

By Andreas Harsono*

When Antasari Azhar, a senior government prosecutor, was applying to be one of five commissioners of Indonesia's Corruption Eradication Commission (KPK — *Komisi Pemberantasan Korupsi*), he lobbied a number of politicians. In December 2007, Azhar finally won not only the seat, but he also secured the most votes in the House of Representatives to be the KPK chairman.

His selection as chairman, however, raised some eyebrows. Azhar was an "old guard" prosecutor among Indonesia's successful prosecutors, and was, for the most part, perceived as a corrupt person by the population. Activists said his selection might undermine the KPK's credibility.

When Azhar was the province's chief prosecutor, he failed to implement jail sentences against 35 West Sumatra councilors whom the Supreme Court had found guilty of corruption charges. Azhar also was blamed for not imprisoning former President Soeharto's son, Hutomo Mandala Putra, on time, allowing Putra to go into hiding. Azhar firmly denied the allegations.

Interestingly, in the first year of his chairmanship, the KPK made some big-time arrests and convictions, including the Attorney General Office Senior Prosecutor Urip Tri Gunawan, politically connected businesswoman Artalyta Suryani, the former central banker Burhanuddin Abdullah and several lawmakers.

The Most Popular Man in Indonesia

Azhar soon gained wide publicity. He sang with Slank, one of Indonesia's most popular rock bands. He traded jokes with comedian Thukul in a late-night television show. He dominated the KPK's news conferences, winning the title of "anti-corruption tsar." Jimly Asshiddiqie, then-chairman of the Constitutional Court—another powerful institution established after the fall of Soeharto in 1998—once introduced Azhar as "the most popular man" in Indonesia.

But it did not last long. In May 2009, the Jakarta police suddenly arrested Azhar, declaring that he was involved in the gang-style murder of businessman Nasruddin Zulkarnain near a golf course in a Jakarta suburb on March 14, 2009. Azhar was allegedly involved in a love affair with Zulkarnain's mistress, 22-year-old Rani Julianti, who used to be a caddy at the golf course.

According to the police, Zulkarnain used the affair to blackmail Azhar. When negotiations failed, Azhar contacted several hit men to kill Zulkarnain. Police also arrested a media publisher and a police inspector who helped recruit the hit men. Both are Azhar's close friends. Azhar, who is now facing trial, has repeatedly denied the allegations and contends that they are product of a conspiracy against him.

But KPK witnesses admitted that Azhar had ordered the KPK to tap Zulkarnain's telephone. Outside the KPK offices, Azhar also met with witnesses of cases his office was investigating and with a suspect of corruption, businessman Anggoro Widjaja, without the prior knowledge of other KPK commissioners.

Bibit Samad Rianto, another KPK commissioner, told *Tempo* magazine that Azhar had actually helped weaken the KPK.

"We only knew later that he had met Anggoro Widjaja," said Rianto. "He also recorded his conversation with Anggoro in Singapore. Why didn't he discuss it with other KPK commissioners? Anggoro reportedly feared being killed. Why doesn't he talk openly?"

Impact of Azhar's Arrest

Azhar's arrest drastically changed the public opinion. It was a huge blow to the KPK. It created the impression that the KPK is "doing business as usual," and it's no different than other Indonesian law enforcement institutions: the police, the prosecutors, the judges and the prison guards.

In 2002, the House of Representatives passed the KPK Law, creating a legal basis for the establishment of the powerful anti-corruption body. Its duty is to confront the endemic corruption in Indonesia, a legacy of President Soeharto's 33-year-long kleptocracy.

The anti-corruption body is independent and led by five commissioners. Its most effective tool is the authority to tap telephones without a court permit. Since the start of operations in late 2003 until Azhar's arrest in May 2009, the KPK investigated, prosecuted and achieved a 100-percent conviction rate in 86 corruption cases related to government procurement and budget. Naturally, it also created enemies within the other law enforcement offices, as well as among Jakarta's politicians.

Azhar's arrest opened up an opportunity to attack the KPK and Susno Duadji, an Indonesian police chief detective, who was one of the men aware of that opportunity. Angry that the KPK tapped his phone while investigating Widjaja's corruption case, the media reported that Duadji said in June 2009 that the KPK is comparable to a gecko fighting a crocodile, the latter being the police. "How could a gecko win? It is illogical!"

Duadji managed to secure a hand-written testimony from Azhar accusing two other KPK commissioners, Rianto and Chandra Hamzah, to have extorted money from Widjaja. Azhar wrote that he had recommended Widjaja to use middlemen to hand over 3.5 billion rupiah (US\$369,588) to the two commissioners and their subordinates. The two men denied the charges and said they were being framed to weaken the KPK.

The police began to question Rianto and Hamzah in July 2009. Unexpectedly, President Susilo Bambang Yudhoyono issued a decree, temporarily dismissing Rianto and Hamzah and asking a presidential team to recommend new commissioners. His decision angered anti-corruption activists, like those of the Indonesian Corruption Watch and Transparency International. They suspected there was a conspiracy to weaken the KPK.

In September, the police arrested Rianto and Hamzah on charges of extortion and bribery. Their arrest, unlike Azhar's, triggered a huge protest in Jakarta and some other major cities. There was a support campaign on Facebook with one million supporters. Artists painted gecko-versus-crocodile graffiti on the walls, including the famous "Saya Cicak" or "I Gecko" graffiti at the entrance of the House of Representatives' complex. Famous Indonesian singer Slank organized a street concert to support Rianto and Hamzah, while the accused men challenged the presidential decree in the Constitutional Court.

A Need For Reform

On Nov. 2, 2009, President Yudhoyono established a fact-finding team to look into the allegations about extortion against Widjaja. The following day, during a hearing at the Constitutional Court, tapes were played of bugged phone conversations. The tapes centered on Anggodo Widjaja, the brother of Anggoro, who talked with his lawyers as well as prosecutors and police officers. The tapes created the impression that a conspiracy was made to undermine the KPK. Duadji's name was mentioned repeatedly. The four-hour tape recording was broadcasted live by some TV and

radio stations. It created a public uproar. Rianto and Hamzah were released later that day.

Adnan Buyung Nasution, a veteran lawyer and a presidential advisor, led the fact-finding team to work for two weeks in November. The team interviewed KPK commissioners, detective Duadji and attorney general office prosecutors, among others. Nasution concluded that it was a legally complex case, and that the KPK case lacked evidence to be pursued in a court, recommending that President Yudhoyono dismiss the case. But he also said that the KPK is no angel and advised the president to reform Indonesia's law enforcement agencies.

Yudhoyono responded in late November 2009. He ordered the police and the prosecutors to settle the case out of court, but did not call for the case to be dropped. He also said there was need for reforms within the police, the attorney general office and the KPK. It was clear that the president wanted the two men to be released and the case to be stopped.

While the case of Rianto and Hamzah does not directly relate to the murder case involving Azhar, both episodes show that it is simply not easy, if not extremely difficult, for Indonesia, one of the world's most corrupt countries, to deal with its chronic corruption. Yudhoyono, Nasution, Duadji, the KPK men, legislators, prosecutors, judges and activists — all of them say they want to fight corruption. But it is much easier said than done. In the KPK case shown, it is not easy to find the truth about who is doing what.

In early December 2009, the Attorney General's Office officially dropped the case against Rianto and Hamzah, and the two men are to return to their KPK jobs. As of January 2010, the trial against Azhar was still on going.

It was a tough campaign for the KPK, and now fewer candidates apply for KPK jobs. As one KPK staff member quipped, "Now only the toughest ones will work here."

**Andreas Harsono is a consultant for Human Rights Watch on Indonesia and a former Nieman Fellow at Harvard University. He helped set up Jakarta's Alliance of Independent Journalists, the Institute for the Studies on Free Flow of Information and the Bangkok-based Southeast Asia Press Alliance.*