

PROCEEDING CONFERENCE PROGRAMME

iconpo 2011

International Conference on Public Organization

CHALLENGE TO DEVELOP A NEW PUBLIC
ORGANIZATION MANAGEMENT
IN THE ERA OF DEMOCRATIZATION
Comparing models in various countries

Yogyakarta Indonesia, January 21-22, 2011

ICONPO 2011 is Organized By

Department of Government Affairs and Administration
Faculty of Social and Political Science
Universitas Muhammadiyah Yogyakarta

In Collaboration with Korea University, Thammasat University
and Universitas Ngurah Rai Denpasar



PROCEEDING : INTERNATIONAL CONFERENCE ON PUBLIC
ORGANIZATION (ICONPO)
Challenge to Develop a New Public Organization Management in
Era of Democratization

January, 21-22, 2011
Yogyakarta, Indonesia

ISBN : 979-1707-99-5

Published : 300 copies

Published by
Department of Government Affairs and Administration
Faculty of Social and Political Science
Universitas Muhammadiyah Yogyakarta
Jl. Lingkar Barat, Tamantirto, Kasihan, Bantul
Daerah Istimewa Yogyakarta 55000

Phone : +62 274 387 656 Faximile : +62 274 387 646

E-mail : ilmupemerintahan@umy.ac.id

Website : <http://www.pemerintahan.umy.ac.id>

Publication and Editor Team
Dyah Mutiarin, Utami Dewi, Eko Priyo Purnomo
Cover Design :
Kamaruddin Yusuf and Ahmad Sobari

Copyright By Department of Government Affairs and
Administration

Printed @ Yogyakarta, Indonesia
2011

ACKNOWLEDGEMENTS

This proceeding is a collaborative work done between Faculty of Social and Political Science of Universitas Muhammadiyah Yogyakarta, supported by Korea University, Thammasat University Thailand, and Universitas Ngurah Rai Denpasar. We dedicate this proceeding as an academic collaboration momentum of an International Conference on Public Organization "Challenge to Develop a New Public Organization Management in The Era of Democratization" which had held by Department of Governmental Studies Faculty of Social and Political Science of Universitas Muhammadiyah Yogyakarta, on January 21st – 22nd, 2011, in Yogyakarta, Indonesia.

We wish to thank the Rector of Universitas Muhammadiyah Yogyakarta Ir HM. Dasron Hamid, M.Sc for giving the license to drive this conference. We also express my sincere gratitude to Prof. Sunhyuk Kim of Korea University as our Keynote Speaker. Special thanks go to all of the honorable our paper reviewers for the Proceeding those are Assoc. Prof Azhari Samudra of Universitas Ngurah Rai Denpasar, Prof. Dr. Jin- Wook Choi from Korea University, Prof. Dr. Miftah Thoha, MPA from Universitas Gadjah Mada, Prof. Francis Loh Kok Wah, PhD from University Sains Malaysia, Prof. Dr. Azhar Kasim, MPA from Universitas Indonesia, and Dr. Vidhyandika D Perkasa from Center for Strategies and International Studies Indonesia (CSIS), Prof Amporn Tamronglak and Dr. Soparatana Jarusombat from Thammasat University, without their contribution this paper will never come into being. We also thank to the ICONPO committee, and all collagues for their support to this conference. We thank to all the paper presenters and participants who contributed through their papers in this proceeding.

This proceeding is divided into 10 themes, those are:

1. Environmental changes and collaboration in public organization.
2. Need assessment of public issues in public organization.
3. Design of structure organization in democratic era
4. Planning and Decision making .
5. Human resources management.
6. Culture and ethics of public organization in democratic era;

7. Communication practices in public organization
8. Transformative Leadership .
9. Current Management Information system in electronic era.
10. Performance measurement

Reason for selecting these themes is because the wave of democracy has influence the dynamics of public organization, a well known institution model related to governmental, non-profit, and non-governmental organizations. The dynamic of public organization management in response to democratic era, now encompasses more challenging issues. The issues such the shifting paradigm from government to governance could be seen as the trend drives to the reform of government. The concept of governance means that the government must improves the functions of public organization management process. The process must be efficiently, effectiveness, responsiveness, transparently, participative, and accountable. Other important issues are the growing of gender mainstreaming, public policy processes and the dynamic of civil society which have demanded a changing management of public organization. The most important thing so that public organization could challenge in the democratic era is to improve and develop a new public organization management. Therefore, public organization needs to respond, explore and develop innovative management. It challenges the scholars and practitioners to explore and develop new models of public organization management by drawing the experience and lessons learned of their countries

Thus, the proceeding explores the issues and challenges to develop a new public organization management in the era of democratization. We hope this proceeding will benefit the readers, academicians, politicians and scholars on more about a new way to develop public organization in this democratization era.

Yogyakarta January 21st 2011

Head of Government Science
Dr. Suranto

Dean of Faculty of Social and Political Science
Dr. Nurmandi

PREFACE

The first paper as Keynote Speech written by Sunhyuk Kim (Professor, Department of Public Administration, Korea University) entitled **Globalization and Policy Change: The Case of Korea**. This paper emphasizes on "neoliberal" globalization. The writer argues that neoliberal globalization is just one type of globalization, and it is likely that in the future another type of globalization may emerge. "Varieties" of economic, political, and public administration systems in the world will respond differently to the new wave of globalization. It is essential, therefore, to craft a more prudent national strategy to flexibly and comprehensively deal with different kinds of globalization. The writer examines how Korea has coped with the challenge of globalization, by analyzing how the latest neoliberal globalization has affected governmental restructuring and policy transformation in Korea since its democratization in 1987. It is underscored that Korea needs a better national strategy to handle future waves of globalization—potentially of the non-neoliberal nature. I sketch out the main contents of such a new national strategy, primarily focused on the need to build and nurture more effective multi-sector governance system, increasing communicative and collaborative capacity of all the sectors involved.

The second paper was written by Su-jin, Yu, 3rd semester of master's course Korea University entitled **Conflicts in Environmental Policy-making in Korea: The case of Gyeyang Mountain Golf course**. In this research studies about the Gyeyang Mt. golf course development plan (GGDP) which has shown sharp conflict aspect. Commonly, environmental conflicts in the policy-making have two different belief systems such as environmental conservation and environmental development. Based on this two different belief system, various stakeholders united as a policy actor. Coalition actors from two different values enforce a different strategy to policy-making.

The third paper written by Laila Kholid Alfirdaus of Government Department Faculty of Social and Political Science Diponegoro University Semarang Central Java Indonesia titled **Governing the Disaster-Prone**

Community. Public organisation does not only deal with problems which is regular in its nature, periodical, and in orderly situation. More often, public organization faces uncertain circumstances that the way of governing as usual cannot be applied. One of the notable constraints in governing community for public organization to manage is disaster. Firstly, disaster often comes at an unpredictable time. Secondly, disaster often bears considerable risks even beyond a public organisation's capacity to deal with. Its quick attack often results in much longer impacts. Thirdly, any single thing, such as food supply, sanitation, water supply, shelter, and so forth, suddenly turns into emergency, meanwhile the public organization has usually shortcomings in resources. Fourthly, any demand for the public organization quickly moves into a big pressure, therefore public organization easily becomes the subject of failure once they are unable to tackle the complex situation. Considering such the specific nature of disaster, there is a clear need for public organization to apply specific governing strategies. This paper tries to elaborate some thinking on governing the disaster-prone community, especially for developing nations, using experiences in various countries. Such a thinking becomes important since it is the developing nations that use to have problems in their bureaucratic structure. A change of mindset in public organization in which disaster should not be treated as business as usual rather as in a crisis is one of the keys. A deep thinking on how to manage the interrelation with some non-government organizations, economic society, academic society, and the media in emergency and recovery based on context and culture, is also worthwhile.

The fourth paper entitled **The Sustainability of Jakarta as the capital city.** It is written by Hartuti Purnaweni Public Administration Program, Environmental Study, Post Graduate Program, Diponegoro University. This paper aims to find out efforts to be done to Jakarta as the Capital City of the Republic of Indonesia. Jakarta has turned from merely old day traditional port to the present day of a megapolitant figure, where skyscrapers mount in many places. Jakarta is an area with low topographic feature as it is situated at the coastline, in particular North Jakarta. As time goes by, the city becomes less convenient as settlements due to traffic jam, flood, land subsidence, land water deficit, inadequate green space, severe air pollution, etc. Jakarta's carrying capacity has been passed over. New public management system is needed. Therefore, a new paradigm has emerged concerning its status replacement as the Indonesian capital city, and to make it a more livable city. Three alternatives are proposed for the solution.

The fifth paper entitled **Democratization and Environmental Politics of Natural Resources Management** at Local level written by Edi Santosa, Governmental Program, Social and Political Faculty, Public Administration, Post Graduate Program, Diponegoro University. The paper aims to deliver the idea that Environmental democracy is not new in Indonesia since it stated its commitments in Rio Declaration in 1992 and World Summit on Sustainable

3
2
1
Development in 2002. However, empirical evidence shows that the commitment to implement the ideal is still far behind. In theoretical, policy and empirical area, discussing environmental sociopolitical aspects should include all stakeholders in it. In managing environment and natural resources, both politicians and government officials have the political power as representatives of the state. Their political actions should cover activities of development policies which are oriented towards sustainable development, whether at local, national, regional and global. Rondinelli and Chema (1993) stated that the state should be committed to pursuing sustainable development across the region – it calls for a clean and green environment with fully established mechanisms for sustainable development to ensure the protection of the environment, the sustainability of its natural resources and the high quality of life of its people and neighbours in one earth.

The sixth paper entitled **The Implementation of Social and Environmental Responsibilities's Regulation by PT Karya Tangan Indah Bali** written by Ni Putu Tirka Widanti, Universitas Ngurah Rai, Denpasar, Bali, Indonesia. The paper aims to analyze the most prominent CSR activities of PT Karya Tangan Indah, those are the environmental re-cycling and social religious supports to the traditional village where the company is situated. PT. Karya Tangan Indah's CSR programs are affected by the party receiving supports and the internal organization. From the analysis, it has been found that PT. Karya Tangan Indah's CSR programs on recycling and social religious supports have managed to attract the community's enthusiasm. It is because the ritual ceremonies in the traditional village where PT. Karya Tangan Indah operates are held regularly and involve the entire community members. Based on the analysis findings, it is recommended that the future PT. Karya Tangan Indah's CSR programs should involve the community members commencing from the planning up to the evaluation processes. It is necessary to involve them for sustainable programs and for addressing their needs and priorities. In addition, their involvements are hoped to be able to duly plan and organize the allocated budgets.

The seventh paper is **Impacts Of Decentralization On Environmental Management In Thailand**, written by Soparatana Jarusombat, Ph.D of Faculty of Political Science, Thammasat University, Bangkok, Thailand. This paper describes the process, institutional and legal framework within which the environmental management operates in Thailand. It specifically focuses on the decentralization within central and local government's role in environmental management. The aim of the paper is to examine how interface between the central and local loci of power have affected pieces of legislation relating to management of the environment by central and local government in Thailand.

The eighth paper is titled **An Empirical Study of the Autonomy of Thai (Autonomous) Public Organizations** written by Associate Professor Amporn Tamronglak, Head of Public Administration Department and Director of Executive Public Administration (EPA) Program, Faculty of

Political Science, Thammasat University, Bangkok, Thailand. The latest Administrative Reform in Thailand in 1999 reflected the influence of New Public Management (NPM) perspectives, leading to a drastic restructuring of age old bureaucracy. "Agencification" or creating new single purpose agencies was one of various approaches to face lift bureaucracy in the name of "Public Organizations or Autonomous Public Organizations (APOs)" to be free from tedious regulations and hierarchical commands of politicians. Since (Autonomous or Quasi-autonomous) Public Organizations Act has been issued in 1999, there are approximately 29 agencies created. This paper aims at attacking and analyzing the issue of autonomy of Public Organizations in Thailand, which is the main reason in hiving off from their original organizations. The theoretical basis of autonomy employed in the study is drawn from Peters Verhoest and others, particularly in the areas of personnel and financial management. Constructive questionnaires were employed and collected between June and August 2010 from all 29 Public Organizations. In-depth interviews with the agency's executives were conducted to gain insight knowledge of the concept in practice. The statistical analysis shows that Thai APOs are more or less independent from the politicians. Though the legal and administrative structure of their establishment, they somewhat recognize and are responsive to the demands of the relevant Ministries. On the contrary, they are able to maintain the balance and handle the pressure in such a way that the agencies can carry out and accomplish the government policies professionally and cost-effectively.

The ninth paper written titled **Government Antismoking Campaign: Quixotic Dream Or Confident Expectation?** By Subiyanto of Wijaya Putra University. Smoking habit was one of global problems, but the effects of it are very dangerous on smoking related diseases, so Indonesian Government had to take the genius actions. This study investigated the effects of Government Antismoking Campaign on Behavior of Smoking in East Java. Research model was adopted from the Theory of Reasoned Action dan the Theory of Planned Behaviour introduced by Ajzen and Fishbein modified by DeVries et al. The population were smokers or someone who have experience with cigarette smoking in East Java, sampling method by Multistage Cluster Random Sampling in three stages. Data analysis utilized Structural Equation Modelling (SEM) used AMOS 4.01. Hypothesis analysis used regression Weight standardized estimates, compare p value in 5percent significancy, if p value < 5percent is mean significant. This study found four negative significant hypothesis and two not significant hypothesis. The effect of Government antismoking campaign on Attitude toward smoking behaviour and on Subjective norm of smoking are not significant, while effect of Attitude toward smoking behaviour on Refusal skill, the effect of Subjective norm of smoking on Refusal skill, are negative significant. The effect of Refusal skill on Behavioural intention to smoke, and the effect of Behavioural intention to smoke on Behaviour of smoking are also negative significant. There were

recommendations for Indonesian Government, cigarettes industries and collaboration among government and cigarettes industries.

The tenth paper entitled **Leading to Improvement? The Politics of ISO 9001:2000 Transfer to Local Service Delivery** and written by Wawan Sobari, Lecturer and Convenor of the Department of Political Science, Faculty of Social and Political Science, University of Brawijaya Malang. This paper addresses three main questions concerning the process, impacts and external evaluation of the transfer of ISO 9001:2000 to service delivery at the local secretariat office in the Regency of Malang Indonesia. Its methodology applies qualitative approach to build understanding by intensifying the research process aimed to obtain the full picture of the transfer. This paper shows some important findings around this transfer; first, the decision to transfer is a result of social process aimed to build better image of the office. As well, a policy network, ranges from local to international actors, has constructed the ISO 9001:2000 implementation as the best practice in service delivery. Finally, the certificate attributed to the implementation of ISO 9001:2000 cannot adequately assures the improvement of technical capacity of the office. Rather, it has created dependency on assurance server to sustain the performance improvement. Thus, this transfer has created a qualified office, not an educated office that is self-achieved fulfilment in delivering better service.

The eleventh paper **Democracy and Growth Revisited : An empirical study using fsQCA** written by Dong-Hyun Choi, Graduate Student, Department of Public Administration, Korea University. This paper will analyze The relationship between political freedom and economic growth has been a much scrutinized topic over the past few decades. According to Barro once the impact of other exogenous factors are controlled for, the effect of democracy on growth is weakly negative. He further raised the possibility of a nonlinear relationship between democracy and growth. Barro's work, while convincing in terms of methodological rigor and interesting in terms of the observations made, nonetheless is hardly free from the flaws that may potentially undermine the credibility of his arguments. This is the point of departure for this article. The first section of the article discusses the potential flaws evident in Barro (1996), and suggests ways to improve upon his work. The second section introduces fuzzy set qualitative comparative analysis (fsQCA) as an alternative methodological approach, and analyzes the relationship between democracy and economic growth using fsQCA. The analysis generally concurs with the nonlinearity hypothesis suggested by Barro (1996): democracy does in fact disparately impact economic growth at different levels of democracy. For full democracies and authoritarian regimes, causal combinations indicate that democracy has a positive impact on economic growth. For flawed democracies and hybrid regimes with intermediate levels of democracy, the dynamic between democracy and economic growth is revealed to be negative.

The twelfth paper entitled **Competition for jurisdiction over food industry in Korea** was written by Sung Eun Park, Korea University. This paper points out the matter of food safety management system with a view of competition for jurisdiction over food industry among the Ministry of Health and Welfare and the Ministry for Food, Agriculture, Forestry and Fisheries and affiliated organizations. Each ministry has separate basic positions and approaches to food industry policy: regulation and promotion. The policy image has been changed into "regulation" as public anxiety and concern for hazardous foods has grown since the end of 1990. They complete take charge of promoting or regulating the food industry by establishing or amending laws, expanding organizations and mobilizing a coalition. Coordination by policy committee, cooperation between agencies, and integration of agencies were introduced as measures to eliminate unnecessary competition for jurisdiction.

The thirteenth paper written titled **Making Strategic Plan Works In Local Government: Challenge And Problems, A Case Study of Strategic Plan Implementation in Yogyakarta Special Province** by Achmad Nurmandi and Eko Priyo Purnomo of Universitas Muhammadiyah Yogyakarta. The term of strategic plan is a new type of plan in Indonesian government that introduced since 1999 based on Law No. 22/1999. As a new approach, government organization has tried to set priorities and allocated scarce resources according to the formulated vision and mission. Meanwhile, these strategic efforts have not been successful achieved yet, including in Yogyakarta Province. This essay examines the implementation of strategic plan in Yogyakarta Special Province. The Yogyakarta has vision and missions that are looked at this paper as basis of analysis. Measuring on how they can reach their goals and missions is an appropriate way to analyze the how the strategic plan works. Using qualitative data and choosing a case study method, this research also have conducted in-depth interviews with bureaucrats in Yogyakarta. First of all, the Yogyakarta province tried to providing the strategic plan to be followed by government officer in their activities according to strategic design and planning school approaches. Secondly, most of local government's agencies are less understand on their vision and missions. Thirdly, Zero-sum game effect, reaching the goals and mission are difficult because most of their budget is spending their salary. Fourthly, The strategic plan has been implemented but it has not executed the strategic zone whose it support for dealing with mission from number two to six .

The fourteenth paper written titled **Improving Indonesia Civil Servants REVITALISASI PELAYANAN PUBLIK MELALUI ANALISIS JABATAN 'Performance Through Job Analysis** by Dyah Mutiarin "Dr. Dyah Mutiarin" Department of Government Affairs and Administration Universitas Muhammadiyah Yogyakarta. The red tape phenomenon in Indonesia civil servants performance Khusus berkaitan dengan birokrat pemerintah, banyaknya persoalan yang timbul dalam pemerintahan selama ini pada

dasarnya menunjukkan rendahnya kemampuan dan kurangnya sikap dari aparaturnya untuk mencoba peduli dan membantu masyarakat serta pengguna jasa pemerintahan lainnya dalam memenuhi kebutuhannya. This shows the lack of ability and lack of capacity to carry government tasks. This phenomenon needs improvement. Improving the quality of the state apparatus resources is directed to realize the professional human resources, neutral, and prosperous for civil servants as well as citizen at large. Hal itu merupakan faktor penting dalam menunjang peningkatan kapasitas dan akuntabilitas kinerja instansi pemerintah. This is an important factor in supporting capacity and accountability of civil servants as well as state apparatus. Analisis jabatan diperlukan dalam pengembangan pegawai yang pada hakekatnya adalah suatu upaya pemenuhan kebutuhan tenaga kerja secara kualitatif sesuai dengan persyaratan pekerjaan yang ditentukan dengan mempertimbangkan kepentingan-kepentingan individu pegawai untuk dapat mengembangkan potensinya seoptimal mungkin mencapai karier setinggi-tingginya di dalam organisasi. Therefore, in order to achieve the quality of human resource in civil servants, the government need to continue to improve the application of merit system in the administration of personnel management by implementing job analysis. The future of structure bureaucratic organizations as public organization tend to be slender but rich in function. The concept of 'the right man in the right place in the right time' needs to be applied correctly in order in filling the vacancy actually forward the principle of professionalism through the process of job analysis.

The fifteenth paper titled **Career Path Development for Indonesian Public Servant** by **Utami Dewi, S.IP, MPP and Dra. Atik Septi Winarsih, M.Si** of Government Affairs and Administration Department, Universitas Muhammadiyah Yogyakarta. Decentralization demands more competent and professional public servants, so that they can perform jobs well particularly in delivering services to society and in maximizing local resources. However, several problems surrounding civil service management have hampered this decentralization goal. These obstacles come from government regulations, institutional relationship and human resources. There are some regulations on civil service affairs but many of them are incompatible. Ironically, moreover, the important regulation on public servant management-career path development- has not been formulated yet. This career path development is crucial since it guides the staff to plan their job position in the future. Moreover, it is beneficial for manager in the public sector to conduct staff placement and promotion. Therefore, the formulation and implementation of career path development is a must to find the best staff in the right job. In doing so, performance measurement that consists of performance appraisal, competency test and fit and proper test may be chosen as a model. This paper will reveal this career path development by firstly evaluating the practice of recruitment; promotion and mutation; salary; and performance appraisal system in recent Indonesian studies.

The sixteenth paper was written by Jin-Wook Choi, Associate Professor, Department of Public Administration, Korea University entitled **Anticorruption Agencies and Reform: The Case of the KPK in Indonesia**. This paper analyze the establishment of an anticorruption agency (ACA) due to reduce corruption in a county in this case is Indonesia. This paper examines the effectiveness of anticorruption law enforcement functions of the KPK, the Indonesia's ACA that was created in 2003 and identifies key challenges that lie ahead of the KPK. By adopting key performance indicators, this paper finds that the KPK has been successful in carrying out three-pronged anticorruption strategies—repression, prevention and public relations, which is congruent with strong public support to and trust in the KPK. However, the KPK faces several challenges posed by inherent structural limitations and external political forces that may threaten the efficacy of the Commission's anticorruption functions. While the public has to show continuous strong support to the KPK, the Commission must effectively perform legally mandated and socially expected anticorruption functions with high integrity and discipline in order to become a de facto ACA.

The seventeenth paper written by Bonefacius Bao entitled **Robust Ondoafi Powers in Central Urban Communities (Studies Authority Ondoafi in Jayapura Papua)**. This paper aims to find out Ondoafi in the capital to actualize its power, and care for it so the power of capital in the middle of an urban community. There are three power capital Ondoafi namely social capitals, symbolic and material. Assuming the persistence of capital even living in urban areas had to survive because they have the ability to manage symbols, manage social relationships and manage the economy. Allegations were proven because of the discussion about the workings of the three capital Ondoafi power, can be in the know that Ondoafi respond to change with the actualization of such capital through a revitalization strategy, adaptation and repositioning. Those capitals are not working alone but comes along. Ondoafi convert into equity capital one another so that there is a logical relationship with his rule. Capital-capital is reproduced and exchanged with each other. In practice the power to show how the three capital Ondoafi able to manage its power to make strategic changes. Ondoafi thus becomes very important and strategic for anyone who needs it.

The eighteenth paper was written by Arundina Pratiwi, entitled **Transformation of public organization Culture in Indonesian Democratic Era**. The main problem discussed on the paper provide an understanding about the transformation of public organization culture in Indonesian democratic era. Literatures research, both from books and media publications, on current development of transformative public services performed by several regional governments provides the primary conceptual foundation for investigating the effect of democratization process on the transformation of public organization culture in Indonesia. Additionally, this paper reveals the specific example on transformation of

organizational culture in the regional government of Jembrana in Bali which is currently often used as the best example for other regional governments across Indonesian archipelago. Jembrana case can be classified as a success of public organization culture transformation, with its main goal to overcome the bad image of Indonesian public institutions in serving public needs. The achievement of Jembrana can be used as an important example to motivate other regional governments to improve their commitment on providing good public services.

The nineteenth paper is **An Analysis of the Effect of Press Freedom on Corruption: Evidence through a Cross-Sectional Data Analysis** written by Songhee Yoo, mastercourse student, Korea university. This study attempts to find the relationship between the government corruption and the media based on Latham's democratic theory. First of all, the empirical results of this study show that the autonomy of the media reduces corruption. It can be seen as an element of direct democracy that makes up for the constraints of indirect democracy. In addition, the writer further investigated the impact of the economic level and social globalization on corruption through the empirical research. Therefore, when the anti-corruption policy is established, the administrator should carefully consider whether the policy runs the risk of suppressing the economic growth of a country. And globalization is an opportunity to establish anti-corruption agencies and institutions. Because increasing the level of trust with other countries brings down corruption in the field of related work. Finally, determinant element of reduced corruption is identified as femininity. However, the simple increase in the employment of women may not be the solution. If the organization wants to reduce corruption, they must increase the culture of femininity. Efforts should not stop at recruiting more female workers, but rather focus on the improvement of organizational culture.

The twentieth paper entitled **Organizational Communication licensing Office of Yogyakarta City to Achieve Service Performance** and written by Yeni Rosilawati lecturer of UMY, Communication Department majoring in Public Relations subjects, Krisna Mulawarman, lecturer of UMY, Communication Department, majoring in a broadcasting subjects, and Dian Kusumadewi alumni of Communication Department UMY, graduated in 2009. The paper focus on Licensing Agency it is an organization in the field of services still relatively new, however Licensing Office of Yogyakarta city has a strong commitment in carrying out its functions. Awards obtained Jogjakarta City Government Licensing Service Award include Investment Award from BKPM as City Best One Stop Service Providers in 2007 later in the year 2008 Licensing Office Title again awarded the Excellent Service Award 2008 as the image of one government agency that has the quality of public services best. This study sought to describe the steps the Licensing Office of organizational communication Jogjakarta City Government to improve service performance.

The twenty first paper entitled **Potential Users and Critical Success Factors of e-Government Services: the Case of Indonesia** written by Ali Rokhman, Post Graduate Program in Administration Science, Jenderal Soedirman University. This paper elaborated more on Implementation of e-government in Indonesia began in 2003. However, until then the public services that provided through e-government are still very limited in quantity as well as quality. Based on the research the internet users are they who have the characteristics in majority consist of: female, have age in twenty one to thirty years old, have bachelor education degree, and they have been using the Internet for a period of seven to nine years. Considering this phenomenon therefore from the government's perspective, the most critical factors for successful implementation of e-government are the e-leadership and the opportunity to develop employees' capacity in the technical training on e-government.

The twenty second paper entitled **Bureaucracy Culture and Leadership in Indonesian E-Administration Implementation: Based on Perspective of Knowing and Learning Organization** written by Ayuning Budiati and Rudiant Komara the paper focus on Indonesian E-administration implementation involves bureaucratic culture and leadership issues. Those issues appear due to the change that occurs if e-administration is implemented nationally. Implementing e-administration can be risky, expensive and difficult because public employees are not being motivated to improve and provide policy about ICT. This situation causes a lack of policy including operational guides at every level of government to improve ICT. Improvement of ICT literacy and skill is needed in Indonesia's e-administration implementation. The paper will analyze those factors regarding the organization's paradigms: organization as learning and knowing organization.

The twenty third first paper written by Gyuseong Park, Korea University entitled **Internet Regulatory Policy in Korea: Its Origins, Impact, and Changes**. The paper aims to show the reason why the Korean Internet regulatory policy to ensure safety has its own uniqueness which cannot be observed in other countries; using external plug-in program instead of built-in and highly dependent upon specific platform. According to the study following the institutional approach of regulatory policies, these "Korean-style" regulations were created to solve technological constraints in the early beginning stage of development of Internet transactions, but these regulatory policies results in many "unexpected outcomes," such as strengthening monopoly in Operating system and Web browser market, customers' inconvenience, and paradoxical outcome which regulations intended to enhance security eventually weaken the safety. These regulations have been challenged, and recently announced its abolishment by Korean government due to its negative consequences. Based upon this case, the paper argues that the technological factor, inertia of institution, and various actors and their interests around regulatory policies are important to understand these

ess
Ali
ral
of
olic
in
ey
in
ey
ng
ost
e-
he

ip
of
iat
on
ue
ly.
se
cy
es
ry
er
s:

ea
t,
et
re
t-
y
r-
y
y
g
s'
o
n.
it
s
d
e

regulatory policies, and it contends that IT regulatory policies should be technologically neutral because these policies cannot catch up the rapid evolution of these industries.

The twenty fourth paper entitled **Decentralization, accountability and local government performance in Indonesia** written by Sujarwoto, PhD Student at Institute for Social Change University of Manchester UK and Yumarni, Lecturer on the Department of Public Administration, Jenderal Soedirman University Purwokerto Central Java Indonesia. This article contributes to an understanding the linkage between local government accountability, corruption, and citizens' participation. Departing from critiques on fiscal federalism theory, we propose hypothesized pathway through which decentralization can lead better local public service performance. The basic hypotheses underlying this research is that decentralization will result in better local public service performance only if mechanisms for strengthen political accountability are established within local governments. Without strong political accountability, decentralization only creates powerful incentives for political and bureaucrat agent to capture local political process and misallocate public resources. The writer tested these hypotheses against evidence from 155 newly empowered local governments in Indonesia. Governance Decentralization Survey Data (GDS) is used to examine the linkage between decentralization, accountability and local government performance in the country. The results of simple and multilevel regression model broadly support the hypotheses. Less corruption, higher local government accountability and citizen's political participation are all associated with better local government performance. In contrast, poorly performing local public services are often deeply rooted in their political and social contexts. Local governments often fail to provide better public service when political accountability is absent due to weak checks and balances, lack of transparency, and weak electoral incentives. These effects remain statistically robust across all regression specifications

The twenty fifth paper written by Septiana Dwiputrianti, Senior Lecturer and Head of Postgraduate Program School of Public Administration, the National Agency for State Administration (STIA LABandung, West Java, Indonesia entitled **How Effective is the Indonesian External Public Sector Auditing Reports Before and After the Audit Reform for Enhancing the Performance of Public Administration?**. The research aims to enrich the existing administration, accountability, and auditing of public sector literature. Two main research questions; firstly, how is the quality of information in the audit reports of the BPK; secondly, what are the key factors influencing the effectiveness and ineffectiveness of information in the audit reports.

The study revealed that the executive's history had historically neglected the roles and functions of BPK. Auditors lacked independence as the executive influenced the administration and finances of BPK. Auditors also had lack of opportunity to increase their professionalism. Since there was little incentive

for auditors not to accept audit fees from auditees, the objectivity and integrity of auditors was reduced significantly. Since the third amendment of 1945 Constitution in 2001, the Indonesian government had reformed laws and regulations related to public sector auditing for strengthening BPK. In situation where the Indonesian public administration needs immediate reform, BPK keeps trying to improve its professionalism and independence to provide qualified audit reports. BPK has been given much attention to education, training, and the development of other skills and knowledge; implemented remuneration; applied a rewards and sanctions. This study revealed a significant improvement in the amount and quality of in audit resources, including numbers of qualified auditors, representative offices, information and technology, and modern equipment. However, many new auditors lack of experience and lack of diverse educational backgrounds in addition to accounting and finance for conducting performance auditing. To enhance the quality of public administration and accountability, this study gives recommendations for BPK in (1) strengthening its independence, (2) expanding auditor's professionalism and competency in risk management (3) improving the facilities of the training centers, (4) increasing follow up of audit reports, (5) evaluating laws and regulations, (6) enforcing the implementation of performance auditing.

The twenty sixth paper Titled **The Strategy For Improving Public Services Delivery In Indonesia** by **Dr. Suranto**, Department of Government Science, Muhammadiyah University of Yogyakarta and **Awang Anwaruddin** of Center of Research and Development for Information System and Administration Automation, National Institute of Public Administration of the Republic of Indonesia. The crisis of public services in Indonesia has spread out to almost all sectors for decades. The poor level of public services performance suffered by customers is mainly indicated by sluggish service processes and excessive service cost. Various public policies have been undertaken to improve public services performance; however, no significant improvement is perceptible.

This paper attempts to find a strategic solution to improve the public services in Indonesia. Through a depth analysis, a positive answer is recommended: The Indonesian Government should carry out a comprehensive approach of bureaucratic reform, including the bureaucratic institution, management, human resources, and service culture. Since the reform is complicated and massive, however, it should be carried out incrementally, through preliminary, implementation, and evaluation stages.

The twenty seventh paper titled **Analysis Of Democratic Public Service Network Case Study in Urban Transportation Service in Makassar City**, South Sulawesi Province, Indonesia by: **Dr. Alwi, M.Si**. In general, public services organized by government bureaucracy are still serious problem, including urban transportation services/public transportation in Makassar City. In this case, urban transportation services in Makassar City have not

been able to provide service as expected by citizen. As principle of democracy, citizens are "masters" who must be delivered service satisfactorily by state officials. Therefore, government bureaucracy, in fact, must understand the needs of citizens and this is what writers call democratic public service. Theoretically, to solve complex problems such as problems of urban transportation services necessary inter-organizational networks, because many institutions and associated with it. Merging the two concepts into the concept of democratic public service (urban transportation) network is a new concept in the science of public administration. Inter-organizational network aims to use resource efficiently and effectively, as well as a democratic public service aims at making citizens as the focus of public service through their involvement in the process of solving public problems. This study aims to describe the implementation of democratic public services (urban transportation) network in Makassar City. This study used qualitative methods and case study research strategy to uncover the deeply democratic public services network. Data collection techniques used was observation, in-depth interviews, and documents. Processing technique and data analysis is the analysis of qualitative descriptive case study. The result of research pointed out that the implementation of democratic public service (urban transportation) network in Makassar City has not been effective.

The twenty eighth paper titled **Balance Theory** by Dr. Inu Kencana Syafii. When people ask why today Islam is blasphemed throughout the world — forbidden wearing headscarves in France, in the United States its presence is examined and in Australia its organizations were disbanded — with various accusations we did not expect, this was because Islam is one of the world paradigms worried shifting all previous paradigms. After weakened communism socialism and capitalistic liberalism is the only wide world paradigm, they concerned about the return of the — according to them — tyrant rule, then it is anticipated with slander and propaganda. However, inevitably, humankind will understand goodness, truth, and the beauty, also in ethics, logic and aesthetics. So where are the ideologies sitting in case Koran assembled all the disciplines of science, moral ethics, and nuances of art? How about Al Fatihah which became Prolegomena and *preamble*, in addition to reading of the prayer becoming the rhythm of worship? It should be impregnated that Al-Fatihah is the core essence of transcendental thinking in three world grand narrative

Yogyakarta, January 21th, 2011

Editors:

Dr. Dyah Mutiarin
Eko Priyo Purnomo, SIP, M.Res.
Utami Dewi, SIP, MPP

CONTENTS

ACKNOWLEDGEMENTS ~ iii

PREFACE ~ v

KEYNOTE SPEECH : Sunhyuk Kim (Professor, Department of Public Administration, Korea University)
Globalization and Policy Change: The Case of Korea ~ 3

THEME: ENVIRONMENTAL CHANGES AND COLLABORATION IN PUBLIC ORGANIZATION.

The Implementation of Social and Environmental Responsibilities's Regulation by PT Karya Tangan Indah Bali

Ni Putu Tirka Widanti ~ 27

The Sustainability Of Jakarta As The Capital City

Hartuti Purnaweni ~ 41

Democratization and Environmental Politics of Natural Resources Management at Local level

Edi Santosa ~ 55

Governing the Disaster-prone Community

Laila Cholid ~ 67

Conflicts In Environmental Policy-Making In Korea: The Case Of Gyeong Mountain Golf Course

Su-jin, Yu ~ 83

Impacts of Decentralization on Environmental Management in Thailand

Soparatama Jarusombat ~ 107

THEME : NEED ASSESSMENT OF PUBLIC ISSUES IN PUBLIC ORGANIZATION

Leading to Improvement? The Politics of ISO 9001:2000 Transfer to Local Service Delivery

Wawan Sobari ~ 121

Democracy and Growth Revisited : An empirical study using fsQC

Dong-Hyun Choi ~ 155

Government Antismoking Campaign: Quixotic Dream Or Confident Expectation?

Subiyanto ~ 177

An Empirical Study of the Autonomy of Thai (Autonomous) Public Organizations

Amporn Tamronglak ~ 195

The Strategy For Improving Public Services Delivery In Indonesia

Suranto and Awang Anwaruddin ~ 213

THEME : TRANSFORMATIVE LEADERSHIP

Potential Users and Critical Success Factors of e-Government Services: the Case of Indonesia

Ali Rokhman ~ 231

Bureaucracy Culture and Leadership in Indonesian E-Administration

Implementation: Based on Perspective of Knowing and Learning Organization

Ayuning Budiati and Rudiant Komara ~ 245

THEME : CURRENT MANAGEMENT INFORMATION SYSTEM IN ELECTRONIC ERA
Internet Regulatory Policy in Korea: Its Origins, Impact, and Changes
Gyuseong Park ~ 259

THEME : DESIGN OF STRUCTURE ORGANIZATION IN DEMOCRATIC ERA
Competition for jurisdiction over food industry in Korea
Sungeun Park~ 277

THEME : PLANNING AND DECISION MAKING
Making Strategic Works In Local Government: Challenge And Problems, A Case
Study Of Strategic Plan Implementation In Yogyakarta Special Province
Achmad Nurmandi and Eko Priyo Purnomo ~ 295

**THEME : CULTURE AND ETHICS OF PUBLIC ORGANIZATION IN DEMOCRATIC
ERA;**
Transformation Of Public Organization Culture In Indonesian Democratic Era
Arundina Pratiwi ~ 327
Anticorruption Agencies and Reform: The Case of the KPK in Indonesia
Jin-Wook Choi ~ 337
Robust Ondoafi Powers in Central Urban Communities (*Studies Authority Ondoafi
in Jayapura Papua*)
Bonefasius Bao ~351
Balance Theory
Inu Kencana Syafie ~ 367

THEME : PERFORMANCE MEASUREMENTT
How Effective is the Indonesian External Public Sector Auditing Reports Before
and After the Audit Reform for Enhancing the Performance of Public
Administration?
Septiana Dwiputrianti ~ 381
Decentralization, Accountability, And Local Government Performance In Indonesia
Sujarwoto and Tri Yumarni ~ 409
Analysis Of Democratic Public Service Network (Case Study in Urban
Transportation Service in Makassar City, South Sulawesi Province, Indonesia)
Alwi ~ 437

THEME : COMMUNICATION PRACTICES IN PUBLIC ORGANIZATION
An Analysis Of The Effect Of Press Freedom On Corruption : Evidence Through A
Cross-Sectional Data Analysis
Songhee Yoo ~ 453
Organizational Communication In Licensing Office Of Yogyakarta City To Achieve
Service Performance
Yeni Rosilawati, Krisna Mulawarman and Dian Kusumadewi ~ 469

THEME : HUMAN RESOURCES MANAGEMENT.
Improving Indonesia Civil Servants Performance Through Job Analysis
Dyah Mutiarin ~ 483
Career Path Planning for Indonesian Public Servant
Utami Dewi and Atik Septi Winarsih ~ 499

Anticorruption Agencies and Reform: The Case of the KPK in Indonesia

Jin-Wook Choi¹⁾

Abstract

When corruption is entrenched and endemic in a country, the establishment of an anticorruption agency (ACA) is one of the most recommended anticorruption strategies. While creating an ACA is regarded as a stepping stone of the fight against corruption, how to make an ACA effective by institutionalizing its law enforcement functions is more critical. This is particularly the case in the early years of a newly created ACA. This paper examines the effectiveness of anticorruption law enforcement functions of the KPK, the Indonesia's ACA that was created in 2003 and identifies key challenges that lie ahead of the KPK. By adopting key performance indicators, this paper finds that the KPK has been successful in carrying out three-pronged anticorruption strategies—repression, prevention and public relations, which is congruent with strong public support to and trust in the KPK. However, the KPK faces several challenges posed by inherent structural limitations and external political forces that may threaten the efficacy of the Commission's anticorruption functions. While the public has to show continuous strong support to the KPK, the Commission must effectively perform legally mandated and socially expected anticorruption functions with high integrity and discipline in order to become a de facto ACA.

Keywords: Corruption, anticorruption agency, KPK, Indonesia

¹⁾ Associate Professor, Department of Public Administration, Korea University
E-mail: jinchoi@korea.ac.kr

Introduction

Over the years to numerous observers, corruption has been regarded as one of the most serious obstacles that endanger social, political and economic development. Because of the complexity of corruption stemming from diverse causes, a comprehensive approach is necessary to deal with the corruption problem (Wagner and Jacobs, 2008). However, if corruption has been entrenched and endemic as in many developing countries, deploying an all-encompassing approach is neither plausible nor likely to succeed because of, among others, the strong resistance of corrupt vested interests. Despite the difficulties in solving a corruption problem, the establishment of an effective anticorruption agency (ACA) is often recommended as a practical anticorruption strategy.

On the belief that an ACA can reduce and prevent potential corruption by public officials through its investigative and prosecutorial functions, therefore, how to make an ACA's law enforcement more effective is an issue that warrants attention. The creation of an ACA in itself will not guarantee success. Rather, more important is how to institutionalize law enforcement by providing an ACA with necessary legal powers and authorities and by enabling it to carry out anticorruption activities without interference from undue influence. The process of institutionalization of law enforcement is especially critical in the early years of a newly created ACA.

This paper aims at examining the effectiveness of the law enforcement of the Indonesia's ACA, the *Komisi Pemberantasan Korupsi* (the Corruption Eradication Commission, or "KPK" or "the Commission" hereinafter). Proposed as an anticorruption reform to meet social expectations, the KPK was created in December, 2003. With less than a decade of institutional history, the KPK has gained a high reputation inside and outside of Indonesia in carrying out anticorruption law enforcement (Wagner and Jacobs, 2008: 204). The success of the KPK has not come without a price. In more recent years, the Commission has faced formidable challenges that have attempted to debilitate its law enforcement capacity. While examining to what extent the KPK has achieved in the course of carrying out anticorruption activities, this paper also addresses key challenges that lie ahead for the KPK.

In doing so, the next section of this paper provides a theoretical discussion on the importance of an ACA in fighting corruption. A brief history of the KPK coupled with its institutional foundations is given in the third section. The fourth section examines the effectiveness of the KPK's corruption repression and prevention activities. Key challenges to the KPK's law enforcement are identified in the fifth section. Concluding remarks follow in the final section.

Anticorruption Agency and Law Enforcement

Because of its detrimental impacts, corruption should be controlled effectively. Effective corruption control implies that corruption should be deterred *ex ante* and that the corrupt should be detected and punished *ex post*. Yet corruption prevention and punishment is very challenging because of the nature of corruption which is not only clandestine in its occurrence but also reciprocally beneficial to a bribe giver and a bribe taker (Wagner and Jacobs, 2008: 185). Moreover, corruption in high-level politics in developing countries is usually untouchable, indicating that an anticorruption operation is politically sensitive and risky. In this regard, it is imperative for a country that is prone to rampant corruption to transform any impaired anticorruption law enforcement so it becomes more effective.

In the process of combating corruption, the establishment of an ACA is viewed as a credible response.⁵ The reason why an independent anticorruption institution is necessary can be found from an instance where existing law enforcement agencies in the executive and the judiciary are neither capable nor willing to take corruption seriously. This is stereotypical in many developing countries where the Police and the Attorney General's Office not only are tainted with corruption but also lack operational independence. Fearing that corruption cannot be handled by corrupt agencies, how to create a reliable and independent ACA is the key to corruption problems.

An ACA is defined as a "public (funded) body of a durable nature, with a specific mission to fight corruption and reduce the opportunity structures propitious for its occurrence in society through preventive and/or repressive measures" (De Sousa, 2010: 5). To achieve an anticorruption mission, the primary functions of an ACA include policy analysis and technical assistance in prevention, public outreach and information, monitoring, investigation, and prosecution (Meagher, 2005: 70). When these functions are housed in a single agency, anticorruption activities become more effective because coordinating multiple law enforcement agencies is simplified. Nonetheless, creating an ACA alone does not guarantee a successful fight against corruption. As observed in several developing countries, if an ACA suffers from unjustified political influence, inadequate powers and resources, or an unsynchronized judicial process, its anticorruption functions are significantly weakened (Charron, 2008;

⁵ The necessity of an ACA is supported internationally. Following Article 6 of the United Nations Convention Against Corruption of 2003, the United Nations required member states to create an anticorruption body (United Nations, 2004).

Heilbrunn, 2004; Meagher, 2005; Pope and Vogl, 2000; Wagner and Jacobs, 2008).⁶

While repression and prevention are the most important anticorruption activities of an ACA, the former function is relatively more critical than the latter one. An ACA usually engages in a wide array of corruption prevention activities through increasing awareness of the dangers of corruption, providing anticorruption education, conducting anticorruption campaigns, and assisting changes in corruption-prone systems and structures. It is less disputable that those preventive measures are more fundamental in the long run in that they aim at altering the motive of individuals who commit corruption. However, it is less visible and takes a longer time to observe changes in an individuals' motive and, accordingly, to transform the social culture of corruption. By contrast, repressing corruption by ACA-led investigation and prosecution yields more direct, salient and tangible short-run results that draw public attention to the seriousness of corruption (Wagner and Jacobs, 2008: 185). It is particularly the case when an ACA's repressive activities target high-level corruption.

Although the long-term effects of prevention and short-term effects of repression can be conceptually distinguishable, both repression and prevention are intertwined in practice. If an ACA's repressive law enforcement is effectively implemented in a way not to tolerate corrupt crimes, it tends to change individual as well as social value systems to recognize that the costs of corruption are much greater than the benefits. With changing value systems, individuals and society are more likely to adopt preventive behavior in the face of corruption.

Hence, the judgment of whether an ACA can be assessed to be effective or not should be based on the fulfillment of anticorruption law enforcement, particularly repressive activities.

KPK: History and Institution

KPK was formed on December 29, 2003 based on Law No. 30/2002 on the Commission to Eradicate Criminal Acts of Corruption (*Undang-Undang Nomor 30 Tahun 2002 Tentang Komisi Pemberantasan Tindak Pidana Korupsi*). Although there are several other law enforcement agencies such as the Attorney General's Office (*Kejaksaan Agung*) and the National Police in Indonesia, KPK is a de facto institution that specializes only in anticorruption

⁶ Pope (1999: 98) suggests a more general list of factors that lead anticorruption activities to be effortless: limits of power at the top; lack of leadership; uncoordinated and piecemeal reforms; overreliance on legal remedies; shallow anticorruption focus on the small fry; lack of a specific and achievable focus; and failure to engage partners outside the government.

law en
out th
♦ C
♦ S
♦ C
co
♦ C
♦ C

W
anticor
Appar.
Preside
Comm
Anti-C
Korups
fight co
the ine
previo
opposi
directl
circum
change
In
regard
anticor
establis
adopte
(ICAC)
achieve
KPK at
the me
(Bolonç

7 Al
ac
lav
the
str
of
an

law enforcement. Article 6 of Law No. 30/2002 mandates the KPK to carry out the following duties, authorities and obligations (KPK, 2007: 2).

- ◆ Coordinate with institutions authorized to combat acts of corruption
- ◆ Supervise institutions authorized to combat acts of corruption
- ◆ Conduct (preliminary) investigations and prosecution against acts of corruption
- ◆ Conduct corruption prevention activities
- ◆ Conduct monitoring of state governance

Well before the creation of the KPK, however, there were six anticorruption institutions at the national level. Starting from the State Apparatus Reformation Committee (*Paran*), *Operasi Budhi* on the basis of Presidential Decree No. 275/1963, TPK (*Tim Pemberantasan Korupsi*), the Committee Four (*Komite Empat*) in 1970, the Clean Operation (*Opstib*), and Anti-Corruption Joint Team (*Tim Gbungan Pemberantasan Tindak Pidana Korupsi-TGPTPK*) during President Abdurrahman Wahid were created to fight corruption. Nonetheless, those institutions were short-lived, reflecting the inefficacy of their anticorruption activities. A key factor that made previous anticorruption activities ineffective is strong resistance and opposition of elites in politics and government who themselves were not directly and indirectly free from corruption (Jasin, 2010). Under this circumstance, anticorruption institutions failed to bring about substantial changes in Indonesia's corrupt polity.

Intensified by the financial crisis of 1997 and public resentment regarding seemingly incurable corruption, failures of previous anticorruption efforts pushed reformers in the Indonesian Government to establish the KPK (Bolongaita, 2010). It is a well known fact that the KPK adopted the Hong Kong Independent Commission Against Corruption (ICAC) as a role model. While the ICAC since its inception in 1973 has achieved an institutional reputation for its performance, designers of the KPK attempted to build the KPK even stronger than the ICAC in terms of the mechanism of accountability and institutional power and authority (Bolongaita, 2010).⁷

⁷ Although its independence has been seldom challenged, the ICAC is accountable to the Chief Executive, (i.e., the head of the Executive). Yet the law mandates that KPK be responsible to the public, being independent from the executive, legislature, and judiciary. In addition, while the ICAC holds strong investigation power, it can exercise prosecutorial power with the consent of the Department of Justice. In contrast, the KPK executes both investigation and prosecution powers in handling corruption cases.

The KPK adopts a commission structure which is composed of five four-year term commissioners—one Chairperson and four Vice-Chairpersons, who are advised by a four-member Advisory Team. The KPK is organized along four line offices (Office of Prevention, Office of Repression, Office of Information and Data, and Office of Internal Monitoring and Public Complaints) and one staff office (Office of Secretary General). As of 2008 the KPK had a total number of 540 personnel of which Office of Prevention (107 staff or 19.8%) and Office of Repression (157 staff or 29.0%) took a lion's share of the KPK's manpower (KPK, 2008), reflecting the Commission's dedication to anticorruption law enforcement.

KPK's Law Enforcement Activities: Achievements

The eight-year history of the KPK may not be sufficient to assess the efficacy of the Commission. Despite a short institutional profile, the KPK has been fairly well recognized by internal and external observers. The KPK's aggressive anticorruption activities with a focus on repression and prevention make them different from previous anticorruption efforts of other law enforcement agencies (Jasin, 2010). KPK's strenuous endeavors have been successful in mobilizing public support and garnering public trust. In a 2008 public poll, for example, 82.11% of survey respondents thought that the KPK was the most trustworthy law enforcement agency because of the Commission's independent, courageous and all-powerful anticorruption activities. By contrast, other law enforcement agencies were in deficit of public credibility—i.e., only 2.19% and 5.89% of respondents expressed credibility towards the Attorney General's Office and the National Police, respectively (*Jakarta Post*, 2008). Observing the KPK's law enforcement, Bolongaita (2010) and von Luebke (2010) claim that the KPK has been successful in the historical wave of Indonesia's combat against corruption.

In an assessment of effectiveness of an ACA's law enforcement, investigation, prosecution and conviction activities are the most widely used performance indicators (Wagner and Jacobs, 2008).⁸ Yet a more balanced appraisal of performance can be possible if other key dimensions of agency functions are taken into account. Therefore, a comprehensive approach to an ACA's performance should reflect specified mandates on the agency's power and authority. However, it is sometimes inevitable to exclude some aspects of law enforcement of an ACA either because necessary data for analysis are not available or because they are ancillary.

⁸ A survey result also confirms the importance of law enforcement, showing that enforcing stiff penalties for public corruption was rated as the most critical priority by 165 high-level public officials from 63 developing countries (Kaufman, 1999: 49).

prev
secti
so, i
inve
and
of la

Rep:

enfo:
indic
to 5:
enfo:
cases
coord

on th
the ca
with
prose
large
By la
instit
for th

9

10

11

Given that the KPK's law enforcement relies on repressing and preventing corruption, and handling public complaints on corruption, this section examines the Commission's performance along this line. In doing so, it pays attention to three key performance indicators—the chain of investigation and prosecution activities, compliance to wealth reporting, and handling of public complaints, all of which are representative instance of law enforcement of the KPK.

Repression

Repression activities of the KPK are composed of a sequence of law enforcement. As noted above, the Commission has powers to investigate, indict and prosecute criminal acts of corruption. According to Articles 38 to 52 of Law No. 30/2002, every stage of the corruption-related law enforcement process is centralized to the KPK in a way that corruption cases handled by the Attorney General's Office or the Police must be either coordinated with, or transferred to, the KPK.⁹

The KPK's law enforcement begins with a pre-investigation. Depending on the level of preliminary evidence at this stage, the KPK may terminate the case or further investigate. When an investigation yields strong suspicion with irrefutable evidence, the KPK begins the indictment process and prosecutes the case in court. In executing law enforcement, the KPK pursues large-scale, high-level corruption more than petty, low-level corruption.¹⁰ By law, the KPK's law enforcement encompasses corruption across all public institutions including the executive, the legislature, and the judiciary except for the military.¹¹ Yet Article 10 of Law 30/2002 mandates that the KPK shall

⁹ On investigations, Article 44 (5) of Law 30/2002 mandates "the Police and the Prosecutors' Office are obliged to coordinate and report back to the KPK on the developments of the investigation." On indictments, Article 50 (2), (3), and (4) stipulate that "an indictment process being conducted by the Police or the Prosecutors' Office ... must be coordinated continuously with the KPK," that "when the KPK has already commenced its indictment process ..., the Police or the Prosecutors' Office no longer have the authority to conduct an indictment process," and that "when an indictment process is being conducted concurrently by the Police and/or the Prosecutors' Office and the KPK, the process conducted by the Police or the Prosecutors' Office shall cease immediately."

¹⁰ The KPK's effort to catch big fish is confirmed by the fact that the Commission has aggressively encroached into previously untouchable corrupt areas. During the period of 2004-2009, those who were indicted by the KPK include 17 members of the Parliament, 5 ministers or equivalents, 5 provincial governors, 1 governor of the central bank, and 18 mayors and heads of regents or districts (Jasin, 2010).

¹¹ The KPK can investigate corrupt acts of military officials. However, prosecuting

investigate corruption cases that “have attracted the attention and the dismay of the general public” and/or that “involve a loss to the State of at least Rp. 1 billion.”

Table 1 shows the performance of the KPK’s repression activities for 2004-2009. The number of pre-investigations each year is quite small which may be interpreted as inactive law enforcement of the KPK. However, as seen in Table 3, the KPK received a relatively large number of complaints from the public. Although those public complaints in principle should deal with corruption, the majority of them were not related to legal criminal acts of corruption upon which there is no room for the KPK to take any action (Schütte, 2007: 60). Rather, the KPK reviews cases prudently as required in Law 30/2003.¹² Due to limited manpower concerning investigation, prosecution and other legally mandated requirements, the KPK is not able to handle many cases.

Therefore, the small number of cases do not necessarily indicate low efficacy of repression activities of the KPK. In judging the effectiveness of the repression function, prosecution and conviction rates are of more importance. The last two columns in Table 1 reveal the efficacy of the KPK’s prudent repression activities in this regard. Prosecution rates with a range of 74.5% to 100% over time indicate the KPK’s meticulous efforts to collect strong evidence (Schütte, 2007: 61). Moreover, the Commission’s 100% rate of conviction shows the strength of the KPK’s repression activities.

Table 1 Performance of Repressive Activities (Units: Cases, %)

Year	Pre- investigation	Investigation (A)	Prosecution (B)	Conviction (C)	(A/B)100	(B/C)100
2004	23	2	2	2	100.0	100.0
2005	29	19	17	17	89.5	100.0
2006	36	27	23	23	85.2	100.0
2007	70	24	19	19	79.2	100.0
2008	70	47	35	35	74.5	100.0
2009	67	37	32	32	86.5	100.0

Source: KPK, *Annual Reports* (various years).

them is carried out by the military’s own law enforcement apparatus (Bolongaita, 2010: 13).

¹² Articles in Law 30/2003 provide fairly detailed requirements that the KPK has to follow in the processes of investigations, indictments and prosecutions.

Prevent

P
 activiti
 out sev
 checks
 on and
 progr
 imple
 anticor
 multil
 A
 official
 other n
 long-te
 wealth
 corrupt
 of weal
 time. W
 rates of
 numbe

Year

2005

2006

2007

2008

2009

Sources

¹³ Ar
 gra
 gra
 the

Prevention

Preventing corruption is one of the most fundamental anticorruption activities of the KPK. Article 13 of Law 30/2003 mandates the KPK to carry out several preventive measures as follows: (a) construct lists and conduct checks on reports on the wealth of government executives; (b) receive reports on and decide on the status of gratification; (c) run anticorruption education programs at every level of education; (d) design and push for the implementation of a socialization program against corruption; (e) conduct anticorruption campaigns aimed at the public; and (f) conduct bilateral and multilateral cooperation to eradicate corruption.

Among these preventive measures, (a) and (b) aim at discouraging public officials from taking advantage of their positions for private gain, whereas other measures in Article 13 aim at increasing the integrity of society through long-term education and public campaigns. Having said this, reports on wealth and gratification better reflect the KPK's law enforcement regarding corruption prevention in the civil service.¹³ As displayed in Table 2, the number of wealth reports submitted by public officials increased continuously over time. When the compliance rate of wealth report is taken into account, initial rates of about 50% during 2005-2006 soared up to about 80% afterwards. The number of reports on gratification also shows, albeit marginal, increase.

Table 2 Performance on Wealth and Gratification Reports
(Units: Cases, %)

Year	Wealth Reports			Gratification Reports
	Number Should be Submitted (A)	Number Submitted (B)	Compliance Rate [[A/B]100]	
2005	102,229	51,137	50.0	50
2006	116,669	65,448	56.1	326
2007	84,813	76,116	89.7	249
2008	110,892	95,359	86.0	224
2009	128,030	104,329	81.5	287

Sources: KPK, *Annual Reports* (various years); Jasin (2010).

¹³ Articles 16 and 17 specify how public officials and the KPK should handle gratification. All public officials are obliged to inform the KPK when they receive gratification (Article 16). Within 30 days of receiving reports of gratification, the KPK has to decide the ownership status of gratification (Article 17).

Handling of Public Complaints

Like other law enforcement agencies, the KPK collects corruption-related information from various sources, one of which is public complaints. When a public complaint reaches the Commission, it is reviewed as to whether it is a pursuable case or not. If a public complaint is not related to legally stipulated acts of corruption under the jurisdiction of the KPK, the Commission does not take any further action or transfers it to other relevant agencies for further action.

How the KPK has handled public complaints is illustrated in Table 3. Except for the first year of operations in 2004, the KPK received about 6,000 to 8,000 of public complaints each year. Compared with 788 public complaints on maladministration received by the National Ombudsman Commission in 2006, the numbers in Table 3 are quite impressive. On the one hand, this volume of public complaints to the KPK implies that the public does not have reliable outlets other than the KPK. On the other hand, it is considered indicative of public trustworthiness of the KPK (Schütte, 2007: 60). As explained earlier, however, all public complaints were not related with the jurisdictional authorities of the KPK. Accordingly, many of them were transferred to the relevant law enforcement institutions.

Table 3 Performance of Handling Public Complaints (Unit: Cases)

Year	Reports Received	Reviewed Finished	Reviewed Process	Indicated Corruption
2004	2,281	2,281	0	1,117
2005	7,361	7,361	0	1,423
2006	6,939	6,939	0	842
2007	6,510	6,510	0	787
2008	8,699	8,699	0	1,060
2009	7,246	7,214	32	1,060

Source: KPK, *Annual Reports* (various years).

KPK's Law Enforcement Activities: Challenges Ahead

The previous section examines what the KPK has achieved in the course of performing law enforcement with a temporal conclusion that the Commission has been quite successful (Wagner and Jacobs, 2008). Yet there are several challenges that lie ahead of the KPK. While some of them are

ir
re
V
R
th

er
IC
er
w
er
m
th
ar
of
in
at

cr
sp
ch
on
co
ca
so
th
we
en
co
un
20
20
abl
Mc
sul
loc
201
dec
(Ja
—
14

internal such as limited manpower, others are external as illustrated in the recent attention-grabbing scandals surrounding the ex-Chairman and two Vice-Chairmen of the KPK (Bolongaita, 2010; Jasin, 2010; von Luebke, 2010). Rather than addressing all challenges, this section identifies critical factors that may undermine the strength of law enforcement of the KPK.

There is no ACA that is empowered with all-emcompassing law enforcement powers. Even the most powerful ACAs such as the Hong Kong ICAC and the KPK have to rely on court rulings at the final stage of law enforcement. Separation of power between an ACA and judiciary accords with the democratic principle of checks and balances. Effective law enforcement based on rules of democracy, in turn, requires orchestration of multiple agencies. If either a law enforcer or a law interpreter malfunctions, the entire law enforcement collapses. The most compelling reason why anticorruption efforts fail in many countries lies in the fact that at least one of the law enforcement agencies is not functioning properly. Indonesia falls in this case where the judiciary is regarded as one of the least credible and, at the same time, most corrupt institutions (Bolongaita, 2010).

Under this circumstance, it is an inevitable choice for Indonesia to create a corruption court (*Pengadilan Tindak Pidana Korupsi* or TPIKOR) that specializes in handling corruption cases filed by the KPK. One critical challenge, or rather dilemma, is associated with the TPIKOR and its impact on the KPK's law enforcement. Currently, there exists only one corruption court in Jakarta under the Central Jakarta District Court, whose judicial capacity cannot match the increasing number of corruption cases. Therefore, some corruption cases are adjudicated by regular courts. Again, because of their connections with court judges, many of the instigators of corruption were released by regular court rulings which seriously jeopardize the law enforcement of the KPK. It may be argued that creating more corruption courts can solve this problem. In fact, the House of Representatives unanimously passed a new Anti-Corruption Court Law on September 29, 2009 that will establish corruption courts across 33 provinces (*Jakarta Globe*, 2009). However, the KPK with its current level of human resources is not able to handle the legal processes that will be held in local provinces. Moreover, according to law, corruption courts in local areas will be subordinated to the district courts, making it difficult to expect newly created local corruption courts to function like the current TPIKOR (Bolongaita, 2010). It is, therefore, imperative that the KPK create branch offices to avoid decentralized law enforcement against high-ranking local public officials (Jasin, 2010).¹⁴

¹⁴ However, establishing local branches is not an easy task for the KPK. In an interview with the author, several KPK staff expressed concern that without

Another challenge, related to the aforementioned one, is found in powers and authorities regarding the KPK law enforcement. There are two aspects. On the one hand, although Law 30/2002 granted the KPK strong investigative and prosecutorial powers, there should be additional authority to enhance the effectiveness of the KPK's law enforcement including protection of whistleblowers (Wagner and Jacobs, 2008). Contrary to this necessity, on the other hand, a recent attempt moved in the opposite direction. In September, 2009, members of the Parliament drafted a bill that aimed at abolishing the KPK's wiretapping power and at limiting its prosecutorial power. Due to severe criticism and opposition from the public and reformers, the Parliament could not pass the bill as intended. While this legislative effort resulted in the controversial expansion of the number of corruption courts, it failed to weaken the KPK's bestowed investigative and prosecutorial powers (von Luebke, 2010).

A final, but not least, challenge for the KPK in performing law enforcement is the problem of human resources. Currently, investigators and prosecutors work temporarily at the KPK. They come from other institutions such as the National Police, the Attorney General's Office, and the BPKP. When the KPK does not renew their contracts, they return to their home institutions. In principle, their duties are under the control of the KPK. To date, it seems that this contract-based employment has not caused serious problems in the course of law enforcement. However, the KPK cannot continuously rely on manpower outside of the Commission from a long-term perspective. It is necessary for the KPK to cultivate its own investigators and prosecutors.

Conclusions

Considering the entrenched corruption in every segment of the public sector in Indonesia, the KPK alone cannot solve the corruption problem. Nonetheless, the Commission has become the last bastion in which the public can instill their hopes of fighting corruption. The expected role of the KPK will not diminish any time soon as the public does not trust other law enforcement institutions. Based on unprecedented organizational structure, law enforcement powers and an autonomous status, the KPK has successfully demarcated its law enforcement from previous

recruiting personnel who can perform in line with the KPK's principle of integrity, KPK staff who work in a local branch might be susceptible to vested local interests. If this happens, the KPK's reputation and credibility will be seriously weakened. They also conveyed the view that it is very unlikely for the KPK to find and recruit the "right" people for local branches in the short-run.

an

KI

its

by

re

Cc

re

ve:

en

inc

the

toc

to

lie

att

KI

the

ex

do

sol

cor

RE

Bo

Co

Ch

De

He

Jak

anticorruption efforts which failed to counteract entrenched corruptions.

Despite the relatively successful anticorruption performance of the KPK, it is not certain whether the Commission can continue, or strengthen, its mission of eradicating corruption. The KPK faces several challenges posed by inherent structural limitations and external political forces. In particular, recent challenges as demonstrated by the passage of the new Anti-Corruption Court Law and investigations against the KPK's commissioners represent the culmination of power struggles between the KPK and other vested elites whose interests have been threatened by the Commission.

No one is sure how this confrontation surrounding the KPK's law enforcement will end. Yet it is expected that the vested interests which are incessant targets of the KPK will attempt to render the KPK incapacitate. If the KPK succumbs to this attempt, the Commission will become another toothless tiger (von Luebke, 2010). At the same time, however, this is unlikely to happen in the near future. This is because the strong support of the public lies behind the KPK. Public support shows that political elites' recent attempts will never go over easily in Indonesia. In this regard, whether the KPK can survive as a de facto law enforcement institution depends on how the Commission can effectively carry out legally mandated and socially expected anticorruption functions with high integrity and discipline. In doing so, the public will continue to side with the KPK. If the KPK is able to solidify as an effective ACA, it will become a model for other developing countries to follow.

REFERENCES

- Bolongaita, E. P., 2010, "An Exception to the Rule? Why Indonesia's Anti-Corruption Commission Succeeds Where Others Don't: A Comparison with the Philippines' Ombudsman," U4 Issue No. 4, Anti-Corruption Resource Center.
- Charron, N., 2008, "Mapping and Measuring the Impact of Anti-Corruption Agencies: A New Dataset for 18 Countries," Paper presented at the New Public Management and the Quality of Government Conference, Nov. 13-15, Göteborg, Sweden.
- De Sousa, L., 2010, "Anti-corruption Agencies: Between Empowerment and Irrelevance," *Crime, Law and Social Change* 53: 5-22.
- Heilbrunn, J. R., 2004, *Anti-Corruption Commissions: Panacea or Real Medicine to Fight Corruption?* World Bank Institute Working Paper No. 37234.
- Jakarta Globe*, 2009, "Indonesia Passes 'Ambiguous' Anti-Corruption Court Bill," September 30.

- Jakarta Post*, 2008, "KPK the Most Credible Body: Survey," October 08.
- Jasin, M., 2010, "The Indonesian Corruption Eradication Commission," *Article 2 9 (1)*: 18-27.
- Kaufman, D., 1999, "Anticorruption Strategies: Starting a Fresh? Unconventional Lessons from Comparative Analysis," in Stapenhurst, R., and Kpundeh, S. J. (eds.), *Curbing Corruption: Toward a Model for Building National Integrity* (Washington, D.C.: World Bank): 35-50.
- Komisi Pemberantasan Korupsi (KPK), 2007, *Annual Report 2007: Empowering Law Enforcement* (Jakarta: KPK).
- Komisi Pemberantasan Korupsi (KPK), 2008, *Annual Report 2008: Public Services Optimized* (Jakarta: KPK).
- Meagher, P., 2005, "Anti-corruption Agencies: Rhetoric versus Reality," *Journal of Policy Reform* 8(1): 69-103.
- Pope, J. and Vogl, F., 2000, "Making Anticorruption Agencies More Effective," *Finance And Development* 37(2): 6-9.
- Pope, J., 1999, "Element of a Successful Anticorruption Strategy," in Stapenhurst, R., And Kpundeh, S. J. (eds.), *Curbing Corruption: Toward a Model for Building National Integrity* (Washington, D.C.: World Bank): 97-104.
- Schütte, S. A., 2007, "The Fight against Corruption in Indonesia," *Südostasien aktuell* 4: 57-66.
- United Nations, 2004, *United Nations Convention Against Corruption* (New York: United Nations).
- von Luebke, C., 2010, "The Politics of Reform: Political Scandals, Elite Resistance, and Presidential Leadership in Indonesia," *Journal of Current Southeast Asian Affairs* 29(1): 79-94.
- Wagner, B. B. and Jacobs, L. G., 2008, "Retooling Law Enforcement to Investigate and Prosecute Entrenched Corruption: Key Criminal Procedure Reforms for Indonesia and Other Nations," *University of Pennsylvania Journal of International Law* 30: 183-265.

F

ABS

and c
The
chan

and r
had t
socia
beca
powe
actua
and r

into e
his ru
pract
its po
and s