

Opinion **beyondbrics**

Indonesia takes a wrong turn in crusade against corruption

New legislation will undermine the KPK, but the bigger mistake is conceptual



A protestor paints a placard during a demonstration against changes to the law governing Indonesia's Corruption Eradication Commission © AFP/Getty Images

Michael Buehler YESTERDAY

Indonesia's National Parliament passed a law on September 17 that will greatly undermine the capacity of the country's Corruption Eradication Commission (KPK).

The KPK became operative in 2005. Since then, its work has led to the arrest and conviction of hundreds of individuals, including [the former head of the Constitutional Court](#), the senior [deputy governor](#) of the country's central bank, [leaders of political parties](#), government [ministers](#), chairmen of [regulatory agencies](#) and oversight bodies, as well as subnational executive government heads including [governors](#) and [mayors](#). It was such spectacular arrests and convictions that earned the commission a special place in Indonesians' hearts.

The new law's passing has [stoked protests](#) across the archipelago. Academics, civil society organisations and students note that the law will weaken the KPK [for several reasons](#). One, it requires an oversight board to be appointed by the president, tasked with monitoring the KPK. The KPK will have to seek the board's permission to wiretap suspects or conduct raids and seizures of potential evidence. Two, the law restricts to one year the period during which the KPK is allowed to investigate a suspect. Three, the law requires all KPK staff to become members of Indonesia's civil

service, an institution where appointments are rarely made on merits but are often [sold to the highest bidder](#).

There are concerns that the law will prevent members of the executive branch of government from being investigated in the future, as the names of those under scrutiny will be likely to leak through the oversight board. Investigations are less likely to succeed given the time limit imposed, while KPK personnel will no longer be shielded from the dynamics of Indonesia's kleptocratic bureaucracy. An erosion of the commission's power seems inevitable.

It may seem ironic that the KPK is being dismantled under the auspices of President Joko Widodo, whose outsider status in the 2014 race triggered such high expectations for governance reform that even seasoned foreign academics donned T-shirts adorned with Mr Widodo's portrait to join celebrations for the election of "[arguably, the most reformist president yet](#)."

But the real question is whether the KPK ever challenged the causes of corruption in Indonesia in an effective way. From its inception, the KPK framed corruption as the result of moral lapses by individuals and believed that the most effective remedy was to arrest such "bad apples". In its [2014 annual report](#), it described corruptors as "humans with a sordid soul, no longer civilised. They are prehistorical humans."

This moralistic view of corruption also permeated the agency's approach to tackling corruption in broader society. Many KPK programmes sought to change public culture by teaching "proper" moral values to Indonesian citizens. For example, the KPK's own TV channel broadcast [shows for children](#) that included "fairy tales and animated films that contain morality, honesty, good manners, and anti-corruption values." Outreach activities for adults had a similar moralistic tone as the KPK carried out programmes to make people "feel ashamed when they cheat, cut class or ignore traffic signs. With self-determination, the perpetrators can become honest human being [sic!]," an official KPK document [project summary](#) reported.

Such a moralistic understanding of corruption is an ineffective remedy against the abuse of public power for private gain for a variety of reasons. One, arresting individuals in the hope of reducing corruption is like taking aspirin for a brain tumour: it fights symptoms rather than causes. Two, such an approach fails to acknowledge the systemic and endemic nature of corruption in Indonesia. Rather than isolated individuals with dubious moral values engaging in corrupt activities, networks of corruption are the norm, where a policeman asks for a bribe to pay back the loan he had to take out to buy himself into the police force, which had to pay off members of parliament to get the budget for security forces approved, who themselves needed large sums of money to buy votes from ordinary citizens.

In such a context, engaging in corruption is rarely an individual choice. Hence, the KPK's suggestion, channelling Nancy Reagan, to "just say no", shows a misunderstanding of the situation

facing many Indonesians at all levels of society.

One expert on judicial reform in Indonesia aptly described to me the predicament of many Indonesian judges:

“[Many suggestions on judicial reform assume] a setting in which doing the right thing is a natural thing to do, and doing a bad thing is worthy of contempt. Yet the day-to-day realities of Indonesian judges are not so normal; they are more akin to wartime occupation, in which doing the right thing is not natural at all, but demands tremendous courage, is a very personal and lonely decision to make, which will not command natural respect or understanding in the professional circle, which can change one’s life and that of the family and children for good.”

In short, arrests have little deterrent effect as engaging in corruption is rarely an individual choice in a place such as Indonesia. Furthermore, the KPK’s moralistic understanding of corruption has led to strategies that seek to effect change at the individual level and are therefore politically conservative.

Seen in this light, the KPK was never able to mount an effective strategy against Indonesia’s massive corruption problem in its 17 years of existence. Rather, it increasingly became an institution that Indonesian elites could conveniently point out to whoever criticised the government for not taking corruption eradication seriously, while its existence never threatened elites’ rent-seeking and corrupt activities.

Instead of adhering to a moralistic understanding of corruption, donor agencies, civil society organisations and activists ought to push a narrative that identifies unequal power relationships rooted in socio-economic inequality as the main cause for the abuse of public power for private gain.

As Garry Rodan and Caroline Hughes pointed out in their book *The Politics of Accountability in Southeast Asia: The Dominance of Moral Ideologies*, such a democratic understanding of corruption focuses the debate on political arrangements rather than individual character traits and has the potential to galvanise broad support for meaningful reform.

Rather than atomising resistance to existing power structures and the status quo by couching the causes for corruption in individualistic terms, as moralistic views of corruption do, such an approach is arguably more effective in raising awareness across groups about their position in the political ecology of Indonesia. The Workers and Farmers’ Organisation (Mazdoor Kisan Shakti Sangathan), for instance, which successfully pushed for [right-to-information legislation in India](#) during the late 1990s, or various [Argentine movements](#) that pushed through reforms in the 1990s and early 2000s, are but two examples of how different views about the origins of corruption than the one prevalent in Indonesia have led to more effective corruption eradication strategies.

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