

**GRANT 0002 - EARTHQUAKE AND TSUNAMI EMERGENCY  
SUPPORT PROJECT (ETESP)**

**SUPPORT FOR PREVENTION AND ERADICATION OF CORRUPTION IN  
ACEH AND NIAS REHABILITATION AND RECONSTRUCTION**

**END-OF-ASSIGNMENT REPORT OF THE CONSULTANT SUPPORTING THE  
CORRUPTION ERADICATION COMMISSION**

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## LIST OF ABBREVIATIONS

ADB	Asian Development Bank
BAPPENAS	National Development Planning Board
Bawasda	District Internal Audit
BPK	Badan Pemeriksa Keuangan (Supreme Audit Agency)
BPKP	Financial and Development Supervisory Agency
BRR	Badan Rehabilitasi dan Rekonstruksi Nad Nias (Aceh-Nias Rehabilitation and Reconstruction Board)
DIPA	Daftar Isian Pelaksanaan Anggaran (Annual Government Budget)
DMRR	Disaster Management, Rehabilitation and Reconstruction
DPRD	Regional People's Representative Assembly
EMS	Extended Mission of Sumatra
ETESP	Earthquake and Tsunami Emergency Support Project
Gerak	Gerakan Anti Korupsi
GK BESI	Gerakan Kampus Berantas Korupsi (Campus Fight Against Corruption Movement)
GOI	Government of Indonesia
IPW	Indonesia Procurement Watch
JAMAK	Jaringan Mahasiswa Anti Korupsi (Anti Corruption Student Network)
JFPR	Japan Fund for Poverty Reduction
KOMPOR	Komisariat Pemuda Mahasiswa Anti Korupsi (Anti Corruption Student and Youth Commission)
KPK	Komisi Pemberantasan Korupsi (Corruption Eradication Commission)
LGSP	Local Governance Support Project
LHKPN	Wealth Reporting
MDF	Multi Donor Fund
MOU	Memorandum of Understanding
NAD	Nanggroe Aceh Darussalam Province
NGO	Non Government Organization
PIPM	Internal Supervision and Public Complaints
SAK	Satuan Anti Korupsi (Anti Corruption Unit)
SIMAK	Simpul Mahasiswa Anti Korupsi (Anti Corruption Student Line)
SORAK	Solidaritas Rakyat Anti Korupsi
TII	Transparency International Indonesia
TOR	Terms of Reference

**CONSULTANT'S COMPLETION REPORT  
SUMMARY**

<b>Project:</b> Earthquake and Tsunami Emergency Support Project (ETESP) ADB Grant 0002 INO. 0002 Fiduciary Component, subcomponent on the Prevention and Eradication of Corruption in Aceh and Nias			
<b>Consultant:</b> Agung Adiasa	<b>Specialization/Position:</b> Adviser to KPK	<b>Input</b> Continuous	<b>Person-months</b> August 2006-August2008 24.0 person months
<p><b>Description.</b> Under the Fiduciary Governance Component of the ADB-funded Earthquake and Tsunami Emergency Support Project (ETESP), operational support is provided to meet the capacity development needs of the Commission for the Eradication of Corruption (KPK) in connection with rehabilitation and reconstruction activities in Aceh Province and on the island of Nias.</p> <p>The subcomponent seeks to provide capacity building to an office in Banda Aceh and support its activities in order to strengthen its processes so that it is able to carry out investigations on cases referred to it by the State Audit Agency, other concerned institutions, the business community and the general public</p> <p>Under the direct supervision of the KPK Deputy for Prevention, the consultant was engaged to provide anti-corruption capacity-building measures and to deal with specific cases of irregularities reported to KPK office in Banda Aceh in connection with Aceh/Nias rehabilitation and reconstruction programme. The consultant is responsible for establishing and managing a KPK office in Banda Aceh and commissioning workshops seminars and the like, using provisional fund sums allocated for the KPK activities.</p> <p>The term of the assignment is 24 months. 24 person-months of professional services were allotted to fulfil the required tasks.</p>			
<p><b>Expected impact, outcome and output.</b> The expected impact of the subcomponent is to improve KPK's capacity to investigate corruption cases referred to it and let the community to recognize the advantages of KPK as a catalyst for change and transparency, as well as, cement KPK's role within the national fiduciary network.</p> <p>To achieve this impact, the Consultant's activities were divided as follows:</p> <p>a. <u>Corruption Investigation.</u> facilitating the Investigation Team's initiated by KPK-Jakarta, recording and forwarding of all corruption reports/complaints received by the KPK Banda Aceh Office, monitoring of progress of the investigations made by the Jakarta Offices Complaints Directorate under the Deputy of PIPM, and regular coordination with law enforcement agencies,</p> <p style="padding-left: 40px;">Expected result/outcome: improved success rate in the prosecution and sanctions of fraud and corruption in Banda Aceh thereby serving as an effective deterrent to corruption in the NAD/Nias reconstruction.</p> <p>b. <u>Capacity building.</u></p> <ul style="list-style-type: none"> <li>(i) training/orientation of law enforcement, prosecution and audit agencies</li> <li>(ii) training/orientation among anti-corruption NGO networks</li> <li>(iii) training of citizens' base anti corruption/grievance networks and village/community facilitators</li> <li>(iv) regular coordination meetings with anti-corruption NGO networks</li> <li>(v) training of university/college student bodies</li> </ul>			

Expected result/outcome: more effective and efficient identification, reporting, investigation and prosecution of fraud and corruption cases received/referred by the public

- c. Grievance/Complaint Intake Systems. establishment of a grievance/complaint intake system in the various Districts in NAD and Nias where there is ongoing rehabilitation-reconstruction work.

Expected result/outcome: improved reporting of fraud/corruption cases in communities through improved access of the public to the anti-corruption system in NAD/Nias.

- d. Information Dissemination and Media Networking. production and dissemination of pamphlets/flyers and other paraphernalia to the general public and networking with local and national media (print, radio, tv) to improve the awareness of the general public on the systems and developments related to the anti-corruption efforts of KPK and its partners in the NAD/Nias rehabilitation work.

Expected result/outcome: improved awareness of the general public and key stakeholders on the systems and progress related to the anti-corruption efforts in NAD/Nias thereby improving public trust.

- e. Support to LHKPN (Wealth Reporting for Public Officials). In coordination with LHKPN Directorate and the Graft Directorate, organize socialization activities among public officials in NAD and Nias on the law requiring them to file LHKPN.

Expected result/outcome: Improved transparency among government officials on their wealth/income and help minimize the risk of public officials from improperly or unlawfully enriching themselves by misusing their position.

**Delivery of input and conduct of activities.** The Consultant was engaged by ADB based on the selection and recommendation made by KPK. The Consultant provided a total of 24.0 person-months (pm) consulting services beginning August 2006 until August 2008.

### **Evaluation of outputs and Achievement of outcome.**

#### Corruption Investigation

The support for KPK's corruption investigation aims to expedite the prosecution of those involved in corrupt activities. Unfortunately, the original KPK target of filing at least 6 corruption cases in relation to the reconstruction in Aceh and Nias per year has not been met. Moreover, feedback from partner-NGOs and a number of complainants indicate that the targeted KPK response to complaints within 30 days upon receipt of the complaint did not happen in several cases.

#### Capacity Building

Data shows that while the number of reports/cases increased from 2005 to 2007, the percentage of reports/cases which cannot be followed up due to insufficient information or lack of substance remained high. This means that the quality of reports received by KPK remained the same in spite of the orientations conducted on identification and reporting of corruption.

#### Grievance/Complaint Intake Systems

The plan to orient and tap citizens' kecamatan-based grievance committees and ETESP village facilitators as corruption complaint intakes for KPK was not realized

#### Information Dissemination and Media Networking

The result expected from the information dissemination is the improved awareness of the general public and key stakeholders on the KPK systems and progress related to the anti-corruption efforts in NAD/Nias, thereby

improving public trust. However, the absence of feedback from KPK on the overall progress of cases/reports casts doubts in the mind on the public whether actions are indeed being taken on the complaints/reports that KPK received from the public.

#### Support to LHKPN (Wealth Reporting for Public Officials).

An indicator of the improved transparency of government officials on their wealth/income is their submission of their LHKPN to KPK. However, the data on the number of officials who made the mandatory submissions were still being updated at the time of this report

#### **Overall assessment and rating.**

The support for KPK's corruption investigation aims to expedite the prosecution of those involved in corrupt activities. Unfortunately, the KPK target to improved success rate in the prosecution and sanctions of fraud and corruption in Banda Aceh has not been met. However the aims to improve public awareness on rehabilitation and reconstruction process, improve the capacity of Bawasda and information dissemination has been done satisfactorily.

#### **Major lessons.** The major lessons learned are as follows:

- a. The orientations conducted by KPK Officials on the existence of KPK's Banda Aceh office during many events has increased the expectations of the people in Aceh on KPK's anti corruption efforts.
- b. The synchronization of prevention and repression activities in anti corruption effort is essential in getting public trust.
- c. Continued education of the public on KPK Law and on how to report suspected corrupt practices is still needed.
- d. Cultural and religious approach can be effective in promoting an anti corruption spirit.
- e. Feedback from KPK on the status of complaints is essential to improve public participation in anti corruption efforts.

#### **Recommendations and follow-up actions.**

1. To improve effectiveness of local corruption eradication effort. It could be done through:

- Prevention and repression efforts must go hand-in-hand.
- KPK may consider to establishing "branches" with sufficient mandate and staffing in the regions/provinces.
- Alternatively, KPK needs to continue to strengthen the institutional capability of local enforcement agencies through supervision and training.

2. To improve public participation through:

- There needs to be a continuous socialization of KPK tasks and functions, anti corruption Law, and consequences of non-compliance with the Law to obtain better public understanding on the type and definition of corruption.
- Strengthen the role of anti corruption NGOs and anti corruption student groups.
- Appreciate and give attention to public participation.

3. To improve effectiveness of anti corruption education

- Adopt local wisdom in developing teaching materials to facilitate public understanding.
- Collaborate with local anti corruption NGOs or student groups in organizing public awareness campaigns.
- Engage reputable ulama (Moslem experts) in conducting public orientations on anti corruption.

## INTRODUCTION

This Final Report covers the activities and outputs made in connection with the provision of consultancy services and operational support to KPK for the prevention and eradication of corruption in the Aceh and Nias rehabilitation and reconstruction. It focuses on the 24 months beginning August 2006 when the Consultant was mobilized to conduct various capacity building, coordination and technical support for KPK's Banda Aceh Office.

The report includes a description of the activities conducted in relation to the approved Terms of Reference (TOR), an assessment of the outputs made and lessons learned from the assignment. It also provides recommendations for follow up actions and future activities.

This report has been reviewed and endorsed by KPK with some qualifications and comments as reflected in its letter dated 13 January 2009 (see Annex 1.)

### Project Background

There was enormous humanitarian and reconstruction assistance in response to the December 26, 2004 earthquake and tsunami. The massive flow of funds, goods and services to the affected areas presented risks for corruption and mismanagement. Considering the risk, the scale and the scope of reconstruction assistance, a meeting was held in Jakarta on 7-8 April 2005 to discuss the risk of misuse of the disaster assistance and identify concrete actions to minimize those risks and ensure that donor funds are properly managed to provide maximum benefit to the tsunami affected communities. The meeting was attended by representatives from six affected countries (India, Indonesia, Malaysia, Maldives, Sri Lanka and Thailand), bilateral and multilateral donor organizations (the Asian Development Bank, the World Bank, etc.) and civil society organizations. The Commissioners and staff of the Commission for the Eradication of Corruption (KPK) also attended.

As a result of the meeting, it was decided to include a Fiduciary Governance Component under the Earthquake and Tsunami Emergency Support Project (ETESP) funded by the Asian Development Bank (ADB) that covered:

- Strengthening of fiduciary oversight for Disaster Management, Rehabilitation and Reconstruction (DMRR) activities that included (i) support to the Supreme Audit Agency (BPK) to ensure sound fiduciary governance in the utilization of donor support and other domestic public resources channeled through the budget in support of DMRR, (ii) restoration and enhancement of the capacity of internal control institutions (Bawasda) at the local government levels in Aceh to ensure compliance with internal procedures and processes at the local level, and (iii) strengthening the capacity of the Inspector Generals in the line ministries at the central level.
- Support to the Ministry of Finance in establishing a special Treasury Office for DMRR activities, to act as a dedicated cash manager for the GOI and to function as conduit in the flow of funds for DMRR projects.
- Provision of capacity building and operational support to KPK's investigative activities.

The decision to provide support to KPK was based on the understanding that KPK, as a relatively new institution, required capacity building to enable it to carry out investigations on the cases identified by the Supreme Audit Agency (Badan Pemeriksa Keuangan or BPK). It was deemed necessary to strengthen KPK's processes and provide additional operating budget for specific cases in Aceh. This support was expected to allow the community at large to recognize the benefits of KPK as a catalyst for change. It was envisioned that the activities of KPK in Aceh will enable it to cement its role in the overall fiduciary framework of Indonesia.

ETESP is among several projects implemented since 2005 as part of the ongoing rehabilitation efforts in Nanggroe Aceh Darussalam Province (NAD) and Nias Island. The ETESP Grant Agreement between the Government of Indonesia (GOI) and ADB was signed and became effective in April 2005. Project implementation started in mid 2005 and is expected to be completed by June 2009.

Total fund provided under ETESP was \$294.5 million, including \$291 million from ADB's Asian Tsunami Fund<sup>1</sup>, and \$3.5 million from the Government of the Netherlands.

ETESP consists of five principal sector groupings, namely,

1. Livelihood Restoration (Agriculture, Fisheries, and Micro-enterprises)
2. Social Service (Health, Education)
3. Community Infrastructure (Rural Water Supply and Sanitation, Housing, and Irrigation)
4. Physical Infrastructure (Spatial Planning and Environmental Management, Road, and Energy)
5. Fiduciary Governance (Strengthening Fiduciary Oversight, and Enhancing Governance in the Delivery of ETESP Assistance)

Part of the funds allocated for the Fiduciary Governance sector grouping was earmarked for the provision of consultancy and operational support to KPK for its activities in NAD and Nias. Through the 2006-2008 DIPAs, a total of Rp 7,353,373,000 was allocated to support the KPK Banda Aceh Office operational activities. Of these, Rp 4,500,000,000 was from the ETESP Grant, while Rp 2,853,373,000 was from GOI funds.

### **Consultant's Mobilization**

Following consultations with KPK, ADB engaged the KPK Aceh Coordinator (the Consultant) in July 2006<sup>2</sup> to undertake the following tasks and activities:

- Establish and maintain KPK presence for the period of the assignment in a Complaints/Grievance Office to be established under the assignment in Banda Aceh;
- Procure goods and services needed to support the KPK Complaint/Grievance Office's daily activities and be responsible for the effective and efficient operation of all facilities, equipment and vehicles;
- Recruit and supervise an administrative staff for the office;
- Maintain complete records of all documents relating to procurement and of all financial transactions conducted and provide monthly reports thereon to the Executing Agency.
- Under the overall direction and with the cognizance of the Executing Agency, prepare and disseminate information on the activities of the KPK Complaints/Grievance Office with donor organizations, government institutions, NGOs, the business community and the general public;
- Develop and maintain relationship with local and national media out of the KPK Banda Aceh office;
- Set up simple procedures for complaint/grievance filing by the general public
- Establish complaints/grievance sites at appropriate locations so that the communities and their representatives may lodge their complaints and grievances for the Consultant's investigation;
- Receive and follow up all complaints and reports on irregularities; for this purpose develop and

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<sup>1</sup> Inclusive of a \$1 million contribution from the Government of Luxembourg.

<sup>2</sup> The consultant mobilized on 15 August 2006 and held office at the KPK rented room at the UNSYIAH campus in Banda Aceh.

foster good working relationship with all institutions involved in combating anti-corruption, such as the local, provincial and national police, the Supreme Audit Agency (BPK) and its provincial arm (BPKP), the Attorney General's Office, and the Rehabilitation and Reconstruction Office (BRR);

- Arrange fraud and corruption case handling by KPK auditors and investigators;
- Establish and maintain complete and secure records for all activities dealing with complaints/grievances and all other matters concerned with the corruption issues;
- Cooperate and coordinate with donor organizations and NGOs in connection with aid distribution, utilization, implementation and monitoring;
- Prepare and conduct a minimum of seven (7) regional technical assistance workshops with community representative participation to promote the transparency of transactions in connection with the rehabilitation and reconstruction program in Aceh and Nias.
- Prepare and conduct workshops on capacity building to regional (provincial, kabupaten and kota) government supervisory agencies (Bawasda).
- Provide advocacy and consultation assistance to NGOs and student executive bodies (BEM) in relation to aid distribution, utilization, implementation and monitoring;
- identify opportunities for public-private partnership in the provision of training and educational services; and
- identify the risks and uncertainties that could affect the viability of the assignment
- Prepare and issue monthly reports on all assignment activities undertaken during the prior month, as well as program of activities to be undertaken in the coming month;
- At the end of the assignment, provide a report and a workshop for the Executing Agency listing the achievements and shortfalls of the assignment, lessons learned and recommendation to assist KPK in furthering its mission.

To ensure the presence of regular KPK staff in Banda Aceh, KPK assigned a Senior Functional Officer for Prevention to Banda Aceh. The Consultant was tasked to work with the KPK Officer on matters related to receiving, forwarding and follow-up of complaints received by the KPK Banda Aceh Office and other matters requiring attention by KPK Jakarta.

Two project-hired sub professionals were provided by KPK to assist in the operations of the KPK Banda Aceh Office. The Consultant requested for the recruitment of an additional staff to assist in organizing some of the activities. However, KPK was not able to proceed with the recruitment. Office equipment was procured during the consultant's assignment using ADB Grant and/or GOI funds.<sup>3</sup>

### **The Work plan**

As an initial activity, the Consultant helped organize a series of public orientations on corruption prevention for several districts within NAD Province from August to November 2006 under the guidance of the KPK Deputy for Prevention. At the same time, the Consultant assessed current practices and capacities of law enforcement/prosecution, and related anti-corruption networks in the NAD area.

Before the end of 2006, the Consultant prepared the 2007-2008 workplan which outlined the Consultant's activities for the remaining period of the assignment. The work workplan was endorsed by the KPK

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<sup>3</sup> These include two laptop computers, one color printer, two cameras, one handy cam, and one voice recorder.

Deputy for Prevention in February 2007.<sup>4</sup>

Based on the Consultant's TOR, the following activities were included in the workplan as follows, including expected results and key performance indices:

- a. Corruption Investigation. This involved facilitating the work of the KPK Investigation Teams initiated by the KPK Jakarta Office. The KPK Banda Aceh Office was mandated to record and forward to KPK Jakarta Office for follow-up action all corruption allegations/complaints that it received from the public and local Audit agencies. In coordination with the appointed KPK Senior Functional Officer of Prevention, the Consultant was expected to provide updates on the progress of investigations made by the KPK Jakarta Office Complaints Directorate under the Deputy for Internal Supervision and Public Complaints (PIPM). If required, the Consultant may also assist the KPK investigation team to accelerate the investigation's results.

Expected result: improved success rate in the prosecution and sanctions of fraud and corruption in Banda Aceh thereby serving as an effective deterrent to corruption in the NAD/Nias reconstruction.

Key Performance Index (KPI):

1. KPK's response to complaints received shall not exceed 30 days as required by regulation,
2. at least six (6) corruption cases per year filed by KPK in court for prosecution.

- b. Capacity building. This involved training/orientation of:
  - law enforcement, prosecution and audit agencies in case handling, verification/investigation and processing of corruption-related cases through training,
  - anti-corruption NGO networks working in NAD/Nias (i.e. Transparency International Indonesia, Gerak, etc) on government budget/procurement, accessing government records, basic investigation/evidence gathering methodologies,
  - citizens' base anti corruption/grievance networks and village/community facilitators involved in ETESP subproject implementation on proper identification and reporting of fraud and corruption and basic information for dissemination to the public,
  - University/college student groups on proper identification and reporting of fraud and corruption and basic information for dissemination to the public.

Expected result: more effective and efficient identification, reporting, investigation and prosecution of fraud and corruption cases received/referred by the public

Key Performance Index:

1. increase in the number of valid fraud and corruption cases identified/investigated and filed by the police, and BPK.
2. increase in the number of valid fraud and corruption cases prosecuted by the Public Prosecutor's Office,
3. increase in the number of valid fraud and corruption cases identified and reported by anti corruption NGOs, citizen-base anti-corruption networks, and university/college student groups.

- c. Grievance/Complaint Intake Systems. This involved the establishment of a grievance/complaint intake system in districts in NAD and Nias with ongoing rehabilitation-reconstruction work. The

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<sup>4</sup> Prior to the implementation of each specific activity, approval had to be obtained from the Deputy for Prevention to obtain cash advance from the KPK Finance Unit.

plan was to link with the 15 anti-corruption NGOs working in NAD/Nias and their networks to serve as grievance/complaint intakes. Capacity of these NGO networks in basic/preliminary investigation and evidence gathering were planned to be strengthened under the Capacity Building Component in order to facilitate the formal investigation of KPK/General Attorney's Office or audit by the Supreme Audit Agency.

Moreover, the work plan included linking with Transparency International Indonesia (TII) and its network of citizen base grievance/complaints committees in 18 sub districts (kecamatan) distributed in 6 districts (Banda Aceh, Pidie, Bireuen, Aceh Barat, Aceh Jaya and Nagan Raya) to serve as grievance intakes and primary complaint facilitation units. The Consultant proposed to explore the possibility of replicating these kecamatan grievance committees in 10 other districts (Aceh Barat Daya, Aceh Selatan, Aceh Tenggara, Aceh Timur, Aceh Utara, Lhokseumawe, Simeulue, Nias, Nias Selatan and Sabang).

At the village level, the village/community facilitators mobilized for ETESP related activities in Agriculture, Fisheries, Irrigation, Water/Sanitation, and housing (estimated to be more than 1,000 people in more than 220 kecamatans) were expected to be tapped and oriented to serve as grievance/complaint intakes. These facilitators were to be linked with the anti-corruption NGOs with which KPK will be working in NAD and Nias so that corruption complaints can be identified/received and processed by KPK. It was also planned to strengthen linkage with the BRR Anti Corruption Unit (SAK or Satuan Anti Korupsi) and its field offices in order to assist in the investigation/referral of cases received/processed by the BRR-SAK.

Expected result: improved reporting of fraud/corruption cases in communities through improved access of the public to the anti-corruption system in NAD/Nias.

Key Performance Index:

1. increased number of valid fraud and corruption cases reported in communities.

- d. Information Dissemination and Media Networking. This involved the production and dissemination of pamphlets/flyers and other paraphernalia to the general public and networking with local and national media (print, radio, TV) to improve the awareness of the general public on the systems and developments related to the anti-corruption efforts of KPK and its partners in the NAD/Nias rehabilitation work. Media, donor and government briefing were also included as part of this activity.

Expected result: improved awareness of the general public and key stakeholders on the systems and progress related to the anti-corruption efforts in NAD/Nias thereby improving public trust.

Key Performance Index:

1. improved public awareness on anti corruption as reflected in a perception survey

- e. Support to LHKPN (Wealth Reporting for Public Officials). In coordination with LHKPN Directorate and the Graft Directorate, the Consultant was tasked to help organize orientation activities among public officials in NAD and Nias on the law requiring them to file LHKPN.

Expected Result: Improved transparency among government officials on their wealth/income and help minimize the risk of public officials from improperly or unlawfully enriching themselves by misusing their position.

Key Performance Index:

1. at least 95% of public officials in NAD and Nias have filed LHKPN

On September 2007, a stocktaking exercise conducted by the Consultant with the Social Safeguard Advisers from ADB's Extended Mission in Sumatera (EMS) noted the information gap on the actions being taken on the cases being followed up by KPK and local enforcement agencies, as well as the delay in the resolution of the pending corruption complaints/reports. Based on the EMS observations, it was recommended that the remaining workplan be refocused in order to more effectively deal with the current situation. While the earlier focus was on orienting the public on anti-corruption principles, policies, guidelines and institutions, it was recommended that the focus be shifted to a) helping build capacity of the local enforcement agencies to investigate the cases forwarded to them, b) improve KPK supervision of the local enforcement agencies c) improve public awareness on the actions taken and results of these actions, and d) more effectively link with anti corruption NGOs and media to facilitate investigation of corruption cases.

## PROJECT IMPLEMENTATION

### I. Corruption Investigation:

Although the KPK Deputy for Prevention approved on 14 February 2007 the plan to involve the Consultant in facilitating and following up on the investigation work being conducted by the KPK Investigation Teams and use part of the ETESP Grant funds to support the work of its investigation teams, the KPK Commissioners later decided in June 2007 not to involve non-regular KPK Personnel in its investigation and not to use grant money for its investigations in compliance with KPK's established procedures and policies. Hence, the Consultant's role was reduced to receiving, recording and forwarding complaints to KPK Jakarta for follow up actions. Further communication between complainant and KPK was made directly by the KPK Jakarta office. From 2006 to 2008, the KPK Banda Aceh Office received a total of 32 reports/complaints. These were all recorded and forwarded to KPK Jakarta for action.

The other 847 corruption reports/cases in Aceh and Nias (96% of the total 879 cases) that were received directly by KPK Jakarta from other sources (i.e. BRR-SAK, the general public) were not recorded at the KPK Banda Aceh Office due to the decision of KPK to limit access of non-KPK personnel on the details of these cases and KPK's policy to centralize the administration of reports/cases.

In May 2007, EMS requested KPK for an update on the status of corruption cases/reports in Aceh and Nias. Related to the request, the Consultant followed up with KPK on the status of the complaints/cases. Data from KPK Jakarta indicates that of the 887 cases/reports received from Aceh and Nias, KPK reviewed/screened a total of 879 information/reports. A team from KPK Jakarta went to Aceh to conduct preliminary review and screening.

Of the cases reviewed, only 220 (25%) were found to have sufficient information and substance that would enable KPK to do follow-up actions. KPK had to drop a large majority (75%) of the reviewed/screened cases/reports due to insufficient information or were assessed by KPK as not corruption-related.

Of the 220 cases/reports for follow-up, KPK forwarded 144 (65%) to concerned agencies (local police, public attorney's office, BPKP, Internal Affairs, BPK, MA and Bawasda) for further action. Additional information was sought from the complainants/informants in another 64 cases (29%). The remaining 9 cases (4%) were referred other units within KPK for further action. None of the 220 cases have been reportedly dropped or filed in courts.

EMS initiated a number of follow up meetings with KPK Officials to obtain information on the status of the 220 cases/reports being followed by KPK and other agencies. KPK agreed to provide a general update which could be shared with the public. However, such information has yet to be released. Table 1 shows the summary of cases/reports received by KPK in Aceh and Nias from 2005 to 2008.

**Table 1:** statistics on corruption information/reports received by KPK in Aceh and Nias

Remarks	2005	2006	2007	2008*	Overall
Information/reports reviewed/screened	147	201	519	12	879
Information/reports to be followed up	46	47	121	6	220
Information/reports that cannot be followed up due to insufficient information or are not corruption cases	101	154	398	3	656
Information/reports referred to concerned units within KPK for further action	2	1	6	-	9
Information/reports forwarded by KPK to related institutions	27	19	97	1	144
Information/reports to be clarified with the complainant or informant.	17	27	18	2	64

\*Note: as of 19 March 08

## II. Capacity Building:

Initial orientation of staff from law enforcement and prosecution agencies was done during the socialization of the program in 2006. A total of 453 police officers, 70 public attorneys and 139 judges in 20 districts in NAD participated in the orientation. (Table 3 in the Annex shows the number of participants of law enforcement and prosecution agencies training). However, the planned intensive training of police officers and public attorneys on proper evidence gathering using some live cases as examples and coaching/ mentoring by KPK staff could not be conducted as scheduled due to delay in the release of the 2008 DIPA.

The training of BAWASDA staff in 10 districts on procurement procedures and fraud in procurement were conducted as planned (see Annex Table 4). A total of 453 BAWASDA staff received the training. KPK also partnered with LGSP, Sorak Aceh, Oralexismuq, GK Besi, TII, KOBAR-GB in conducting orientation training for NGO staff (see Annex Table 5). Around 367 staff from NGOs based in NAD participated in the training.

The proposed training on proper identification and reporting of fraud and corruption for citizen's based grievance committees (organized by TII) and ETESP-hired village facilitators was not undertaken because of KPK's decision in February 2007 to focus on existing major cases currently being handled by KPK and a concern on KPK's operational readiness to work with an expanded sub district and village complaints intake mechanism. KPK's concern was that it could further increase public expectations and could be damaging to KPK if the plans and systems do not work as expected. Orientation of citizen's groups was therefore limited to the socialization conducted in 2006.

Among student groups, academicians and religious leaders (ulama), the Consultant organized several orientation sessions on the role of the public in fighting corruption (see Annex Table 6). An off-shoot of these training is the production of an anti corruption handbook based on the anti-corruption law, the AI

Qur'an and Hadits, with support from an expert on Islam (see Annex 2). Moreover, materials for teaching anti-corruption in school based on local wisdom were also developed. These materials were distributed in the training and anti corruption socializations organized as well as in anti corruption campaign.

With endorsement of EMS and BRR, the Consultant organized in July 2007 a half-day orientation on fighting corruption in procurement for Satker representatives from various ETESP Sectors. In that same training, the Satker heads re-affirmed their commitment to fight corruption in ETESP by signing an Integrity Pact. As an off-shoot to the orientation, the Satkers requested that they be given additional training on procurement. In response, the Consultant organized a training on procurement and coordinated with BAPPENAS for the administration of the National Certification Examination on Procurement for the training participants.

The Consultant also facilitated training for members of the DPRD (People's Assembly) in 20 districts in NAD on budgeting, legal drafting and supervision. Table 2 below provides a summary of the training conducted as part of the consultancy assignment.

**Table 2:** Summary of training conducted as per work plan

Planned Training as per Work plan	Actual Training Conducted
Orientation/training of law enforcement, prosecution and audit agencies in case handling, verification/investigation and processing of corruption-related cases through training.	<ul style="list-style-type: none"> <li>- Half day briefing of 453 police officers, 70 public attorneys and 139 judges in 20 Districts in NAD on "evidence gathering in corruption cases" during the socialization program conducted in 2006. (see breakdown of participants in table 3)</li> <li>- Training of 453 Bawasda staff in 10 districts on procurement procedures, fraud in procurement process, and corruption cases handling and related law. (see breakdown of participants in Annex Table 4).</li> </ul>
Orientation/training of anti-corruption NGO networks working in NAD/Nias (i.e. Transparency International Indonesia, Gerak, etc) on government budget/procurement, accessing government records, basic investigation/evidence gathering methodologies	<ul style="list-style-type: none"> <li>- Training of 367 staff from more than 15 NGOs on various topics (Type of corruption and how to report corruption information to KPK, corruption practices in Procurement, and corruption investigation). (see breakdown in Annex Table 5)</li> </ul>
Orientation/training of citizens' base anti corruption/grievance networks and village/community facilitators involved in ETESP subproject implementation on proper identification and reporting of fraud and corruption and basic information for dissemination to the public.	<ul style="list-style-type: none"> <li>- Training conducted was limited to the basic training on fraud in procurement given in 20 districts during the initial socialization of the KPK program in Aceh in 2006.</li> <li>- No training was organized for the orientation of the citizen's based anti-corruption/grievance networks of TII and ETESP village facilitators.</li> </ul>
Orientation/training of University/college student groups on proper identification and reporting of fraud and corruption and basic information for dissemination to the public.	<ul style="list-style-type: none"> <li>- Orientation of 2,128 students, 229 teachers, 57 lecturers, and 150 ulamas on proper identification and reporting of fraud and corruption as well as the role of the public in preventing corruption. (see breakdown in Annex Table 6).</li> <li>- Production of an anti corruption handbook based on the anti-corruption law, the Alquran and Hadits. This handbook was prepared in cooperation with KPK and five Ulamas.</li> <li>- Development of teaching materials on teaching anti-corruption in school based on local wisdom.</li> </ul>
	<ul style="list-style-type: none"> <li>- Training of 80 government staff on the procurement process followed by the National Certification Examination on Procurement (18 of the 80 passed the test)</li> </ul>
	<ul style="list-style-type: none"> <li>- training of members of DPRD in 20 districts in NAD on the budgeting process, legal drafting and supervision. (see Annex Table 7)</li> </ul>

The planned bi-monthly coordination meetings with anti-corruption NGO networks for information-sharing, and assessment of methodologies/approaches could not be done due to several reasons. One reason was the lack of interest by NGOs to attend such meetings mainly due to the lack of feedback from KPK

on the complaints/reports that they have submitted. However, the Consultant maintained informal communication with the NGO representatives through informal meetings and phone calls. Visits to Gerak Office and evening coffee sessions with some members of LGSP, GK Besi, TII, Sorak were some of the activities conducted to maintain informal communication with the NGOs. The training of NGOs also provided opportunities for interaction and feedback.

### III. Grievance/Complaint Intake System

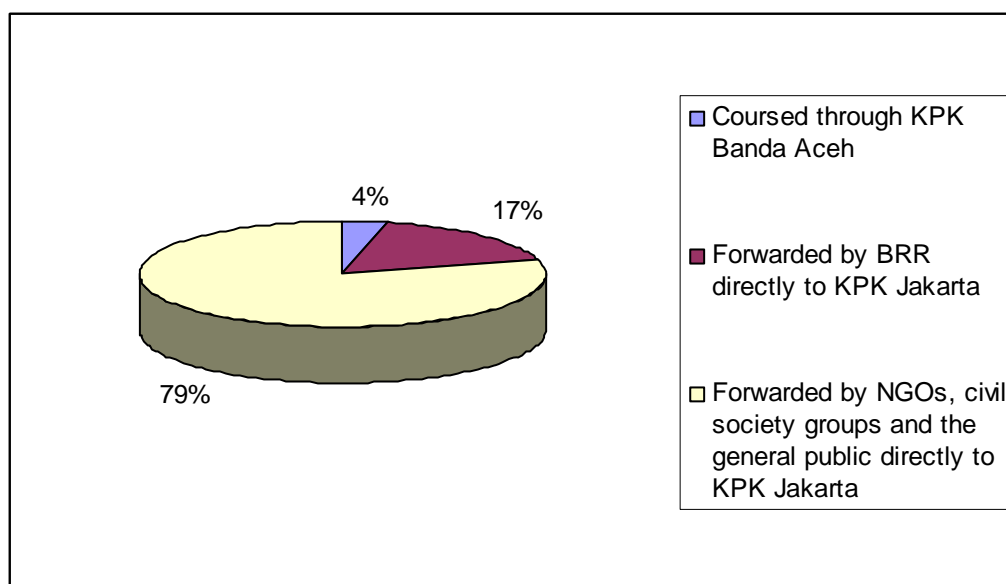
As planned, the Consultant established linkage with the 15 anti-corruption NGOs working in NAD/Nias and their networks and requested them to forward complaints or reports of corruption to KPK, either through the KPK Banda Aceh Office or directly to KPK Jakarta. Some training on reporting corruption and related processes were conducted as part of the capacity building component. Coordination was also made with Transparency International Indonesia (TII) and its network of citizen base grievance/complaints committees to serve as grievance intakes and primary complaint facilitation units.

The proposal to explore the possibility of replicating these kecamatan grievance committees in other kecamatans and districts did not materialize due to the reluctance from KPK to provide operational support to NGOs. The planned orientation of the ETESP village facilitators on corruption grievance intake was also not conducted because of KPK's decision to focus on existing major cases in line with its core mandate of handling "big fish" corruption cases.

The Consultant conducted regular coordination with the BRR SAK in handling corruption complaints. Although BRR SAK submits corruption complaints directly to KPK Jakarta, it provided summary information/list of these cases to KPK Banda Aceh. In turn, the KPK Banda Aceh Office assisted BRR SAK in following up with KPK Jakarta the actions taken on these cases.

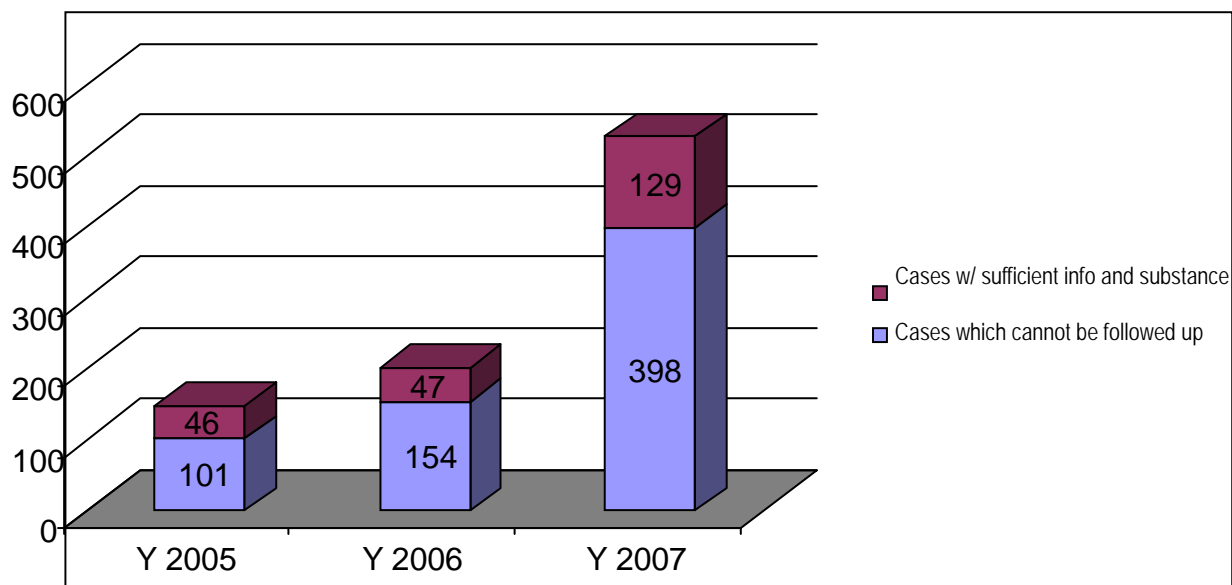
The KPK Banda Aceh received complaints/reports from the public through sms, letters, and phone calls. However, only corruption information received through letters were administered for further action. KPK provided a complaint form to report the corruption information. KPK issued letters of information acceptance to the complainant. However, only a handful of the cases/reports (4%) were coursed through the KPK Banda Aceh Office. Most reports were submitted by NGOs, BRR-SAK and the general public directly to KPK Jakarta (see Figure 1). And because of KPK's policy on non-disclosure of reports/complaints prior to formal submission of complaints in court, it becomes difficult for the Consultant to track/record the cases related to the ongoing rehabilitation activities in Aceh and Nias.

**Figure 1:** Aceh and Nias Corruption Reports/Complaints Received by KPK Banda Aceh and KPK Jakarta



Data from KPK Jakarta shows that most complaints/reports (527 cases) were received at the height of the reconstruction activities in 2007. Other complaints/reports were received in 2008 (12 cases as of 19 March), 2006 (201 cases), and 2005 (147 cases) (see Figure 2). However, it can be noted that in spite of the orientations conducted by KPK Banda Aceh on the proper identification and reporting of allegations of corruption in 2006, the percentage of reports received with sufficient information and substance remained rather low.

**Figure 2:** Number of reports/complaints received by KPK in Aceh and Nias from 2005 to 2007



#### IV. Information Dissemination and Media Networking

Information dissemination activities involved a) the production and dissemination of pamphlets/flyers and other paraphernalia to the general public, b) media talk shows, c) training of journalists, and d) formalization of agreements with universities on the conduct of anti-corruption campaigns.

Information materials and paraphernalia produced and distributed include:

- anti corruption handbook "Understand to Eradicate"
- anti corruption handbook for student "Understand first fight then"
- stickers
- posters
- KPK Law
- brochures
- comics
- magazine
- and other anti corruption merchandise (pin, chain, and handbag)

Some of the materials were produced using the KPK Jakarta Office budget and distributed in Aceh through organized events such as TOT, anti corruption campaign, and training. The posters, KPK Law, and brochures were produced using Jakarta Office budget.

In 2006, more than 24,000 copies of eight different titles were distributed. A total of 100,000 copies of the handbook “understand to eradicate” and 5,000 copies of the handbook “understand first, fight then” were produced in 2007. It is estimated that 35,000 copies of “understand to eradicate” were distributed during events conducted by the end of 2007. The materials inventory was stored at the KPK house in Banda Aceh.

The Consultant facilitated the signing of Memorandum of Understanding (MOU) between KPK and six universities in NAD for the conduct of anti corruption education and campaign. Annex Table 7 shows the list of universities who signed the MOU.

As a result of the MOU, IAIN Ar Raniry Banda Aceh and University of Teuku Umar Meulaboh included anti corruption subjects in their curriculum. The anti corruption handbook (Pandangan Islam Terhadap Korupsi: Koruptor dunia Akhirat Dilaknat) was prepared together with a Moslem Expert (Ulama) which refers to the Al Qur’an and Al Hadits. A number of anti corruption campaign activities were organized in cooperation with student groups and/or anti corruption NGOs (see Annex: Table 8).

Twenty three media talk shows were organized covering various topics. Resource persons from KPK, GERAK, Sorak Aceh, MPU, the Mayor’s Office of Banda Aceh and GK were invited to speak in these shows. During the anti corruption road show in 2006, talk shows were organized in 15 districts. In 2007, monthly talk shows were organized in cooperation with Aceh TV for more systematic information dissemination on anti corruption (see Annex Table 9).

A two-day training of journalists was done as part of building partnership with journalists. Aceh-based and national journalists, as well as public relations staff from the districts participated in the training.

## V. LHKPN and Graft Technical Assistance

Orientations on LHKPN (Wealth Reporting for Public Officials) were organized for government officers, police officers, attorneys and judges in all districts of NAD. The orientations aimed to inform the government staff and officials of the requirement to fill-in and submit their wealth report to KPK. The LHKPN report was verified by the Directorate of LHKPN of KPK. Table 10 shows the orientations on LHKPN conducted during the assignment period.

**Table 10: LHKPN orientations conducted**

Location	Date	Participants	
		Profession	Number
Takengon	Sept, 2006	Government staff	4
Bener Meriah	Sept, 2006	Government staff	6
Sabang	Nov, 2006	Government staff	25
Simeleu	Nov, 2006	Government staff	2
Banda Aceh	February 26, 2007	Government staff	36
Kuala Simpang	March 1, 2007	Government staff	75
Calang	Apr 26 07	Government staff	63
Lhokseumawe	Mar 28 07	Government staff	114
Banda Aceh	Oct 7 07	Government staff	34
Tapak Tuan	Nov 7 07	Government staff	31
Banda Aceh	March 6, 2008	Judges	74
Banda Aceh	March 5, 2008	Attorney	35
Banda Aceh	March 5, 2008	Polices	330
	<b>T o t a l</b>		<b>829</b>

## **CONSTRAINTS AND LIMITATIONS**

The Consultant was not able to perform some of the tasks mentioned in the TOR. While the TOR required the Consultant to receive and follow up all complaints and reports on irregularities, and arrange fraud and corruption case handling by KPK auditors and investigators, KPK Management decided that due to the sensitivity and potential legal implications, such responsibility cannot be given to non-KPK staff. Such task was then transferred to the KPK Senior Functional Officer of Prevention who comes to Banda Aceh for 1 to 2 weeks each month. It was agreed with EMS and KPK in May 2007 that the KPK Senior Functional Officer will provide general updates on the status of cases/reports, both those that have been forwarded to the local enforcement agencies and those that are undergoing pre-investigation/investigation by KPK.

Delays in the approval/release of the annual DIPAs for the KPK Banda Aceh activities also affected the implementation. The 2007 DIPA was approved in May 2007, while the 2008 DIPA was approved in July 2008. As a result of these 5 to 6 months delay in the release of funds, there is insufficient time to implement some of the activities programmed during the year.

In 2006 until mid 2007, the Consultant was tasked by KPK to manage both the GOI and ADB-provided funds for the activities. This arrangement enabled the Consultant to undertake some activities using the GOI-budget while waiting for the release of the DIPA from the ADB-grant. However, by early 2008 KPK decided to limit the Consultant's involvement to the GOI DIPA, while ADB DIPA was released in late July 2008. Since the Consultant's contract ended on 3 August 2008 there was no more opportunity for the Consultant to be involved in the activities planned for 2008 including the final workshop aimed at presenting lessons from KPK Banda Aceh experience.

Lack of support staff also hindered the implementation. Only two project-hired sub professionals stationed in Banda Aceh were provided by KPK. Related to this, the Consultant requested the recruitment of an additional staff to assist in organizing some of the activities. However, KPK was not able to recruit the needed staff.

## **BUDGET UTILIZATION**

For the period 2006 to 2008, the total budget allocated for the KPK Banda Aceh activities totaled Rp 7,358,373,000 issued under 2 separate DIPAs – one from the ADB grant and another from the GOI counterpart funds. Sixty-one percent of the budget (Rp 4,500,000,000) came from the ADB Grant for ETESP. The other Rp 2,858,373,000 (39%) was provided by GOI. The DIPA proposals are prepared by the KPK Finance Unit of KPK. The role of the Consultant was to propose the budget for the planned activities.

Of the total allocated budget, 46% (Rp 3,409,704,177) was utilized. Utilization of the GOI counterpart funds is lower at 29% (Rp 830,080,170), compared to the ADB grant funds at 57% (Rp 2,579,624,007). As of end July 2008, the remaining funds for KPK Banda Aceh activities stand at Rp 3,948,668,823 (see Table 11).

**Table 11: KPK Banda Aceh activities: Budget allocation and realization**

Description	Budget		Total	Realization		Total	%
	GOI	ADB		GOI	ADB		
Capital Expenditures	0	205,000,000	205,000,000	0	53,555,928	53,555,928	26
Operational Expenditures	2,858,373,000	3,148,700,000	6,007,073,000	830,080,170	2,331,668,079	3,161,748,249	53
Honorarium	0	593,800,000	593,800,000	0	0	0	0
Other Operational Expenditures	0	552,500,000	552,500,000	0	194,400,000	194,400,000	35
<b>Total</b>	<b>2,858,373,000</b>	<b>4,500,000,000</b>	<b>7,358,373,000</b>	<b>830,080,170</b>	<b>2,579,624,007</b>	<b>3,409,704,177</b>	<b>46</b>

## EVALUATION OF OUTPUTS AND ACHIEVEMENT OF OUTCOMES

Compared against the expected results and key performance index set by KPK in the approved work plans, it can be concluded that much remains to be done to fully accomplish the expected results and outcomes of these activities.

### Corruption Investigation.

The support for KPK's corruption investigation aims to expedite the prosecution of those involved in corrupt activities. Unfortunately, the original KPK target of filing at least 6 corruption cases in relation to the reconstruction in Aceh and Nias per year has not been met. Moreover, feedback from partner-NGOs and a number of complainants indicate that the targeted KPK response to complaints within 30 days upon receipt of the complaint did not happen in several cases.

### Capacity building.

Capacity building activities aim to improve identification, reporting and investigation of corrupt practices. NGOs, student groups, members of the academe, religious leaders (ulama) and government officials were trained on how to identify and report corruption, while the police, public attorneys and judges were briefed on investigations/evidence gathering.

Data shows that while the number of reports/cases increased from 2005 to 2007, the percentage of reports/cases which cannot be followed up due to insufficient information or lack of substance remained high. This means that the quality of reports received by KPK remained the same in spite of the orientations conducted on identification and reporting of corruption. Moreover, impact of the training on the ability of the police and public attorneys in conducting pre-investigations/investigations remains to be seen.

### Grievance/Complaint Intake Systems

The plan to orient and tap citizens' kecamatan-based grievance committees and ETESP village facilitators as corruption complaint intakes for KPK was not realized. However, the intake was facilitated through the network of anti corruption NGOs operating in Aceh and the BRR SAK and its field offices in the various districts. As a result, the number of corruption reports/cases increased from 2005 to 2007. Most of the reports/cases were forwarded directly to KPK Jakarta, which implies that the KPK central system for receiving complaints is working. Despite the geographical distance, corruption complaints/reports from NAD/Nias still reached the KPK Jakarta Office.

### Information Dissemination and Media Networking.

The result expected from the information dissemination is the improved awareness of the general public and key stakeholders on the KPK systems and progress related to the anti-corruption efforts in NAD/Nias, thereby improving public trust. However, the absence of feedback from KPK on the overall progress of cases/reports that it currently investigates or has forwarded to local enforcement agencies casts doubts in the mind on the public whether actions are indeed being taken on the complaints/reports that KPK received from the public.

Due to limited time, no perception survey was conducted to measure and validate public awareness and perception of KPK's efforts to prevent corruption in the reconstruction program in NAD and Nias. However, if the feedback given by NGO partners will be used as a proxy, it appears that public awareness and appreciation of KPK efforts and progress in NAD and Nias is not high.

### Support to LHKPN (Wealth Reporting for Public Officials).

An indicator of the improved transparency of government officials on their wealth/income is their submission of their LHKPN to KPK. However, the data on the number of officials who made the mandatory submissions were still being updated at the time of this report. It needs strong effort and cooperation between the local government and KPK to improve compliance to this requirement.

## LESSONS LEARNED AND RECOMMENDATIONS

### A. Lessons Learned

Following are the lessons learned during the implementation of anti corruption program in Aceh:

1. **The orientations conducted by KPK Officials on the existence of KPK's Banda Aceh office during many events has increased the expectations of the people in Aceh on KPK's anti corruption efforts.** Such expectations generated public support to the activities performed by KPK. At the same time, the public expected that KPK's Banda Aceh office would perform all the mandated tasks of KPK including both repression and prevention. However, the public expectation was not met as repression activities are still centralized in KPK Jakarta.
2. **The synchronization of prevention and repression activities in anti corruption effort is essential in getting public trust.** Critical statements and protests by the public highlighted the perceived lack of KPK repression action in Aceh. The public considers that prevention efforts alone are not sufficient to eradicate corruption. They demand KPK to handle suspected corruption cases especially those that have been widely published in the local media.
3. **Continued education of the public on KPK Law and on how to report suspected corrupt practices is still needed.** Many people in Aceh still believe that receiving gifts by government employees and giving kickbacks or "thank you money" to government employees are not corrupt practices. The socialization of the anti corruption law can help reduce misunderstanding by the public on what constitutes corrupt practices and thereby deter people from committing such acts. Continued education will help improve the quality of information received by KPK and enable it to follow up and take the necessary action against corrupt government officials and staff.
4. **Cultural and religious approach can be effective in promoting an anti corruption spirit.** Most of the people in Aceh adopt Islamic ways in their daily activities. Engaging reputable local facilitators,

like an Ulama (Moslem expert), in anti corruption education will help gain the trust of the communities and encourage people to attend the event.

5. **Feedback from KPK on the status of complaints is essential to improve public participation in anti corruption efforts.** Many of the complainants do not know of the progress of the reports/information that they submitted to KPK. The Anti Corruption Law mandates KPK to give information to the complainants not later than 30 days upon receipt of the complaint.<sup>5</sup> However, according to many complainants, KPK only sends a letter of information acceptance. Information on the status of their complaint is not provided.

## B. Recommendations

### *1. To improve effectiveness of local corruption eradication effort*

- Prevention and repression efforts must go hand-in-hand. The KPK prevention activities must be complemented with systematic supervision of local enforcement institutions to which suspected corruption cases have been forwarded. KPK's mandate includes both activities.
- KPK may consider to establishing "branches" with sufficient mandate and staffing in the regions/provinces. The idea is to establish a local, independent, and professional anti corruption institution closer to the public. The "KPK branch" could be designed independently or as part of KPK (National), although this may require an amendment of the anti corruption law. The presence of a local anti corruption institution could strengthen the fight against corruption by local agencies/offices which in turn will improve public trust.
- Alternatively, KPK needs to continue to strengthen the institutional capability of local enforcement agencies through supervision and training. Evidence collection techniques and government financial management" are some important topics for training.

### *2. To improve public participation*

- There needs to be a continuous socialization of KPK tasks and functions, anti corruption Law, and consequences of non-compliance with the Law to obtain better public understanding on the type and definition of corruption.
- Strengthen the role of anti corruption NGOs and anti corruption student groups. This could be done through organizing joint special events, arrange regular meetings and training of NGO members, particularly on evidence gathering and reporting.
- Appreciate and give attention to public participation. This could be done through communication with the complainant through submission of status of their information as required by the regulation. Support for and appreciation of the work of KPK can also be obtained by inviting complainants to workshops. The workshops could be used to inform the complainants on the requirements for reporting suspected corruption cases and also to provide general information on the status of complaints while maintaining the needed confidentiality.

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<sup>5</sup> Article 4 (2) of The Government Regulation 71/2000 "The Procedure of Public Participation and Appreciation Award in Corruption Prevention and Eradication" stipulates that KPK should respond orally or in writing within 30 days upon receipt of information, suggestion, and opinion.

### *3. To improve effectiveness of anti corruption education*

- Adopt local wisdom in developing teaching materials to facilitate public understanding. The teaching material that has been developed with assistance of a group of teachers and the Dikyanmas Unit of KPK during the consultancy engagement could be reproduced and distributed among KPK partner-universities or other interested schools.
- Collaborate with local anti corruption NGOs or student groups in organizing public awareness campaigns. To avoid the risk of KPK's name being misused by some anti corruption NGOs, joint events should be pursued and limits/controls should be agreed and defined early.
- Engage reputable ulama (Moslem experts) in conducting public orientations on anti corruption. Their knowledge of Islamic values and the local culture and conditions assists in obtaining people's trust.

## ANNEX 1: Letter of Endorsement



**KOMISI PEMBERANTASAN KORUPSI  
REPUBLIK INDONESIA**

Number : B. 044 /01/I/2009  
Attachment : SPDP Letter  
Subject : Grant 0002 – Earthquake & Tsunami  
Emergency Support Project  
(ETESP) : ETESP Support for  
Corruption Prevention

Jakarta, 13 January 2009

To,  
**Mr. Pieter Smidt**  
**Head**  
**Extended Mission in Sumatera**  
**Asian Development Bank**  
Gedung BRI II 7<sup>th</sup> Fl.  
Jl. Jend. Sudirman Kav. 44-46  
Jakarta 10210

With reference to your letter Ref. No: 08/PS/UETESP/132 dated 25 September 2008, we would like to express some remarks to the draft Final Report prepared by Agung Adiasa (henceforth **The Consultant**), which summarizes the activities, lessons learned and recommendations in relation to the provision of 24 months consultancy work and ETESP operational support for the KPK Banda Aceh Office.

Firstly, in general there is no objection to the Consultant's draft report, but results of planned activities have not been clearly reported in the draft, for example for the Grievance/Complaint Intake System. The issue with this System is as follows: as stipulated in Law No. 30 of 2002 on the Corruption Eradication Commission, there are elements that need to be satisfied before the KPK is authorized to conduct investigations, indictments, and prosecutions against corruption cases. Specifically, the cases need to:

- a. involve law enforcement officers, government executives, or other parties connected to corrupt acts committed by law enforcement officers or government executives;
- b. have generated public concern; and/or
- c. involves a loss to the State of at least Rp 1,000,000,000 (1 billion rupiah)

Without conforming to these criteria, a grievance/complaint will not be handled by KPK; and this is essentially the reason why KPK allows the Kecamatan Grievance Committee to directly send their complaints/reports to SAK-BRR. In this matter the Consultant did not report the results of alternative actions taken to the Kecamatan Grievance Committee.

Secondly, in the socialization and training efforts directed to Aceh communities (NGOs, students, journalists), the Consultant did not completely address a comprehensive understanding that corruption eradication comprises of repression and prevention efforts. The Consultant focused only on repression/law enforcement efforts (investigation, indictment, and prosecution). This deficiency in socialization and training efforts instilled a narrow understanding in the target demographic: that corruption eradication consists solely of repression efforts.

Further /...

Further, the KPK decided to close the KPK office in Banda Aceh after the KPK decided that the Consultant's contract would not be extended, for the following reasons:

- a. Low efficiency of the KPK Banda Aceh Office. This is mainly reflected in the low number of reports processed by the Office – out of the total of 375 reports received by the KPK from the people of NAD in 2006, only 32 were channeled through the Office.
- b. The Consultant's improper socialization of anti-corruption raised an unbalanced yet large hope in the Acehese people of the efficacy of corruption law enforcement as part of the whole anti-corruption effort.

We would also like to use this opportunity to reiterate that, for the remaining time before the contract date line on June 2009, the KPK will continue to use the project budget for the coordination and supervision of activities in Nanggroe Aceh Darussalam, and appoint our staff Mr. Nurul Ichsan al Huda as Project Manager.

Thank you for your attention and cooperation.

Yours sincerely  
  
Mochi Jasir  
Vice Chairman



Cc:  
Commissioners of KPK

## ANNEX 2: Table of the Activities

Table 3: Number of participants in the half-day orientation for police officers, public attorneys and judges in 20 districts on evidence gathering involving corruption cases

Location/Districts	Polices	Attorneys	Judges
Provinsi NAD	0	0	0
Kota Banda Aceh	0	0	0
Gayo Lues	7	1	14
Kuta Cane	30	4	21
Kuala Simpang	35	3	20
Aceh Timur -Langsa	70	6	6
Kota Langsa	21	0	11
Aceh Utara	67	8	6
Kota Lhokseumawe	17	2	0
Bierun	35	4	7
Takengon	4	13	23
Bener Meriah	30	6	0
Jantho	20	3	1
Sigli	60	1	0
Calang	18	2	5
Meulaboh	30	6	7
Nagan Raya	13	2	0
Blang Pidie	18	0	0
Tapak Tuan	27	2	5
Singkil	17	1	6
Sabang	17	2	5
Simeleu	24	4	2
<b>Total</b>	<b>560</b>	<b>70</b>	<b>139</b>

**Table 4:** Number of participants in the training of BAWASDA staff on procurement procedures, fraud in procurement process, and corruption cases handling and related law

No.	Location	Date	# participants
1	Bawasda Banda Aceh	6 Feb 07	40
2	Aceh Tamiang	21 Mar 07	74
3	Aceh Timur	22 Mar 07	63
4	Bireun	10 April 07	42
5	Aceh Utara	28 May 07	48
6	Kota Lhokseumawe	30 May 07	45
7	Aceh Besar	13 July 07	49
8	Aceh Barat	18 Sept 07	40
9	Aceh Selatan	6 Nov 07	32
10	Aceh Tengah	19 Feb 08	20*
<b>Total</b>			<b>453</b>

**Table 5:** Number of participants in the training for Anti corruption NGOs

Remarks	NGO Partner	# of Participants
Strengthening the role of NGO in Procurement Process Banda Aceh 8 -10 May 07	LGSP	30
Prevention of Corruption program Discussion Forum Banda Aceh 18 July 2007	Sorak Aceh	15
Anti Corruption Socialization to alumni Ulumul Qur'an	Oralexismuq	64
Seminar on Integrity Pact in Procurement process Banda Aceh 24 July 2004*		144
Anti Corruption TOT IAIN tgl 20 – 21 Jan 07	GK Besi	20
Discussion forum "The role of Village Facilitators" di Jeunib	TII – Aceh	72
Anti Corruption Discussion forum: Type of Corruption	KOBAR GB	22
<b>Jumlah</b>		<b>367</b>

\*Note: participated by NGO members and government officials

**Table 6:** Number of participants in the training for students, teachers and ulamas

Description	# of Activities	# of Participants
Teachers	6	229
Lecturers	2	57
Students	24	2128
Ulama	2	150
<b>Total</b>	<b>34</b>	<b>2564</b>

**Table 7: Universities Which Signed MOU with KPK on the Conduct of Education, Research and Campaign on Anti-Corruption**

Universities	Location
University of Syiah Kuala	Banda Aceh
IAIN Ar Raniry	Banda Aceh
Unviersity of Teuku Umar	Meulaboh
University of Islam AL Muslim	Bireun
STAIN Gajah Putih	Takengon
University of Malikusaleh	Lhokseumawe

**Table 8: Campaign activities organized during the consultancy assignment**

Remarks	Location	Date	Partners	Agenda
World of anti corruption day	Banda Aceh	9 Dec 07	Sorak Aceh, LGSP, GK Besi, KOMPOR, Semarak, Simak Unimus, JAMAK, Tim Anti korupsi Pemrov NAD,	distribution of Sticker, Book MUM and Oration, Install Banner
Students against corruption	Bireun	27 August 07	SIMAK Unimus	distribution of Sticker, Book MUM and Oration
Students against corruption	Lhokseumawe	20 Nov 07	KOMPOR	distribution of Sticker, Book MUM
Students against corruption	Tapak Tuan	1 Nov 07	GK Besi dan Komunitas Mahasiswa Anti Korupsi Aceh Selatan	distribution of Sticker, Book MUM

**Table 9: Media talk shows organized during the consultancy assignment**

No.	Topics	Date	Media	Resource person
1	Understanding to Eradicate	20 Mar	Aceh TV	Abdullah Hehamahua (Adviser of KPK)
2	Fighting Corruption from Campus	7 Juli	Aceh TV	Suryohadi Djulianto (Adviser of KPK) dan Yusni Sabi (IAIN)
3	Understand first then fight	10 Aug	Aceh TV	Eko Soesanto Tjiptadi (Director Dikyanmas KPK), Akhirudin Mahyudin (Coordinator GERAK Aceh), Agussalim Masry (Coordinator Sorak Aceh)
4	Public Information Handling	7 September	Aceh TV	Suryohadi Djulianto (Adviser of KPK) and Agus (Transparansi Internasional Indonesia – Aceh)
5	Corruptor According to Islamic point of view	5 Oktober	Aceh TV	Tgk Muslim Ibrahim (Head of MPU NAD) and Mawardi (Mayor of Banda Aceh)
6	Anti Corruption Education	November	Aceh TV	Ryan Herviansyah (Pencegahan Staff of KPK) and Abdullah Dagang (GK BESI)
7	Choose the clean leader	30 Oktober	Radio Spardela Tapaktuan	Abdullah Hehamahua (Adviser of KPK)
8	Broadcast Anti Corruption PSA	9 Nov – 10 Des	Aceh TV	

## ANNEX 3: Sample of Anti Corruption Brochure that has been prepared in cooperation with Ulama

# Risalah Umat

Risalah Umat diperbanyak oleh Komisi Pemberantasan Korupsi (KPK) Jl. H.R. Rasuna Said Kav C-1, Jakarta 12920, Telp. 62-21 25578 311, Faks. 62-21 52892441 dan Kantor Penghubung Aceh Gedung AAG Dayan Dawood Lt. 2 Kompleks Universitas Syiah Kuala (Unsyiah) Darussalam - Banda Aceh.

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### Jabatan Sebagai Sarana Ibadah atau Maksiat

**D**alam Pasal 3 UU no. 31 tahun 1999 jo. UU no 20 tahun 2001: Setiap orang yang dengan tujuan menguntungkan diri sendiri atau orang lain atau suatu korporasi, menyalahgunakan kewenangan, kesempatan atau sarana yang ada padanya karena jabatan atau kedudukan yang dapat merugikan keuangan Negara atau perekonomian Negara, dipidana dengan pidana penjara seumur hidup atau pidana penjara paling singkat 1 (satu) tahun dan paling lama 20 (dua puluh) tahun, dan denda paling sedikit Rp 50.000.000,00 (lima puluh juta rupiah) dan paling banyak Rp 1.000.000.000,00 (satu miliar rupiah).

Dalam pandangan Islam, perbuatan seperti tersebut di atas hukumnya adalah haram, sesuai dengan dalil-dalil berikut:

يَتَأْتِيهَا الَّذِينَ ءَامَنُوا ءَالِ سُوْلٍ وَتَخُونُوْا اٰمَنَتِكُمْ وَاَنْتُمْ تَعْلَمُوْنَ

Artinya: Hai orang-orang yang beriman, janganlah kamu mengkhianati Allah dan Rasul (Muhammad) dan (juga) janganlah kamu mengkhianati amanat-amanat yang dipercayakan kepadamu, sedang kamu mengetahui. (Q.S Al-Anfal: 27). Lihat juga (Q.S An-Nisa: 58)

Kandungan inti pasal 3 ini adalah usaha memperkaya diri atau kelompok tertentu dengan menggunakan kesempatan jabatan atau kewenangan yang dimilikinya. Padahal usaha tersebut bukan hak yang diberikan kepadanya. Dengan kata lain, jabatan yang diduduki itu tidak untuk beliau dengan alasan bahwa hak beliau terdikhianati dari aturan yang berlaku dengan menjadikannya sebagai wadah memperkaya diri atau kelompok dia. Dilihat dari kandungan ayat 27 surat al-Anfal perbuatan itu termasuk tindakan pengkhianatan.

Kemudian, hadits Rasulullah telah menerangkan tentang ketidakebolehan mengambil harta yang diberikan terkait dengan jabatannya seperti dinarasikan dalam hadits penguatip zakat berikut:

Artinya: Rasulullah mengangkat seorang laki-laki dipanggil Al-Utbayyah sebagai pemungut zakat bani Sulaim. Setelah datang dari tugasnya, ia diperintahkan untuk menghitung hasilnya. Ia berkata: ini harta kalian dan ini hadiah yang diberikan kepadaku. Rasulullah menanggapi pernyataan laki-laki itu dengan sabdanya: mengapa kamu tidak duduk saja di rumah Bapak dan ibumu sampai datang hadiah untukmu, kalau kamu benar; selanjutnya Rasulullah berpidato (setelah memuji Allah) ia berkata: "sesungguhnya Aku mengangkat seseorang dari kamu untuk suatu tugas dari tugas yang Allah Kuasakan kepadaku, lalu orang itu datang dengan mengatakan, ini hartamu dan ini hadiah yang diberikan kepadaku", mengapa dia tidak duduk saja di rumah Bapak dan ibunya sampai datang hadiah untuknya? Demi Allah janganlah seseorang dari kamu mengambil sesuatu yang bukan haknya kecuali (ia mau) kelak bertemu dengan Allah dengan membawa harta yang diambilnya itu. Sungguh aku mengetahui siapa di antara kalian yang kelak bertemu dengan Allah dengan membawa unta yang melenguh, atau dengan lembu yang menguak, atau dengan kambing yang mengembik." Kemudian Rasulullah mengangkat tangannya sampai terlihat ketiakannya yang putih, "Ya Allah apakah aku telah menyampaikan perintah-Mu? Dengan sepele perhatian mataku dan sependengaran telingaku? (HR Bukhari, Muslim dan Abu Daud dari Abu Humaid Al-Sadi)

Lebih tegas lagi, Rasul saw. memberi tolgadan ketidakebolehan mengambil harta yang bukan haknya seperti dimaksud dalam pasal ini yang disebutkan dalam kisah di atas. Disebutkan bahwa Rasulullah SAW menolak menaiki kuda hasil rampasan perang yang disiapkan sahaja untuk beliau dengan alasan bahwa hak beliau terhadap kuda tersebut hanya sebatas seperlima bagian, seperti digariskan dalam al Quran (Q.S Al-Anfal: 41). Lalu, kita memaklumi bahwa salah satu kecenderungan manusia yang sulit dihindari, kecuali mereka yang mempunyai keimanan kepada Allah dan hari kiamat adalah mencintai secara berlebihan (thamak) kepada harta benda. Allah menerangkan sifat itu dalam al-Qur'an, Al-Fajr: 20.

وَسٰجِدُوْنَ اَلْمَالِ حُبًا جَمِيْلًا

Artinya: Dan kamu mencintai harta benda dengan kecintaan yang berlebihan.

Kesukaan manusia terhadap harta benda kadang-kadang dapat melebihi dari yang lain, seperti kepada khalk penciptanya (Allah). Berlebihan keberpihakan itu akan men-

Risalah Umat Jabatan sebagai Sarana Ibadah atau Maksiat"

## ANNEX 4: Documentation

Picture 1:



Picture 2:



Picture: Chairman of KPK (white hair) inspected public service quality in a government office in Banda Aceh

Picture 3:



Picture: Acting Deputy of Prevention of KPK (holding mic) accompanied by the Governor of NAD (wearing red tie) answering the student's question

Picture 4:



BERANTAS KORUPSI: Gubernur Aceh terpilih Irwandi Yusuf bertemu dengan Wakil Ketua Komisi Pemberantasan Korupsi (KPK), Amin Sunaryadi dan Deputi Pengawasan Internal dan Pengaduan Masyarakat Junino Jahja dan seorang staf KPK di Kantor Komite Peralihan Aceh (KPA), Selasa (18/1).

## Seret Koruptor ke Pengadilan

BANDA ACEH-Gubernur Aceh terpilih, Irwandi Yusuf tegaskan tidak mengenal kompromi dengan para koruptor. Siapa pun pelaku yang terbukti menggerogoti uang rakyat akan menghadapi sanksi tegas. "Kita ingin memberikan contoh yang baik kepada rakyat. Tolak korupsi. Kalau ada kasus korupsi, seret pelakunya ke pengadilan," kata Irwandi usai bertemu dengan pejabat Komisi Pemberantasan Korupsi (KPK) Jakarta di Kantor Komite Peralihan Aceh (KPA), kemarin. Pejabat KPK tersebut diwakili Wakil Ketua KPK Amin Sunaryadi, Deputi Pengawasan Internal dan Pengaduan Masyarakat Junino Jahja dan seorang staf KPK. Pertemuan tergolong mendedak itu berlangsung sekitar satu jam dan tertutup kepada pers. Para wartawan yang mengetahui pertemuan

itu terpaksa menunggu hingga usai.

Irwandi mengatakan, kehadiran para pejabat KPK itu hanya sebatas kunjungan silaturahmi. Dia mengaku melalui pertemuan tersebut diharapkan akan memberi dampak positif terhadap pemerintahan Aceh hasil Pilkada 11 Desember 2006. "Banyak hal yang harus diketahui tentang berbagai kasus korupsi. Hubungan Aceh dengan KPK akan terus berjalan baik," kata Gubernur Aceh terpilih itu. Dia menyebutkan, ke depan Aceh di bawah kepemimpinannya akan berusaha menerapkan strategi baru melawan para koruptor. Strategi itu, kata dia, harus dimulai dari pemerintahan yang bersih. Pemerintahan yang bersih akan menjadi contoh bagi pejabat lainnya, sehingga tidak merugikan uang rakyat. Wakil Ketua KPK Amin Sunaryadi menyec-

Banyak hal yang harus diketahui tentang berbagai kasus korupsi. Hubungan Aceh dengan KPK akan terus berjalan baik.

Irwandi Yusuf  
Gubernur Aceh terpilih

butkan, pertemuan tertutup tersebut turut membahas upaya-upaya penanggulangan dan pencegahan berbagai kasus korupsi di Aceh. Termasuk kemungkinan kerja sama antara Pemerintahan Aceh dan KPK dalam

bidang pencegahan tindak pidana korupsi. "KPK berusaha menjelaskan apa saja yang harus dilakukan untuk upaya pencegahan korupsi di Aceh. Termasuk kemungkinan kerja sama secara lebih luas," tandas Amin. Dia menyebutkan, bagi KPK Aceh bukan lagi provinsi yang asing. Sebab, lembaga yang getol mengungkap berbagai kasus pidana korupsi di tanah air itu telah menghabiskan waktu tiga bulan menggilingi Aceh. "Jadi, ini jangan diartikan KPK menghadap Pak Irwandi. Ini hanya sebatas pertemuan silaturahmi dan penajakan agar tidak terjadi lagi kasus korupsi di Aceh," paparnya. Dia menyebutkan, dalam masyarakat, ada suatu kenyataan bahwa pemahaman tentang korupsi masih rendah. "Mereka hampir tidak bisa membedakan"

> -Baca Seret... Hal 10

Picture: Headline of Rakyat Aceh Daily " Bring the corruptor to the court" after the meeting Chairman of KPK with the Governor of NAD Province.