Political backlash
KPK is likely paying the price for its successes, writes AFR correspondent Emma Connors.

Four years ago Laode Muhammad Syarif took on a high-risk, high-stakes role at an institution he believed represented the future of his country. Now that institution, the Corruption Eradication Commission, is under attack. When Indonesians are asked who they most trust, the answer is not Parliament, nor the police, not even the President. Rather, it’s the Corruption Eradication Commission, known as the KPK, that consistently comes out on top. Syarif is the outgoing deputy chairman at the KPK, which has the power to investigate as well as prosecute, preserving its independence from the judicial system.

Since it was established in 2002, the KPK has shown a light into the murky networks of patronage, bribery and payback that crisscross the archipelago nation. It has jailed high-stakes criminals, including mayors and ministers, judges and senators. Recently it has held two of the country’s most powerful state-owned enterprises, Duta Palma and Nindya Karya, to account. Just this week the KPK was called on by the government to investigate nickel exporters who may have broken the rules.

But now the future of the corruption watchdog is in doubt thanks to a new law that jams a supervisory body over the top of the KPK commissioners. This erodes the independence of an institution that to many embodies Indonesia’s journey to democracy, which began with the Reformasi of the 1990s. “Reformasi Dikorupsi” (“the Reformasi has been corrupted”) reads the signs held by many of the thousands who took to the streets in September, imploring President Joko Widodo – also known as Jokowi – to issue a decree that would overcome the new law.

“We are grateful for the support of the Indonesian people, they are even willing to sacrifice their lives,” says Syarif, noting five students died in the protests. “This is not only the content of the new law is dirty. The whole process was conducted in a very clandestine way. Even us, the main stakeholders, we were not consulted at all.”

It was unfortunate timing that the same day the new law came into effect two weeks ago, Syarif, who completed his masters and PhD in Australia, was honoured with an Advance award at a gala event in Sydney. He would have liked to have been at the event but felt he couldn’t be away from Indonesia. The KPK did not receive a copy of the new law governing its operations until the following day, October 18.

“Firstly, it changes the status of our employees and officials,” Syarif says of the new law. “They have gone from being independent to part of the executive, which is contradictory to the spirit of the KPK.

“Secondly, if we want to start an undercover investigation, we now need to seek permission from the supervisory body. If we want to confiscate an asset, if we want to prohibit someone from travelling outside of the country, we have to seek permission.

“This is a transfer of power from the KPK commissioners to the supervisory body.”

During his KPK stint, which comes to an end in December, Syarif’s house has been firebombed and his children followed. Death threats have been routine.

He shows AFR Weekend CCTV footage of the Molotov cocktails thrown at his house. One burst into flames but not the other, which would likely have blown up the parked cars and possibly burnt down the house where Syarif and his family were sleeping. The CCTV footage is clear: the motorbike and rider who hurled the fiery bottle are not obscured. Ten months on, however, police have made no arrest. Syarif suspects they haven’t tried too hard.

During his term, the number of cases pursued by the KPK increased from less than 100 a year to close to 200. “Some say we have become victims of our success,” he notes.

Like others, Syarif struggles to reconcile the new law with Jokowi’s aim to attract foreign investment climate. But there are some who feel deeply ingrained the KPK within the executive branch, which the President is responsible for, says Butt.

“Now the decision to approve wiretaps is left to a body that could be entirely political, perhaps even without law enforcement experience or knowledge. It seems to be a much worse outcome than simply requiring judicial authorisation.”

Then there is the change of status in terms of where the KPK sits within the government. The new law makes it clear the KPK’s employees are public servants and it appears to more deeply ingrain the KPK within the executive branch, which the President is responsible for, says Butt.

“All this seems to point towards a KPK that will no longer pursue corruption cases without fear or favour. It will likely find it much more difficult to proceed against the President, his or her inner circle, or any political party that supports him or her.”

Transparency International, which publishes a global corruption index each year, has been a vocal critic of the new law. Alejandro Salas, TT’s regional director for the Americas and Asia-Pacific, says it’s more than a policy shift.

“The KPK is a very effective and necessary institution that has grown in prestige through the years. It is also a symbol of progress and modernisation in Indonesia.”

Salas says the weakening and evident loss of autonomy and power of the KPK “is completely contrary to the aspirations of the country and, to a great extent, President
Widodo's own government agenda.

"If he wants to modernise Indonesia's economy and make it competitive vis-a-vis other powers in the region and emerging economies globally, this move against the anti-corruption infrastructure in the country will just show that Indonesia is not a reliable and safe destination for investment, its institutions are volatile and politics and cronyism are at the centre of decisions."

Syarif says many had been hopeful the President would overturn the new law. "Students, professionals and many others, they all wanted the KPK to stay as it was. It was only the politicians who didn't and they, of course, are the ones who have the power to change it. That's the irony."

As he plans for his life after the KPK, Syarif has called again on Jokowi to listen to the people. "We are still hopeful," he says. "But I think the chances are very slim."
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INDONESIA GUTS CORRUPTION WATCHDOG

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Clockwise from above, Joko Widodo at a rally; violent protest against the new law; and KPK deputy chairman Laode Muhammad Syarif. PHOTOS: ZUMA WIRE, AP, NATALIA SANTI