

Political Revenge? Downgrading Indonesia's KPK From Hero to Villain

David Price 

Faculty of Arts and Society, Charles Darwin University, Australia

Correspondence: David Price (david.price@cdu.edu.au)

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Abstract

The importance of Indonesia's Corruption Eradication Commission (Komisi Pemberantasan Korupsi [KPK]), has once again been brought into focus during the 2024 presidential election campaign period when politics and corruption collide. This article suggests that legislative and political actions since 2019 to the KPK's purpose and structure severely limit its capacity and independence making it susceptible to greater political interference and coercion. The KPK was established by Law 30/2002, as a response to and recognition of rampant corruption throughout the governmental, political and public sectors, business communities, and society in general, which became common practice during President Suharto's New Order Regime. The KPK's commission encompasses conducting investigations, indictments, and prosecutions. However, in late 2019, the People's Representative Council enacted amending legislation to weaken its authority and ability to operate independently. Crucial legislative changes included creating a government-appointed supervisory body overseeing the KPK's internal operations and changing KPK employee status from independent agents to public servants. These two provisions alone seriously weaken the KPK's autonomy and create the risk of turning it into a politically controlled auxiliary state agency. In some respects, KPK has become a victim of its own successes, having achieved convictions of senior ministers, politicians, government officials, and business leaders, which in turn has produced enemies. Without political protection, the KPK faces the prospect of not only becoming, in essence, a nonentity but also facing further deterioration of its credibility and authority.

Keywords

corruption; criminal investigations; Indonesia; KPK; presidential candidates; presidential elections

1. Introduction

In the context of this issue of *Politics and Governance* on the theme of “Indonesian Heroes and Villains: National Identity, Politics, Law, and Security,” this article examines two related events in the fairly short history of Indonesia’s Corruption Eradication Commission (Komisi Pemberantasan Korupsi [KPK]), which are in the process of changing the generally perceived status of the KPK. The two events are the introduction of amending legislation in 2019, which significantly curtailed the KPK’s independence of operation in combatting corruption, and the 2024 Presidential and general elections, in which the “new” KPK has been accused of political interference. These two events are instrumental in deconstructing the reputation the KPK established in the first decade of its existence as somewhat of a fearless and successful campaigner against entrenched corruption. The KPK faces the prospect, as already being heralded in the local media, of not only becoming, in essence, a nonentity but also the loss of its former high standing both domestically and internationally—thereby declining from something of hero status to minor villain status.

Indonesia’s KPK was established by Law 30/2002 as a response to and recognition of rampant corruption throughout governmental, political, business communities, and society in general during former President Suharto’s 32-year New Order Regime (1966–1998).

Law 30/2002 for the Establishment of a Commission for the Eradication of Criminal Acts of Corruption (hereinafter Law 30/2002) was enacted in December 2002 during the presidency of Megawati Soekarnoputri. The law provided the KPK with a commission encompassing virtually unparalleled independence in conducting investigations, indictments, and prosecutions of alleged corruption. The opening articles of the law were both succinct yet emphatic in establishing this authority and independence. Article 3 stipulated that the KPK would be a state agency that would perform its duties and authority independently and free from any and all influence. The Law’s Explanatory Memorandum clarified the reach of “powers and influence” as:

Any power that could affect the tasks and authority of the KPK or members of the Commissioners of the KPK individually, from any executive, judiciary, legislative, and any other entities connected to a corruption case, or any other circumstances and situation, for any reason. (Law 30/2002, Explanatory Memorandum, Section II, Article 3)

The Explanatory Memorandum was forthright in its acknowledgement of entrenched corruption, declaring that:

Corruption in Indonesia has become a culture that has successfully proliferated itself in the community, and corrupt acts have been on the increase over the years, both in terms of the number of uncovered cases and the losses to society, as well as in terms of how corrupt acts have become more methodical and systemic, as they bore into every aspect of everyday life in Indonesia.

The effort to eradicate corruption must no longer be just acting against a criminal act, corruption must be prosecuted against by extraordinary means....We must enhance law enforcement methods by forming a special agency that will be allowed a wide authority that is independent as well as free from the influence of notorious powers in the effort to combat graft in a coordinated effort that is

implemented optimally, intensively, effectively, professionally, and continuously. (Law 30/2002, Explanatory Memorandum, Section II, Article 3)

Since commencing operations in late 2003, the KPK has generated a strong reputation within Indonesian society and abroad. It has been described as “Indonesia’s most trusted public institution” (Coca, 2016) and as “one of the world’s most effective anti-corruption agencies” (Kuris, 2012, p. 2). From 2003 to 2009, the organisation reportedly conducted more than 40 prosecutions against governors, ministers, judges, members of parliament, and other high-ranking officials and achieved a 100% conviction rate. It also recovered more than Rp350 billion (US\$37 million) in state assets (Kuris, 2012). According to its performance snapshots from its *Annual Report* for 2018, the KPK recorded that over the last three years it had initiated 383 investigations and continued with a further 419 investigations, achieving 259 convictions (KPK, 2019). High-ranking officials were amongst those convicted, including ministers, heads of institutions, commissioners, and corporation CEOs, involved in corruption, and two ministers of national parliament (Dewan Perwakilan Rakyat [DPR]) and regional parliament (Dewan Perwakilan Rakyat Daerah [DPRD]). The KPK returned to the state Rp489,25 billion in asset recovery (KPK, 2019, pp. 63–75).

This performance record prompted the international anti-corruption watchdog body Transparency International to declare in its 2020 Global Corruption Barometer that the KPK was one of the best-known anti-corruption agencies in the (Asian) region (Transparency International, 2023).

Some of the higher-profile arrests and successful prosecutions of that period included:

- 2008: Central Bank Governor Burhanuddin Abdullah, sentenced to 5.5 years;
- 2009: Central Bank Deputy Governor Aulia Pohan, 4.5 years;
- 2013: Police Inspector-General Djoko Susilo, 10 years plus a Rp500 million fine;
- 2013: Youth and Sports Minister Andi Alfian Mallarangeng, four years plus a Rp200 million fine;
- 2014: Constitutional Court Chief Justice Akil Mochtar, life imprisonment;
- 2017: Mayor of Batu, East Java, Eddy Rumpoko, 5.5 years;
- 2017: House Speaker and Golkar Party Chairman Setya Novanto, 15 years plus a Rp500 million fine.

By the same token, it is therefore not surprising that political moves would emerge to endeavour to curb or even remove the KPK’s very broad and investigative powers. As early as 2015, the State Ministry of National Development Planning was reportedly beginning to draft amending legislation of Law 30/2002, to refocus the KPK mission towards prevention through education instead of the current enforcement and prosecution (Johnson, 2015). However, President Joko Widodo (“Jokowi”) did not proceed with the plans, as opposition to the proposed changes arose, reportedly focussing instead on the politically safer national economic issues. Momentum again gathered in 2019 amongst political leaders in the DPR to debate and develop a bill to amend Law 30/2002. Proponents of the amendments claimed that the main purpose of the amendments was to refocus the KPK’s primary paradigm from enforcement and prosecution to prevention through education.

Although the bill to amend Law 30/2002 had been severely criticised by various stakeholders, including the KPK itself, the DPR considered and passed the bill in just six days in September 2019. The speed at which the bill was passed into law generated claims of political interference to curb the powers of the KPK, as well as claims of undue haste, improper process, and even invalidity. The bill was forwarded to President Jokowi

for signature, which he declined, partly as a response to the mass popular protests that were developing, as well as personal criticism of bowing to political elites. However, the bill became law pursuant to Article 20(5) of the Indonesian Constitution, which provides that a bill presented to the president for signature but remains unsigned for a period of 30 days automatically becomes law at the end of that 30-day period. Accordingly, Law 19/2019 on the Second Amendment to Law 30/2002 on the Corruption Eradication Commission (hereinafter Law 19/2019) came into effect on 17 October 2019.

1.1. Law 19/2019: Second Amendment to the KPK

The 2019 law intentionally focuses on the nature, status, intergovernmental relationship, and operational framework of the KPK, as well as the perceived necessity to rein in its independence. The law was meant to be amending legislation rather than replacement legislation. However, there have been significant changes introduced in respect of its role, authority, structure, and operation, with 17 new clauses, 25 amended (some significantly), and four removed entirely.

The law's preamble includes statements critical of the KPK and its performance to date:

- b. That the police, prosecutors, and the KPK as institutions that deal with corruption crimes need to increase synergy so that each can be useful and successful in efforts to eradicate corruption based on the principle of equality of authority and protection of human rights.

- d. That some provisions regarding the KPK...as stipulated in Law 30/2002...are no longer in accordance with the life of the state, the development of the law, and the needs of the community so that the law needs to be changed.

The amending legislation focused on the functional and institutional design of the KPK. However, the changes in the law triggered social unrest when announced. Protesters argued that the legislation would weaken the power and authority of the KPK to combat corruption. The DPR, on the other hand, argued that the reforms were important to balance the protection of human rights and anti-corruption measures, although the local media and international anti-corruption organisations had not flagged these issues as being of a high-priority reform imperative.

Two critical legislative changes not only weaken KPK's capacity to act *ex officio* and without undue external interference but also bring it closer to the political power elite and thus involvement with that elite, namely the creation of a government-appointed Supervisory Board over the KPK's activities and operation and changing KPK employee status from independent agent to public servant. These two provisions alone seriously weaken its autonomy and create the risk of turning it into a politically controlled auxiliary state agency, according to critics of the legislation.

Law 19/2019 introduces significant changes to the very core of this oversight framework, dissolving the original Advisory Team and creating in its place an entirely different body in terms of character, role, status, and authority, namely the Supervisory Board. As its name suggests, this newly created body significantly redefines its relationship with the KPK and dramatically impacts the KPK's philosophical and operational status. It also impacts with detriment the KPK's capacity to effectively achieve the imperative of Article 3,

even in its amended form, of carrying out its duties and authorities “independent and free from the influence of any power.”

2. Authority of the Supervisory Board (Dewan Pengawas)

The Supervisory Board (Dewan Pengawas) effectively replaces (and thereby demotes) the commissioners as the new KPK Senior Executive. Its role is not entirely supervisory (implying a reactive character), but proactive and directorial. It is almost entirely concerned with the KPK and its staff and their performance against personal benchmarks determined by the Board through the code of ethics application and the annual individual staff performance reviews. The Board’s role is not addressing the combatting of corruption or external relations per se, and the qualifications for appointment under Article 37D do not require specific skills relating to law enforcement, crime, or business corruption.

Article 37B of Law 19/2019 details the Board’s multiple duties and responsibilities, namely: (a) overseeing the implementation of the duties and authorities of the KPK; (b) granting permission or not to provide the State Intelligence Agency (Badan Intelijen Negara) wiretaps, searches, and/or seizures; (c) drafting and establishing the code of conduct of the chairman and employees of the KPK; (d) receiving and reporting from the public regarding alleged violations of the ethics code by the chairman and employees of the KPK or violations of the provisions in Law 19/2019; (e) holding hearings of the KPK to check for alleged violations of the code of conduct by the leadership and employees of the KPK; and (f) evaluating annually the performance of the leadership and employees of the KPK.

While Article 37B(1) encompasses both institutional and operational authority over the KPK, it also demonstrates a clear intention by the legislators to implement control mechanisms at every level of the organisation through the introduction of a Board-created code of conduct. The code applies to both executive and employee, the prosecution of alleged violations of the code, and the evaluation of individual performance generally.

Pursuant to Article 37E, the chair and members of the Supervisory Board are appointed by the Indonesian president, although the selection process involves the DPR at crucial stages. The initial processes of calling for nominations and shortlisting are conducted by a committee comprising both DPR and public representation and appointed by the president. After observing the public reaction to those nominated, the committee submits a preferred candidate to the president, who is then required to consult with the DPR before announcing and appointing the successful candidate to the Board. Hence the DPR and its various parties have the opportunity to influence appointments at both the preliminary and final stages of determining the Board composition and the eventual appointee.

The five foundation members of the initial Supervisory Board were appointed and sworn in by President Jokowi on 20 December 2019 (Office of Assistant, 2019). By August 2020, the Board was reporting that it was preparing to hear three cases of code of ethics violations by senior KPK officers, including one against KPK Chief Commissioner Firlil Bahuri (KPK, 2020). Indriyanto Seno Adji was appointed to the Supervisory Board and sworn in on 28 April 2021 to replace the late Artidjo Alkostar (“Indriyanto Seno Adji replaces,” 2021).

3. Status of the KPK and Its Officers

The intentions of the DPR with respect to the KPK and their mutual relationship are made very clear in the Explanatory Memorandum to Law 19/2019, which is equally critical of the staff of the KPK:

But in its development the performance of the KPK is perceived to be less effective, with weak coordination between law enforcement lines, the implementation of a code of ethics by the leadership and staff, and problems in the implementation of duties and authorities [of the KPK]. The problem of wiretapping, the management of investigators and investigators who are less co-ordinated, with an overlap of authority with various law enforcement agencies and the weakness of the absence of supervisory agencies able to oversee the duties and the authority of the [KPK] so that there may be blemishes and less accountable implementation of duties and authorities to combat corruption crimes by the KPK.

Under Law 30/2002, the KPK was previously defined as a state agency independent and free from the influence of third parties in performing its duties and exercising its authority (Law 30/2002, Article 3). However, under Law 19/2019, Article 3, as amended, the KPK is now considered a state institution within the group of executive powers agency of government. Although the phrase “independent and free from the influence of any power” is retained, the consequence of making the KPK an executive powers agency is that the organisation is still subject to executive authority. Its members become civil servants and are subject to the law and government regulations on recruitment, employment, performance, etc. Hence, its independence can now be compromised by the political elite and influential corporate third parties.

Law 30/2002 was also silent on the status of KPK employees, with Article 24 merely stating that procedural rules for the appointment of staff would be determined by KPK. Law 19/2019, in Articles 24(2) and 24(3), stipulates that KPK employees are members of the professional corps of civil apparatus employees of Indonesia in accordance with the provisions of the laws and regulations, thus declaring them to be civil servants. Their appointment will also be subject to the provisions of those laws and regulations, which now include undergoing a civil service entrance assessment and being subject to compliance with the code of ethics created by the Supervisory Board. The civil service exam was reportedly a non-standard “national vision exam” created specifically for the KPK, which attracted negative attention because of the nature of some of the questions included therein (Schütte, 2021). *The Jakarta Post* declared the test as simply a pretext to dismiss top KPK employees (Gorbiano, 2021).

The new code of ethics is applicable to all KPK members, including the Supervisory Board members, executive members, and staff. The Supervisory Board is meant to follow up on any reports from the public regarding any alleged violation of the code of ethics by KPK executive members and staff or any violation of any provisions of the KPK law. Supervisory Board members who are alleged to have violated the code of ethics, would be subject to a hearing before the Honorary Assembly of the Code of Ethics, a parliamentary organisation established specifically for parliamentary members.

The reaction from the media as well as the general public and the KPK itself to the restructuring of the KPK was scathing and condemnatory of the government’s actions and expressed concern for the KPK’s future. For example, dire headlines heralded “Scepticism in Indonesia About Fight Against Graft Despite Recent

High-Profile Busts” (Arshad, 2020) and “Indonesia’s Corruption Eradication Commission in Dire Straits” (Mulholland & Mochtar, 2021). *The Jakarta Post* (Fachriansyah, 2020) wondered whether it was “Time to write off the KPK” (2021).

4. The KPK and the Indonesian Presidential and General Elections

Whether proactively or reactively (or indeed both, depending on the issues and individuals involved), the KPK has inevitably become embroiled in the political manoeuvrings leading up to the forthcoming national round of general elections in February 2024. Actions ranging from naming suspects as possibly involved in investigations of corrupt activity to arrests and pursuing formal criminal prosecutions generate regular accusations of politically motivated criminal investigations.

By early 2022, potential presidential candidates were emerging, and the Indonesian media were soon running an active commentary on the three possible leading contenders and their endorsing parties, albeit in partnerships that were still somewhat fluid and flexible. The media were generally reporting that Central Java Governor Ganjar Pranowo (Ganjar) and Defence Minister Prabowo Subianto (Prabowo) were tied in the opinion polls, with Jakarta Governor Anies Baswedan (Anies) in third place. Together, the three were leading the rest of the field by a comfortable margin and generally appeared to most likely be the endorsed presidential candidates. The situation with potential vice-presidential candidates was much more uncertain and fluid, although the names of Democrat Party (Partai Demokrat) Chairman Agus Harimurti Yudhoyono, son of SBY, and DPR Speaker Puan Maharani, daughter of the Indonesian Democratic Party for Struggle (Partai Demokrasi Indonesia Perjuangan) Chair Megawati Sukarnoputri, were being suggested (Simandjuntak, 2022).

4.1. Focus on the KPK and Chief Commissioner Firli

Since mid-2022, the KPK’s attention to matters of graft and corruption appears to have increasingly engaged with political matters and personalities. The KPK has been involved in investigations or laid charges of corruption against members of Parliament or leaders or officials of parties within each of the coalition groups supporting their respective candidates. Consequently, it has also been accused by some media of attempting to influence public opinion in respect of presidential candidates or their supporting coalitions through the conduct of their investigations and eventual charges sometimes irrespective of the paucity of evidence against the accused.

However, political opposition against the KPK itself, an ongoing theme since its reconstitution in 2019–2020, is ramping up in the pre-election season, with the accusations of political interference being reinforced with allegations of internal bribery and corruption. Adding even further pressure upon the organisation and undermining its already damaged reputation are the ongoing accusations of corruption and extortion against Chief Commissioner Firli, calling for further investigation and his removal from office. Firli has previously been investigated on more than one occasion for breaches of the KPK’s ethics code. More seriously, he has been recently accused of attempting to extort Rp1 billion from Syahrul in late 2022 in return for closing the KPK’s corruption investigation against him (“Analysis: Hunter becomes hunted,” 2023). Furthermore, his role in allegedly endeavouring to involve Anies in the Formula E racing corruption investigation remains ongoing.

The extent to which the accusations, investigations, and/or charges laid may have impacted the outcome of the elections will probably not be determinable until after the counts are finalised, the successful candidates are in office, and promised favours paid and old scores settled. However, the pre-election machinations are still providing a rich diet of gossip and scandal for the press and social media.

4.2. Focus on Presidential Candidate Anies

There has been media speculation suggesting that the KPK has been interfering in the approach to the election by endeavouring to discredit the National Democratic Party (NasDem), as the senior member of the Change for Unity coalition endorsement of presidential candidate Anies. From late 2022 or early 2023 (depending on whether leaked information from within the KPK or the KPK chief commissioner is deemed the more reliable), the KPK has been investigating claims of corruption against former Minister of Agriculture Syahrul Yasin Limpo and two of his senior executives for corruption in respect of their alleged trading in positions within the ministry. Former Minister Syahrul, who was eventually arrested and charged in mid-October 2023, is also a senior member of the NasDem, and formerly part of the Jokowi coalition. Reporting on the case in mid-October, soon after the formal declaration of the presidential candidates, *Republika* asserted that:

The KPK's delay in releasing the names of the suspects has sparked suspicions about the tug-of-war of political interests behind the case. In the political year, ahead of the 2024 elections, allegations of politicization of corruption cases are difficult to dismiss. (Sidebang, 2023)

In a similar vein, *Tempo* accused the KPK of politicising the case and asserted that its handling tarnished its own reputation, embarrassed NasDem, and revealed chronic diseases in the Jokowi administration. The accusation was based on the KPK's apparent lack of transparency and failure to publicly disclose the identities of the accused until late in the investigation, reportedly contrary to longstanding KPK tradition, as well as apparently targeting NasDem members (Saleh, 2023).

The *Tempo's* reference in this regard was no doubt to former Minister for Communication and Technology Johnny G. Plate, also investigated by KPK and who has recently been sentenced to 15 years imprisonment for corruption. Plate is also Secretary-General of NasDem. NasDem Chairman Surya Paloh has claimed that Plate is not corrupt and that he is ready to support the Attorney General's Office to investigate the KPK's bias and handling of the case, suggesting that the Office "also check all the elements in all institutions including the NasDem Party. NasDem welcomes that" ("Minister Johnny G. Plate accused of corruption," 2023). The KPK faced further accusations of political interference when its Deputy Commissioner Marwata publicly suggested at the time of Syahrul's arrest, without providing any detail, that the billions of rupiah seized in a search of his home were intended for the benefit of NasDem. This brought the rapid rejoinder from NasDem that the KPK was trying to influence public opinion (Sidebang, 2023).

Anies himself has also been subject to speculation of being involved in corrupt activity surrounding the introduction of Formula "E" electric car racing to Indonesia. Although not named as a suspect, Anies has reportedly been extensively questioned by the KPK over provincial funding being improperly used to acquire the rights from the international governing body to run Formula E racing in Jakarta. The investigation, which commenced in late 2021, remains ongoing, even as the 2024 election approached. It has been suggested that KPK Chief Commissioner Firli dismissed an investigation director for refusing the chief commissioner's

directive to designate Anies as a potential suspect, overruling the advice of the investigator and a deputy commissioner (“Foul play,” 2023). Firli apparently wanted to formalise an investigation before any political party officially declared Anies as its preferred presidential candidate (Muhtadi, 2022).

The ministerial arrests and prosecutions, as well as his own questioning by the KPK, may well negatively affect the vote for Anies. But it may also attract a sympathy support vote if public opinion moves away from the Jokowi-aligned Prabowo team, following recent media criticism concerning the appointment of Jokowi’s son as Prabowo’s vice-presidential candidate. More than one media source, in reporting on Syahrul’s arrest, pointedly commented that he was the sixth member of the president’s cabinet to be arrested, on trial, or imprisoned on corruption charges (Karmini, 2023; Saleh, 2023). The comments are as much a reflection on the president’s competence and due diligence as on the integrity of those former ministers, namely:

- Former Minister of Social Affairs Idrus Marham, three years imprisonment and a Rp50 million fine for accepting bribes (April 2019);
- Former Minister of Youth and Sports Imam Nahrawi, seven years imprisonment and a Rp400 million fine for corruption related to the provision of grants, and gratuities totalling Rp8.3 billion (June 2020);
- Former Minister of Maritime Affairs and Fisheries Edhy Prabowo, five years imprisonment for accepting bribes totalling Rp3.4 billion relating to lobster seed export permits (November 2020);
- Former Social Affairs Minister Juliari Batubara, 12 years imprisonment and a Rp500 million fine for corruption totalling Rp32 billion relating to Covid-19 relief funds programs; Batubara was also ordered to repay Rp14.5 billion embezzled for personal use over a multi-million-dollar Covid-19 graft scandal (June 2021);
- Former Minister for Communication and Technology Johnny G. Plate, 15 years imprisonment for alleged corruption totalling Rp18 billion relating to the construction of regional mobile phone transmission towers (June 2023);
- Former Agriculture Minister Syahrul Yasin Limpo (currently arrested and charged).

A recent media report suggests that Sports and Youth Minister Dito Ariotedjo is alleged to have accepted Rp27 billion in relation to a 4G base transceiver station project. He denied the allegation while on the witness stand in a corruption trial involving former Minister Johnny G. Plate (Ekawati, 2023).

4.3. Focus on Presidential Candidate Ganjar

It is striking that in the pre-election period, presidential candidate Ganjar, closely trailing main competitor Prabowo, does not appear to have been the subject of media speculation in respect of alleged corruption complaint before the KPK or otherwise subject to KPK criminal investigation. On the contrary, between 2015 and 2017, the KPK reportedly awarded his gubernatorial office for ensuring clean governance (Tatler Asia, 2020). Ganjar is said to represent the status quo, which could also mean benefiting from the high popularity ratings that the presidential office was recently enjoying. There was some speculation about his involvement in the e-identity card corruption scandal of almost a decade ago and the subsequent KPK investigation. However, Chief Commissioner Firli is on record as saying in 2022 that the investigation “has yet to find any evidence of the involvement of the Central Java Governor Ganjar Pranowo in the e-KTP procurement corruption” (“KPK: No evidence yet of Ganjar’s involvement,” 2022). Ganjar has been promoting a strong anti-corruption platform, but he has also been staying relatively clear of media brawling in respect of the other two competitors and

their party supporters. His strategy in response to the furore over the Constitutional Court's ruling concerning the validity of Prabowo's selection of Jokowi's son as vice-presidential candidate, for example, is to call upon the president to remain independent, a call echoed by Anies (Strangio, 2023b).

In Ganjar's favour is his status and support within the PDI-P party and its chair, former President Megawati Soekarnoputri, who supported Jokowi in power in 2009 and kept him there in 2014. Lindsay and Butt (2023) suggest that Jokowi's transfer of support to an opposing candidate is sure to be viewed by Megawati as a massive betrayal by Jokowi and that she and her party will do whatever they can to stop Prabowo and Gibran. So far, Megawati has remained silent on this switch of loyalties, but some form of revenge may come in the future. To quote an old tribal proverb, "The tiger never roars when hunting."

4.4. Focus on Presidential Candidate Prabowo

On 22 October 2023, Prabowo publicly announced 36-year-old Gibran Rakabuming Raka, currently mayor of Surakarta in Central Java and President Jokowi's eldest son, as his vice-presidential running mate. The announcement was made closely following a narrow majority ruling by the Constitutional Court on 16 October that the minimum qualifying age for presidential and vice-presidential candidates could be lowered from 40 to 36 years, contrary to Law 7/2017, the General Election Law, in the case of candidates who had been previously elected to regional leadership office.

The ruling has generated widespread opposition and condemnation, with some critics suggesting that this is an attempt by Jokowi to create yet another political dynasty. The president's only statement was to decline to comment in case he was perceived as interfering with judicial authority, and that presidential and vice-presidential candidacies are determined by political parties (Soeriaatmadja & Baharudin, 2023). However, the Court apparently rejected an application from other petitioners to lower the minimum age requirement from 40 to 35 age limit in the first of several similar applications being heard on the same day (Soeriaatmadja & Baharudin, 2023).

On 23 October, the KPK was presented with a formal complaint from the civil society organisation Indonesian Democracy Defense Team, alleging collusion and nepotism with respect to the ruling. Named in the complaint are President Jokowi, Chief Justice Anwar Usman who presided over the judicial hearing, Gibran, and Jokowi's younger son, Kaesang Pangarep. Chief Justice Anwar is also the brother-in-law of Jokowi and uncle of Gibran. He has also attracted criticism for not recusing himself from the hearing for what would appear to be an indefensible conflict of interest.

As is customary for the KPK, it has not yet made any preliminary announcements in response to the complaints, and it is unlikely that any investigation will be concluded before the February elections. In any case, its findings, even if negative, would not directly impact the judicial ruling per se, although they could further influence public opinion. However, the Constitutional Court is conducting its own investigation into the Chief Justice's involvement in the particular hearing involving Gibran, even though he was absent from related hearings by other parties on the same age issue. The KPK is thus in the awkward position that any announcements on investigation outcomes would be widely criticised by one side or another as attempting to influence public opinion and the outcome of the election. Such criticisms would place even further pressure upon the KPK itself and its embattled Chief Commissioner Firlil, who is already facing multiple accusations of multiple KPK

ethics violations as well as a police investigation over allegations of extorting Rp1 billion from Syahrul to halt that KPK corruption investigation.

4.5. Formal Declaration of Presidential Candidates

By late October 2023, the three leading candidates had formally registered as candidates for the presidential elections, and nominated their vice-presidential running mates (JDIH KPU, 2023), namely:

- Prabowo Subianto, nominated by the Gerindra Party and supported by the Advanced Indonesia coalition (comprising the Gerindra, Golkar, Demokrat, PAN, Indonesian Solidarity, PBB, Garuda, and Gelora parties), with Gibran Rakabuming Raka as running mate;
- Ganjar Pranowo, nominated by the PDI-P party and supported by the coalition of the PDI-P, PPP, Hanura and Perindo parties, with Muhammad Mahfud as running mate;
- Anies Baswedan, nominated by the coalition of Change for Unity (comprising the NasDem, National Awakening Party, PKS, and Ummat parties), with Muhaimin Iskandar as running mate.

The Demokrat Party transferred its declared support from Anies to Prabowo after its chairman, Argus Harimurti Yudhoyono, was passed over as Anies' running mate, contrary to what was earlier promised. The Indonesian Solidarity party also transferred its declared support from Ganjar to Prabowo on 24 October. Meanwhile, the National Awakening Party transferred its declared support from Prabowo to Anies after the party's Chairman Muhaimin Iskandar was selected as Anies' running mate.

4.6. The Vagaries of the Opinion Polls

Twelve months out from the election Ganjar appeared to hold a narrow lead over Prabowo in most national opinion polls, with Anies coming third. By June, Prabowo had moved ahead of Ganjar by a small margin which he has continued to maintain. In one opinion poll reported by *The Diplomat* in mid-October 2023, Prabowo led at 37%, followed by Ganjar at 34.% and Anies at 27% (Strangio, 2023a). The poll results also seem to be fairly consistent with other polls (Teresia & Widiyanto, 2023). However, this poll was taken prior to the Constitutional Court's judgment and Prabowo's announcement on his choice of running mate and therefore does not reflect public opinion on these two events. But some opinion polls from late October/early November indicated that Ganjar was at 36.8% having overtaken Prabowo at 34.7% ("Indonesian president hopeful," 2023; "Indonesia presidential contender Ganjar," 2023). These figures may represent a certain displeasure at Prabowo's selection, but it may also be influenced by the Constitutional Court's ethics committee determination in early November to remove Anwar Usman as chief justice but to allow him to remain on the Court and prohibit him from participating in any Court adjudications on election results (Syam & Karmini, 2023). Yet some opinion polls in mid-November indicate Prabowo back in the lead at just over 40%, Ganjar at just under 30%, and Anies at around 23% ("Indonesia's Prabowo stretches lead," 2023; Strangio, 2023c).

Opinion polls are generally based on very small sample sizes, are often regional or socio-economic-based, and are subject to the political leanings of the media sources and those of their proprietors. One conclusion that could be drawn from them, however, is that they cannot be relied upon as sure and reliable predictors of election outcomes. It also seems unlikely that any candidate will achieve a clear majority (50% of the vote

plus one) in the first round in February, requiring a further round of voting between the two leading candidates scheduled for June 2024. This places the eliminated candidate pair, likely Anies and Muhaimin Iskandar, with a substantial capacity to influence the outcome of that final round. The pair are supported by a coalition in the DPR of 167 seats and could bring a potential voting bloc in the vicinity of 25% into the final round. A transfer en masse would likely secure victory for the candidate who receives this support. It could also generate a scenario of Indonesian history repeating itself with a cabinet appointment as a price for the transfer, thus positioning himself and his supporting party in a strategic position to prepare for the 2029 presidential elections.

5. Conclusion

While this article has considered the KPK's activities in respect of candidates and associated parties for the presidential election, the fundamental question that arises is whether the KPK's investigations and related activity are likely to have any real impact on the outcome of the election itself. In some respects, a cynic might argue that the reasonably balanced distribution of accusations and counter-accusations across the various coalitions and their leading personalities, and across the Elections Board generally, could be said to largely cancel out the possible individual-specific negative impacts. The three registered presidential teams and their nominating coalitions have all been involved in various degrees of vilifying each other, with some also accused of corrupt or questionable activity, either directly or by association, over the last year or so.

Post-election, it may well turn out to be very difficult to determine with the appropriate degree of evidence for academic research purposes the impact of first preference voting patterns and party alliances on final election results. Further post-election surveys, which are sure to be conducted, would no doubt be accompanied by interesting reporting commentary. However, some commentators are already suggesting that the forthcoming presidential election could constitute something of a seismic shift for the country. Lindsay and Butt (2023) argue that the Constitutional Court's recent involvement spells the end of its status as an independent check and balance on Indonesia's increasingly powerful rulers, which does not bode well for the country's fragile democracy. The Carnegie Institute opines that the 2024 election is bringing Indonesia to the cusp of an impending generational change (Jaffrey, 2023). The old elite are still in charge of picking the candidates and several have taken measures to bequeath the leadership of their parties to their children. Lacking this kind of lineage, Jokowi is using his incumbent power to position himself among the next generation of kingmakers (Jaffrey, 2023).

Of interest also, albeit of lesser political and public significance, would be the extent of personnel mobility within the senior ranks of the KPK following the conclusion of the election season and the installation of the successful candidates. The introduction and implementation of the 2019 legislative amendments, for example, significantly decimated the senior and investigation ranks of the KPK and hence its focus and operational performance. The amendments dispensed with the Advisory Board members and saw the departure of the chief commissioner, all deputy commissioners, the secretary-general, the key director for prosecutions, as well as other directors. Admittedly, one departing deputy commissioner, namely Firli Bahuri, was elevated to chief commissioner. Media reports indicate that the introduction into the KPK of the specifically crafted civil service exam and the code of conduct also led to staff resignations and dismissals, but actual numbers are difficult to determine.

The KPK history is likely to repeat itself with a similar personnel mobility situation occurring during 2024 and in the post-election settlement period. Four of the five members of the Supervisory Board end their five-year terms (as amended from the initial four-year terms by the Constitutional Court in May 2023) on 20 December 2024, and the commissioners and senior investigators on fixed-term contracts also conclude their terms through 2024. With a newly settled presidential team, a new cabinet, at least in part, and renewed parliamentary and party dynamics post-election, the nature of KPK retentions, departures, and arrivals should be revealing. The general alignment of KPK employment contract completions with the outcomes of the presidential and general elections provides a rare opportunity for assessing whether the old elite is still in charge or whether there is that impending generational change as suggested by the Carnegie Institute.

It is suggested that the KPK, in one guise or another, will continue in post-election Indonesia. Under a Prabowo–Gibran presidency, the KPK would most likely maintain the politicised character that it has pursued over Jokowi's second term in particular and thus continue its shift away from independent authority and action against corruption. The above impending executive and senior contract completions and consequent appointment opportunities would enable appropriate fine-tuning to suit the administration's particular strategic and personal priorities. But further legislative action is most unlikely since such action could be construed as an implied admission that the 2019 amendments by an administration of which Prabowo was a senior member were unjustified, inadequate, or even counterproductive.

Under a Ganjar–Mahfud presidency, there may well emerge an imperative to invigorate the KPK and restore it to its former pre-2019 public status by reinstating some of the statutory independence and authority to act that it originally enjoyed. While Ganjar may be encouraged by electoral success to further the strong anti-corruption message he has been employing in his presidential campaign, he will need strong parliamentary support to give effect to such strong statutory change. Nevertheless, the above forthcoming KPK personnel mobility situation will give his team significant scope to effect change in his desired and perceived necessary directions. Irrespective, Ganjar could determine to continue to promote his electoral message that institutions such as an independent KPK and an independent judiciary are important for Indonesia's integrity and reputation as it develops democratically and economically into a responsible global player.

An Anies–Muhaimin Presidency is the least likely election outcome. However, if his improving performance in recent polls is reflected in the first round of the election, it may well create an opportunity for deals, agreements, or understandings with the Ganjar–Mahfud team in respect of the KPK. The Anies–Muhaimin team and its coalition of supporters have been subject to greater negative attention than the other presidential candidates and have been very critical of the KPK's alleged interference in the election campaigning. An opportunity to redress this attention would be appealing.

One incongruous aspect of the 2019 legislative amendments is that positioning a government-appointed supervisory/directorial framework atop the KPK and bringing its employees into the mainstream civil service framework has brought the organisation into closer association with its political masters and created an opportunity for the KPK to enjoy closer scrutiny of its masters.

It is quite feasible that the team that eventually achieves the presidency might consider that an easily achievable strategy that could be seen to both repair the KPK's declining reputation and maintain a certain

distance apart would be to apply the military and corporate principle of command responsibility. Hence, it could initiate change at the very apex of the KPK. Such change would be more palatable if that apex personality was already the target of personal as well as corporate responsibility.

In any case, it is suggested that changes to the KPK of any significant dimension are unlikely to come to the fore prior to the end of the 2024 election year. The general consensus is that the first presidential round will not produce a clear winner, thus requiring a second round of the two remaining candidates in June, with the eventual winner formally inaugurated as president in October. The “interregnum” period between the second round and inauguration will be marked by the shifting dynamics of politics. The movement of party support between the emergence of likely presidential candidates in early 2022 and the formal declaration of candidates in October 2023 demonstrates the very fluid nature of party loyalties driven more by personality than policy. As demonstrated by Jokowi with the appointment of his presidential opponent Prabowo as defence minister in 2019, the incoming cabinet could well include appointments from the current opposing presidential teams with an axe to grind with the KPK—which may not augur well for the KPK.

Conflict of Interests

The author declares no conflict of interests.

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About the Author



David Price is an emeritus professor of international law in the Faculty of Arts and Society, Charles Darwin University, Australia. His recent research focuses on the intersection of public international law, international trade agreements, and intellectual property rights. This has included the application of investor-state dispute settlement involving the Gulf Cooperation Council states, Indonesia, and Australia. He has published widely on IP protection in the Gulf and other developing regions, including Indonesia, and the geopolitics of trade agreements on domestic policy.