

Corruption and Democracy: Political Corruption in Post-Soeharto Indonesia



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ABSTRACT: Post-Soeharto Indonesia, known as the era of reform and democracy, has not been able to inhibit corrupt behaviour by state officials at the central and local government levels, in legislative and executive institutions, or in the judiciary as a judicial institution. This article discusses and analyses the corruption process carried out by state officials, especially those occupying legislative, executive, and special judicial institutions at the central government level in interacting with each other and with outside institutions. The public's hope that ongoing democracy will be able to limit political corruption in Indonesia is only an illusion, considering the democracy model that developed in Indonesia post-Soeharto led to a patronage democracy, namely the interaction of power between state institutions which is based on mutually beneficial considerations. Another consideration is that the institution that administers justice which serves as law enforcement agency is involved in corrupt practices.

KEYWORDS: Political Corruption, Patronage Democracy, Bribes, Power Interaction

INTRODUCTION

The democratization that took place in post-Soeharto Indonesia has reformed the position of power of high state institutions within the framework of democracy. Important changes include reforming the structure of the People's Consultative Assembly (MPR), consisting of the House of Representatives (DPR) and the Regional Representatives Council (DPD), holding direct presidential elections, and reforming the military's position in politics (Edward V. Schneier 2009). The goal is to build a stable and democratic presidential system. The position of these institutions differed in contrast to the New Order era under the authoritarian and centralized Soeharto government, all institutions at that time were under his control (Harold Crouch. 1980.p.654, Dwight Y. King. 1979. p.105).

Indonesia's democracy, which has been going on since 1998, has not been able to halt the corrupt traditions within its governing system, as was the case under the Soeharto regime. The difference lies in the dynamics and patterns, this condition is one indicator of the decline of Indonesian democracy (Marcus Mietzner, 2020). Post-Soeharto corruption occurred at the national government level in the executive, legislative and judicial institutions, and in local government (Gabriel Lele, 2020). As far back as the 2004 period up until the 2018 period, 25 ministers and 119 members of the DPR at the central and regional government levels were found to be involved in political corruption. (<https://acch.kpk.go.id>).

The focus of this article is to explain and analyse the corrupt behaviour committed by state officials, namely members of the House of Representatives (DPR), ministers or officials at the ministerial level, and officials of the judiciary or judges. The questions posed are when Indonesia was undergoing the process of democratization, why was political corruption still ongoing? How does the process of political corruption work? The discussion is structured in order of the concepts of the relation between corruption and democracy, briefly describing the general description of political corruption in post-Soeharto Indonesia, and continues with a discussion of the political corruption process, and ends with a conclusion equipped with conceptual implications and prospects for the relationship between democracy and corruption in Indonesia.

I. CORRUPTION AND DEMOCRACY

Political corruption is defined as the abuse of public office for personal gain (Friedrich. C 1989, Andersson and Heywood 2009). Political corruption usually involves elected officials and/or bureaucrats by abusing the power and authority entrusted to them for personal gain, sacrificing public interest, and violating the norms of public office (Alessandro Pellegata 2012).

Political corruption is classified as major corruption and petty corruption. Major corruption is an act by high-level governments to distort the policies and central functions of the state, allowing leaders to take advantage at the expense of the public interest. Petty corruption is an abuse of power by lower-level public officials in interacting with ordinary citizens (<https://www.transparency.org>). Political corruption in this article pertains to every action of a public official aimed at benefiting himself or another person or a corporation, abusing the authority, opportunity, or means available to him because of a position that

Corruption and Democracy: Political Corruption in Post-Soeharto Indonesia

can harm state finances or the state economy. Form of political corruption includes accepting or giving bribes with the aim of making decisions according to the will of the bribe giver.

The relationship between corruption and democracy has two views, the first is the pessimistic view and the optimistic view (Qizilbash, 2008). The first argument from the optimistic view, namely that the practice of democracy aims to realize the ideals of preventing corruption and that democracy builds motivation and forms values to deter corruption. (Dreze, J, & Sen, A.K. 2002). Second, democratization presents new institutions for managing corruption and a new civic culture gradually brings about a moral basis for governance. (Gerald E. Caiden, O.P. Dwivedi and Joseph G. Jabbara, (2001). Third, societies that maintain democracy will increase their chances of survival in the future by limiting corruption. (Charles H. Blake & Christopher G. Martin (2006).

As for the pessimistic view, competition in general will not weaken corruption. The egalitarian tendencies in democracy produce conditions in which corruption breeds. (Shleifer, A & Vishny, RW (1998) *The Grabbing Hand: Government Pathologies and Their Cures*, Cambridge, MA, Harvard University Press). The democratic model that provides opportunities for political corruption is liberal democracy, democracy without control by other institutions. (Hay, P.R, 1977) and patronage democracy, namely democracy that develops characterized by buying voters' votes, giving gifts to individuals, and making personal donations to certain groups in return for political support. (Edwar Aspinal & Ward Barenhot, 2019) (Marcus Mietzner, 2020). The implication of such a democratic model is that it is unable to prevent the embedded nature of political corruption, and tends to undermine the cultural and democratic fabric, as is the case in Mexico (Morris, 2018) and in Latin America in general (Alan Gilbert, 2019).

The optimistic view states that democracy can deter corrupt behaviour among state officials with various arguments. The more consolidated democracy can be a factor in inhibiting the practice of political corruption. (Alessandro Pellegata, 2012). Democratization brings forth new institutions to manage corruption and a new civic culture will gradually bring about a moral basis for governance. (Gerald E. Caiden, O.P. Dwivedi and Joseph G. Jabbara, 2001). Societies that maintain democracy will increase their chances of future survival by limiting corruption. (Charles H. Blake & Christopher G. Martin (2006).

Political corruption has a number of implications, first, it can hinder economic growth (Tanzi, 1998, 585), in addition to reducing public trust in the government (Anderson & Tverdova, 2003; Bowler & Karp, 2004), and even disrupt social cohesion in society (Richey, 2010; Rohstein & Eck, 2010).

The supporting variables of political corruption are related to the psychological aspects of public officials who provide opportunities and plays a role in the practice of corrupt behaviour (Benjamin Melusky, 2018). (Allen Gannet & Chad Rector, 2015). The psychological form of public officials is related to the basic values held by public officials who tolerated corrupt behaviour (Folmer & De Cremer, 2012). Research surveys in the UK show that public officials are more likely to condone corrupt behaviour because it is perceived to have a small impact (Allen & Birch, 2012).

Another variable is the dynamic relationship with outside institutions. The interaction of members of the House of Representatives with entrepreneurs can provide opportunities for corrupt practices (Aspinal, Edward and Berenschot, Ward, 2019). The pattern of the relationship between the two institutions is in the form of mutual benefit, entrepreneurs support campaign funds for candidates, and in return the candidates will provide a number of development projects to entrepreneurs after being elected. (Gabriel Lele, 2020).

Interactions between state institutions such as the interaction between the executive and the legislature (Richaerd Fenno 1973), the interaction between members of the legislature and the constituents (David Mayhew, 1974), the interaction between political parties and members of the legislature (Cox and McCubbins, 2007), the interaction between the judiciary and the legislature (Ittai Bar-Siman-Tov, 2015), the interaction of the legislature with interest groups (LaPalombara, Joseph 1974) can take place in a democratic manner (Tom Miles, 2011;717) and a patronage democracy (Edwar Aspinal & Ward Berenchot, 2019). Democratic interactions are interactions between state institutions based on checks and balances in preventing the abuse of power and corruption. The interaction of patronage democracy is the interaction of state institutions in making decisions based on mutual interests, accepting bribes or other rewards.

II. METHOD

This study uses a qualitative approach. The data used are secondary data sourced from reports and documents from the Corruption Eradication Commission (KPK) and reports from Indonesia Corruption Watch (ICW) through the website. This article analyses 3 corruption cases, the first is the WA Ode Nurhayati corruption case in the allocation of the Regional Infrastructure Development Acceleration Fund (DPID) for the 2010 fiscal year, Aceh Besar district, Pidie Jaya district and Bener Meriah district, Aceh province, second, the corruption case of Miranda Gultom in the nomination process as Senior Deputy Governor of Bank of Indonesia (DSGBI), and third, the corruption case of Akil Mochtar, Chairman of the Constitutional Court (MK), in handling the conflict of the regional head election (Pilkada) in Gunung Mas Regency, Central Kalimantan Province and the conflict of the regional head election in Morotai Island Regency, Maluku Province.

The selection of these cases is based on the consideration that the three cases represent three state institutions, namely the legislature, executive, and judiciary. The WA Ode Nurhayati corruption case represented the legislative body, the Miranda Gultom corruption case represented the executive institution, and the Akil Mochtar corruption case represented the judiciary. The argument

Corruption and Democracy: Political Corruption in Post-Soeharto Indonesia

of this paper is that the rise of post-Soeharto political corruption in the midst of the euphoric spirit of democracy, is related to the Indonesian democracy format which has the character of patronage democracy.

III. POLITICAL CORRUPTION IN INDONESIA: AN OVERVIEW

According to Transparency International Indonesia's 2020 report, Indonesia's corruption index is in the 102th position out of 180 countries, in 2019 it was ranked 80. This increase is allegedly related to the Covid-19 pandemic, bribes in the procurement of medical devices, and bribes in handling social assistance (nasional.kompas.com).

According to data released by the KPK, there were 382 corruption cases that occurred in Indonesia in 2004-2020. Members of the DPR, Members of the Regional People's Representative Council (DPRD) at the provincial and district/city levels, who were involved in corruption with 74 cases, ministries/institutions followed with 382 cases, provincial government guilty of 152 cases, district/city governments with 409 cases, State-owned Business Entities (BUMN)/Regional Owned Enterprises (BUMD) with 66 cases, and lastly, judges and prosecutors with as many as 19 cases. (databuka.katadata.co.id).

There are 872 corruptors who have been executed in 2004-2021. In 2004 as many as 0 people, in 2005 as many as 4 people, in 2006 as many as 13 people, in 2007 as many as 23 people, in 2008 as many as 24 people, in 2009 as many as 37 people, in 2010 as many as 36 people, in 2011 as many as 34 people, in 2012 as many as 32 people, in 2013 as many as 44 people, in 2014 as many as 48 people, in 2016 as many as 81 people, in 2017 as many as 83 people, in 2018 as many as 136 people, in 2020 as many as 108 people, and in 2021 as many as 18 people (kpk.co.id).

State losses due to political corruption committed by state officials in 2015-2012 with details, in 2015 amounting to IDR 732 billion, in 2016 amounting to IDR 164 billion, in 2017 amounting to IDR 310 billion, in 2018 amounting to IDR 385 billion, in 2019 amounting to IDR 6,2 trillion, and in 2020 amounting to IDR 805 billion (databoka.katadata.co.id). According to data from Indonesia Corruption Watch (ICW), state losses in 2020 amounted to IDR 56.7 trillion, money returned to the state was only IDR 8.9 trillion (nasional.kompas.com/ read).

Ranking of the most corrupt institutions in Indonesia from 2005 to 2007. In 2005, the most corrupt institutions ranked 1st were political parties, 2nd was parliament, 3rd was Police, and 4th was the court. In 2006 1st was parliament, 2nd was police, 3rd was court, 4th was police. In 2007, 1st was the police, 2nd was parliament, 3rd was the court, and 4th was the political parties. The forms of corruption carried out by the actors are budget irregularities, embezzlement, manipulation, bribery, fictitious project activities, extortion, misuse of bad loans, and abuse of authority permits (ICW).

IV. POLITICAL CORRUPTION PROCESS

WA Ode Nurhayati, a member of the DPR's Budget Agency (Banggar) for the 2004-2009 period, comes from the National Mandate Party (PAN). The case of WA Ode Nurhayati was in determining the allocation of the Regional Infrastructure Development Acceleration Fund (DPID) for the 2010 fiscal year, Aceh Besar district, Pidie Jaya district and Bener Meriah district, Aceh province.

WA Ode Nurhayati held a meeting with Hasanuddin and Sahrudin at Pulau Dua Restaurant, Senayan, Central Jakarta in 2010. At the meeting, Hassanudin asked WA Ode Nurhayati to make Aceh Besar, Pidie Jaya and Bener Meriah districts to be the recipients of the Regional Infrastructure Development Acceleration Fund (DPID) for the 2011 fiscal year. WA Ode Nurhayati agreed to the request, and asked each region to submit proposals.

The agreement between the DPR and the government on October 11, 2010 approved the allocation of DPID for the 2011 fiscal year amounting to IDR 7.7 trillion - with the provisions for the medium category districts to receive a disbursement of IDR 25 billion, low IDR 30 billion, and very low IDR 40 billion. WA Ode Nurhayati a few days later, at the DPR RI Building, had a meeting with Fachruddin and Hasanuddin, who asked WA Ode Nurhayati to take care of the DPID allocation for Aceh Besar District, Pidie Jaya District, and Bener Meriah District - so that they could be designated as the recipients with a very low category of IDR 40 billion for the DPID fiscal year of 2011. WA Ode Nurhayati then requested Fachruddin to provide funds equal to 5% - 6% of the DPID allocation to be received by each region, and Fachruddin agreed. WA Ode Nurhayati then received a proposal from Hasanuddin regarding the DPID allocation area for the 2011 fiscal year for Aceh Besar district of IDR 50 billion, Pidie Jaya Regency of IDR 226.3 billion, and Bener Meriah Regency of IDR 50 billion.

WA Ode Nurhayati after receiving the proposal, received a total of IDR 5.5 billion from Hasanuddin, the money came from Fachruddin as part of the 5%-6% agreement on the allocation of DPID from the three districts. The IDR 5.5 billion fund went into the account of WA Ode Nurhayati in stages, namely: on October 13, 2010 in the amount of IDR 1.5 billion; October 14, 2010 in the amount of IDR 500 million; October 15, 2010 in the amount of IDR 500 million; October 18, 2010 in the amount of IDR 500 million; October 18, 2010 in the amount of IDR 500 million; October 19, 2010 in the amount of IDR 1 billion; October 20, 2010 in the amount of IDR 500 million; October 25, 2010 in the amount of IDR 250 million; dated October 18, 2010 amounting to IDR 250 million. WA Ode Nurhayati asked for the money to be transferred to the account of her staff named Safrina. (acch.kpk.go.id).

The corruption case carried out by WA Ode Nurhayati did not stand alone, he received hidden support from the elites of his political party, as per WA Ode Nurhayati's statement quoted by various media.

Corruption and Democracy: Political Corruption in Post-Soeharto Indonesia

"I admit that I have received bribes for the allocation of the Regional Infrastructure Adjustment Fund (DPID) of IDR 120 billion, I did it on the orders of the elites of the PAN faction, as a member of the DPR's Budget Agency (Banggar), I only carried out the orders of the faction. The money went to the PAN elites. I have received my punishment, so I ask the PAN faction to be transparent about what the IDR 120 billion is for?" (<https://news.detik.com>).

The case of Miranda Gultom, who was one of the 3 candidates for the Senior Deputy Governor of Bank of Indonesia (DGSBI) proposed by President Megawati Soekarnoputri to the DPR in 2004. The process of appointing the DGSBI is in accordance with the provisions of the constitution. The DPR implements an election mechanism to determine one candidate to be submitted to the president. The results of the DGSBI candidate election, Miranda Gultom received the most votes. Miranda Gultom's victory is known to have been the result of bribes to members of the DPR who were involved in the election process.

The modus operandi was that before the election, Miranda Gultom took the initiative to meet with a number of DPR members who participated in the election process. Miranda Gultom at the meeting asked members of the DPR to vote for him and promised to reward him for his services as a 'thank you'. The members of the DPR who attended agreed and would notify all the members involved in the election, totaling 52 members. The result of the election in the DPR, Miranda Gultom received the most votes and was the candidate to be proposed to President Megawati Soekarnoputri to be designated as DSGBI. Miranda Gultom then through his envoys gave IDR 24 billion through representatives of the DPR faction to be distributed to all members who supported him. The money is known to have come from a businessman (acch.kpk.go.id).

Akil Mochtar is the chairman of the Constitutional Court (MK) from 2013 to 2018. The Constitutional Court is an institution that has authority related to general election conflicts, presidential elections, and regional head elections. Akil Mochtar's corruption case is related to the conflict court process over the results of the regional head election (Pilkada) of Gunung Mas Regency, Central Kalimantan Province and the conflict over the election results of Morotai Island Regency, North Maluku Province.

The Pilkada of Gunung Mas Regency, Central Kalimantan Province was held on September 4, 2013, which was participated by 4 pairs of candidates, namely: (1) Jaya Sumaya Monang-Daldin; (2) Hambit Binti-Arton S. Dohong; (3) Kusnadi B. Halijam-Barthel D. Suhin; (4) Aswin Usup-Yundae. Decision of the General Elections Commission (KPU), established Hambit Binti-Arton S. Dohong as the elected Regent and Deputy Regent of Gunung Mas Regency for the 2013-2018 period. The Jaya Sumaya Monang-Daldin pair rejected the KPU's decision and filed a lawsuit with the Constitutional Court. Hambit Binti-Arton asked for the assistance of a member of the DPR from the Golkar faction, Chairun Nisa, to contact the Chief Justice of the Constitutional Court, Akil Mochtar, so that Jaya Samaya Monong/Daldin's objection request as a result of the regional head election of Gunung Mas Regency, Central Kalimantan Province to be rejected.

Chairun Nisa agreed and contacted Akil Mochtar about Hambit Binti-Arton S. Dohong's request. Akil Mochtar agreed on the condition that Hambit Binti-Arton S. Dohong provided a budget of IDR 3 billion in US dollars. Chairun Nisa conveyed the message to Hambit Binti-Arton S. Dohong, they agreed and then handed over the money to Chairun Nisa in an unknown location. Chairun Nisa then contacted Akil Mochtar to give the IDR 3 billion from Hambit Binti-Arton S. Dohong. KPK then arrested Akil Mochtar at his official abode during the exchange. Hambit Binti met Chairun Nisa on October 2, 2013 at an airport in Palangkaraya and gave Chairun Nisa IDR 75 million wrapped in a newspaper as a token of gratitude (acch.kpk.go.id).

The Pilkada of Morotai Island Regency, Maluku Province, which was held on May 16, 2011, was attended by as many as 6 pairs of candidates for regent and deputy regent, namely: (1) Arsad Sardan-Demianus Ice; (2) Umar Hi Hasan-Wielif Sepnath Pinoa; (3) Rusli Sibua-Weni R Paraisum; (4) Faisal Tian, Lukman Sy Badia; (5) Decky Sibua-Maat Pono; (6) Anghany Tanjung-Arsyad Haya. The Morotai Island Regency KPU Commission appointed Arsad Sardan Demianus-Ice as regional head and deputy regional head for the 2011-2016 period. Rusli Sibua-Wini R, filed an objection to the KPU's decision to the Constitutional Court by appointing Sahrin Hamid as legal advisor.

Sahrin Hamid contacted Akil Mochtar, the result of the conversation was that Akil Mochtar asked Rusli Sibua-Wini R to prepare IDR 6 billion before the decision was made. Rusli Sibua-Wini Hamid only agreed to provide compensation of IDR 3 billion. Akil Mochtar agreed and demanded that the money be deposited into an account in the name of CV Ratu Samagat with a fake deposit of "palm oil transport". Rusli Sibua sent money amounting to IDR 2,989 billion using 3 cash deposits to CV Rati Samagat savings account with details, on June 16 in the amount of IDR 500 million deposited under the name F Djufri, on June 18 in the amount of IDR 500 million deposited under the name Muchlis, on June 20 in the amount of IDR 1.989 billion under the name of Djufri. The Constitutional Court on June 20, 2011 decided on the dispute over the Regional Head Elections for the Regency of Morotai Island, namely canceling the decision of the KPU for the Regency of Pulau Morotai which determined the pair Arsad Sardan-Demianus Ice as the winner and declared that the election results were won by the pair Rusli Sibua-Wini R (acch.kpk.go.id).

The data above illustrates that a form of political corruption by state officials is to ask for bribes from outside institutional officials who need the services of their power. Decisions are not made on the basis of considerations of applicable procedures and mechanism; but are made based on bribes given. The source of the bribe money in the case mentioned above came from businessmen. Entrepreneurs will also receive development projects in return for their services in supporting funds for the interests of the parties mentioned above. The consideration is that post-New Order entrepreneur politics provided financial support to regional

Corruption and Democracy: Political Corruption in Post-Soeharto Indonesia

head candidates in regional head elections, in exchange for obtaining all development projects if the candidate pair won the election (Marcus Mietzner, 2020).

The data provides an explanation that members of the DPR representing the legislature play a role as a broker between the Chief Justice of the Constitutional Court and the candidate for regent in supporting political corruption. Specifically, for the behavior of DPR members, they receive hidden support from party elites who occupy positions in DPR institutions.

The implication is that the prospect of limiting political corruption in Indonesian democracy for at least the next 20 years will not be able to inhibit corrupt behavior among state officials, as was the case during the authoritarian Soeharto regime. Reasons being, first, judges and prosecutors as institutions that is a central figure in upholding justice, are in fact involved in political corruption. Second, the Indonesian Supreme Court (MA) annually provides a reduction in sentences for corruptors. In 2019-2020, there were 22 corruptors who received a reduced sentence from the Supreme Court (<https://www.bbc.com/indonesia>). Third, the will of anti-corruption civil society to apply the death penalty for corrupt perpetrators has not received a positive response from state officials (Davidson, Jamie S, 2007).

CONCLUSIONS AND IMPLICATIONS

The development of political corruption in the era of democratization in Indonesia is related to the model of democracy that occurs, namely the development of patronage democracy. Decision-making and interactions between state institutions are based on bribes. This process is supported by the behavior of party elites who support the process in secret. This phenomenon can be seen in the three cases shown, namely the WA Ode Nurhayati, Miranda Gultom, and Akil Mochtar corruption cases.

The theoretical implication is that this article includes a pessimistic view of the relationship between corruption and democracy. Democracy has failed to limit political corruption, at least in the case of Indonesia. Indonesian democracy which has been started since 1998 or the post-Soeharto period has not been able to prevent political corruption. The prospects for the future conditions and situations that arise will not provide an optimistic direction, considering that judicial institutions such as the Supreme Court tend to give reduced sentences to corruptors. The chairman of the Constitutional Court is involved in corruption, in addition, the demands of the anti-corruption movement in Indonesia have not received a positive response from the state. Opportunities are available, civil society movements such as ICW to continue to provide a number of data and information to the public about the behavior of corruptors with varying types of modus operandi.

The limitation of this article is that it has not discussed political corruption committed by state officials in provincial and district/city governments, both in the legislative, executive and judicial institutions. This phenomenon is an opportunity for other researchers to uncover and discuss cases of political corruption in Indonesia with different theoretical perspectives.

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Corruption and Democracy: Political Corruption in Post-Soeharto Indonesia

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Corruption and Democracy: Political Corruption in Post-Soeharto Indonesia

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