequent corruption cases handled by law enforcement agencies are village fund budget (154), government (50 cases) and education (44 cases) sectors.
8. Corruption in the village fund budget sector has continued to increase since 2015.
9. In the 2020-2021 period, as a reflection of the government's handling of the Covid-19 pandemic, 30 cases related to the Covid-19 budget were found, with the most common modes being budget abuse and cutting or illegal deduction.
10. The actors most frequently involved in corruption cases were ASN (343 people), private employees (218 people), and village heads (159 people).
11. The performance of corruption prosecution by the Police is very poor in terms of quantity. In terms of quality, the Police rarely target strategic actors in order to develop cases.
12. The performance of corruption prosecution by the AGO has increased in terms of the number of cases and the value of state losses, but there are still a number of prosecutors who have not prosecuted corruption cases.
13. The impact of KPK Law revision can be seen from KPK's deteriorating performance in the last two years, including the drastic decline in the number of arrest operations, the potential for the increase in pending cases after the dismissal of 58 employees, and the lack of a supervisory function.

Recommendations

1. Law enforcement agencies must publish accountability reports regarding the use of the budget for investigating corruption cases and the details of the case already at the investigation stage (including case description, names of the suspects, and the value of state loss). This is in line with Law 14/2008 on Public Information Disclosure.
2. The management of the village budget sector needs to be seriously monitored considering that the sector is heavily corrupted and the village budget disbursed by the Central Government in 2022 is IDR 68 trillion.
3. All law enforcement agencies must prioritize the use of money laundering instruments to recover losses resulting from corruption crimes.
4. The government must strengthen inspectorate institutions to prevent corruption within the local government environment and strengthen the bureaucratic reform agenda.

5. The government and the DPR must prioritize the agenda of eradicating corruption by immediately passing the Asset Forfeiture Bill and the Bill on Limiting Cash Transactions or Currency.
6. The President and the DPR must immediately evaluate the performance of law enforcement agencies thoroughly and use the performance and achievements of law enforcement agencies in dealing with corruption cases as the basis for determining the value of budget allocations.

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