
by

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Declaration

This thesis is my own work except where otherwise acknowledged.

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Abstract

Like many transitional democracies, Indonesia has experienced increased activity by nongovernmental organisations (NGOs), including those which focus on the prevention of corruption. Scholarly literature suggests that the democratising context favours such organisations and their anti-corruption initiatives. However, the reality may be more complex than the literature suggests. Based on an assumption that there is a negative correlation between accountability and corruption, this thesis brings the concept of accountability into the discussion of democratisation, NGOs and the combatting of corruption. Extending existing literature on social accountability, it focuses on several varieties of accountability activities initiated by Jakarta-based NGOs with the goal of combatting corruption. They include initiatives aimed at enforcing electoral accountability; influencing policy-making to strengthen accountability institutions; and mobilising stakeholders to utilise participatory accountability institutions. Through intensive interviews with NGO activists involved in these initiatives, this thesis offers in-depth analysis of the struggle against corruption in Indonesia during the Reformasi era. It argues that the context of democratisation offered NGOs opportunities to strengthen accountability institutions while limiting space for the enforcement of electoral accountability and participatory accountability. It also finds that NGOs endeavoured to overcome the limitations or challenges that they encountered, suggesting that
contextual conditions may improve in the near future. These findings not only extend scholarly discussions on the enforcement of accountability in transitional democracies, but also help explain why corruption remains pervasive in democratising Indonesia.
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1 Introduction

1.1 Research Objectives

Indonesia entered the Reformasi era after Suharto resigned in 1998. Since that year, Indonesia has been a transitional democracy. Many expect to witness the completion of democratisation in this country, but, as Rose and Shin (2001) warn, there are always possibilities that transitional democracies turn to an undemocratic alternative or fall into a trap in which “the inadequacies of elites are matched by low popular demands and expectation” (p. 331). Corruption is a problem that very probably directs Indonesia away from the track toward democratic consolidation, because it contradicts democratic values like openness and equality and ruins public trust in democratic institutions. In the early decade of this period, various reform measures were initiated by the Indonesian government to enhance the system of checks and balances, nurture democratic norms and raise public anti-corruption awareness. Indonesia continued to be frequently labelled as one of the corrupt countries in the world, however. Why did corruption persist in Indonesia? Answering this question is an objective of this research.

This thesis chooses to seek answers by exploring Jakarta-based NGOs’ experiences in
preventing corruption. This focus is based on the belief that all holders of public office in a democracy should be accountable to the public, and also on the assumption that NGOs are more able than individuals to initiate accountability activities and exercise control. As organisations formed by citizens voluntarily for specific purposes, NGOs may claim to demand accountability on behalf of the public. Data collected from fieldwork show that several Jakarta-based NGOs were quite active in campaigns against corruption in the Reformasi era. Not only were they proficient in exposing graft in government institutions but they were also able to push the government to initiate anti-corruption measures. This thesis focuses on these NGO’s efforts to prevent corruption, believing that prevention is better than cure, and also knowing that scholarly attention has been excessively directed at NGO activities aimed to disclose graft and punish wrongdoers. Data collected for this thesis show various efforts by Jakarta-based NGOs to prevent corruption. By analysing their experiences, this thesis explains why corruption persisted in the early decade of the Reformasi era.

This research frequently mentions the concept of accountability in its discussion of anti-corruption activities. Accountability refers to the relation between those who have the duty to perform a particular task and those with the legal or moral capacity to oversee the performance of the task and to seek answers or impose punishment if the performance of the task is inadequate, incompetent, or in some way improper. There are two reasons for making this concept central to the discussion of anti-corruption
activities. One is a tight relationship between accountability and corruption. The correlation between the level of accountability and that of corruption is negative, as Klitgaard (1988) suggests. The less accountability there is in a system, the more likely it will be affected by corruption. A second reason is that this research requires a concept that can help to explain the anti-corruption activities of NGOs. The literature on accountability offers many insights and relevant findings that can provide useful guidance in understanding the anti-corruption activities of NGOs.

The next section elucidates accountability and corruption, two terms that appear quite frequently in the text of this thesis and are closely related to each other, as the literature suggests. It is followed by sections that put forward research questions and explain research methods, limitations, and contributions.

1.2 Core Concepts

1.2.1 Accountability

The adjective “accountable” describes people or institutions responsible for decisions or actions and expected to give explanations when asked. There are many ways in which people or institutions can take responsibility for their actions, including by apologising
for their wrongdoings. Few arguments arise over such an explanation. Scholars, however, differ in their understanding of the concept of accountability. Mainwaring (2003, p. 6) states that accountability “is a far-from-consensual concept,” suggesting sharp differences in usage among scholars. Mulgan (2000) argues that accountability is an ever-expanding concept because scholars combine it with responsibility, control, responsiveness, and several other concepts. Bovens (2010) finds that some scholars regard accountability as a virtue, while others treat it as a mechanism. Such a difference leads to “different research agendas and different types of studies” (Bovens, 2010, p. 956).

This thesis follows Christopher Pollitt’s useful definition. He understands accountability as a relation in which one party “recognizes an obligation to explain and justify their conduct to another” (Pollitt, 2003, p. 89). In other words, accountability refers to relations between those who have the obligation to explain their actions and those who have the right to demand the fulfilment of such obligations. With regard to such relations of accountability, three aspects deserve further discussion.

The first aspect relates to why a relationship of accountability might arise. According to scholars of delegation, accountability exists when a delegation of power takes place. Delegation is the process in which one person authorizes another to use power on their
behalf. Delegation is inevitable in human societies because people usually lack either the willingness or the capacity to deal with all affairs in person (Aghion & Tirole, 1997; Lupia & McCubbins, 2000). People who authorize power are principals, and those who exercise such power are agents (Banfield, 1975, p. 587). Scholars argue that the principals have the legitimate right to ask agents to explain their decisions, and may impose sanctions in cases of wrongdoing; agents also have the obligation to inform principals of their decisions, to explain their actions, and to accept punishment for wrongdoings (Schedler, 1999, p. 20; Schmitter & Karl, 1991, p. 76; Strøm, 2000, p. 267). In this regard, it is the agents who are accountable; principals demand accountability.

A variety of delegation relations exist in human societies. In the field of politics, specifically in democracies, chains of delegation are illustrated in Figure 1.1. Citizens form the beginning of the chain, because “a fundamental principle of democracy is that citizens have the right to demand accountability and public actors have an obligation to account” (Malena, Forster, & Singh, 2004, p. 2). Citizens are nationals who are legally empowered, after they reach the legal age, to participate in politics by means of casting ballots, running for elections and other methods. Generally, citizens delegate power over budgeting, decision making, and other matters to elected representatives through elections, and also allow those elected to have some discretion in exercising that power. In a broad sense, by winning elections, elected representatives gain the political mandate to act on the people’s behalf. Elected representatives are usually members of
parliaments but also include the heads of both central and regional governments in some countries.

As the number of agents increases, the originally simple relationship of delegation becomes complicated. In order to run governments, elected representatives consequentially appoint or select certain individuals to lead government agencies and share with them some power in policymaking and implementation. Usually these government officials, termed non-elected officials in this thesis, share ideas and interests with the elected representatives. Non-elected officials head agencies staffed by career civil servants who have technical expertise and whose main tasks are to carry out policies and offer public service. In order to reach desired policy goals, non-elected officials delegate policy formulation and implementation responsibilities to civil servants and also call them to account through various institutions and mechanisms (Huber, 2000). In a broad sense, non-elected officials and civil servants are also citizens’ agents, because the power they hold is derived from citizens.

A second aspect requiring consideration concerns the identification of the two parties in a relationship of accountability. The names given to these two parties vary. For example, Pollitt (2003, p. 89) calls the party with the obligation to make explanations the accountor; the party demanding the fulfilment of those obligations is the accountee.
Bovens (2006, p. 9) calls the former the *actor*; the latter the *forum*. Behn (2001) calls the former *accountability holdee*; the latter *accountability holder*. The two parties can be individuals or organisations.

Figure 1.1
*Chain of Accountability in A Democracy*

The chain of delegation (Figure 1.1) demonstrates three direct accountability relations in a democracy. Electoral accountability refers to the relations between citizens and elected representatives, because the former delegate power to the latter through elections. Political accountability, in contrast, refers to a “relationship that links those in the high position of the administrative structure … [and] those officials who are appointed and removed freely” (Cendon, 1999, p. 28). Finally, administrative
accountability “is a relationship that links inferior administrative positions with superior—political or administrative—ones” (Cendon, 1999, p. 34). In addition, two indirect accountability relations also exist. One concerns citizens’ relations with non-elected officials; another with civil servants. Academic discussions of these two indirect accountability relations are relatively rare. However, literature on them has gradually increased after several international financial institutions and scholars began to advocate strengthening the voice of recipients of public services in early 2000 (Bowman, West, Berman, & Wart, 2004; Denhardt & Denhardt, 2000).

The third and critical aspect concerns why accountability fails and how accountability may be strengthened. Ideally, agents will always take the principals’ interests into account when they exercise the power delegated to them. The possibility of the opposite, however, always exists. “Agency loss” refers to the loss that the principal may suffer if the power entrusted to the agent is abused. In this regard, agency loss is a symptom of accountability failure. Agency loss is likely to occur when an agent possesses more information than the principal does, or when there is a conflict of interests between the two parties (Groenendijk, 1997).

Various institutions and mechanisms can be established in order to maintain accountability relations under democracies. Elections are an accountability tool which
citizens can use, because candidates depend on citizens’ votes for their electoral success, and for that reason they are expected to respond to citizens’ demands to explain their track record. In democracies like Taiwan, citizens are even entitled to initiate a recall vote when dissatisfied with their representatives’ performance (Zhu, Diamond, & Sin, 2001). Most countries’ constitutions or institutions entitle elected representatives to summon non-elected government officials to explain their decisions or conduct. In Indonesia, for example, before the introduction of direct election in 2005, heads of local governments were selected by elected representatives in local parliaments and thus were obliged to submit formal reports periodically to them (Choi, 2004). Local parliaments could also relieve heads of local governments of their duties by rejecting their reports. Non-elected officials, meanwhile, usually have the power to monitor their subordinates and punish abuses through the hierarchical control system. That is normally a part of every bureaucracy.

Scholars often use the term “accountability institutions” to describe state agencies that monitor other government agencies and impose punishments on them for failing to perform in accordance with expectations. O’Donnell (1999a) distinguishes between two types: balancing and appointed accountability institutions. Balancing accountability institutions are the legislative, executive, and judicial branches of government that operate on a permanent basis. These institutions have several functions, and maintaining accountability relations is only one of them (Mulgan, 2000, p. 565).
Appointed accountability institutions are usually formed to address problems that balancing accountability institutions fail to solve. Examples of such institutions include the Independent Commission against Corruption (ICAC), Hong Kong, and the National Human Rights Commission (KOMNASHAM), Indonesia. Office holders will be unlikely or unwilling to commit corruption if well-designed accountability institutions are functioning optimally (Schmitter, 1999). Of course, independence, power and resources are all crucial to the capacity of accountability institutions to address the agency loss problem (Heilbrunn, 2004; Lupia & McCubbins, 2000; Pope & Vogl, 2000).

Several factors influence the performance of these institutions, mechanisms, and tools. Accountability institutions may not function, due to external intervention or because they lack resources required to carry out their tasks. Elections may not work as an effective accountability tool because of the electoral system and the lack of information readily available to voters. Hierarchical control mechanisms within government agencies may stop operating because of collusion between superiors and their subordinates. These and other factors may cause accountability failure.

Ensuring accountability relies on the people when accountability mechanisms or institutions fail to function optimally. According to the concept of popular sovereignty, the people in a democracy have the legitimate right to call all office holders to account.
There are three kinds of accountability activities that ordinary people may engage in, defined by how the activity is undertaken. The first is the kind of accountability activity that an individual carries out alone. Examples can be found in Latin American democracies where journalists expose scandals through their own investigative efforts (Waisbord, 2000). The second is where several individuals carry out accountability activities simultaneously. For instance, thousands of bank depositors in Argentina in 2001 sued the central government for unconstitutional policies (Smulovitz, 2006). The last is where NGOs carry out accountability activities in the name of the people. Such accountability activities are more systemic than the first two kinds. Depending on context, legislation or institutional structures may be conducive to such accountability activities. In India, Mexico and several other countries, for example, the people possess the legal right to call on public agencies or office holders to publicize documents relevant to budgets, subsidies, official projects, and other aspects of government (Fox, 2007; Jenkins & Goetz, 1999; Rodrigues & Slough, 2005). Even without these legal rights, the people can still employ other strategies to call office holders to account. These strategies include activating accountability institutions, utilising the media and mobilising stakeholders.

1.2.2 Corruption

The widely-accepted definition of corruption is “abuse of public power for private profit”
(Eigen, 1998, p. 83), suggesting that corruption in a democracy is an agency loss problem, similar to indolence or inefficiency. Corrupt conduct includes accepting bribes, misappropriating public funds, and giving inflated figures on expenditure accounts in order to skim away funds. Corruption can be categorised into three types—grand corruption, bureaucratic corruption, and legislative corruption—and each differs from the other two “in terms of the types of decisions that are influenced by corruption [and] by the source of (misused) power of the decision maker” (Jain, 2001, p. 73). Though Nye (1967), Leff (1964), and other scholars claim that in certain conditions corruption may have positive effects, conventional wisdom is that corruption is wrong. A rich body of literature demonstrates the negative impacts which corruption can generate (Gray & Kaufmann, 1998; Kaufmann, 2005; Mauro, 1995; Meon & Sekkat, 2005).

Since the 1990s, corruption has attracted wide academic discussion and attention. Scholars attribute such enthusiasm to several factors. Several critical changes took place in the 1990s. For instance, political and economic liberalism spread; the level of economic globalization increased; and a good governance agenda emerged internationally (Brown & Cloke, 2004, pp. 277-280; Harriss-White & White, 1996). Each of these changes has the potential to reduce, or at least problematize corruption. For example, the main objective of economic liberalism with its emphases on deregulation and privatization was to reduce monopolies, and thereby limit opportunities for engaging in corruption. At the same time, several countries and international financial
institutions showed less inclination to put up with corruption than in the past. Some scholars attribute this change to the end of the Cold War which meant that powerful western countries and international institutions no longer needed to tolerate corruption in client countries because of geopolitical considerations (Adams, 1991; Brown & Cloke, 2005; Ivanov, 2007; Tanzi, 1998). In the same period, it appeared that the level and pervasiveness of corruption was increasingly popular, further drawing academic attention (Harriss-White & White, 1996, p. 1). This perception emerged in part because NGOs (such as Transparency International) and international financial institutions (such as World Bank) expended considerable efforts to make corruption and its impact visible (Bedirhanoglu, 2007, p. 1241).

Several scholars believe that corruption is closely related to the concept of accountability. Klitgaard (1988), for example, has famously argued in favour of the equation that “corruption = monopoly + discretion – accountability”. In his view, an individual is likely to engage in corruption when he or she not only monopolises goods or services and has substantial discretion in deciding who can receive that good or service, but can also evade accountability to others for the decisions he or she makes. In short, the correlation between corruption and accountability is negative.

Researchers frequently refer to this “corruption equation” in case studies or theoretical
analyses. However, it is difficult to prove the correlation. One reason is that the actual level of corruption is difficult to measure. Scholars often cite either surveys or the number of corruption cases brought to trial to demonstrate the level of corruption. The former, however, mostly shows respondents’ perception of the level of corruption. The latter may not indicate the actual number of corruption incidents, because few office holders commit corruption publicly and not all incidents of corruption are exposed and brought to trial. In other words, no data so far are able to show objectively or faithfully the actual level of corruption in a given country. Another reason for doubting the corruption equation is that people are not always rational. People may still commit crimes, no matter how severe the punishment or how detrimental to society their wrongdoings may be. Accordingly, it is difficult to know the extent to which accountability enforcement can reduce the level of corruption.

Nevertheless, many scholars believe that enhancing accountability will lead to a reduction in corruption. Ackerman (2005a), for example, argues that “accountability is one of the most effective ways to combat corruption, clientelism and capture and thereby assure good governance” (p. 8). One reason is that having the agents fulfil the obligation of explaining their decisions renders visible the exercise of power entrusted to them; another reason is that the likelihood of sanctions may deter some office holders from committing corruption. Logically, agents will be unwilling to commit corruption if the probability of being caught is high and the resulting penalties are severe.
Overall, therefore, the occurrence of corruption in a given society suggests problems in the mechanisms, institutions or forces that should act to ensure accountability. The occurrence of corruption among legislators, for instance, gives rise to the question of how elected representatives evade accountability to constituents. By the same token, administrative corruption cases suggest the failure of oversight mechanisms intended to hold civil servants accountable to their superiors or to the end-users of a public service. Graft scandals involving politicians or high-ranking government officials likewise imply the ineffectiveness of anti-corruption agencies.

1.3 Research Questions, Methodology and Argument

One research question guides this study: did the Reformasi context favour NGO-led accountability actions aimed at preventing corruption? This research question can be linked to the literature in three areas, namely curbing corruption in transitional democracies, social accountability, and NGOs’ anti-corruption activism. A review of relevant literature suggests that answering this research question can be a significant contribution to knowledge.

NGOs here refer to organisations “that are officially established, run by employed staff (often urban professionals or expatriates), well-supported (by domestic or, as is more
often the case, international funding), and that are often relatively large and well-resourced” (Mercer, 2002, p. 6). Formed by citizens voluntarily for specific purposes, they are able, financially and technically, to initiate social mobilisation and other accountability activities. Their contribution to democracy has given rise to fierce debate (Chandhoke, 2001, p. 20; Diamond, 1994, pp. 7-11; 1999, p. 221; Kopecký & Mudde, 2003, p. 11; Mercer, 2002, p. 20; Putnam, 1995, p. 67). By comparison, discussions on NGO activities aimed at combatting corruption and enforcing accountability are still relatively rare.

This thesis focuses on NGOs’ accountability activities that are aimed at preventing corruption from happening. The topic—NGOs’ preventive function—has received little attention from academics. Most literature on NGOs’ anti-corruption activities, reviewed in the next chapter, discusses their efforts to expose scandals, to demand corruption suspects’ responses to accusation, to humiliate corrupt office holders and the like—in other words, to respond to corruption that has already happened. The literature on NGOs’ activities aimed at enforcing accountability, also reviewed in the following chapter, is similar. Most of it focuses on NGOs’ activities aimed at holding state institutions or office holders accountable for decisions or acts already made. Such activities belong to ex-post accountability enforcement.
Ex-post accountability activities attract wide discussion in the literature. In contrast, the other two types—ex-ante and simultaneous accountability—draw lesser attention. Ex-ante accountability refers to activities initiated “before the process of taking the decision/action” (Lastra & Shams, 2000, p. 6); simultaneous accountability refers to activities aimed at asking office holders to explain the rationale of future decisions that they are about to make. Various mechanisms can allow or facilitate ex-ante and simultaneous accountability. Ackerman (2005b, p. 6), for example, argues that regulations obliging officials to offer sufficient information, to justify decisions and to answer questions before they put new regulations into effect are conducive to ex-ante accountability activities. Elections can be a mechanism through which to hold elected representatives who seek re-election accountable ex-ante, if constituents cast ballots in accordance with their assessment of candidates’ past performance. The Blackballing Movement initiated during the 2000 Parliamentary election period exemplifies South Korean NGOs’ efforts to hold politicians accountable ex-ante. As to simultaneous accountability, local school councils in Chicago in the United States had the power to demand school staff explain the rationale behind decisions relating to budgets and other school affairs. Institutional environment obliging office holders to explain their decisions

Example that he mentions include the Administrative Procedures Act and National Environmental Policy Act in the United States.
and to make documents accessible left little room for committing corruption (Fung, 2001, 2003).

This thesis argues that the enforcement of *ex-ante* and simultaneous accountability is essential for preventing corruption and that NGOs can play an important role in promoting these kinds of accountability activities. However, only works by Ackerman (2005b), Lastra and Shams (2000), and a few others discuss *ex-ante* and simultaneous accountability, and none of them give in-depth analyses of NGOs’ efforts to enforce them. There is thus insufficient understanding of the opportunities available to, and the obstacles that impede, NGOs from enforcing *ex-ante* and simultaneous accountability. In 1998, a noted scholar (Kaufmann 1998, p. 63) warned against excessive emphasis on *ex-post* measures and advocated putting focus on preventive approaches when developing anti-corruption strategies. The present research echoes his ideas and enriches scholarly understanding of the enforcement of *ex-ante* and simultaneous accountability through exploring Jakarta-based NGOs’ experiences in the Reformasi era.

Several factors may influence NGOs activities in this regard. They include legal stipulations, office holders’ attitudes toward NGOs’ demands, and the public’s responses to NGOs’ claims. Given that the enforcement of *ex-ante* and simultaneous accountability is subject to such factors, this thesis addresses the question of whether the Indonesian
context in the Reformasi era was favourable to NGOs’ demands for ex-ante and simultaneous accountability. Answers to the above questions reflect Indonesian NGOs’ experiences in promoting the prevention of corruption, explaining why reform measures initiated by the Indonesian government failed to reduce corruption to a minimum in the early decade of the Reformasi era.

Much of the data for this research came from interviews. I carried out fieldwork from August 2007 until March 2008. The purpose of a second round of fieldwork in September 2009 was to interview several key figures (such as Adnan Buyung Nasution) who were previously unavailable. My primary research area was DKI Jakarta (Daerah Khusus Ibukota Jakarta), the Capital of the Republic of Indonesia, but I also observed and researched the activities of several NGOs in Tangerang City, Banten Province, and Denpasar City, Bali Province.

This research selects cases which received media attention. The first case is the Anti-Rotten-Politician Movement (Gerakan Jangan Pilih Politisi Busuk) which is an example of Indonesian NGOs’ efforts to punish corrupt politicians and to hold elected representatives accountable ex-ante. In order to explore NGO activists’ efforts to enforce simultaneous accountability on decision makers in building anti-corruption institutions, this thesis also discusses a second group of cases that are relevant to the Corruption
Eradication Commission, the Corruption Court and the Supreme Court. The third and final case study concerns school committees, and shows NGOs’ efforts to mobilise education stakeholders (such as pupil’s parents) to enforce simultaneous accountability of civil servants in schools. My focuses in all three cases are the NGOs involved. Below is the summary of NGOs I visited.

**Indonesia Corruption Watch (ICW)**

Established in June 1998, ICW is the most noted anti-corruption NGO of the Reformasi era. Most activists who work for this organisation hold a bachelor degree; some of them have even studied abroad. ICW is representative of advocacy NGOs and its success in disclosing several high-profile corruption cases, including the Bank Bali scandal, the Texmaco fraud case, and the bribery scandal involving former Attorney General Andy Ghalib, helped to build its reputation. ICW has a close relationship with media firms. Widely known newspapers and magazines like *Kompas* and *Tempo* frequently quote its activists’ comments on corruption cases. At the same time, ICW activists are proficient at utilising the media to distribute data and information relating to graft. This interdependent relation between ICW and the media is well known, so much so that ICW members sometimes joke that many journalists practically live in the ICW office.
ICW’s founding coordinator was Teten Masduki, a famous labour movement leader during the New Order era. He is one of the main promoters of the anti-corruption movement in Indonesia and has an in-depth knowledge of the movement’s progress and the obstacles in its path. He was the coordinator of the Anti-Rotten-Politician Movement in 2004, and the Indonesian government frequently consulted him regarding the fight against corruption. The second coordinator is Danang Widoyoko. He was Masduki’s right-hand man and was therefore also familiar with the anti-corruption picture in Indonesia. Thanks to Masduki and Danang’s help, Bambang Widjojanto, Adnan Buyung Nasution, and Dadang Trisasongko also accepted invitations to be interviewed for this research. They are all members of ICW’s Ethics Council. Bambang participated in the selection of the commissioner of the Corruption Eradication Commission several times before he finally passed the selection process in 2011; Adnan once chaired the first Selection Committee for the Corruption Eradication Commission; Dadang is the anti-corruption advisor to the Partnership for Governance Reform (Kemitraan), an institution established in 2000 by the Indonesian government and three multilateral organisations (Crawford & Hermawan, 2002, p. 204). In addition to these leaders, I also interviewed Adnan Topan Hosodo, Ade Irawan, Fahmy Badoh Ibrahim, and Febri Diansyah, who were in charge of divisions of ICW.

Transparency International Indonesia (TII)
A research NGO, TII has been financially independent since it was established in 2001, though it is a branch of Transparency International. Its non-periodical publication, the Indonesian Corruption Perception Index (Indeks Persepsi Korupsi Indonesia) report, gives a regular account of the perceived level of corruption in each local administrative area across Indonesia. Its activists participated in the selection of commissioners to the Corruption Eradication Commission. Its former chairman Erry Ryana Hardjapamekas was one of the first four deputy commissioners of the Corruption Eradication Commission. For this research, I interviewed Erry Ryana Hardjapamekas, Todung Mulya Lubis (the former chairman), Rezki Sri Wibowo (the former vice chairman), and Anung Karyadi (the research division director). They talked about their experience of participating in the selection of commissioners for the Corruption Eradication Commission, among other topics.

**Masyarakat Transparensi Indonesia (MTI, Indonesia Transparency Society)**

Established in 1998, MTI is a research NGO, and its activists conduct data collection and analyses. From the beginning, MTI activists have paid close attention to issues relevant to local autonomy, bureaucratic reforms, and the fight against corruption. These activists offer suggestions to the Indonesian government on several statutes relating to combatting corruption. MTI has a close relation with government bodies, as the list of
its members reveals. For example, two former Ministers of Finance, Mari’e Muhammad and Sri Mulyani Indrawati, and former Vice President Boediono once belonged to its Board of Trustees. Its Executive Board once included the two former deputy commissioners of the Corruption Eradication Commission, Amien Sunaryadi and Chandra M. Hamzah. Interviewees for this research include Amien Sunaryadi and MTI researcher Jamil Mubarok. They provide insights into the development of research NGOs in Indonesia, and NGO activists’ experience of participation in accountability institutions.

Pusat Studi Hukum Indonesia (PSHK, Centre for Indonesian Law and Policy Studies)

Established in 1998, PSHK was a research NGO specialising in analyses of government policies and laws. Legal scholars Daniel S. Lev and Mardjono Reksodiputro were its founders, and most of its activists are alumni from the Faculty of Law, University of Indonesia. Former Corruption Eradication Commission commissioner Chandra M. Hamzah was at one time one of its activists. Programmes of PSHK are relevant to good governance, fighting against corruption, and democracy. Its main publication is the legal journal Jentera which has been running since 2002. PSHK activists once participated in the committee working on the institutional design of the Corruption Eradication Commission and the formulation of the Blueprint of the Supreme Court. Bivitri Susanti, former PSHK director, and Aria Suyudi, who works for the Supreme Court reform team,
were interviewees for this research. They shared their experience of working with non-elected officials.

**Lembaga Independensi Peradilan (LeiP, Institute for Judicial Independence)**

Founded in 1999, LeiP is very similar to PSHK. It is a research NGO that consists of alumni from the Faculty of Law, University of Indonesia. The tight connection between LeiP and PSHK is reflected in the fact that they share the same office and use the same resources. LeiP, however, pays much more attention to issues relevant to judicial independence, while PSHK focuses on statutes. LeiP activists were originally critics of judicial institutions. They co-operated with the Supreme Court and other state institutions after those agencies came under the leadership of reform-minded figures. Therefore, they were promoters of internal reforms of several accountability institutions. LeiP activists participated in the drafting of the Law on the Supreme Court, the selection of justices, and the formulation of the Blueprint for the Supreme Court. The main interviewee for this part of the research was the incumbent director, Dian Rositawati, and she shared the experience of LeiP activists’ participation in the internal reform of the Supreme Court.

**Masyarakat Pemantau Peradilan Indonesia (MaPPI, Judicial Watch Society)**
MaPPI is a research NGO established by the Faculty of Law, University of Indonesia, in 2000. MaPPI also expresses concerns about legal problems but, unlike PSHK and LeiP, it pays great attention to the judicial process, where corruption is widespread. MaPPI activists not only monitor the process of law enforcement but also analyse controversial court judgments. News media frequently quote their comments on corruption scandals involving law enforcers and court judgments in such cases. Like activists in PSHK and LeiP, MaPPI activists also have experience of participation in judicial institutions’ internal reform programmes. Meissy Sabardiah, for example, is one of the members of the Supreme Court’s reform team. Another interviewee for this research was the incumbent MaPPI director, Hasril Hertanto; he shared his observations on corruption problems in Indonesian judicial institutions.

**Jaringan Pendidikan Pemilih Rakyat (JPPR, People’s Voter Education Network)**

JPPR is a network composed of dozens of affiliated organisations from the two biggest religious organisations—Nahdlatul Ulama (NU) and Muhammadiyah—and other civil society organisations. Its mission is to raise the Indonesian people’s awareness and knowledge of popular sovereignty and to assist the realisation of popular sovereignty through citizen participation. JPPR is an advocacy NGO whose activists engage in election monitoring and voter education. It succeeded in recruiting more than 100,000
volunteers to monitor the process of casting and counting ballots in the 2004 general election. In order to enhance electoral accountability, JPPR and several NGOs jointly launched the Anti-Rotten-Politician Movement in 2004 and 2009 with the aim of preventing unfit candidates from winning parliament seats. An interviewee for this research was the former coordinator of the JPPR, Jeirry Sumampow. He was the coordinator of the 2009 Anti-Rotten-Politician Movement, and he shared much firsthand information about the movement with me.

**Centre for Electoral Reform (CETRO)**

The establishment of CETRO in 1999 aimed to continue efforts by the University Network for Free and Fair Elections (UNFREL), and this NGO is now a research NGO specialising in analyses of the electoral system. On several occasions, its then director Hadar N Gumay received invitations from the government to comment on electoral reforms and disputes. CETRO also participated in the Anti-Rotten-Politician Movement, and its activist Erika Widyaningsih joined the discussions on the campaign’s design and coordination on several occasions. She provided information about internal debates on strategies and on the challenges that anti-corruption activists faced.

**Forum Indonesia untuk Transparansi Anggaran (FITRA, Indonesia Forum for Budget**
Established in 1999, FITRA is a NGO that monitors the allocation of state budgets. It analyses the national budget (APBN) every year, and its purpose is to examine whether the allocation of the budget contradicts the 1945 Constitution. On several occasions, FITRA even asked the Constitutional Court to review laws on national budgets. FITRA has been a partner of ICW in combatting corruption in the education sector. Its former secretary general, Arif Nur Alam, is a key figure, and he offered valuable observations in the course of this research on Indonesian “rights consciousness,” among other matters.

In addition, interviewees for this research also included activists from the Aliansi Jurnalis Independen (Independent Journalist Alliance, AJI), Konsorsium Reformasi Hukum Nasional (National Consortium for Legal Reform, KRHN), Pusat Telaah dan Informasi Regional (Centre for Regional Studies and Information, Pattiro), Yayasan Lembaga Bantuan Hukum Indonesia (Indonesian Legal aid Foundation, YLBHI), Legal Aid Institution (LBH Jakarta) and several other organisations. However, because those activists did not have a deep participation in the cases analysed in this thesis, their remarks are not quoted.

This thesis argues that several Jakarta-based NGOs endeavoured to combat corruption
in a proactive fashion, but not all aspects of the Reformasi context were in their favour. The Reformasi context favoured their actions aimed at strengthening the accountability of non-elected officials for decisions concerning accountability institutions, partly explaining why some anti-corruption agencies (such as the Corruption Eradication Commission) were powerful and enjoyed strong public support. At the same time, however, the context did not favour NGO actions aimed at enhancing accountability of elected representatives and civil servants, reflecting the shortcomings of government reform measures and Indonesian citizens’ lack of willingness to demand accountability from politicians and the civil service. As a result, power holders within the Indonesian government expressed worries about investigation by some accountability institutions, as opposed to public demands for accountability for decisions or actions which they are about to take. In other words, Indonesian power holders’ behaviours were not subjected to comprehensive scrutiny in the first decade of the Reformasi era, which was one reason that corruption persisted at that time. NGO activists now endeavour to address obstacles to their anti-corruption efforts, and what changes they can bring about will affect how pervasive corruption continues to be.

1.4 Research Limitations and Contributions

Three important aspects of this research require clarification. First, this thesis focuses
only on Jakarta-located NGOs. More than 300 NGOs operated in that metropolitan area in 2000, and that number may have increased since then (Tumanggor, Aripin, & Ridho, 2005, p. 2). This thesis focuses on NGOs that are widely known, with a high level of professionalism and sufficient financial resources. The “celebrity status” of such NGOs facilitates the distribution of their ideas and campaigns, while their professionalism enables them to put forward feasible suggestions, investigate effectively, and conduct activities other than demonstrations. Funds are crucial to NGOs’ operation and development, and the lack of sufficient funding is likely to cause NGOs to deviate from their goals (Johnston & Kpundeh, 2005). This research selected NGOs that were suitable for study through reviewing newspapers, analysing activists’ educational backgrounds, and conducting interviews.

Second, this research focuses on Jakarta-located NGOs striving to solve corruption problems at the national level. There are two reasons. One is that most other literature focuses on anti-corruption activities by local NGOs. Those NGOs mostly pay close attention to corruption problems at local levels and carry out their activities in nearby administrative areas (Lindsey, 2002, p. 47). The other reason is that few NGOs focus on corruption problems in the DKI Jakarta government. During my fieldwork, I met only one activist who had once run a NGO with such a focus. That NGO’s operation ceased due to
the lack of financial support from donor organisations.² For these two reasons, I studied NGOs that focused on corruption problems within state institutions and attempted to co-ordinate nationwide movements against corruption. Lindsey (2002, p. 45) categorises NGOs into three groups, and the NGOs discussed in this research are either advocacy NGOs or research NGOs. Advocacy NGOs’ activities include monitoring government agencies and officials; exposing fraud; putting pressure on officials; and lobbying for strong accountability institutions. They typically maintain close relations with the media and their criticisms of the government are usually direct and severe. Research NGOs mainly conduct analyses of government policies and systems. Their relation with the media is not as close, and their criticisms of government policies are also less direct and explicit.

Third, this research focuses on Jakarta-located NGOs’ accountability activities in the first ten years of the Reformasi era, that is, the period 1998–2008. During the first five years of that period, the NGOs analysed and discussed here experienced difficulties caused by shortages of funds, lack of publicity, and other problems. To overcome such challenges,

² The name of the NGO was berantaS and its secretary general was Donny Ardyanto. The article entitled “Sembilan Anggota ICW Deklarasikan ‘berantaS’,” (Kompas, September 20, 2001) gives an introduction. Donny Ardyanto, interview with author, Jakarta, September 3, 2007.
activists focused initially on major corruption scandals. They attracted news attention and donor organisations by exposing graft, and thereby gained publicity and opportunities to get financial support. In the last five years of that period, NGOs like ICW and TII were widely known and capable of initiating a wide range of accountability activities. At the same time, they were in a favourable environment because a series of institutional reform measures (such as the establishment of the Corruption Eradication Commission) offered them various accountability channels and tools. Rising public grievances against corruption also underpinned their accountability activities. In sum, the first ten years of the Reformasi era is a critical period suitable for exploring Indonesian NGOs’ accountability activities.

1.4.1 Limitations

The scope of this research is restricted by several factors, and some are suggested in preceding paragraphs. First, it shows only the experiences of some Jakarta-based NGOs. Indonesia is a country with a vast territory, and not all NGOs operate in Jakarta. Local NGOs differ from Jakarta-located NGOs in focus, organisational scale, sources of funding, and the difficulties they encounter, so these research findings cannot represent the experience of all NGOs in Indonesia.
Secondly, this thesis discusses only NGOs’ activities aimed at reducing corruption within state institutions. As noted above, delegation relations also exist in private enterprises, so corruption and other agency loss problems are also likely to take place there. Some NGOs like TII pay close attention to corruption within private enterprises and help them to develop anti-corruption mechanisms. Private enterprises differ from government bodies in several aspects, including operation, leadership. For that reason, NGOs may have different strategies and activities when dealing with private enterprises. Some of these strategies merit further exploration, but they are beyond the scope of this research.

Thirdly, this research does not discuss the relations between NGOs and donor organisations. Most Indonesian NGOs must rely financially on donor organisations, and this dependence often causes them great problems. However, in my research only the activities focused on corruption in schools relied on funding from donor organisations.3 Therefore, this thesis does not have an in-depth analysis of the interaction between NGOs and donors, though it is an important issue in the NGO world in Indonesia (Sinanu, 2009).

3 See the Sixth Chapter.
Finally, this research does not discuss the problem of corruption and accountability within NGOs. As formal organisations, NGOs need to be responsible for their activities too. NGOs have an obligation to explain their decisions, activities, and expenses to individuals or organisations that sponsor their activities. Scholars such as Edwards and Hulme (1995) maintain that NGOs should also be accountable to the people, because activists usually declare themselves to be representatives of the general public or guardians of the public welfare. Thus, NGOs should be more responsible and transparent than the governments that activists criticise (Fachra, 2004, p. 73; Hermawan, 2004, p. 113). As their number continues to grow in the Reformasi era, it is crucial to make Indonesian NGOs responsible and transparent. The issue of accountability in NGOs has given rise to wide debates and discussions within the Indonesian NGO community, causing some NGO activists to suggest developing mechanisms that would ensure the quality of their work. A discussion on the mechanisms for holding NGOs accountable, however, is beyond the scope of this thesis, so I will attempt no further analysis of it in the text. Nevertheless, I need to add that, based on comments by activists, forming coalitions among NGOs in fact helped to eliminate unqualified NGOs, because activists who value personal and institutional reputations usually refused to work with those who were suspected of corruption. At the same time, according to members of donor organisations and officers of accountability institutions that I interviewed for this research, most NGOs discussed in this thesis were, at least comparatively, trustworthy and accountable.
1.4.2 Contribution

One of the aims of this research is to enrich corruption studies. There are in general terms two strands of literature on corruption. One discusses the causes and effects of corruption. A substantial number of academic works have examined the causes of corruption with regard to issues such as culture, system, income, or power (Bardhan, 1997; Dwivedi, 1967; Hamilton-Hart, 2001; Hanitzsch, 2005; Heywood, 1997; Holmes, 2006; Karklins, 2005; McMullan, 1961; Tanzi, 1998). A second group explores anti-corruption methods. Most of these scholarly works emphasize the role of institutions. They suggest combatting corruption through improving institutional arrangements or safeguarding the independence of judicial agencies (Joshi, 2008; Malena, Forster, & Singh, 2004). In contrast, not much of the existing literature discusses how civil society groups combat corruption. Jenkins and Goetz (1999) once complained, “[g]iven the high profile which the notion of civil society has been accorded in the literature on democratic accountability, it is somewhat surprising that it has been assigned such a low profile in official reports on how to restrain corrupt activity” (pp. 615-616).

The number of scholarly works discussing efforts by civil society in combatting corruption seems to have increased in recent years. Civil society is one of the pillars that underpins the National Integrity System that Transparency International advocates (Pope, 2000; Stapenhurst & Langseth, 1997). Scholars such as Johnston and Kpundeh
(2005) advocate forming social action coalitions for the purposes of combatting corruption. However, it is the activities undertaken by NGOs to call office holders to account for decisions or conduct already made that seem to receive the most attention. Discussions of NGOs’ efforts to prevent office holders from abusing power in exchange for personal gain are few by comparison. It is thus hoped that the findings of this research will make a significant contribution to corruption studies.

This thesis also seeks to contribute to the existing literature on accountability. Traditionally, studies of accountability draw the attention of scholars of public administration whose focus is mainly on institutions and political elites. However, scholars like McCandless (2001), Bovens (2005), Smulovitz and Peruzzotti (2000a), and several others have begun to include NGOs and other societal actors in their discussion of accountability in recent years. This is because they noticed that traditional understandings of accountability “have largely ignored the contribution of civil society to the exercise of control” (Peruzzoti & Smulovitz, 2006, p. 10). Their main focus is on the activities of NGOs that call office holders accountable for past conduct and decisions. However, as this thesis will demonstrate, NGOs may also carry out activities to prevent office holders from misusing power in exchange for personal gain. This research will examine the challenges and constraints facing NGOs as they carry out accountability and anti-corruption activities, through an analysis of Indonesian cases.
Like the literature on corruption and accountability, only a small body of academic works on corruption and anti-corruption movements in Indonesia discusses the roles, functions, and strategies of local NGOs. While many such works explain how Indonesian NGOs expose graft and push law enforcement agencies to start investigating scandals, this thesis provides Jakarta-based NGOs’ experiences in preventing public office holders from acting illicitly. Such experiences point to obstacles that have impeded NGOs from effectively preventing corruption, suggesting that some aspects of the Indonesian context (such as institutions and culture) are in need of further improvement. Meanwhile, they also enrich scholarly understanding of the difficulties in curbing corruption in transitional democracies.

1.5 Chapter Plan

This thesis contains seven chapters. Chapter Two is divided into three sections. The first section reviews the literature on the association between democracy and corruption. The second section first discusses the concept of accountability and reviews the literature on social accountability, followed by discussion of the concept of corruption and a review of relevant literature on NGO anti-corruption activities. The third section defines and discusses NGOs’ anti-corruption activities that have not received much scholarly attention to date.
Chapter Three also contains three sections. Given that “strong civil society... [is an] outcome...of broad-based political and social changes” (Johnston & Kpundeh, 2005, p. 151), the first section thus introduces political, social, and economic development in the Reformasi era. Data such as the Corruption Perception Index reports will be used to demonstrate the severity of the problem of corruption in Indonesia. The second section discusses the development of NGOs and media firms in the Reformasi era, and reiterates the reasons that this thesis focuses only on NGOs and reviewing the literature on Indonesian NGOs’ anti-corruption activities. The third section introduces Indonesian elected representatives, non-elected officials, and civil servants, followed by discussions on accountability institutions and mechanisms applicable to them.

Chapter Four provides discussion of Indonesian NGOs’ efforts to ensure electoral accountability. This chapter has four sections. The first section reviews the literature on electoral accountability, mentions the Blackballing Movement in South Korea, and discusses questions that relevant literature on the movement has yet to answer. The second section introduces Indonesian elected representatives in the Reformasi era, highlights their importance in Indonesia’s transition to democracy, mentions the problems they raised prior to 2004, and analyses the performance of accountability institutions applicable to them. The third section focuses on the Anti-Rotten-Politician Movement in Indonesia, and offers in-depth analyses of this movement and its follow-up activities. The fourth section summarizes findings and discusses what they add to
Consisting of five sections, Chapter Five discusses NGO activists’ efforts to hold government officials to account for decisions concerning three accountability institutions in Indonesia. The first section talks about the significance of building and strengthening accountability institutions in reducing corruption, and introduces Indonesian accountability institutions in the Reformasi era and their performance. The subsequent sections examine cases relevant to the Corruption Eradication Commission, the Corruption Court, and the Supreme Court, in that order. Each of the three sections has two subsections. The first subsection focuses on one particular accountability institution, discussing its significance and the obstacles to its operation. The second subsection gives an analysis of the participation of NGOs in the formulation and implementation of decisions essential to the operation of the institution. The fifth section summarises findings and analyses the importance of these three cases to scholarship on Indonesian NGOs’ anti-corruption activities in the Reformasi era.

Chapter Six focuses on school committees. As participatory accountability institutions, these were established to widen the involvement of stakeholders in school management and to facilitate their efforts to hold civil servants in schools to account. This chapter consists of four sections. The first section discusses the problems of administrative
corruption in Indonesia. The second section analyses statutory sources of school committees, followed by an analysis of activities initiated by several Jakarta-based NGOs for the purpose of mobilising education stakeholders to exert control over school staff through school committees. The fourth section summarises my findings, and what they add to studies of corruption and accountability.

Chapter Seven presents the main findings of this thesis, and a summary of the issues raised in each of the preceding chapters. It also discusses the contribution of this research to corruption and social accountability studies in particular, and Indonesian studies in general. Finally, it recommends that further study be undertaken of NGOs and their promotion of accountability activities.
2 NGOs and Anti-Corruption Efforts in Transitional Democracies

Democracy, corruption, accountability, and NGOs are key words in this thesis. This chapter begins by reviewing literature on the association between democracy and corruption, followed by a review of the literature on NGO activities intended to enforce accountability and combat corruption. The third section identifies several possible means by which NGOs can prevent corruption from happening.

2.1 Democracy and Corruption

Democracy, defined as a system of government with attributes such as “fully contested elections with full suffrage and the absence of massive fraud” and “effective guarantees of civil liberties” (Collier & Levitsky, 1997, p. 434), is commonplace nowadays. However, democratic countries were in a minority three decades ago. Not until the start of the “third wave of democratisation” (Huntington, 1992) in the 1970s did the number of such countries increase remarkably. According to Freedom House, a noted NGO promoting liberty, human rights, and democracy, 63 percent (122 out of 195) of countries in the world were electoral democracies in 2014, rising from 41 percent (69 out of 167) in
1989. This rise means that many democracies are new and in the period of transition to consolidated democracies. New democracies differ from each other, and also from advanced democracies, in various aspects (Collier & Levitsky, 1997) and are mostly in danger of returning to authoritarianism. In the light of these risks and variations, ensuring that transitional democracies are on the right tracks moving toward democratic consolidation is as important as increasing the number of democracies in the world.

Corruption, defined as abusing entrusted power for private gain, is a problem needing to be tackled in most newly democratised countries (Cohen, 1995; Harriss-White & White, 1996; Shleifer, 1997), because it weakens key components of democracy. Porta and Vannucci (1997, p. 537) and Warren (2004, pp. 332-333) believe that corruption contradicts democratic principles (such as, equality of citizens before institutions, and open decision making) because corrupt acts are by their nature secret and always benefit a few people. There are also arguments that corruption ruins democracy. One rationale is that corruption weakens checks and balances among government institutions, creating room for public office holders to overlook public expectations. Bailey (2006)

For more information, see http://www.freedomhouse.org/report-types/freedom-world#.U3LmbUb4LTz
found this phenomenon to persist in several Latin American countries, and argued that corruption is “a prominent cause of low quality democracy” (p. 22). In addition, corruption is likely to lessen public trust in democratic institutions. Empirical studies by Canache and Allison (2005) and Seligson (2006) confirm this negative correlation between the extent of public trust in democratic institutions and the level of corruption, implying that corruption may lead to political and social chaos in democracies. In newly democratised countries, low public trust in a democratic institution may give rise to demands for restoration of authoritarianism. In his study of Russian politics, Cohen (1995) blamed persistent corruption for the rise of nostalgia for the “good old days” of the Brezhnev era.

Given the above negative impacts on democracy, reducing corruption should be a policy priority in newly democratised countries. With regard to ways to reduce corruption in a democratic context, there is a rising consensus: Democracy is “not invariably an antidote for corruption” (Colazingari & Rose-Ackerman, 1998, p. 469). Even worse, under some conditions, democratic measures offer room for corruption to flourish. Rose and Shin (2001) note that corruption flourishes in new democracies while “corrupt practices are carried over from the old regime and there are new opportunities for corruption as new governors gain the power to re-allocate the assets of the old regime” (p. 341). Colazingari and Rose-Ackerman (1998) warn that “a country that democratises without also creating and enforcing laws governing conflict of interest, financial enrichment, and bribery risks
undermining its fragile new institutions through private wealth seeking” (p. 469). In his study of democratisation in Thailand and Philippines, John Sidel (1996) found that democratisation had not had the effect of reducing corruption, but had created opportunities for local brokers or politicians to commit illicit actions. Similar phenomena also occurred in Indonesia after administrative and financial decentralization began in 2001 (Hadiz, 2004b). Given the above remarks and instances, Chalmers and Setiyono (2012) are right to claim: “Overcoming corruption in democratising developing countries...represents a complex and multidimensional challenge” (p. 85). This is supported by several quantitative studies showing the presence of a nonlinear relationship between corruption and democracy. In their cross-country study, Montinola and Jackman (2002) found that “corruption is likely to be slightly lower in dictatorships than in countries that have partially democratised” (p. 167). Using new data to reassess the link, Sung (2004) found the presence of curvilinear relationship, meaning that “democratisation generally, and eventually, decreases corruption... [though] temporary upsurges in government corruption are to be expected during the early stages of the process of political liberalization” (p. 187).

Nevertheless, several scholars still advocate reducing corruption through democratic means. They deem persistent corruption in a democratic context to be a result of unfinished democratisation. For example, Harriss-White and White (1996) argue that persistent corruption is “particularly strong in fledgling democracies where a procedural
transition has not been accompanied and underpinned by a spread of ‘real’ or substantive democracy” (p. 3). Accordingly, they propose improving the quality of democracy and raising the degree of democratisation. For example, Girling (1997) suggests that the solution to corruption is “more democracy” (p. 173). Hill (2003) states: “Greater democratisation of political systems is widely expected to lead to lower political corruption” (p. 213). Saha and Campbell (2007) optimistically say: “[A] consolidated well-functioning democracy is able to reduce [the] corruption level of a country” (p. 8). These remarks reflect a shared belief in an inverse relationship between the quality of democracy and the level of corruption. Such a belief is supported by findings of several quantitative studies. For example, in their study aimed at explaining variation in the perceived level of corruption across 50 countries, Sandholtz and Koetzle (2000, p. 47) found evidence affirming the existence of negative correlation between the level of corruption and the strength of democratic institutions and norms.

Scholars vary in what they focus on and in the solutions that they propose. Some scholars argue that enhancing competition for economic or political resources helps reduce corruption. One basis for such an argument is that corrupt acts will not be tolerated in highly competitive context, suggesting a high probability that corrupt acts will be caught (Huntington, 1968; Johnston, 2007; Treisman, 2000). They thus advocate limiting monopolies and nullifying policies that favour particular groups of people.
Some scholars advocate instilling democratic norms and values into citizens instead, when discussing anti-corruption approaches. Democratic norms are standards of behaviours that conform to transparency, accountability, openness, equality, and other democratic principles; democratic values mean beliefs in the irreplaceable importance of democratic principles. In societies where such values and norms are deeply ingrained, corrupt acts will be deemed to be abhorrent, discouraging public office holders from committing corruption or encouraging ordinary people to exert control over politicians and government officials (Porta, Pizzorno, & Donaldson, 1996, p. 74; Sandholtz & Koetzle, 2000, p. 42). Accordingly, they propose strengthening democratic education, for anti-corruption purposes.

Some scholars emphasise the effect of democratic institutions and freedoms in reducing corruption. Democratic institutions include free and fair elections and government agencies established to maintain checks and balances. Freedoms refer to the rights to express personal opinions, assemble in specific locations, or take other actions without being stopped. In their empirical study, Sandholtz and Koetzle (2000, p. 38) find: “The more extensive are democratic freedoms and the more effective are democratic institutions, the greater will be the deterrent to corruption”. Given this negative correlation, solutions proposed by them could include providing state accountability institutions with resources and power required to exercise oversight effectively and also legally empowering ordinary people to call office holders to account directly.
The above proposals suggest ways to combat corruption, but say little about the roles of citizens. In their proposals to eliminate corruption, some scholars thus emphasise citizens’ efforts. For example, in his study of corruption in Latin American countries, Little (1992) argues that the problem “will only begin to be tackled when this democracy becomes more accountable to the people” (p. 41) and also claims: “The real impetus for reform must come from the electorate” (p. 64). Of various anti-corruption actions that citizen can initiate, the ones that reduce incentives for public office holders to abuse discretion deserve attention. In his overview of contemporary anti-corruption strategies, Kaufmann (1998) criticized them for favouring “an excessive focus on institutional and legal enforcement approaches…at the expense of focusing on the role of systemic changes in ex-ante incentives to engage in corrupt activities” (p. 65) and thus advocated “better understanding and incorporation into anti-corruption strategies of the role of incentives, and further focus on systemic changes that alter ex-ante such incentives to engage in corrupt practices” (p. 80).

These remarks suggest that citizen-led accountability actions aimed at reducing incentives that attract public office holders to act corruptly deserve further discussion. Some may follow Klitgaard (1989, p. 447-451) to claim that incentives arise because wages fall too low for public office holders to maintain basic living standards. This thesis argues that incentives arise when public office holders think that there is room for abusing discretion and evading oversight. Given this, citizen-led accountability actions
aimed at strengthening accountability institutions, building up culture of accountability, and driving public office holders to play and stay clean may have effects on the prevention of corruption, thereby affecting the persistence of corruption in a democratising context.

The initiators of accountability actions can be individuals or organisations, and in this thesis I have chosen to focus on nongovernmental organisations (hereafter called NGOs). In addition to the purpose of narrowing study objects, this choice is based on the fact that NGOs are formed by citizens voluntarily for specific purposes and also on the assumption that they have greater capacity, in their skills and financially, than individual citizens to initiate various accountability activities. I hope that NGOs’ experience could help identify reasons that citizens in a democracy fail to prevent government office holders from engaging in corruption. Before identifying possibilities by which NGOs can prevent corruption, the following section offers a review of the literature on NGO activities aimed at enforcing accountability and combatting corruption.

2.2 NGOs: Accountability Initiators and Anti-Corruption Warriors

A rich body of literature on corruption and accountability has emerged since the 1990s. Only a small, though growing, literature discusses NGOs’ activities aimed at combatting
corruption or enforcing accountability, however. This section reviews relevant literature on such activities, beginning by discussing NGOs’ activities aimed at enforcing accountability.

### 2.2.1 NGO activities aimed at enforcing accountability

Accountability as a theme has attracted wide discussion since the 1990s, in part because of the introduction of democratic regimes and state reforms in several countries (Dowbor, Amâncio, & Serafim, 2010, p. 5; O’Donnell, 1999b). Formal institutions or mechanisms to exert control over state actors receive much attention in this literature (Beck, Mendel, & Thindwa, 2007; Peruzzotti & Smulovitz, 2006, p. 55). However, after several cases where social forces succeeded in calling office holders to account in Latin American democracies, the last decade has witnessed an increase in attention to the exercise of control by NGOs, the media, and other social actors (O’Donnell, 2006; Przeworski, 2006; Smulovitz & Peruzzotti, 2000a, 2003). Many scholars call such exercise of control the enforcement of social accountability. International financial institutions that express strong concerns about governance and development (such as the World Bank) also have developed an interest in social actors’ activities aimed at ensuring accountability, and they initiated or sponsored projects oriented towards searching for success stories in Asian and African countries (Arroyo & Sirker, 2005; McNeil & Malena, 2010; McNeil & Mumvuma, 2006). Abundant success stories reveal that social
accountability has been not just a buzzword but a truly “new normal” in development, states a senior official of the World Bank.\(^5\)

Social actors’ accountability activities have two merits. One is that they can supplement existing accountability institutions. According to O’Donnell (1999a), each country has its own balancing accountability institutions that operate on a permanent basis, as well as appointed institutions which are established to address specific problems. The primary function of both these kinds of institutions is to maintain checks and balances, but experience shows that in practice they can only audit and inspect a limited number of governments’ activities. Such a gap creates room for the abuse of power. Narrowing this space relies on the exertion of control by ordinary people, and they, as Ackerman (2005a) claims, can do so by raising the alarm or by increasing the cost of abuse to push power holders to address problems. The second merit is that social actors’ accountability activities are flexible, because such activities can be “activated on demand...directed toward the control of single issues, policies, or functionaries...without the need for special majorities or constitutional entitlements” (Peruzzotti, 2006, pp. 10-11).

Demands made by social actors are not legally enforceable, however. This is another feature of social actors’ accountability activities, and also a limitation. Social actors can only impose symbolic punishments (Joshi, 2008, p. 13; Mainwaring, 2003; Smulovitz & Peruzzotti, 2000a, p. 151). Therefore, public agencies, office holders or politicians whom NGOs and other social actors attempt to hold accountable are not compelled to respond to their demands for accountability. Social actors can push formal state accountability institutions to punish wrongdoers, but such punishment is not the direct outcome of social actors’ accountability activities (Grimes, 2008).

Such features have prompted scholars to explore the questions of how, under what conditions, and to what extent social actors can enforce accountability on power holders within government. Social accountability has been a widely discussed term in scholarly works. However, it is “a contested concept, with no universally agreed definition of the range of actions that fall within its remit” (O’Meally, 2013, p. 1). Of the various definitions offered, this research finds the one that best fits the discussions in this thesis is the one that conceptualises accountability as a relationship. This research thus conceptualises social accountability as a form of relations between ordinary people and holders of public offices. Among various accountability relations discussed in academic writings, social accountability is distinct from political accountability and administrative accountability, but close to public accountability (Blair, 2000; Bovens, 2006). The literature on social accountability reiterates that people are on the demand side of such
relations, and in a democracy they can legitimately claim that they hold the right to request explanations and to punish wrongdoers or abusers of public power. Social accountability activities accordingly refer to actions or efforts by ordinary people or organisations that they form to realise this right. Office holders, politicians and civil servants in a democracy are on the supply side of the same relations and should be answerable and responsive to social actors’ demands.

Although the focus of literature on social accountability is on the demand-side of the accountability relationship, scholars vary in several aspects. One difference relates to the objects of discussions. Some scholars focus on individual citizens and think that social accountability “refers to a range of mechanisms that citizens can use to hold public officials to account, and actions on the part of government, civil society, media, and other societal actors that promote these efforts” (Beck, Mendel, & Thindwa, 2007, p. vii). In contrast, Smulovitz and Peruzzotti focus on citizens’ organisations or collective actions. They maintain that “[s]ocietal accountability is a nonelectoral, yet vertical mechanism of control that rests on the actions of a multiple array of citizens’ associations and movements and on the media, actions that aim at exposing governmental wrongdoing, bringing new issues onto the public agenda, or activating the operation of horizontal agencies” (Smulovitz & Peruzzotti, 2000a, p. 150).
In the literature on social accountability, there is lack of consensus on the need for collaboration by social actors with office holders. One reason for this, as Houtzager and Joshi (2012) argue, “stems from two different ideological roots of the concept” (p. 151). They add:

On the one hand, there are those who start from a distrust of public officials and focus on creating confrontation between poor performing public officials and service users through social accountability....On the other hand, there are others who believe in a more trusting, collaborative approach to resolve issues of poor services through collective deliberation and joint problem solving. (Houtzager and Joshi, 2012, p. 151-152)

This divergence is reflected in scholars’ selection of case studies of social accountability in action. Scholars who distrust public officials and see their relations with social actors as confrontational focus mostly on accountability activities that call wrongdoers to account for decisions or policies already made. In terms of their timing, such activities belong to the ex-post accountability type, and they are the focus of scholars like Enrique Peruzzotti and Catalina Smulovitz, who have explored a variety of accountability activities by NGOs, media firms, and individuals and presented their research findings at several workshops. The literature on social accountability includes publications such as
the volume edited by Smulovitz and Peruzzotti in 2006 that focuses on cases that have occurred in Brazil, Mexico and Argentina.

Some other scholars value social actors’ collaboration with office holders, and focus accordingly on cases in which social actors have demanded that office holders explain the rationale behind their decisions or policies concerning public welfare and health care. Given that the objective in making such demands is to influence decisions that have not been made, such activities belong to the simultaneous accountability type. Released in 2007, the *Institute of Development Studies (IDS) Bulletin*, Volume 38, Number 6 is a collection of articles discussing this kind of accountability activity. The papers analyse cases in India, Brazil and Mexico. This special edition of the IDS Bulletin reflects a growing interest among scholars in cases from outside Latin America, as well as their recognition of multiple forms of social accountability activities.

The literature has enriched scholarly understanding of social accountability. Given that accountability activities vary in the timing of demands, and also noting factors that may affect the outcomes, this thesis separates the literature into two parts and reviews them separately. The following subsection reviews the literature on the ex- post accountability type of activities, focusing on four aspects.
2.2.1.1 *Ex-post accountability*

*Ex-post* accountability activities refer to activities by ordinary people or social groups aimed to call office holders or state institutions to account for decisions or policies already made. The literature on them is grouped under four different themes, each of which is discussed below.

#### 2.2.1.1.1 Agents

It is possible for individual citizens to undertake accountability activities on their own behalf. Since most countries nowadays are democratic, it is the basic right of the people to call state institutions and their personnel to account (Houtzager & Joshi, 2008; Malena, Forster, & Singh, 2004, p. 2). Individual citizens can utilise accountability institutions and the media to seek accountability. Individual citizens can sometimes impose great pressure on office holders if many of them adopt the same strategy at the same time. There was a case in Argentina in 2001 in which more than 20,000 bank depositors sued the central government one by one for limiting their rights of withdrawal, and succeeded in nullifying the policy (Smulovitz, 2006). As the purpose of their lawsuit against the government was only to protect their own interests, however, these bank depositors were not, strictly speaking, agents of accountability.
Agents of accountability are individuals or organisations that demand accountability on behalf of others. For example, muckrakers who expose scandals and lawyers for prisoners of conscience are both agents of accountability. The present literature on social accountability, however, mostly discusses NGOs and the media as the chief accountability agents (Ahmad, 2008, p. 12; Peruzzotti, 2006). Such organisations need to meet several requirements to be classified as agents of accountability. First, their members need to possess awareness of their own rights. Smulovitz and Peruzzotti (2000b) argue that the exercise of social accountability can only be carried out effectively by “organisations that recognise themselves as legitimate claimants of rights” (p. 310). Countries which value freedom and popular sovereignty are more likely to have citizens who deem themselves legitimate claimants of rights than are countries that lack democratic conditions. Peruzzotti (2006, p. 253) argues that the rise of watchdog journalism in Latin American countries can be attributed to local residents’ increasing awareness of rights.

Second, accountability agents typically aim to protect public interest. Rivera (2006) and O’Donnell (2006) both claim that social accountability activities only include actions aimed at defending public interests. Such a claim excludes from the discussion of social accountability the activities of many sorts of exclusively self-interested groups that have also expanded in many post-authoritarian countries (Hogenboom & Jilberto, 2012). This is a problematic distinction, of course, and it is noteworthy that accountability activities
claimed by their initiators to promote the public interest may in fact benefit only a few. An example is the case in which some Indian NGOs in Delhi City objected to a policy that legalised the activities of unregistered street vendors (Chakrabarti, 2008), on the grounds of the maintenance of business fairness and order in residential areas. Though framed as protecting the public interest, their demands for banning unregistered street vendors had an enormous impact upon the poor.

Third, social accountability agents need sufficient resources and abilities. Resources concern NGOs’ operational sustainability and their consequent capacity to succeed in shifting the public agenda or affecting policy making. As O’Donnell (2006) puts it, “[e]xercising social accountability requires...sufficient personal and organisational resources (some combination of time, information, media access, capacity of public and/or interpersonal communication, and at times money). The absence of any combination of these resources condemns many questions to the silent cemetery of non-issues” (p. 341).

Two kinds of abilities are critical. One is the ability to engage in effective internal management (Naidoo, 2003). NGOs which fail to manage their own internal affairs are seldom able to exercise accountability effectively, argues Ahmad (2008, p. 16). NGOs’ demand for accountability enforcement vis-à-vis others will be subject to suspicion if
they themselves fail to be answerable to donors. The second is the ability to understand and use accountability mechanisms and tools effectively. As Rivera (2006) puts it:

Reclaiming the application of rights in relevant instances involves an organisational and legal capacity...Criticizing public policies demands theoretical knowledge, which is not within reach of the majority of the population. Investigating corrupt practices means having financial, technical, and human resources. Media access demands having contacts, belonging to networks, and having the capacity to construct messages. These capacities are developed throughout the years, since they demand organisational and technical apprenticeship, as well as a level of professionalism that is not characteristic of all civil society actors. (p. 181)

Finally, and obviously, such agents need to focus on accountability-related issues if they are to be considered agents of accountability. Not all NGOs and media express concerns about matters relating to accountability. They mostly choose topics favourable to them or conforming to their interests. Media firms are profit-oriented organisations and their activities are designed, above all, to generate income (Behrend, 2006; Waisbord, 2006). They may cover news involving political and business figures, especially when the conduct of those people flagrantly contradicts public expectations, but this is often
because such news is likely to attract the public’s attention, suggesting higher profits. Similarly, NGOs have selective concerns (Przeworski, 2006). NGOs paying close attention to the same topic may vary in the aspects that they emphasise. Fuentes (2006), for example, finds that many human rights NGOs in Chile focus more on cases during the authoritarian regime than on those that occurred during the transition to democracy. Differences in preference may block cooperation among agents of accountability. Activities aimed at holding low-ranking bureaucrats to account may hardly receive attention from the media or NGOs that focus on grand political corruption.

In summary, not all NGOs or media firms are agents of accountability. Competent agents possess a consciousness of rights and the ability, resources, and the willingness to initiate accountability activities to protect public interests, but not all groups will share these attributes. Cooperation among agents may not be possible because they differ in their preferences and capacities.

2.2.1.1.2 Context

“Context” means the situation in which agents of accountability engage in accountability activities. Context matters because it provides or constrains the opportunities available for social actors who wish to promote accountability. Context consists of various
components, but many scholars focus on one of them. For example, Rivera (2006) argues that the nature of practices aimed at demanding accountability “is to a great extent determined by the type of political system in which they are produced” (p. 178) and social accountability “spreads out in the phase of democratisation” (p. 181). Such an emphasis on the political system is typical of the literature on social actors’ accountability activities. However, excessive focuses on one contextual factor risks overlooking others that may also much affect social accountability activities. For example, in countries which have recently struggled to break away from authoritarian rule, citizens may remain obedient because of their fear of government officials or retaliation. At the same time, the bureaucracy may be still self-contained, and thus most information and data relating to public service remains inaccessible. Citizens, therefore, may have no way to scrutinise government officials’ conduct and exercise effective control. In other words, the political system narrowly defined is not the only contextual factor that may affect social actors’ accountability activities.

In recent years, several scholars have expressed strong interest in contextual factors and advocated taking them into consideration when discussing social accountability. For example, Peruzzotti (2011, pp. 56-57) argues that discussions of social accountability should consider four contextual factors: culture, society, the quality of the public sphere, and institutions. In his work, Peruzzotti gives an in-depth discussion of the effects of the four contextual factors on social actors’ accountability activities. In contrast, scholars like
Joshi (2013) explore not only how contextual factors shape the form and effectiveness of social accountability activities but also the ways in which social accountability activities influence the context. However, O’Meally (2013) argues that the current literature on social accountability offers a rich body of operational guidance, rather than a sufficient “knowledge base upon which to make strategic decisions in different contexts” (p. 3). Such a knowledge gap makes current literature unable to explain why social accountability initiatives may succeed in some contexts but fail in others.

Scholars vary in identifying the contextual factors that may influence social accountability activities. Unlike Peruzzotti, O’Meally (2013) separates contextual factors into six distinct domains, each of which includes several subdimensions. The six domains are civil society, political society, inter-elite relations, state–society relations, intra-society relations and global dimensions. Table 2.1 illustrates the contextual factors encompassed in each domain. O’Meally stresses the “macro” context, and suggests that practitioners should think politically, comprehensively, and globally when considering social accountability.

Table 2.1
Summary of the Key Contextual Domains and Subdimensions that Influence Social Accountability

<table>
<thead>
<tr>
<th>Domains</th>
<th>Subdimensions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civil Society</td>
<td>Technical and organisational capacity</td>
</tr>
<tr>
<td></td>
<td>Capacity to build alliances across society</td>
</tr>
<tr>
<td></td>
<td>Capacity to build alliances/networks with the state</td>
</tr>
</tbody>
</table>

60
<table>
<thead>
<tr>
<th>Area</th>
<th>Factors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authority, legitimacy, and credibility of civil society with citizens and state actors</td>
<td>Willingness of civil society to challenge accountability status quo Capacity and capability of citizens to engage in social accountability Willingness of citizens to engage in social accountability</td>
</tr>
<tr>
<td>Political Society</td>
<td>Willingness of political/elected elites to respond to and foster social accountability Willingness of state bureaucrats to respond to and foster social accountability State and political elite capacity to respond to social accountability Democratisation and the civil society enabling environment The nature of the rule of law The capacity and willingness of political parties to support social accountability</td>
</tr>
<tr>
<td>Inter–Elite Relations</td>
<td>The developmental nature of the political settlement The inclusiveness of the settlement The organisational and political capabilities of the settlement Elite ideas/norms of accountability underpinning the settlement</td>
</tr>
<tr>
<td>state–society Relations</td>
<td>The character and form of the social contract History of state–citizen bargaining (long- and short-term) state–citizen accountability and bridging mechanisms (formal and informal) The nature and depth of state–citizen pro-accountability networks</td>
</tr>
<tr>
<td>Intra-Society Relations</td>
<td>Inequality Social exclusion and fragmentation</td>
</tr>
<tr>
<td>Global Dimensions</td>
<td>Donor-state relations International power-holder accountability International political and economic drivers</td>
</tr>
</tbody>
</table>


Though O’Meally identifies various contextual factors that practitioners or scholars should consider, his work helps little to show “which particular strategies are likely to work”, as Joshi argues (2013, p. 8). In order to answer that question, she suggested focusing on “micro” context, that is, “factors often identified in the macro strategy for their operation at the micro level” (Joshi, 2013, p. 10), such as media at the local level. The framework Joshi puts forward looks promising. However, because her ideas are new to the study of social accountability, there have not been case studies that analyse the effects of “micro” context on social accountability activities. As Joshi’s work is not directly
relevant to this research, however, this thesis does not draw on her approach.

In summary, there is a growing literature exploring the relationship between contextual factors and social actors’ accountability activities. While scholarly works offer intriguing theoretical frameworks, case studies are required in order to test how useful their approaches are for analysing success and falling of social accountability efforts.

2.2.1.3 Strategy

Agents of accountability have several strategic options. Judicialisation, social mobilisation, and mediatisation are three tactics that are frequently mentioned in the literature (Peruzzotti & Smulovitz, 2006).

Judicialisation

“Judicialisation” refers to all activities aimed at activating accountability institutions through judicial procedures. Accountability institutions are state institutions that are legally empowered to oversee government officials and bureaucrats or to punish transgressors. As mentioned above, there are two types of accountability institutions: balancing and appointed. Countries vary in the problems they face and, accordingly,
differ in the appointed accountability institutions they establish and the power given to those institutions. Democratic systems are maintained when all accountability institutions operate and function effectively (Schmitter, 1999).

The activation of such formal accountability institutions is a strategic option for social agents interested in promoting accountability. O’Donnell (2006) points out that “[t]he existence of at least some horizontal accountability agencies that are willing and able to carry out their responsibilities...is an important element of social accountability induction” (p. 339). This is because agents of accountability lack power to impose legal sanctions. Houtzager and Joshi (2008) state, “[agents of accountability] can force state officials to be ‘answerable’ for their action or inaction but, critics suggest, they have no ability to impose sanctions and force compliance... [and thus they need to rely on linkages] to other forms of accountability to produce enforcement” (p. 3). The utilization of accountability institutions helps social actors not only acquire “a legitimacy seal for the petitions [but also] force the state to take a stand on the advanced claims” (Peruzzotti & Smulovitz, 2006, p. 20).

Judicialisation is a common strategy. Several Brazilian NGOs, for example, utilised Public Prosecution, an accountability institution constitutionally entrusted to protect social rights, to compel office holders to deal with controversies over environmental protection
and corruption in the late 1990s (Calvancanti, 2006). More than 20,000 Argentine bank depositors sued the central government for making unconstitutional policies in 2001 (Smulovitz, 2006). These are but a few examples. According to Peruzzotti and Smulavitz (2006, p. 20), the adoption of the judicialisation strategy is not specific to Latin America, but a global trend.

The outcomes of the adoption of the judicialisation strategy greatly depend on the operation and functioning of state accountability institutions. Grau (2006) finds that many such accountability institutions in new democracies do not possess the power required to carry out their appointed tasks. Many of them even lack the resources required to support their daily operations. Accountability institutions that have access to power and resources may fail to carry out their tasks effectively, due to partiality of their leaders and external intervention. It is hard for agents of accountability to enhance accountability by activating such institutions.

**Social Mobilisation**

The second strategic option is social mobilization. Victims of offenders, victims’ relatives and friends, sympathisers, and others can be the targets of mobilisation. The more such people respond, the more influence agents of accountability will gain.
The literature points us toward several factors that can influence the outcome of a social mobilisation strategy. The type of controversy is of significance. Peruzzotti and Smulovitz (2006, p. 22) suggest that social agents tend to focus on accountability problems that are visible, likely to attract great public interest and likely to impact on office holders’ careers or reputations. They can raise the visibility of such problems by directly appealing to the populace (distributing leaflets, making announcements, organising awareness-raising activities), though such direct methods do not always produce the desired outcomes. The utilisation of mass media is a relatively more efficient method. The media, however, are much more inclined to cover incidents involving famous people or scandals with a great impact on public opinion, as noted in the preceding paragraphs. They are unlikely to pursue cases lacking these characteristics.

Scholars also find that incidents sharing particular features are more likely to mobilise people. Some of these features include the presence of clearly distinguishable victims and the privileged status of the suspects (Lemos-Nelson & Zaverucha, 2006, p. 109; Waisbord, 2006).

It is noteworthy, however, that people who are outraged by a scandal or identify with its victims do not always respond to appeals for mobilisation. They may choose to be passive onlookers because they are accustomed to such incidents. Waisbord (2006), for
example, finds that a large section of the population in many Latin American democracies are used to corruption. Although corruption scandals still make people feel indignant, only a small number will respond through political action. Another factor that may influence the outcome of a social mobilisation strategy is the opportunistic mindset. Fuentes (2006) points out that “when common goods are in dispute, individuals face strong incentives to ‘free-ride’ by passing the costs of protecting citizens’ rights to others, while enjoying the benefits of others' achievement” (p. 135).

Factors related to the office holders targeted by social actors can also affect the outcomes of attempts at mobilisation. Among them, the vulnerability to public oversight is of significance. As Behrend (2006) puts it, “social accountability initiatives may have greater possibilities of succeeding when the institutions or agents to be held accountable are in a more vulnerable position” (p. 214). Elected representatives, politically appointed officials and civil servants differ in their sources of power, and thereby vary in the point at which they are vulnerable. For example, office holders or politicians who face elections are more likely to be responsive as the voting day approaches. Politically appointed officials are accountable to their leaders or political parties and thus are vulnerable when they lose political backing. Civil servants, as career government employees, are potentially vulnerable whenever their superiors face great social pressure to punish them.
The evaluation of vulnerability by those held to account is subjective. Those held to account will respond to demands for accountability when they find that they are likely to suffer serious consequences. More often than not, they will provide explanations or simply choose the easiest way out—resignation. More extreme responses like committing suicide are also a possibility. At the same time, office holders may underestimate the influence of agents of accountability, suggesting that even large-scale demonstrations receive no positive responses from objects of accountability. In such conditions, serious conflicts are likely to arise.

**Mediatisation**

The third strategic option is mediatisation, defined as utilising the media for accountability enforcement purposes. The purpose of this strategy is to make abuses of power visible to the public and to officials in accountability institutions. Negative media coverage may also embarrass corrupt officials who still value their own reputation. The fear of humiliation can compel them to respond.

Media and public interest may be mutually reinforcing. Peruzzotti (2006, p. 253) argues that the number of people in Latin America who want to call government officials to account is increasing. That trend drives many local media firms to investigate
malfeasance. Many local media outlets in Latin America have become famous for disclosing scandals and publicly criticising wrongdoers. They hire professional investigative journalists and are willing to publish information or evidence provided by informants. Some media even have separate divisions in charge of receiving complaints. Accordingly, news relating to corruption scandals and human rights violation incidents is brought to the attention of the general public (Waisbord, 2000, pp. 51-53). In Brazil, Peru, and Argentina media took the initiative to expose scandals and succeeded in forcing high-ranking officials to resign from their jobs (Peruzzotti & Smulavitz, 2006, p. 24). The success of these cases seems to have spurred other media into similar accountability-seeking actions (Peruzzotti & Smulovitz, 2006, p. 24).

In recent years the mediatisation strategy has come under strong criticism by political observers for giving rise to the problem of media trial, such as making judgments before cases are even brought to trial (Lerbinger, 2012). In a democratic country, all citizens are innocent until proven guilty. Nevertheless, officials suspected of malfeasance are often labelled power abusers in media coverage of corruption scandals. Such a practice does not accord with fairness and justice. However, such criticisms have not stopped social groups in several democracies using the media for accountability enforcement purposes.

One disadvantage of the mediatisation strategy is that media coverage and focus can
easily change and it may be influenced by considerations that have little to do with accountability. As Peruzzotti and Smulovitz (2006) put it, "the investigative capacity of the media and the selection of cases investigated depend on the economic interests of media firms" (p. 25). Media firms rely on profits earned from the sale of newspapers and advertising. Coverage is thus likely to change once the coverage of scandals no longer attracts readers, or advertisers threaten to terminate their contracts. Media firms, therefore, may cut funding for investigation into scandals or discontinue further coverage. Several such cases have occurred in a number of Latin American countries. Waisbord (2000, pp. 64-69), for example, finds that the government is the main advertiser in much media in Latin America. Thus, many government officials are able to exert leverage against the media by threatening to discontinue advertisement contracts. Where media firms have absolutely no interest in accountability-related issues, mediatisation is not a very effective strategy for agents of accountability.

Peruzzotti and Smulovitz (2006, p. 25) maintain that effective social accountability initiatives need to combine these three strategies, that is, judicialisation, social mobilisation and mediatisation. Lemos-Nelson and Zaverucha (2006) call such a combination the multiple activation strategy. In their study of two particular cases of human security and human rights violation in Brazil, Lemos-Nelson and Zaverucha show how the three strategies reinforced each other. In both cases media coverage of abuses gave rise to social grievances. Growing unrest forced elected representatives to establish
Parliamentary Commissions of Inquiry. Investigations carried out by this accountability institution exposed further details of malfeasance. These details received wide media coverage and provoked indignation among the general population. Not surprisingly, the discontented masses supported the decision of the Parliamentary Commissions of Inquiry to impose sanctions against government officials guilty of misconduct. In the end, these abusers of power received legal punishment.

At first glance, the multiple activation strategy looks universally feasible. Limitations in any of its component strategies, however, can lead to failure. Media firms, as mentioned in the preceding paragraphs, prefer covering incidents and topics that attract public attention. Their willingness to carry out investigations of abuses can be subject to economic interests. Not all controversies receive wide media attention or are able to provoke outrage in the general public. People with grievances may yet refuse to take action. Not all accountability institutions can carry out their tasks effectively. Any of these factors can reduce the likelihood of agents of accountability adopting a multiple activation strategy effectively.

2.2.1.1.4 Effects and Assessment

The simplest way to assess social accountability activities is to examine the
implementation of strategies and the achievement of goals. The ideal is that agents of accountability succeed on both counts. It is likely, however, that they often implement strategies effectively but do not reach their goals. The 2000 Senate scandal in Argentina is an example. Several senators received bribes in exchange for the passage of the Law on Labour. When the scandal was exposed by a local media firm, the Vice President paid close attention to it and, in his capacity as speaker, activated an investigation mechanism within the Senate. The Argentinian anti-corruption office also looked into the scandal. In this instance, the media firm clearly succeeded in activating accountability mechanisms. During the investigation several senators admitted to accepting bribes. None of the corrupt senators, however, suffered legal punishment in the end (Peruzzotti, 2006). The strategy had some effect, but the goal was not achieved.

Another method of assessment is therefore to examine the achievement of desired outcomes. The dual purpose of accountability activities is to get responses from the public and to impose punishment on power abusers. Agents of accountability may select just one purpose, though they will often choose both.6 The ideal is that the responses by those held to account conform to the demands made by the agents of accountability.

6 The Indonesian demonstrators against the authoritarian regime in 1998, for example, did not demand Suharto’s explanations, but his resignation (Schedler 1999).
Any disparity will not be a positive outcome. The resignation of government officials whom agents of accountability asked only to provide explanations, for example, may be seen as a negative outcome, even if it exceeded the initial goal.

Several scholars have suggested different methods for evaluation. For example, Behrend (2006) claims:

Success may be measured by creating a scale, with the minimum end being the achievement of the specific objectives that the civil society group in question set itself and the maximum end being the resolution of not just one case in particular but a policy or institutional outcome that affects other cases and addresses the issue in general. Some of the points in the middle could include issues such as agenda setting. (p. 239)

In other words, observers should explore whether the social accountability initiatives are discussed socially and politically, give rise to institutional changes, inspire emulation, and have other effects. Peruzzotti and Smulovitz put forward another view. They suggest that scholars not to quarrel about the effectiveness of social accountability activities, but explore “how long and what type of issues...they [can] control” (Peruzzotti & Smulovitz, 2006, p. 26). These viewpoints do not contradict each other, but expand the scope of
discussions on social accountability.

One positive effect that successful social accountability activities might bring about is to give rise to imitation. If, like successful pioneers, many agents of accountability initiate accountability activities, state institutions and their personnel will face strong supervision pressure from society. They are thus likely to be cautious about using the political power delegated to them (Maravall, 1999).

2.2.1.2 Simultaneous accountability

Unlike the authors mentioned in preceding paragraphs, some scholars are interested in social actors’ activities aimed at exerting control over public office holders at both the policy formulation and implementation stages. The IDS Bulletin, Volume 38, Number 6, contains several articles on such activities, including seven case studies, and several theoretical discussions. Three cases occurred in Delhi City, India, and two cases in St. Paul City, Brazil, and Mexico City, Mexico. These are case studies of government policies on medical care, education, and social assistance. Scholars explore how agents of accountability—NGOs, social organisations, and the like—negotiate with policy makers in the formulation of policy and hold civil servants accountable for public service delivery (Houtzager & Acharya, 2008, pp. 27-28). Below is a summary of their research findings.
2.2.1.2.1  Willingness

Not all NGOs and similar agents of accountability are willing to participate in the formulation and implementation of government policies and programmes. Groups which take pride in their independence are often not willing to have an intimate interaction with the government (Hulme & Edwards, 1996). Other factors that may affect the willingness of agents of accountability to participate in the formulation and implementation of policies include groups’ expectations about the role of the state, their interests, personal considerations, and concerns about negative impact.

Expectations about the role of the state affect NGO activists’ attitudes toward cooperation with state institutions and their personnel. As Ackerman (2005b) puts it,

If one conceptualises the state as fundamentally an obstacle to development, as a predator that must be controlled...one will tend to grasp a more external, ex-post, legal, hierarchical vision of government accountability. If one imagines the state as a possible facilitator of development, as a central actor in the provision of public goods and the stimulation of investment and citizen participation, one will lean towards a more ex-ante, performance based, proactive, horizontal concept of accountability. (p. 37)
Scholars also find interests to be essential to the participation of agents of accountability in policy making and implementation. In his study of the conditional cash transfer programme (Oportunidades), in Mexico, Jara (2008, p. 69) finds that local NGOs have no interest in it. One reason is that the programme did not benefit poor families financially as much as NGO activists expected. In other words, agents of accountability are more likely to express an interest in programmes that match their own social or political goals.

Relations with programme hosts or executors may also influence the willingness of agents of accountability. Houtzager (2008, p. 60) finds that several Brazilian NGOs declined to join a social assistance programme because of activists’ hostility toward specific programme coordinators. There were cases in Mexico in which NGO activists participated in the formulation of women’s welfare policies largely due to personal friendship with government officials (Gómez-Jauregui, 2008, p. 82). Other Mexican NGOs were not willing to oversee the implementation of another programme because these activists were managing it (Jara, 2008, p. 70).

Finally, many members of NGOs or similar groups may feel uneasy about the impact upon their stance to which their participation may give rise. As Mehtta (2008) puts it, “recent policy debates have tended to stress the importance of autonomy (from the state) of [NGOs]...[c]ollaborating with the state in shaping policy can be seen as co-
option, particularly when CSOs[civil society organisations] also participate in policy implementation” (p. 88). Accordingly, many NGOs shy away from policy engagement for ideological reasons.

In summary, several factors can affect the decisions by NGOs to participate in the formulation and implementation of policies. Public welfare is not their sole consideration (Jara, 2008, p. 69). Thus, it is essential to consider the attitudes of agents of accountability when discussing their activities in seeking simultaneous accountability.

2.2.1.2.2 Opportunity

Agents of accountability do not always have the opportunity to participate in the formulation and implementation of government policies or programmes, which are essentially government tasks. Government officials thus are not obliged to invite NGOs to participate in the formulation and implementation of government policies. At the same time, many government officials treat policy content and implementation as state secrets. Such a mindset also influences their willingness to invite NGOs to participate. Under certain conditions, government officials even deliberately exclude NGOs from participation. The conditional cash transfer programme in Mexico is an example. Government officials insisted on direct interaction between the government and
programme beneficiaries, and thus deliberately excluded NGOs from participating in the programme (Jara, 2008). Such examples are commonplace (see, for example, Houtzager, 2008, p. 56).

Opportunities arise when the government needs the expertise or experience of NGOs. The Delhi Municipal Government, for example, invited NGOs to participate in the designing of primary school popularization programmes, in order to make use of their experience and knowledge (Mehtta, 2008, p. 91). Mexico City Government co-operated with NGOs to gain knowledge of their experiences in medical care (Gómez-Jauregui, 2008, p. 84). In the 1970s, the military government in Brazil invited civilian professionals to join the new medical treatment division (Dowbor, 2008, p. 76). In addition, government officials may initiate cooperation in order to expand collaboration with civil society. The purpose of the Bhagidari programme by the Delhi Municipal Government, for example, was to institutionalise civic engagement in governance (Chakrabarti, 2008, p. 96-99).

Political considerations sometimes create opportunities for participation. The minimum income guarantee programme in Brazil is an example. The main objective of the programme was to tackle intergenerational poverty. The opposition parties in Brazil proposed the programme and invited several NGOs to join discussions about it, and
incorporated many of their suggestions into their design (Houtzager, 2008, p. 61). As a response to challenges of opposition parties, the ruling party put pro-reform figures in influential positions and entrusted them with discretion in appointment of officials and decision making, favouring civil society.

Laws and international protocols may also offer NGOs participation opportunities. Several countries have enacted laws to protect the people’s right to gain information on the progress of policy implementation. In India, for example, under the Right to Information Act, local residents have the right to request information about the operation of the Public Distribution System. Many poor people in India, with NGOs’ assistance, use the right to information to monitor rice provision, successfully reducing corruption (Pande, 2008). Similarly, some international protocols stress civic engagement. The Mexican government, for example, follows international conventions in its Family Planning and Reproductive Health Programme which emphasises the participation of NGOs (Gómez-Jauregui, 2008, p. 81).

Authoritarian governments are unlikely to enact laws protecting the people’s rights to request policy-related information or to allow people to negotiate for policy content. However, under certain conditions, they may need NGO knowledge and experience. Authoritarian regimes have been known to co-operate with NGOs in non-sensitive fields.
such as medical treatment, community development, and social assistance. The financial
difficulties in the 1980s, for example, compelled Suharto’s administration to seek NGO assistance, and NGOs became executors of several community development plans (Hadiwinata, 2003, p. 42). The military government in Brazil is another case in point. In order to divert public attention from abuses of political rights, the Brazilian government accelerated reform in medical service delivery and established new medical institutions. The operation of the new medical service delivery system and medical institutions was delegated to civic and medical professionals (Dowbor, 2008, p. 78).

Though there are a variety of opportunities for NGOs to participate in the formulation and implementation of policies, Ackerman (2005a, p. 22) adds that it is usually “well-behaved” NGOs that have such opportunities. His remarks suggest quarrels over or competition for participation opportunities between NGOs.

### 2.2.1.2.3 Effects

Agents of accountability who grasp opportunities for participation in seeking simultaneous accountability can have positive effects. NGO can help improve the quality of policy content and public service delivery through such participation (Henderson, 2002, p. 112). NGO activists mostly play the role of advisors in policy formulation, but
they can also be policy makers if they are appointed to lead state agencies. There are several examples in Brazil where NGO activists led the institutions making medical policies. The difference between these two roles lies in the fact that, unlike policy makers, advisors do not need to be accountable for their decisions. At the implementation phase, NGO activists can be service providers and trainers, as well as external overseers. Some Mexican NGOs, for example, signed contracts with the government to train personnel to offer teenagers medical services and advice on reproductive health (Gómez-Jauregui, 2008, p. 85).

NGO participation in the formulation of policies may ensure that policies are feasible and conform to the actual needs of the people (Gómez-Jauregui, 2008, p. 85; Mehtta, 2008, p. 88). Participants may have a sense of ownership due to that experience and, because of it, continue to offer assistance and oversee the progress at the implementation phase. Hence Malena et al. (2004, p. 3), Houtzager and Joshi (2008, p. 2), and others argue that there is an inextricable linkage between varied accountability relations. In addition, state institution may treat participating NGO activists as partners, rather than as external overseers who always find fault with or criticise them (Mehtta, 2008). Such shifts in attitude are conducive to the realisation of the visions of NGOs.

Participation at the implementation phase enables agents of accountability to prevent
abusess from happening. NGOs, as mentioned in preceding paragraphs, can play several roles when they participate in the implementation of policies. Becoming service providers and assistants can give them detailed knowledge of the processes of policy implementation, making it harder for power holders to conceal information about implementation and commit corruption.

It is noteworthy that NGO participation in the formulation and implementation of policies does not always give rise to positive effects on accountability enforcement. In their studies of NGOs, scholars like Eldridge (1989) and Pratap and Wallgren (2000) warn that NGO’s close cooperation with government officials or institutions may give rise to the problem of being co-opted. When such a problem occurs, it is impractical to expect NGOs to exercise effective control over public office holders.

In summary, a growing body of literature on accountability discusses accountability activities initiated by private actors and aimed at holding power holders within the government accountable to the broad citizenry. Much of it focuses on activities aimed at enforcing accountability for decisions already made or misconduct already committed. Some of it notices efforts by social actors to enforce accountability through participation in the formulation and implementation of political decisions. This literature enriches scholarly understanding of who are agents of social accountability; why and when they
initiate accountability activities; what challenges they may encounter; how they overcome obstacles; and so on. However, because no cases relevant to ex-ante accountability have been analysed, the literature on social accountability provided little understanding of how NGOs sought ex-ante accountability.

2.2.2 NGOs’ activities aimed at combatting corruption

NGOs’ anti-corruption activities are quite new to several countries and they are also a new subject in the study of corruption. In order to demonstrate the link between the literature on NGOs’ anti-corruption activities with the wider study of corruption, this section starts by offering an overview of the latter.

Corruption has been the focus of much scholarly attention since the 1990s. Most literature on it analyses the causes and impacts of corruption. Of the literature on causes of corruption, some emphasises individual office holders’ perspectives and discusses motives and opportunities (Klitgaard, 1988; Palmier, 1983, 1985); others focus on the context, including culture (Dalton, 2005; Frederickson, 2002; King, 2000; Larmour, 2008; Moreno, 2002; Morriss, 1997; Scott, 1972; Sylla, 2012), the political system (Colazingari & Rose-Ackerman, 1998; Heywood, 1997; LaPalombara, 1994; Moran, 2001), and the government structure (Heywood, 1997; Miller, 2000). With economists conducting
many empirical analyses of corruption and with independent organisations (such as the Transparency International) releasing corruption indexes, there has also been a rich body of literature on the impacts of corruption (Andersson & Heywood, 2009; Larmour & Wolanin, 2001). This is a topic addressed in many publications of international financial institutions (such as the World Bank) and donor organisations (such as the United States Agency for International Development) (see Dininio & Kpundeh, 1999, p. 3; World Bank, 1997). Scholars argue that corruption slows economic growth (Drury, Krieckhaus, & Lusztig, 2006; Mauro, 1995; Meon & Sekkat, 2005), reduces foreign direct investment (Eggera & Winnerb, 2005; Macintyre, 2001; Sima-Eichler, 2009) and decreases government efficiency (Kauper, 2006). Given the huge impact, it is no surprise to see rising worldwide demands to reduce corruption. However, these demands to reduce corruption may lead to paradoxes. For example, Andersson and Heywood (2009) notice that increasing attention to corruption troubles several developing countries because “development aid is increasingly made conditional on the implementation of reforms which are impossible to achieve without that aid” (p. 743).

Unlike this literature focusing on the causes and impact of corruption, a growing body of scholarly work explores ways to address corruption. This research categorises anti-corruption efforts into two parts. One emphasises the role of the government in combatting corruption. LaPalombara (1994), for example, argues that to reduce corruption relies on “the state [that acts as] a credible enforcer of laws... [and efforts to
prevent] persons and organisations in the private sector...from [using] access to and influence over governments” (pp. 333-334). Scholars who take such a position give a variety of suggestions, and one of them is to build up a professional bureaucracy. Measures which they suggest include recruiting civil servants through competitive processes, filling positions through internal promotion, and reducing political appointments (Rauch & Evans, 2000, pp. 50-51). A series of empirical analyses show that there is a positive correlation between the extent of meritocratic recruitment and efforts to reduce level of corruption, argue Dahlström and Lapuente (2012) and Rauch and Evans (2000).

Several scholars propose establishing state institutions exclusively addressing corruption. Proponents of such an idea often argue that corruption is a complicated problem, with regard to causes, impact and solutions, and thus only institutions exclusively established can combat it. In fact, the rationale behind the establishment of anti-corruption agencies in administrative areas (such as New South Wales, Australia) and countries (such as South Korea and Argentina) is the failure of conventional law enforcement agencies to reduce corruption (Johnston, 1999a; Kauffrann, 1999; R. P.-l. Lee & Cheung, 1981; Meagher, 2005; Pakdel, Damirchi, & Gholizadeh, 2012; Pope, 1999; Speville, 1999; World Bank, 2000). The establishment of anti-corruption agencies is by no means a panacea, however. Scholars like Fritzen (2005) and Heilbrunn (2004) note that factors like the commitment of political elites and the resources available may influence the
performance of anti-corruption institutions, implying that not all anti-corruption agencies succeed. Nevertheless, establishing anti-corruption agencies has become a popular strategy, partly because doing so can appease public discontent with rampant corruption. However, if the politicians and office holders’ objectives are merely to “communicate a willingness to fight venality while postponing difficult acts”, their efforts to form new anti-corruption agencies will help little to reduce corruption, warns Heilbrunn (2004, p. 14). Accordingly, there is always the need for assessing the performance of anti-corruption institutions periodically.⁷

Another suggestion that scholars put forward relates to political will, defined as the “commitment of [politicians or office holders] to undertake actions to achieve a set of anti-corruption objectives...and to sustain the costs of those actions over time” (Brinkerhoff, 2000, p. 242). The rationale behind this suggestion is that elected representatives and appointed government officials possess the authority and resources essential to anti-corruption measures. Scholars like Kpundeh and Dininio (2006) accordingly expect them to demonstrate the will to “attack perceived causes or effects of corruption at a systemic level” (pp. 41-43). They also create indicators that can be

⁷ See Meagher (2005) for one set of criteria proposed to make such an assessment.
used to assess political will, including the dedication of resources; the level of participation in the reform process; the degree of rigor applied to understanding corruption; and the continuity of effort in pursuing reform (Brinkerhoff, 2000; Kpundeh & Dininio, 2006).

In contrast to scholars who advocate strengthening the government in order to combat corruption, some scholars consider the government to be the source of corruption and believe in the “natural capacity of the free market to inhibit corrupt practices” (Hadiz, 2006, p. 82). Accordingly, they propose policies like deregulation, economic liberalization, and financial decentralisation, and aim to limit the state’s functions “to secure law and order, ensure macroeconomic stability and provide the necessary physical infrastructure” (Öniş & Şenses, 2005, p. 263). Proponents believe that these policies help reduce corruption (Gerring & Thacker, 2005). Scholars like Bedirhanoglu (2007) name such thinking neoliberal discourse on corruption; others, such as Manzetti and Blake (1996) and V. R. Hadiz (2006) term it a market-oriented approach to corruption. Whatever the term may be used, such thinking represents a counterrevolution against developmentalism that emphasises the role of the state in the development process (Öniş & Şenses, 2005).

Neo-liberal discourse on corruption frequently appears in publications of international
financial institutions (Fischer, 2012; Stiglitz, 2002; Williamson, 2008). For example, a World Bank publication states:

Markets generally discipline participants more effectively than the public sector can, and their power to do so is closely linked to sound economic policy. Enlarging the scope and improving the functioning of markets strengthens competitive forces in the economy and curtails rents, thereby eliminating the bribes public officials may be offered (or may extort) to secure them. (World Bank, 1997, p. 35)

There are several reasons that international financial institutions advocate a market-oriented approach (Kiely, 1998, pp. 64-66). The most practical is that such an approach enables them to evade criticisms of intervening in other countries’ internal affairs and politics. The World Bank, for example, is supposed to abide by the Articles of Agreement that prohibits its staff from interfering in the political affairs of member countries. The non-political mandate is its most distinctive feature, argues Marquette (2001, p. 398). Accordingly, treating corruption as a social and economic problem and proposing market-oriented solutions helps it to avoid accusations of politicization (Marquette, 2004, p. 413).

In addition, factors like the end of the Cold War and the third wave of democratisation
also contributed to the prevalence of the neoliberal discourse on corruption. The end of the Cold War matters because it affected many countries’ strategic status in world geopolitics. During the Cold War era, the world was divided into three camps. In order to strengthen the First World camp, the United State acquiesced in corruption, human rights abuses, and other problems in many Third World countries (Riley, 1998, p. 141). At the same time, international financial institutions also downplayed the impact of corruption. In such a context, it is no surprise that countries like Indonesia or Mozambique were immune to criticisms of rampant corruption (Dick, 2002, p. 71; Hanlon, 2002, p. 747; 2004; Wee, 2002, p. 6). Such strategic considerations and disregard waned after the end of the Cold War. Countries (such as the USA) and international financial institution (such as the World Bank) now criticise corruption problems in projects they financed and even tie lending closely to reform measures taken to reduce corruption (Riley, 1998, p. 137).

Meanwhile, due to the collapse of the Soviet Bloc and the third wave of democratisation, the number of transitional countries increased. Such an increase gave rise to a new international consensus on development. The consensus, as Riley (1998) puts it,

Involve an expectation of sustained efforts in developing and transitional countries towards the goals of market economies and liberal democratic political
systems. More recently, this has also involved the prioritising of the interests of the poor and marginalised in the context of an enabling state and higher ethical standards in donors...Progress towards these goals therefore means serious attempts to secure better governance and substantially less corruption in developing and transitional countries. (p. 135)

The combination of these factors led to prevalence of neoliberal discourse on corruption. Sarah Bracking (2007) thus says that corruption “is largely understood in a neoliberal, economistic anti-state paradigm which emphasises politics as a source of rents” (p. 15). Though the neo-liberal discourse on corruption prevails, it still faces criticisms. Riley (1998), for example, criticises proponents of the neo-liberal discourse on corruption for providing “no ready means to deliver immediate targeted improvements in public integrity” (p. 150). Brown and Cloke (2005) criticise proponents of that discourse for obscuring “the rising possibilities for private sector corruption caused by market-led economic reforms and has little to say about the complex linkages between abuses in the private and public sectors (p. 9). Levent and Ilkim (2008) echo the remark and add, “[c]orrupt behaviour is not limited to state officials; idealizing private sector actions while attacking state sector is at best naïve” (p. 6). In addition, the neoliberal discourse on corruption also faces criticisms for assuming that such thinking is universally applicable to countries where corruption prevails (Bedirhanoglu, 2007; Brown & Cloke, 2005; Riley, 1998, p. 155), and also for separating markets from existing constellations
of powers and interests that shape politics (Dick, 2002; Jayasuriya, 2002).

In the light of these criticisms, a revised neoliberal discourse on corruption has arisen that recognises the importance of institutions and the state (Hadiz, 2006, p. 83). Even the World Bank shows attempts “to revise its commitment to neoliberal ideas... [because it] wrongly sees states as inherently inefficient economic actors” (Kiely, 1998, p. 63). This transformation of thinking is still in progress and its outcomes deserve thorough research in the future.

Beyond the debates about the role of the government in combatting corruption, a new subject has arisen in recent decades. This new subject is the role of civil society in combatting corruption. Civil society refers to NGOs, religious organisations, civil associations and several others which belong to neither the state nor the private sector. The literature on anti-corruption activities initiated by civil society is still a minority in the broad corruption field, but it has increased gradually over the last decades, thanks to efforts by several scholars (such as Michael Johnston and Carmen Malena), international financial institutions (such as the World Bank and the Organisation for Economic Cooperation and Development) and international NGOs (such as the Transparency International).
Several scholars and organisations advocate supporting NGOs in the fight against corruption. For example, Transparency International deems civil society essential to the reduction of corruption and thus advocates wide involvement of civil society in the government’s anti-corruption efforts (Langseth, Stapenhurst, & Pope, 1999; Pope, 2000). Proponents put forward several reasons for wide involvement of civil society in anti-corruption efforts. For example, Langseth, Stapenhurst, and Pope (1997) argue,

Civil society encompasses the expertise and networks needed to address issues of common concern, including corruption. And it has a vested interest in doing so: Most corruption involves two principal actors, the government and the private sector, with civil society as the major victim. Civil society organisations’ ability to monitor, detect and reverse the activities of the public officials in their midst is enhanced by their proximity and familiarity with local issues. (p. 18)

Scholars such as Bhargava and Bolongaita (2004), Johnston (2005,) and Malena (2009) agree with these views. In addition to the inherent advantages, Chalmers and Setiyono believe that the challenging environment in a democratising context also requires NGOs to play an important role in combatting corruption. They argue:

Democratisation usually creates political instability, making law enforcement and
accountability mechanisms more difficult. Also, governments in transition are generally inexperienced in the implementation of measures to combat corruption. Because of this lack of state capacity, civil society actors bear more responsibility for strengthening accountability mechanisms. Rather than ineffective politicians, bureaucrats, or business groups, CSOs must shoulder the responsibility for realising this vital element of the democratic consolidation. (Chalmers & Setiyono, 2012, p. 94)

Proponents of the involvement of civil society in anti-corruption efforts represent a view that is currently prevalent: that is, “the better development of the civil society, the less serious corruption should [be]” (Sing, 2012, p. 91). Because of this view, several scholars and international financial institutions “have taken the active participation of civil society as a granted measure in anti-corruption policy” and claim “that the participation of civil society would promote good governance, and would certainly help corruption control” (Sing, 2012, p. 92). This remark shows that proponents of NGOs’ participation seemingly also consider government to be essential in reducing corruption, suggesting that the literature on NGOs’ anti-corruption activities should be included in the group that emphasises the role of the government in combatting corruption.

The literature on civil society’s anti-corruption activities can be grouped into two
categories. One justifies the involvement of civil society in anti-corruption efforts and offers theoretical explanations. Works of Eigen (1998) and Johnston (2006) can be categorised into this type. They explain the legitimacy of civil society in the fight against corruption and suggest strategies to civil society. On the legitimacy of civil society, Eigen (1998) explains:

What legitimises [civil society] is a concern about issues that are not being dealt with adequately in both the national and the international theatre, a concern about problems that often go beyond the limited reach of the nation-state...And the legitimacy of not-for-profit organisations is further fostered simply because they are what they are: Their concerns do not arise out of self-interest or profit-orientation but from people who care about the public interest, the well-being of both the local and the global community. (pp. 84-85)

Eigen suggests that civil society typically forms a coalition in which both government and the private sector are involved, and mobilises ordinary people to monitor the government. He states:

Towards government, civil society will have to play the roles of critic, catalyst and advocate of those interests unrepresented or underrepresented. Where
government fails – because it is too weak or because problems cannot be solved through central planning or from above – civil society comes in. It can mobilise the people and it is needed to reach the hearts and minds of ordinary citizens who may find it hard to believe that their governments are making a genuine effort to tackle corruption. And, above all, it is essential to raise public awareness, to awaken society to the disastrous effects of corruption and to get across the message that fighting it is possible. (Eigen, 1998, p. 86).

Johnston (2006) echoed Eigen’s remarks, but his works lay emphasis on reasons for the failure in sustainability of such coalitions, and put forward suggestions regarding solutions.

The second category provides an overview of the development of anti-corruption activism. The works of Jenkins (2007), Holloway (2001), You (2003), and Horowitz and Kim (2002) can be categorised in this way. These scholars trace the origins of anti-corruption activism in given countries, analyse critical events, list some civil society groups that lead local activism, summarise challenges and obstacles that civil society encounters, and assess achievements. Authors believe that continuous efforts by NGOs to expose scandals or threaten to impose punishment on wrongdoers can deter public office holders from engaging in corruption.
The literature on anti-corruption efforts by civil society is still developing and a need remains for more sophisticated research on the subject. Suggestions by scholars illuminate the research direction in the near future. For example, Khan (1998) warns against “conceptualizing civil society as a uniform collection of individuals who have a collective interest in making their society work” (p. 123) because in developing countries some civil society groups are likely to be part of local patron-client networks that lead to rampant corruption. Obviously, Khan questions the view that “a strong and active civil society helps reduce corruption”, implying a need to look into the link between civil society and corruption, instead of assuming that all civil society groups combat corruption.

This thesis supports Khan’s remarks, but suggests that NGO activities aimed to prevent corruption from happening also deserve scholarly attention. As the above discussion shows, only a small part of the literature discusses anti-corruption activities by NGOs. Most of it analyses how NGOs expose graft and push state institutions to punish wrongdoers. Activities that NGOs initiate for such purposes can be categorised as ex-post accountability because their primary aim is to call public office holders accountable for their own corrupt practices. Undeniably, effective ex-post accountability activities may set an example and deter office holders from acting illicitly in the future. However, such an effect is a by-product of activities aimed to punish wrongdoers and such activities are “not sufficient to prevent” corruption from happening, argued Acar and
Emek (2009, p. 164). Meanwhile, there are several possible means by which NGOs can prevent corruption from happening. Factors that influence NGO activities aimed at punishing wrongdoers may differ from those which affect their activities aimed at preventing corruption. Given that the present literature says little about NGO activities aimed at preventing corruption, it is necessary to have a detailed understanding of these activities.

In summary, contemporary literature on corruption and accountability says little about NGO-led accountability actions aimed at preventing corruption from happening. Such actions are essential to reducing corruption in transitional democracies, as discussed in preceding paragraphs. Several successful instances in South Korea, the United States and other countries suggest a range of activities that NGOs can initiate for the purpose of preventing corruption. At the same time, they suggest the importance of analysing such activities in Indonesia. The next section discusses three accountability activities; each will be about a different object.
2.3 NGOs and Corruption Prevention

2.3.1 Elected representatives

The first accountability activity concerns elected representatives. Elected representatives are essential actors in democracies. Their political power is delegated to them by the people through elections. Once elected they are empowered to enact decrees, oversee the implementation of policies, call government agencies and officials to account, impose sanctions and so on. As the people’s agents, elected representatives have the obligation of making themselves accountable to the people. There are various accountability mechanisms set up to ensure accountability of elected representatives. Of these, elections are the most important: Candidates need the people’s votes to win elections. Accordingly, candidates at election times face demands to explain their track records or offer solutions to problems. Candidates who fail to justify their track records or offer voters a clear message on political, economic, and social change are likely to lose public trust, and, even worse, the election. For every candidate, losing an election is a severe punishment (Dunn, 1999, p. 299).

Despite its importance there has been little discussion of the accountability function of elections. Peruzzotti and Smulovitz (2006, p. 10), for instance, exclude the aggregation
of ballots by social actors from their study of social accountability. Scholars like Malena, Forster, and Singh (2004, p. 3) maintain that several factors stop elections being effective accountability tools. They include the large number of candidates participating in an election; the lack of relevant information provided to voters; and the variety of topics that come under discussion during an election period.

However, the Blackballing Movement in South Korea in 2000 is an excellent example of NGOs successfully using elections as an accountability tool. The movement was an initiative of an alliance consisting of hundreds of NGOs. Its goal was to block unfit candidates from winning elections. The alliance adopted several strategies including publicizing criteria for which to evaluate candidates’ fitness, releasing a blacklist of unfit candidates, and lobbying political parties not to nominate unfit candidates. The movement was a success because about 69 percent of blacklisted candidates lost the election. Many of them were suspected of corruption. Quantitative research by Horowitz and Kim (2002) shows strong correlation between the Blackballing Movement and the election outcome. In brief, NGOs can turn elections into an effective accountability tool.

The Blackballing Movement was successful in two respects. One is that it imposed punishment by blocking incumbent elected representatives who performed poorly during their term of office from winning re-election. In this regard, the Blackballing
Movement was an activity enforcing *ex-post facto* accountability. The other is that it prevented unfit candidates from gaining political power. The Blackballing Movement, in a sense, reduced the likelihood of malfeasance while preventing candidates with poor track records from winning election. In other words, the Blackballing Movement could also be an activity seeking *ex-ante* accountability.

The Blackballing Movement in South Korea has inspired similar accountability-seeking activities in Taiwan, India, Indonesia, and other countries. This learning wave implies the need to explore the question of how NGOs in different institutional contexts can turn elections into an effective accountability tool. The literature on the Blackballing Movement provides an important list of reference papers. However, it helps little to answer the question just raised, because most of it focuses on the correlation between election results and NGOs’ activities, rather than on the impact of the institutional context upon the NGOs’ efforts to enforce *ex-ante* accountability. This research gap implies the need to conduct case studies in other institutional settings.

This thesis will analyse the “Anti-Rotten-Politician Movement” that Jakarta-based NGOs initiated in the period 2004–2009. This movement matters because it represents the first attempt of Indonesian NGOs to turn elections into a tool with which to enforce *ex-ante* accountability and to punish corrupt politicians. Chapter Four has an in-depth analysis
of it, offering NGOs’ reasons for launching that movement, activists’ understanding of the influence of electoral laws and mechanisms, the rationale behind publicizing blacklists, and so on. The findings of the chapter not only explain why Indonesian NGOs failed to hold elected representatives accountable ex-ante, but also show how they offered impetus for improvement in context concerning the enforcement of electoral accountability.

2.3.2 Non-elected officials

The second accountability activity involves non-elected government officials. Objects of this type of activity include senior civil servants, politically appointed heads of government agencies, and state institution chiefs selected by colleagues. Such people play an important role in the operation of the government because they are entrusted with significant tasks, such as making policies, drafting laws, or implementing reforms. Given their importance, it is crucial to hold them accountable for their actions or decisions. Theoretically, non-elected government officials are only accountable to their superiors and the authorities who appointed them. However, cases discussed in the review of the literature on social accountability show the conditions under which non-elected officials need to work with, and even be accountable to, social actors who participate in the formulation or implementation of policies and projects. Scholars like Tu and Huang (2001, pp. 1-2) maintain that such co-operation benefits both parties.
Because the focus of this thesis is on corruption, it will discuss the interaction between NGO activists and non-elected officials in the formulation and implementation of decisions concerning accountability institutions.

Accountability institutions are state institutions legally entitled to supervise and punish public office holders who abuse power. Key accountability institutions include the executive, legislative, and judicial branches of the government. In addition to their importance for the maintenance of democracy (Schmitter, 1999), they are also essential to the prevention of corruption, because effective accountability institutions are likely to deter office holders from acting illicitly (Chalmers & Setiyono, 2012, p. 87). However, several factors may lead to ineffectiveness in accountability institutions, including a lack of resources or power required to carry out their tasks, or a low level of efficiency. Accountability institutions are subject to various factors leading to ineffectiveness, and thus differ in the challenges they face and assistance they need. For instance, accountability institutions with power and resources require leaders who are professional, upright, and neutral. While accountability institutions facing threats to their establishment require statutory sources to ensure their operation, those lacking efficiency and internal control mechanisms need reform guidelines and a team that can implement reform.
There is a rich body of literature on accountability institutions in the study of both corruption and accountability. Many authors focus on dimensions like structure, resources, and authority, because these affect the operation and performance of the institutions (O’Donnell, 1999a, 1999b; Schmitter, 1999). Some authors believe that sufficiency of resources or completeness of structure can be indicators of the willingness of office holders or politicians to combat corruption and enforce accountability. Some scholars note that interaction between social actors and accountability institutions is growing, and their works mostly focus on efforts of the former to utilise the latter to demand responsiveness and punish wrongdoers (Ackerman, 2004, p. 450; Grimes, 2008; O’Donnell, 2006; Peruzzotti & Smulovitz, 2006, p. 10; Smulovitz & Peruzzotti, 2000b). Such activities belong to the ex-post accountability type, because social actors make demands after decisions have already been taken or malfeasance has already occurred.

By comparison, scholarly works on social actors’ activities aimed at influencing the formulation and implementation of government policies or projects, particularly those relating to accountability institutions, are a minority. However, such activities are essential to the performance of accountability institutions because they are likely to be weakened by various factors, as discussed in preceding paragraphs. Through participation at each of the two stages, social actors can monitor office holders to prevent them from making decisions against accountability institutions. The literature shows factors that may influence the conditions under which social actors seek
simultaneous accountability, as well as ones that may affect their willingness to do so. However, few works have discussed the interaction between social actors who participate in the formulation and implementation of government policies and projects and those who do not. The relevant literature also often assumes the government–society partnership to be positive, saying little about its negative side. As a result, there is insufficient understanding of how NGOs seek simultaneous accountability of non-elected officials and what impacts that NGOs’ such activities may give rise to. There is thus a need for in-depth study of NGOs’ involvement in cases concerned with accountability institutions.

This thesis discusses cases concerned with the Corruption Eradication Commission (Komisi Pemberantasan Korupsi, KPK), Corruption Court (Pengadilan Tindak Pidana Korupsi), and Supreme Court (Mahkamah Agung, MA). NGO activists allegedly had wide and deep involvement in the formulation or implementation of decisions concerning these institutions, and it is the prime reason that they are chosen here. Chapter Five presents in-depth analyses of each case, explaining what the opportunities were for NGOs; what NGO activists’ attitudes toward those opportunities were; which model of interaction NGOs activists developed; and what effects their efforts to demand simultaneous accountability had. Experience gained from the three cases not only reveals opportunities for and limitations on NGO-led accountability actions aimed at preventing corruption in a democratising context but also shows how activists overcome
challenges.

2.3.3 Civil servants

The third accountability activity concerns civil servants. Civil servants are government employees recruited to provide public service and execute government policies or projects. They possess only limited power, in contrast to elected representatives and non-elected government officials. However, as Lipsky (2010, p. 15) argues, various factors allow civil servants to have discretion when they carry out their tasks. Administrative corruption usually refers to civil servants’ behaviours that abuse discretion in exchange for personal profit, like demanding bribes and misappropriating subsidies.

Administrative corruption has attracted less attention from scholars and international financial institutions than political corruption, particularly since the 1990s. The media rarely covers administrative corruption cases because they often do not involve famous people or large sums of money. The same reasons also hold for the low enthusiasm of law enforcement agencies for action against administrative corruption.

However, the accumulated loss caused by administrative corruption can be enormous,
particularly when the acts of accepting bribes and embezzlement become normal. It follows that there is a need to prevent administrative corruption. The literature on public administration offers several solutions, suggesting guaranteeing lifelong careers, introducing strong legal protection for civil servants, and ensuring accountability of civil servants to their superiors in offices (Dahlström & Lapuente, 2012; Dahlström, Lapuente, & Teorell, 2012; Dahlström, Lindvall, & Rothstein, 2013). Scholars in the New Public Management School suggest reducing the opportunities and motives for committing corruption by increasing competition among public service providers. Methods include pluralizing public service providers (Turner, 2002).

In addition, several international financial institutions suggest empowering stakeholders to hold civil servants to account in a direct fashion (Devarajan & Reinikka, 2003; World Bank, 2003b). The establishment of Local School Councils (LSCs) in the Chicago City, the United States, tried this kind of model. LSCs are mandatory governing bodies that feature public participation because they consist of six parents and two community residents other than teachers and the principal. They are powerful because power vested in them includes control over school budgets, evaluation of the principal’s performance, renewal of the principal’s contract, and the approval of school improvements (Gamage & Zajda, 2009, p. 5). With this power, LSCs can oversee school staff at both the formulation and implementation stages of decision making. In other words, LSCs are facilitators of simultaneous accountability. Surveys show that they did hold civil servants in schools
accountable and thereby improved the quality of education service and local schools (Fung & Wright, 2001).

Like LSCs in Chicago, the primary objective of the formation of School Committees in Indonesia was to ensure accountability of civil servants in public schools through public empowerment. School Committees were the by-products of education policies like School-Based Management that the Indonesian government established in the Reformasi era to improve the quality of education. Local NGO activists expected them to ensure accountability of school staff and thereby reduce corruption in schools. Such expectations were met in Flores (East Nusa Tenggara Province), where a survey by Bandur (2008) shows the success of School Committees in acting as effective oversight bodies at local schools.

While success can be attributable to several factors, this thesis asks whether School Committees in other administrative areas are as effective as their counterparts in Flores, and focuses on the School Committees in DKI Jakarta. This administrative area was selected because several NGOs there tried to make School Committees effective accountability agencies in order to reduce corruption in schools. They attempted to form a social action alliance, a force that scholars like Jayal (2008, p. 107), and Johnston and Kpundeh (2005) deem essential for reducing corruption, and thus they frequently
interacted with parents and other education stakeholders. NGOs’ experience and survey findings reveal how School Committees performed in DKI Jakarta; which factors impeded them from functioning optimally; why stakeholders refused to exercise control directly over school staff; and, more importantly, why NGO-led accountability actions aimed at preventing bureaucratic corruption from happening failed. Chapter Six contains in-depth analyses of contextual factors (such as relevant regulations and customary interaction between school staff and pupils’ parents) and NGOs’ survey findings.

2.4 Summary

Few scholars emphasise NGOs and their accountability actions aimed at preventing corruption when discussing reducing corruption through democratic measures. Such accountability actions, however, are of significance because they not only promote democratisation but also reduce corruption. The current literature on corruption and accountability says little about such actions, but some of them could repay further study. This thesis chooses to discuss three of these. Each relates to a different object being held to account, and each also has relevance for a reduction in corruption. Indonesia during the Reformasi era is suitable for this research because it is a transitional democracy seriously troubled by corruption problems and also because local NGOs endeavour to combat that problem in a proactive fashion. Research findings on these topics can not
only enrich the study of both accountability and corruption, but also offer explanations for rampant corruption in transitional democracies. The next chapter included discussions of the research background, the development of Indonesian NGOs, and the objects that they call to account, followed by case studies.
3 Accountability Enforcement and the Struggle against Corruption in Indonesia: Context, Agents, and Objects

This chapter puts attention back on Indonesia, particularly during the Reformasi era, and discusses the context, Indonesian agents of social accountability, and the objects of their accountability activities, in three sections. The first section begins with an overview of Indonesia’s history, followed by a discussion of the macro context in the Reformasi era. The second section analyses Indonesian NGOs and media in the Reformasi era, because they are the two social actors frequently mentioned in the literature on social accountability, and also because they have tried to create an accountable and clean government in Indonesia. The section explains why this thesis focuses on NGOs, and also why their activities in seeking ex-ante and simultaneous accountability are important for reducing corruption. A brief discussion of three objects of their anti-corruption campaigns—namely, elected representatives, non-elected officials, and civil servants—constitutes the third section, and a summary of the chapter follows.

3.1 Context

As noted in Chapter Two, the importance of context, for the effectiveness and outcome
of social accountability activities has not received scholarly notice until recent years. In contrast to Joshi (2013) who emphasises the “micro” context, O’Meally (2013) and Peruzzotti (2011), though highlighting different factors, both offer in-depth discussions of “macro” contextual factors. This section follows suggestions by O’Meally and takes a deeper look at the “macro” context in which social actors in Indonesia initiated accountability for anti-corruption purpose.

Before the Reformasi era started in 1998, Indonesia had been an independent country for more than five decades. Over this time, four periods can be discerned: the period of the Independence War (1945–1949); the period of Parliamentary Democracy (1949–1957); the period of Guided Democracy (1957–1967) and the period of New Order (1967–1998). Among these, only the New Order Era under the late President Suharto’s rule enjoyed social, economic, and political stability. Such achievements, however, were at the expense of democracy and liberty.

Suharto had controlled state institutions since the mid-1960s. He followed the idea of an “integralistic” state and established an authoritarian regime that belittled human rights, the rule of law, and democracy (Nasution, 2010, pp. 13-18). Suharto and cronies surrounding him dominated the executive branch of government by means of either threats or bribery, and most subordinates were coerced into compliance (Vatikiotis, 1993;
Walker & Tinker, 1975). Suharto and his cronies also exerted tight control over judicial agencies by either intimidation or bribery, and compelled judges and other law enforcers to serve only political power holders (Lindsey, 2002, pp. 54-55). Suharto was able to gain control of the parliaments through manipulation of elections. As a result, Golkar, the election machine engineered by the Suharto administration, occupied the majority of parliamentary seats. Thus, parliament at all levels was a rubber stamp that merely endorsed official policies (Ziegenhain, 2005).

During the New Order era, the people of Indonesia lived under an increasingly oppressive system of governance. State institutions seldom took the initiative in explaining their decisions and policies. People were afraid to call government officials to account. This fear originated partly from memories of large-scale slaughter in the mid-1960s. Meanwhile, office holders also attempted to silence critics by means of verbal or physical threats. As a result, most people avoided discussing sensitive issues like politics, corruption, human rights, and democracy. At the same time, the Suharto administration limited freedom of assembly and association. It forbade journalists to form organisations such as labour unions. The only option available for journalists was the Indonesian Journalists Association (Persatuan Wartawan Indonesia, PWI), which the government
recognised. However, the association seldom worked to protect the rights and interests of journalists. It often sided with the Suharto administration against its own members (Hill, 1991). As a result, the rights and interests of journalists and press freedom came under threat.

Under Suharto’s rule, NGOs also faced several limitations. The Suharto administration ordered all NGOs to register with the Directorate General of Social and Political Affairs, Ministry of Home Affairs (Asian Development Bank, 1999, p. 15). It also frequently threatened NGOs for allegedly slandering the Indonesian government or disturbing the country’s political stability. Law No. 8 on Social Organisations of 1985 gave the government considerable power over NGOs. It stipulated that all social organisations should adhere to Pancasila (Article 2) and obtain the consent of the central government before they acquired foreign funding (Article 13). These clauses undermined civil society organisations and severely limited their sources of funding. The law thus came under criticism for helping Suharto’s authoritarian government maintain its strict control on

See Ministerial Decree No.2 of 1969 (Peraturan Menpen No. 02 tahun 1969).

civil society. At the same time, to evade these restrictions many NGOs were officially registered as foundations (yayaysan) (Hadiwinata, 2003, p. 96).

Media firms experienced similar restrictions under Suharto’s rule (Palguna, 2003; Schwarz, 1994). Law No. 21 of 1982 on Basic Press Regulation stipulated that all news firms required permits (Surat Izin Usaha Penerbitan Pers, SIUPP) to operate in Indonesia. Media firms were frequently warned against covering sensitive news. Ethnic conflicts, the holdings of Suharto’s family, corruption, and cronyism were all sensitive issues in the eyes of government officials. As a result, most media were extremely prudent (Romano & Seinor, 2005).

The impact of such controls and limitations on social accountability activities for anti-corruption purposes was huge. Due to strict limitations, information about office holders’ behaviour was inaccessible, and few people had the courage to question the Suharto administration about corruption, accountability deficits, and other problems. Indonesian NGOs and other social actors, though they existed, were weak and unable to form a monitoring force that could call power holders to account on a regular basis. There were

some quarrels among political elites about interests or policies, but under Suharto’s tight control such quarrels never gave rise to a major crisis. Neither did they create an opportunity for reform-minded politicians to form an opposition camp strong enough to demand accountability. In short, the context under Suharto was not favourable for social accountability activities.

In the absence of checks and controls, the misuse of power became prevalent. Misconduct, such as seeking bribes and misappropriating public funds, became the norm. Abusers of power were seldom brought to justice and rarely suffered punishment. The late Vice President Mohammad Hatta in the 1970s once remarked that corruption had become part of the Indonesian culture. The coexistence of authoritarian rule and corruption lasted a long time, until the financial crisis of 1997.

The financial crisis severely damaged Indonesia (Davidsen, Juwono, & Timberman, 2006, p. 41). Problems such as the quick withdrawal of capital by foreign investors, the decline of confidence, stagnation of production, and currency depreciation arose in succession. As a consequence, Indonesia’s gross domestic product (GDP) shrank by 13.8 percent in 11

1998 and prices of commodities increased by 58.0 percent in the same year (see Figure 3.1). Soaring prices of commodities not only added to the financial burdens of ordinary families but also made life even more difficult for the poor and the unemployed. Large-scale demonstrations took place in many cities. Some of them became riots. Political commentator Wimar Witoelar claims that the financial crisis and social chaos resulting from it resembled the “stroke of midnight”. Such a metaphor suggests how panic-stricken Indonesian residents were and how unexpected were the problem they faced.12 The social stability and economic prosperity that had accompanied Suharto’s authoritarian rule for so long suddenly disappeared (Abdullah, 2005). Grievances about government policies and the oppressive nature of the regime mounted. Suharto resigned in 1998, after losing the support of the political elite.

The Reformasi era started following the resignation of Suharto in 1998. The name derives from the numerous reform measures and frequent discussions of reform during this period of transition. The economic growth rate and other indexes showed that Indonesia’s economy was stabilising (see Figure 3.1). Political and social chaos erupted for a short time under the rule of B. J. Habibie (1998–1999) and Abdurrahman Wahid (1999–2001). The whole situation was relatively stable under the rule of Megawati Sukarnoputri (2001–2004) and Susilo Bambang Yudhoyono (2004–2014). This stability was partly attributable to a series of reform measures, including financial decentralization, deregulation, and several others. Despite these measures, Indonesia still encountered various problems which were needed to be addressed, including disorganised civil society and poor-quality law enforcement (Davidson, 2009; Heryanto
& Hadiz, 2005). Some problems were legacies of the past (such as poorly performing bureaucracy); others, by-products of new government policies (such as decentralised corruption). Indonesia’s future depends on whether or not these problems can be solved.

Fortunately, democratic reform measures continued, and some of them were conducive to accountability enforcement. They included making elections free and fair; empowering parliaments to exert control over the executive; and establishing new accountability institutions. Apart from the political elites, international financial institutions (such as the World Bank) and local NGOs were also the driving forces behind these reform measures. Many international organisations contributed to the Indonesian government’s reform programmes through funding and technical assistance. The success of the general election in 1999, for example, was partly attributable to many international organisations’ assistance and participation. Many local NGOs not only monitored government performance but also proposed reform agendas. The establishment of the KPK and the Witnesses and Victims Protection Agency (LPSK) were both the results of NGOs’ indefatigable advocacy.

One objective of many reforms was to reduce corruption. Under Suharto’s rule, corruption had been a sensitive topic, and only a few journalists and law enforcers were willing to take the initiative in discussing corruption cases, especially ones relating to
Suharto, his family members, and friends. The sensitivity of corruption as an issue declined after Suharto resigned. In the Reformasi era, Indonesian scholars and journalists have expressed a strong interest in exploring corruption networks under Suharto’s rule. Their investigations helped to show the Indonesian people that corruption had exposed Indonesia to the Asian financial crisis (Handayani, Basyaib, Sinjal, & Makarim, 2004).¹³ Large sections of the population now deem corruption as a negative legacy of Suharto’s 32-year-long rule, while they find that Suharto, his family, and friends were beneficiaries of those corruption networks (Permadi, Klinken, & Jackson, 2008).¹⁴ Given that corruption so harmed their country, since the start of the Reformasi era there has been a consensus within the society that reducing corruption should be a priority. Many local NGOs (such as ICW), religious organisations (such as NU) and reform-minded government officials (such as Sri Mulyani Indrawati) managed to initiate anti-corruption campaigns or mechanisms. Some of their efforts won financial support from international financial institutions like the World Bank.

Reform measures have given rise to some changes. In the Reformasi era, the executive
branch of government has found it difficult to avoid being accountable to the legislative branch (Hadiwinata & Schuck, 2007). NGO activists, journalists, and ordinary people can demand accountability of public office holders or politicians for misbehaviour without the fear of suppression. The number of institutions established to enhance accountability and also the quantity of office holders and politicians tried for corruption has increased dramatically. At the same time, figures suggest progress in the reduction of corruption. According to the Global Corruption Barometer, a high percentage of Indonesians are optimistic that the level of corruption in Indonesia will decline in the near future. Indonesia in 2011 scored 3.0 in the Corruption Perception Index, the highest mark in the period between 1995 and 2011, and was perceived to be “cleaner” than around 45 percent of countries surveyed (see Table 3.1). In contrast to its score (1.94) and rank (41 out of 41) in 1995, Indonesia’s rank and score in 2011 are remarkable.

15 These institutions include the Corruption Eradication Commission, the Corruption Court, and the Indonesian Financial Transaction Reports and Analysis Centre. Laws relevant to the fight against corruption include Law No. 14 of 2008 on Openness of Public Information, and Law No. 15 of 2002 on Money Laundering.

16 In 2003, 55 percent of local respondents were optimistic about the decline in the extent of corruption in the following three years. That percentage rose to 81 percent in 2005. According to the 2009 Global Corruption Barometer report, 74 percent of local respondents in Indonesia perceived Indonesian governments’ anti-corruption measures as being effective.

17 After 2012, countries were scored from 0 (highly corrupt) to 100 (very clean).
In spite of these changes, there is still room for improvement, argue observers and scholars. Critics point out some problems relating to accountability. Most elected representatives are more accountable to political parties than to constituents (Haris, 2005; Ziegenhain, 2008a); many new accountability institutions fail to act as effective monitoring agencies (Bolongaita, 2010; Chalid, 2001; Crouch, 2008; Komisi Ombudsman Nasional, 2005; Sherlock, 2002; Sujata, Masthuri, Winarso, Fernandes, & Widyawati, 2002; Sujata, Surachman, Sampul, & Juwono, 2003); and civil servants’ attitudes towards serving the people have changed little (Dwiyanto et al., 2006; Legowo, 1999; McLeod,
2008). Meanwhile, critics also warn that corruption remains an insoluble problem in the Reformasi era. Indonesia continues to be frequently tagged as one of the most “corrupt” countries in the world, though data and indexes show that there has been an improvement. Several reasons lead to such an outcome. One is that people who benefit from corruption have successfully ensconced themselves in state institutions and have also developed sophisticated techniques to engage in corruption (Hadiz, 2006, p. 96). Another, complain critics, is that officials have not taken sufficient effort and have paid only lip service to the problem (Kemitraan, 2002, p. 5). Yet another is that corruption has spread to all levels of government in Indonesia after administrative and financial decentralization started in 2001 (Hadiz, 2004a, p. 711; Rinaldi, Purnomo, & Damayanti, 2007; Takeshi, 2006). As a consequence, to date the state treasury and public welfare still sustain enormous losses as a result of corruption.


19 Based on data released by the Ministry of Domestic Affairs, there were 1129 elected representatives involved in corruption in the period 2004–2006. Among them were seven governors, 60 mayors and district heads, 327 members of provincial parliaments, 735 members of municipal and district parliaments. According to Husodo (2010), a high percentage of the 145 elected representatives accused of corruption and prosecuted by the Corruption Eradication Commission in the period 2007–2008 were local politicians. Retrieved on July 20, 2010, from http://www.dagri.go.id/news/2006/03/24/mendagri-ada-11.

20 For example, illegal logging reportedly costs the Indonesian government US$2 billion per year (Human Rights Watch, 2009).
In summary, in Indonesia there is still room for improvement in accountability enforcement and the reduction of corruption. Because a series of reform measures have been initiated by the government, the next step should be to have existing reform measures implemented optimally and also to address obstacles to such implementation. While works by Goodpaster (2002), Tambunan (2000) and King (2000b) on remedies to corruption in Indonesia mostly discuss efforts by political elites or donor organisations to promote reforms, this thesis focuses on initiatives by ordinary people for anti-corruption purposes. The basic rationale is that Indonesia in the Reformasi era is a democracy, and thus individual citizens, NGOs, media firms, or other social actors have the right to demand accountable and “clean” governments and office holders. In addition, the Reformasi era offers them a favourable context in which to exercise such rights. The next section discusses Indonesian agents of social accountability in the Reformasi era.

3.2 Agents of Social Accountability

Everyone in a democracy has the right to demand accountability of state institutions and to hold government personnel accountable for their decisions or behaviour (Malena, Forster, & Singh, 2004). However, not all who make such demands are agents of social accountability, because to play that role requires them to meet certain requirements
The term “agents of social accountability” thus refers to people or groups who are capable of acting for the public in enforcing accountability of power holders for the purpose of protecting broad interests. Though there are cases in which individual persons can be agents of social accountability, they are typically less capable and effective than organisations formed by groups of individuals in order to pursue common goals. At the same time, despite the collapse of Suharto’s authoritarian regime, many Indonesians remain too apprehensive to call office holders to account. Accordingly, this thesis focuses on organisations that can initiate accountability activities for anti-corruption purposes. Of them, NGOs and the media have attracted the widest discussion in most literature on social accountability, and in Indonesia, particularly during the Reformasi era, many such organisations have endeavoured to promote accountability, and also to create governments free of corruption. The first subsection briefly discusses the development of Indonesian NGOs and media, followed by a deeper look at Indonesian NGOs in the Reformasi era and a review of the literature on their accountability activities for anti-corruption purposes.

3.2.1 Indonesian NGOs and media firms

NGOs are organisations that are neither formed by nor affiliated with the government. To be more precise, this thesis follows Saidi (2004, p. 22) in defining NGOs as non-profit
organisations that ordinary people form voluntarily to serve the public. By using this definition, this thesis excludes profit-driven organisations and government-run associations from the discussion. Two local terms sometimes replace the term “NGO” in Indonesia. One is *organisasi non pemerintah* (Ornop), which is the literal term and appears in some local scholars’ works. The term *lembaga swadaya masyarakat* (LSM) is more popular; Eldridge (1995, pp. 12-13) translates this as “self-reliant community institutions”. In order to avoid confusion, this thesis uses the generally known term “NGOs”.

NGOs are critical constituents of Indonesian civil society. A high percentage of them focus on issues relating to community development. Not until the Reformasi era started did the number of NGOs formed to address corruption, human rights, accountability, and other sensitive issues increase remarkably. This was partly because of the strict restrictions placed upon them under Suharto’s rule. However, there were still NGOs that bravely challenged the Suharto administration in the New Order era. The Legal Aid Institution established in 1971 is a good example. In the late 1980s, it attracted the attention of international organisations when it mobilised victims of the Kedung Ombo Dam incident to protest against government policies and helped them to obtain fair compensation for the loss of their land and property (Eldridge, 1995, pp. 122-124). This was just one case of Indonesian NGOs’ accountability initiatives at that time, and several did embarrass the Suharto administration greatly. The government, however, seldom
responded positively unless there was direct intervention by international organisations. Verbal warnings and threats were the most common responses received by NGOs seeking accountability.

Indonesian NGOs in the Reformasi era have faced a more favourable context. Restrictions that once impeded NGOs have been either removed or not implemented. The Law on Social organisations is an instance. It was not revised in the first decade of the Reformasi era, but during that period the Ministry of Home Affairs no longer followed it and did not require NGOs to register.\textsuperscript{21} Nor did social organisations need the government’s consent before they could apply for foreign funding.\textsuperscript{22} Meanwhile, new laws do not have clauses excessively restricting NGO activities. An example is Law No. 16 of 2001 on Foundations. That law applies to non-membership organisations that people form for social, economic, and humanitarian ends. As many NGOs in Indonesia are registered as foundations, this law also applies to them. The law still has a clause stipulating that foundations which disturb public order and contravene ethics can be dissolved (Article 62). However, it entitles the courts, not the executive, to make the


decision, removing one source of NGOs’ fears deriving from experience.

The number of Indonesian NGOs in the Reformasi era increased remarkably, growing from 7,000 in the mid-1990s to around 13,500 in 2002, according to official data. The Ministry of Home Affairs estimated that the total number of NGOs in Indonesia by 2010, including unregistered ones, exceeds 100,000. That increase is attributable to several factors. Other than the removal of restrictions, an increase in sources of funding is also crucial. Since 1998, international financial institutions like the World Bank have funded numerous programmes to assist Indonesia in developing democracy, economic stability, and prosperity. These programmes require the participation of local NGOs, offering funding opportunities for existing NGOs and encouraging newcomers.

The Indonesian media’s story is similar. Under Suharto’s rule, numerous restrictions impeded media organisations from being able to monitor government performance and behaviour effectively, but many of the restrictions were removed after Suharto resigned. Law No. 40 of 1999 on the press, which replaces laws enacted under Suharto, does not stipulate that the establishment of media firms requires permits (Palguna, 2003). As a

result, the number of media firms has increased. For example, the number of newspapers and magazines rose from 289 to 2,000 in the 16 months after Suharto resigned (Romano & Seinor, 2005 p. 111).

The growth of media implies an increase in the number of employees hired in the media industry. Of them, journalists are more representative of media firms than are administrative staff. They faced strict restrictions under Suharto’s rule but, under Law No. 21 of 2000 on Trade Unions, the number of journalist-related associations reached 43 in 2003 (Hanitzsch, 2005). These associations protect journalists against unfair treatment, physical attacks, and discriminatory policies.  

Probably because of such support, Indonesian journalists in the Reformasi era have grown bolder in their coverage of corruption scandals. As Romano and Seinor (2005) put it, "[i]n such an environment, journalists adopted a brash style when reporting on weaknesses in public leaders and their policies. This contrasted markedly with the allusive style that Indonesian journalists used during the New Order period" (p. 111).

The Independent Journalist Alliance (AJI) is an association that promotes press freedom in Indonesia. Its establishment, in 1994, was a response to an order which the Suharto administration issued that banned three magazines. Now it is focused on the protection of journalists’ interests.

24 The Independent Journalist Alliance (AJI) is an association that promotes press freedom in Indonesia. Its establishment, in 1994, was a response to an order which the Suharto administration issued that banned three magazines. Now it is focused on the protection of journalists’ interests.
Nevertheless, increases in quantity and improvement in quality are two different things. Lindsey (2002) points out that the quality of Indonesian civil society in the Reformasi era remains uneven. The establishment of some NGOs was rushed, and the purpose was only to compete for funding (Beittinger-Lee, 2009, p. 116). They have neither a complete organisational structure nor a clear vision of their mission. Some NGOs are allegedly manipulated by politicians wishing to humiliate their political rivals, to express support for their policies, or sometimes even to extort money from their victims (Abidin, 2004). At the same time, there are some other NGOs that adopt radical means to pursue specific goals which may harm the public interest, and thus are deemed to be democracy’s troublemakers (Hadiwinata, 2008). Not surprisingly, such NGOs lack credibility and, therefore, are hardly competent agents of social accountability. Their existence harms the image of the NGO community in Indonesia.

Arguably, only a few NGOs are both willing and able to initiate accountability activities for anti-corruption purposes in the Reformasi era. According to a list published by the Indonesian Society for Transparency (MTI) in 2001, the total number of anti-corruption NGOs in Indonesia is 158. Most of the NGOs on the list operate outside Jakarta, and they

express an interest in corruption problems at the local levels. In contrast, Jakarta-based NGOs mostly interested in corruption problems at the national level are a minority. It is hard to know whether all the NGOs listed are competent agents of accountability, because MTI does not explain the selection criteria and assessment methods used in making the list. If all the NGOs on that list were competent, they would still represent less than one percent of the Ministry of Home Affairs estimates of the total number of NGOs.27

Media organisations have encountered similar problems. During the Reformasi era, probably for the purpose of attracting advertising revenue, much of the newly established media mainly broadcast entertainment programmes, and showed little interest in “hard” issues like corruption and accountability. Of media firms that express interest in such topics, some have problems of neutrality and objectivity. In his research, Winarno (2003) found that prime shareholders of many media firms in Indonesia were political parties or politicians, possibly compromising their neutrality when covering corruption cases.

27 No NGOs under Suharto’s rule focused on fighting corruption.
Media that dedicate a large part of their news content to the analysis of social and political issues are more likely to cover corruption cases and scandals. Coverage of corruption-related news, however, is not the same as investigating and exposing corrupt officials. Media firms that promote and support investigative reporting on corruption scandals are also more likely to be initiators of anti-corruption movements. There have been several cases in Latin America in which anti-corruption movements are launched by media firms. As noted in Chapter Two, investigative reporting is mainstream journalism in Latin America. There were, however, only a few media outlets in Indonesia that encouraged journalists to investigate and expose corruption cases. Based on his survey, Hanitzsch (2005) argued that only Tempo and a few other national media outlets encouraged journalists to investigate corruption scandals. Most media either published second-hand information or cited NGO publications. Not surprisingly, such news reports were mostly descriptive, and failed to offer any real insight into the problem of corruption. Meanwhile, Bagir Manan, chairman of the Press Council in Indonesia, argued that Indonesia’s news media put excessive focus on the background of corruption suspects, at the expense of discussion of ways to utilise anti-corruption institutions and to increase public awareness about corruption eradication. Media of this sort can be

a useful tool for NGOs, but are rarely initiators of accountability activities.

In summary, not all Indonesian NGOs and media in the Reformasi era are competent agents of social accountability that combat corruption. This thesis will mainly discuss Indonesian NGOs and their anti-corruption/accountability activities on two grounds. First, NGOs have led Indonesia’s anti-corruption movements in the Reformasi era. Many Indonesian media firms do not initiate accountability activities for the purpose of attacking corruption. At the same time, though the NU, the Chamber of Commerce and Industry (Kadin), and other social organisations have repeatedly announced their intention to combat corruption, these declarations have seldom translated into concrete action. Under these circumstances, only some NGOs have really deemed corruption a priority issue (Goodpaster, 2002, p. 23), and have thus become leaders of Indonesia’s anti-corruption movements. They have initiated a wide range of activities such as demanding that law enforcement agencies investigate corruption cases and punish corrupt office holders. Furthermore, they have conducted research and distribute findings to the public, and have thus become the main sources of anti-corruption

knowledge (Beittinger-Lee, 2009, p. 122; Holloway, 2001; Lindsey, 2002).

The second reason is that NGO activists are more likely to initiate *ex-ante* and simultaneous types of accountability activities than are journalists. The job of journalists is to look into corruption cases and expose scandals, rather than to build up effective anti-corruption institutions or prevent office holders or politicians from committing corruption. In contrast to journalists, NGO activists are more flexible about ways to initiate accountability activities for anti-corruption purposes. They can mobilise voters, participate in the formulation of policies or decisions, and utilise participatory accountability institutions. Such activities allow them to seek *ex-ante* and simultaneous accountability. The next subsection provides a deeper look at Indonesian NGOs that demand accountability for corruption in the Reformasi era, particularly those studied in this thesis.

### 3.2.2 Indonesian anti-corruption NGOs

As discussed in Chapter One, NGOs visited for this thesis are located in DKI Jakarta. The professionalism of these NGOs is reflected in the educational background of their activists, most of whom are university graduates; some have even studied overseas. Since many of these NGO activists are graduates of law schools, they understand the law
and the legal system in Indonesia and how best to utilise legal means to fight against official corruption. Judging by their comments over the years regarding basic human rights and popular sovereignty, these activists also possess strong rights consciousness and a determination to call office holders to account.

There are also many differences among these NGOs. One very important difference relates to resources. Resources affect NGOs’ capacity to carry out accountability activities. Financially, most Indonesian NGOs rely heavily on international financial institutions and foreign donors. They implement donor organisations’ short-term projects in exchange for funding. This suggests that most NGOs seek and apply for funding continuously, in order to obtain sufficient funds to sustain their daily operations. Some NGOs, however, can obtain funding more easily than others. TII and ICW are two examples. According to their leaders, obtaining funding is not a severe challenge for them.\textsuperscript{31} The ability of NGOs to attract funding depends on the reputation which they have built over the years and the trust or confidence of donors in their effectiveness.\textsuperscript{32} This unavoidably leads to the concentration of funding and donor support among well-

\textsuperscript{31} Rezki Sri Wibowo, Interview with author, Jakarta, August 22, 2007; Danang Widoyoko, interview with author, Jakarta, September 3, 2007.

\textsuperscript{32} Firliana Purwanti, email communication, February 13, 2008.
established NGOs at the expense of new NGOs. The group called berantaS is an example. Established in 2001 by several former ICW activists, this NGO could not obtain any funding from donor organisations despite the vast experience and knowledge of its activists. Its leader blames its demise on the conservatism of donor organisations. Similar complaints also arise during casual talks with activists from other newly established NGOs.

These NGOs also vary in their missions and focuses. TII activists, for instance, have an interest in perceived levels of corruption and thus conduct surveys on a regular basis. In contrast, ICW specialises in exposing corruption scandals, and also has initiated a variety of activities to mobilise victims of corruption. The KRHN focuses on constitutional topics and critically examines rulings by the Constitutional Court to determine whether they are unfavourable to anti-corruption institutions. PSHK pays close attention to anti-corruption bills and institutions, checking that government decisions are within the boundaries of the law and do not facilitate corrupt activities. Such differences point to the variety of Indonesian NGOs’ accountability activities for anti-corruption purposes,

and also highlight the need to put these activities in a broad framework for analysis.

The third difference among these anti-corruption NGOs lies in their interaction with the media. Corruption cases involving prominent political figures and an enormous amount of money usually attract media attention. NGOs, such as ICW, that are competent and efficient at discovering corruption scandals are thus media favourites. As a result of their close relationship with the media, ICW leaders, such as Masduki, have become national celebrities. Some local NGO activists have even used the names of ICW activists to attract media attention. In contrast, PSHK, MTI, and NGOs that focus on bills and institutions appear to receive far less media attention.

However, it should be noted that, under certain conditions, media firms may not cooperate with ICW. ICW activist Ade Irawan complained that their efforts to highlight corruption in public schools usually did not receive media attention. This is because most media are inclined to cover topics that are more controversial than administrative

34 Even Indonesian migrant workers whom I met in Taiwan knew who Masduki was and on what topics he focuses.

corruption, he argued.\textsuperscript{36} Meanwhile, media reporting sometimes may conflict with NGOs’ strategies; one such conflict took place during the 2009 General Election. At that time, newspaper offices and television news stations expressed strong interest in the blacklists of unfit election candidates and repeatedly urged NGOs to release their lists. However, NGOs refused to do so in order to avoid charges of defamation.\textsuperscript{37} These facts point to challenges that Indonesian NGOs, even well-known ones like ICW, may face when using the media to enforce accountability of power holders.

Despite their many differences, NGOs can and do co-operate with each other, joining forces in political protests such as the Anti-Rotten-Politician movement in the lead-up to the 2004 general election. Taking advantage of their many different areas of specialisation, participating NGOs developed a model of division of labour to maximise efficiency. For instance, it was well-established NGOs that proposed strategies to prevent undesirable candidates from winning elections, and made public announcements. Other participating NGOs collected information about candidates’ track records and conveyed messages about the objectives of the movement to voters. Another example of NGO collaboration is the case of internal reform of the Supreme Court. In that case, NGO

\textsuperscript{36} Ade Irawan, interview with author, Jakarta, October 14, 2009.

\textsuperscript{37} For more discussion of this, see Chapter Four of this thesis.
activists invited to join the Reform Team (Tim Pembaruan) affiliated to the Supreme Court did not quarrel with other activists who monitored and criticised the reform process. Instead, they co-operated and formed an alliance that promoted internal reform of the Supreme Court.\textsuperscript{38}

Jakarta-based NGOs initiated a variety of accountability activities. Unlike the two NGO collaboration mentioned above, the CICAK movement of 2009 is an example of how they may seek \textit{ex-post} accountability. The word \textit{cicak} means “lizard” or “gecko” in English. The movement got its name after a senior police officer made an insulting remark about the KPK, scornfully referring to them as “house lizards” fighting “crocodiles” (police).\textsuperscript{39} The name CICAK later became an acronym for “Cinta Indonesia, Cinta KPK” (Love Indonesia, Love KPK). Launched in 2009 by ICW, TII, and several Jakarta-based NGOs, the purpose of the CICAK movement was to save two commissioners of the KPK from being imprisoned on charges of extortion and bribery, and to support anti-corruption institutions.\textsuperscript{40} The movement soon received nationwide attention, especially after a

\begin{flushleft}
\textsuperscript{38} For further discussion of this, see Chapter Five of this thesis.


\end{flushleft}
national TV station broadcasted a wiretapped conversation that revealed deliberate attempts a police officer to frame the two commissioners by tampering with the evidence. As a result of this revelation, more than one million Facebook users immediately gave their signatures to online petitions demanding the release of the two commissioners.\(^{41}\) Tens of thousands of demonstrators flocked to the streets of central Jakarta and asked President Susilo Bambang Yudhoyono to look into the allegations (Beyerle, 2014, pp. 103-105).\(^{42}\) The president responded positively by forming the Team of Eight to investigate charges against the two commissioners.\(^{43}\) The team’s findings and recommendations led to the resignation of two high-ranking law enforcers and the reinstatement of the two commissioners who had been falsely accused.

The CICAK movement is just one of the success stories of Jakarta-based NGOs’ anti-corruption activism. NGO activists have shown a strong commitment to exposing many corruption scandals and also to discouraging corrupt office holders’ attempts to block anti-corruption efforts. A growing number of signs indicate that they now face strong


counterattacks, however. In 2009, for example, two ICW activists faced charges of defamation, later dropped by the Attorney General’s Office, because they questioned its handling of money.\footnote{ICW Sesalkan Laporan Kejaksaan ke Polisi, Koran Tempo, January 8, 2009.} In 2010, another ICW activist was physically attacked, allegedly for investigating the secret bank accounts of several high-ranking police officers.\footnote{ICW Yakin Kasus Tama Terkait Rekening Gendut, Koran Tempo, July 16, 2010.} This was the first time in the Reformasi era that ICW activists were actually attacked, though they had frequently received verbal warnings.\footnote{Journalists who cover corruption scandals also face similar threats. A survey by AJI showed that there were 39 assault cases and four legal charges against Indonesian journalists in 2005. The number of similar cases rose by 18 percent in 2006 (The Alliance of Independent Journalists, 2007, p. 27). The data of the Committee to Protect Journalists even show that three Indonesian journalists have died because of reporting corruption since 2006. Retrieved on July 20, 2012, from www.cpj.org/killed/asia/indonesia.}

Jakarta-based NGOs’ anti-corruption activities are significant because activists have focused mostly on national issues and expected to give rise to nationwide impacts. At the same time, they have aimed at addressing obstacles that have paralysed anti-corruption institutions, and also at problems which the existing anti-corruption institutions have failed to solve. For example, while one cause of corruption in Indonesia’s parliaments before 2004 was the failure of voters to hold elected representatives accountable, the prime objective of the Anti-Rotten-Politician
Movement in the lead-up to the 2004 general election was to mobilise voters not to cast ballots for corrupt or otherwise unfit politicians seeking re-election. There are several other cases, but few of them have been analysed in the literature on accountability, corruption, or NGOs in Indonesia.

Most such literature focuses on cases at the local level. Rinaldi, Purnomo, and Damayanti (2007), for example, gave a comprehensive overview of ten accountability activities in five provinces. Davidson (2007) provided a comparative study of local NGOs’ accountability activities for anti-corruption purposes in West Sumatra and West Kalimantan. Chaniago (2003a, 2003b) analysed accountability activities in West Sumatra, South Sumatra, DKI Jakarta, and Yogyakarta Special Region (Daerah Istimewa Yogyakarta, DIY). These cases illustrated how local NGOs seek ex-post accountability, but made little mention of how they seek ex-ante or simultaneous accountability. Moreover, scholars question Indonesia NGOs’ capacity to combat corruption. For example, Hadiz (2006, p. 96) argued that they had problems such as internal organisational deficiencies and failure to broaden their social and political constituency, suggesting that Indonesian NGOs could not effectively reduce corruption. This gives rise to one question: Were Jakarta-based NGOs troubled by those problems when they initiated activities seeking ex-ante and simultaneous accountability? Cases analysed in the following three chapters can provide answers.
In summary, NGOs are critical agents of social accountability in Indonesia, and many of them initiated important anti-corruption activities in the first decade of the Reformasi era. However, most literature on corruption, accountability, and NGOs in Indonesia focuses on local NGOs, making little mention of Jakarta-based NGOs and their efforts to seek *ex-ante* and simultaneous accountability. These two types of accountability activities are important because, if successful, they can help prevent corruption from happening. As well as asking how Jakarta-based NGOs initiated the two types of accountability activities, this thesis also attempts to investigate what challenges they encountered and what changes these challenges gave rise to. In accordance with interviewees’ suggestions, this thesis selects cases concerning corruption and the accountability of elected representatives, non-elected officials, and civil servants. Before examining these case studies more deeply, the next section briefly introduces the three objects of social accountability in Indonesia that lie at their heart.

### 3.3 Objects of Social Accountability

Government office holders, here distinguished into elected representatives, non-elected officials and civil servants, are objects of social accountability discussed in this section. These objects vary in the positions they occupy, in authority they hold, in accountability mechanisms applying to them, and several other aspects, so holding them to account
cannot rely on a single strategy. This section studies the accountability mechanisms that apply to Indonesian objects of social accountability and the reasons that some aspects of them attract NGOs’ attention.

### 3.3.1 Elected representatives

Elected representatives are political figures who possess political power entrusted to them by citizens through elections. Before 2004, not all members of parliament in Indonesia were elected representatives. Some parliamentarians at that time were appointees of the president.⁴⁷ After 2004, all members of the People’s Representative Council (Dewan Perwakilan Rakyat, DPR) and the Regional People’s Representative Councils (Dewan Perwakilan Rakyat Daerah, DPRD) were chosen by election. At the same time, the posts of heads and deputy heads of the executive branch of governments and the Regional Representatives Council (Dewan Perwakilan Daerah, DPD) have also been open to elections since 2004.⁴⁸ These changes have led to a dramatic increase in the

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⁴⁷ Military representatives occupied a certain percentage of parliamentary seats before 2004.

⁴⁸ The DPD deals only with bills such as those relating to regional autonomy, and the relationship of central and local government.
number of elected representatives in Indonesia.\textsuperscript{49}

The legitimacy and representativeness of elected representatives greatly improved in the Reformasi era. Elections under Suharto’s rule were not fair, and thus elected representatives were not truly the people’s agents. In the Reformasi era, most elections have been fair and free (King, 2000a; Sherlock, 2004a, 2004b). Accordingly, all Indonesian elected representatives are legitimate representatives of the people.

The accountability of elected representatives depends on political parties and accountability institutions (Strøm, Muller, Bergman, & Nyblade, 2003). Political parties are essential to the enforcement of accountability because most elected representatives in Indonesia are also members of political parties. The Amendment to the 1945 Constitution stipulates that participants in parliamentary elections had to be political parties (Article 22E). That means that, before 2004, citizens in elections voted for political parties, not individual candidates, and the allocation of parliamentary seats is contingent upon the total number of ballots that each political party receives from voters.

\footnote{Members of parliament in the Reformasi era are powerful. One reason is that the Amendment to the 1945 Constitution explicitly stipulates that the President does not have the power to dismiss the People’s Representative Council. At the same time, no political parties of incumbent presidents occupied a majority of parliamentary seats.}
Law No. 23 of 2003 on the Presidential Election only allowed political parties which had won at least 15 percent of seats in the DPR (or 20 percent of ballots in parliamentary elections) to nominate candidates. Similarly, Law No. 32 of 2004 on Local Government only entitled political parties that had won at least 15 percent of ballots in the regional parliamentary elections (or the same percentage of seats in the DPRD) to nominate candidates to be local government heads. In other words, except for members of the DPD, most Indonesian elected representatives in the Reformasi era have also been representatives of political parties. Indonesian political parties in the Reformasi era have the power to control incumbent elected representatives. On the basis of Law No. 31 of 2002 on Political Parties, each political party can suspend its members who serve as members of the DPR and the DPRD (Article 8). Incumbent elected representatives, particularly those seeking re-election, are especially under the control of their political parties because being nominees of their parties is one requirement for taking part in the next election.

Apart from political parties, several accountability institutions can also hold elected representatives accountable. Judicial agencies are a traditional accountability institution with the power to investigate and summon elected representatives in parliaments
without the consent of the heads of the executive branch of governments.\textsuperscript{50} Both
indictments by prosecutors and court judgements influence the positions of elected
representatives. The Amendment to the 1945 Constitution entitles the People’s
Consultative Assembly (MPR) to suspend from duty the president and/or vice president
if the courts find them guilty of corruption (Article 7A). Law No. 32 of 2004 on Local
Government stipulates that the president can temporarily suspend heads of regional
governments who face corruption charges. The DPRD, the counterpart of the DPR at
local levels, has the power to suspend heads of regional government whom the courts
find guilty of corruption (Article 31 and 32). Like judicial agencies, honour councils
(Dewan Kehormatan) are also traditional accountability institutions with the power to
hold elected representatives in parliaments accountable. Honour councils are
permanent institutions affiliated to Indonesian parliaments. They have the authority to
summon allegedly corrupt members of parliament; conduct investigations into their
wrongdoing and decide whether to suspend members of parliament found guilty of
corruption. Honour councils publicise decisions on suspension after the relevant head of
government confirms it.\textsuperscript{51}

\textsuperscript{50} Article 203 of Decision of the People’s Representative Council No. 08/ DPR RI/I/2005.2006.

\textsuperscript{51} Article 62 of Decision of the People’s Representative Council No. 08/ DPR RI/I/2005.2006.
In the Reformasi era, several special accountability institutions were also established to combat corruption in both the executive and legislative branches of the government. Such institutions include the Public Servants’ Wealth Audit Commission (Komisi Pemeriksa Kekayaan Penyelenggara Negara, KPKPN) and the Joint Team for the Eradication of Corruption (Tim Gabungan Pemberantasan Tindak Pidana Korupsi, TGPTPK). These special accountability institutions add to the pressure of accountability that Indonesian elected representatives face.

Despite the fact that these accountability institutions do operate, numerous scandals show that a high percentage of Indonesian elected representatives still engage in corruption. Corruption cases in which elected representatives were involved have taken place at both national and local levels. Survey respondents frequently select the parliament as the most corrupt institution in Indonesia. Corrupt politicians have significant negative impacts, including reducing government budgets; offsetting anti-corruption efforts; and undermining public trust in democratic institutions. Many scholars and political observers warn that such negative impacts are corroding
Indonesian democracy.\textsuperscript{52}

In the Reformasi era, Indonesian citizens can use existing accountability institutions to try to hold elected representatives accountable and they can also use the media for the same purpose. Indonesian media have strong interest in corruption cases involving elected representatives, pointing to favourable conditions for the mediatisation strategy. Strong media coverage of corruption scandals and the ensuing public discontent can exert pressure on accountability institutions to investigate. Meanwhile, people can also use the media to affect the reputations of politicians directly.

Elections also can be an accountability tool that citizens can use to enforce the accountability of elected representatives because, as Fearon (1999) argued, an election “induces elected officials to do what the voters want” (p. 56). With regard to this, three points are worthy of emphasis. First, elections are the only direct accountability tool available for Indonesians. Indonesian law does not entitle Indonesian people to recall corrupt elected representatives or veto bills through holding a referendum.\textsuperscript{53} Secondly,

\textsuperscript{52} For further discussions of corrupt politicians and the problems that follow, see Chapter Four.

\textsuperscript{53} Article 52 of Law No. 24 of 2003 on the Constitutional Court.
increasing the effectiveness of elections as an accountability tool requires efforts to mobilise voters. The basic principle of free and fair elections is “one person, one vote”, meaning that an individual or a small group of people on their own cannot block the re-election of corrupt representatives. Individual citizens who demand accountability of elected representatives need to show that they can mobilise “enough” voters to threaten candidates’ chances of re-election. Third, success in mobilising voters for the purpose of blocking corrupt politicians from being elected has significance for accountability in two ways. One is the imposition of punishment for past action: \textit{ex-post} accountability. The other is preventing unfit candidates from gaining political power: \textit{ex-ante} accountability.

In summary, there are several channels by which Indonesian people in the Reformasi era can hold their elected representatives accountable. Unfortunately, most accountability institutions in the Reformasi era have not performed well, creating room for elected representatives to evade strict scrutiny as they use the power entrusted to them. In order to enforce electoral accountability, several Jakarta-based NGOs launched the Anti-Rotten-Politician Movement in 2004. The main objective of this movement was to prevent unfit representatives from being reelected and to prevent other candidates whose track records were poor from winning elections. The movement was an attempt to hold elected representatives accountable \textit{ex post facto} and \textit{ex-ante}. How did they organise the movement? What challenges did they encounter? What changes or outcomes did their movement produce? Chapter Four will seek to answer these
3.3.2 Non-elected officials

Non-elected officials are political figures chosen by parliament or appointed by the president with the approval of parliament, meaning that they are accountable to the central government or the government agency that appointed them. The term Pejabat Negara, literally translated as “state officials”, is similar, but with some important differences. According to Law No. 43 of 1999, Pejabat Negara are members of the high-to-highest national institutions, including the heads of both central and local governments and members of parliament at all levels (Asshiddiqie, 2008). Since 2005, the heads of central and local governments and members of parliament have all been categorised as elected representatives, however. Thus, the term “non-elected officials” in this case only refer to ministers, heads of state agencies (such as the Chief Justice of the Supreme Court), and members of task forces formed for specific purposes. Non-elected officials’ tasks include offering advice, drafting legislation, issuing decrees, and enforcing the law. Their work often concerns accountability institutions.

In the context of the present discussion, “accountability institutions” refer to state agencies that are legally entitled to call office holders to account. As noted already,
O’Dnnell (2006) divides them into two types: checking institutions, and appointed institutions. Checking institutions are the executive, legislative, and judicial branches of the government. Ideally, these checking accountability institutions should be able to monitor and check each other but, under Suharto’s rule, the parliaments and judicial agencies could not function effectively due to political interference from the executive branch of government or the president and his cronies. It was not until the Reformasi era that the two institutions were able to carry out their tasks independently and without external interference.

The main function of appointed accountability institutions is to act as a counterbalance to checking accountability institutions. The formal appellation into which appointed accountability institutions fall in Indonesia is “non-structural institutions” (Lembaga Nonstruktural). By 2009, successive Indonesian governments in the Reformasi era had established a total of 92 non-structural institutions. In contrast, the New Order government only established two institutions of that kind during its 32 years in power. Fourteen of these 92 non-structural institutions were charged with investigating, supervising, and preventing corruption, as well as facilitating anti-corruption efforts

Appointed accountability institutions vary in several aspects. The National Police Commission, for example, only supervises the police. In contrast, the Corruption Eradication Commission monitors all office holders. Not only do they vary in function but these institutions also vary in how free they are to carry out their tasks. The Corruption Eradication Commission, for example, is an independent institution, and thus it is obliged only to abide by the law when exercising the power to combat corruption. In contrast, the TGPTPK was affiliated with the Attorney General’s Office, meaning that its investigative action required the consent of the Attorney General.

55 The Witnesses and Victims Protection Agency (LPSK) is crucial because it protects informants in corruption scandals. The Information Commission (KI) is essential to corruption reduction because it increases the accessibility of information.
Table 3.2  

<table>
<thead>
<tr>
<th>Institutions (in Indonesian)</th>
<th>Institutions (in English)</th>
<th>Established in</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tim Gabungan Pemberantasan Tindak Pidana Korupsi (TGPTPK)(^a)</td>
<td>Joint Team for the Eradication of Corruption</td>
<td>2000</td>
</tr>
<tr>
<td>Tim Pemberantasan Tindak Pidana Korupsi (Timtas Tipikor)(^a)</td>
<td>Corruption Eradication Team</td>
<td>2005</td>
</tr>
<tr>
<td>Komisi Pemeriksa Kekayaan Penyelenggara Negara (KPKPN)(^b)</td>
<td>Public Servants' Wealth Audit Commission</td>
<td>2000</td>
</tr>
<tr>
<td>Komisi Ombudsman Nasional (KON)(^c)</td>
<td>National Ombudsman Commission</td>
<td>2000</td>
</tr>
<tr>
<td>Pusat Pelaporan dan Analisis Transaksi Keuangan (PPATK)</td>
<td>Indonesian Financial Transaction Reports and Analysis Centre</td>
<td>2003</td>
</tr>
<tr>
<td>Komisi Kapolri Nasional</td>
<td>National Police Commission</td>
<td>2005</td>
</tr>
<tr>
<td>Komisi Kejaksaan</td>
<td>Attorney Commission</td>
<td>2005</td>
</tr>
<tr>
<td>Komisi Yudisial</td>
<td>Judicial Commission</td>
<td>2004</td>
</tr>
<tr>
<td>Komisi Pemberantasan Korupsi (KPK)</td>
<td>Corruption Eradication Commission</td>
<td>2002</td>
</tr>
<tr>
<td>Komisi Informasi</td>
<td>Information Commission</td>
<td>2009</td>
</tr>
<tr>
<td>Ombudsman Indonesia</td>
<td>Indonesian Ombudsman</td>
<td>2008</td>
</tr>
<tr>
<td>Lembaga Perlindungan Saksi dan Korban (LPSK)</td>
<td>Witnesses and Victims Protection Agency</td>
<td>2008</td>
</tr>
<tr>
<td>Pengadilan Tindak Pidana Korupsi</td>
<td>Corruption Court</td>
<td>2004</td>
</tr>
<tr>
<td>Satuan Tugas Pemberantasan Mafia Hukum</td>
<td>Judicial Mafia Eradication Task Force</td>
<td>2009</td>
</tr>
</tbody>
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\(^a\) Dissolved. \(^b\) Merged. \(^c\) Title changed.

Accountability institutions in Indonesia have been under significant pressure to perform well. As they frequently come under fire for lacking professionalism and efficiency, their performance may not have met public expectations. As Hadiz (2004b) put it, “[p]resently existing institutional frameworks have not allowed public resentment of corruption to be translated into practices that penalise the abuse of power by officials for the sake of generating private wealth” (p. 212). Besides, several accountability institutions have had
their own corruption problems. For instance, corruption is a rampant problem in judicial agencies, as attested by the numerous cases of judges caught accepting bribes from defendants in exchange for a favourable sentence. Accordingly, scholars, NGO activists, and political observers frequently question the integrity of Indonesia’s law enforcers’ (Reksodiputro, 2002). Apart from problems of capacity and integrity, Indonesian accountability institutions, particularly appointed ones, also face the challenges of a lack of sufficient resources. Former TGPTPK member Chalid (2001), for example, complained that insufficient resources made it extremely difficult for TGPTPK to sustain its daily operations. In short, in the Reformasi era several factors impeded Indonesian accountability institutions in performing their tasks fully.

Addressing such obstacles requires effort by non-elected officials. They can help anti-corruption institutions to have good leaders, for example. Agencies that encounter challenges deriving from the lack of clear legally defined grants of power need officials’ assistance before relevant draft legislation can be passed in parliament. Institutions that have problems like low efficiency and corruption need leaders who can initiate and implement reform measures and resist external intervention. State officials are critical

to these and many other tasks crucial to improving the performance of accountability institutions.

Though the literature reiterates the importance of non-elected officials to accountability institutions, it barely discusses how NGOs get officials to make decisions favourable for accountability institutions. It can be difficult for NGO activists, journalists, or other social actors to pressure non-elected officials because, legally speaking, such officials are accountable only to the political figures or government agencies that appoint or elect them. Nevertheless, as the literature on accountability shows, on some occasions non-elected officials may also need to be accountable to non-state actors. Such occasions arise when international protocols or laws explicitly stipulate the participation of social representatives, or when the government needs non-state actors’ experience or professional expertise. In many cases, social actors’ efforts to hold non-elected officials accountable help produce policies and legislation that reduces opportunities for the misuse of power.

In the Reformasi era, two changes have been identified as conducive to the participation of NGO activists in the formulation of decisions relating to Indonesian accountability institutions. The first change is a high level of transparency in the selection of leaders of several accountability institutions such as the Corruption Eradication Commission. This
is because relevant laws stipulate that the Selection Board for choosing such leaders shall include social representatives, and anyone who meets the requirements can apply to be a social representative.\textsuperscript{57} The second change is the rise of pro-reform officials to political power. These pro-reform officials, several of whom came to power during the Reformasi era, are more inclined to consider suggestions from civil society. Former Chief Justice of the Supreme Court, Bagir Manan, and former Attorney General, Abdul Rahman Saleh, are two examples of reform-minded officials.

One thing worthy of note is that, as the literature suggests, social actors in Indonesia may not have the willingness or capacity to grasp the opportunity to participate in decision making. Due to multiple restrictions under Suharto’s rule, Indonesian NGOs have become accustomed to focusing on issues concerning development and opposing the government. They have generally had little or no experience of participating in the democratic decision-making process (Beittinger-Lee, 2009, p. 120). At the same time, a significant number of Indonesian NGO activists still refused to co-operate with government officials in order to maintain their independence from external influence (Saleh, 2008). Thus, not all Indonesian NGO activists were willing to grasp participation

\textsuperscript{57} For further discussions on this, see Chapter Five.
opportunities as they arose.

Previous discussion prompts several questions. How did NGO activists persuade or compel non-elected officials to compromise in their negotiations about accountability institutions? What happened to the NGO community when only a small number of activists were invited to participate in the formulation of decisions concerning accountability institutions? What were participating activists’ attitudes towards conflicts with state officials over ideas and principles? Chapter Five will answer these questions by analysing three cases, specifically relating to the Corruption Eradication Commission, the Corruption Court and the Supreme Court.

3.3.3 Civil servants

Civil servants are government employees who occupy positions in the executive or other state institutions; the closest Indonesian translation of the term “civil servants” is pegawai negeri sipil (PNS). Their jobs include implementing government policies and delivering public services. Many of them work in direct contact with ordinary people, but

58 See Law No.43 of 1999 on Civil Service.
for the most part they are accountable to their superiors in offices.

The number of civil servants in Indonesia is huge, and they have been long criticised for being inefficient and corrupt. A report released by the Political and Economic Risk Consultancy (PERC) reveals that the civil service in Indonesia is the second least efficient in Asia.\(^5^9\) An inefficient bureaucracy can lead to corrupt practices such as asking for bribes in exchange for services, and appropriating public funds for personal use.

Taufiequrrrahman Ruki, former chairman of the Corruption Eradication Commission, explained that administrative corruption prevails because civil servants’ “salaries are low, [and] weaknesses in the system encourage [them] to engage in corruption”. These weaknesses include poor supervision, low accountability, insufficient law enforcement, and mild sanctions.\(^6^0\)

The Indonesian government has made very little progress in its efforts to reform the civil service since the beginning of the Reformasi era in 1998. Only a few government agencies initiated their own programmes, and successful cases include the Supreme


Court and the Ministry of Finance. Not until 2010 were there systemic efforts to reduce administrative corruption. Examples of these efforts include the establishment of the National Bureaucratic Reforms Direction Committee and the release of the Grand Design of Bureaucratic Reform 2010–2015.

Administrative corruption usually has a direct impact on recipients of public service. The literature on social accountability suggests that there are three strategies that can be used by victims of administrative corruption to call corrupt civil servants to account. However, none has worked well in the Reformasi era. Victims of administrative corruption find it difficult to use the strategy of mediatisation to hold corrupt civil servants accountable, because the media are usually not interested in corruption cases involving neither large sums of money nor famous persons. The strategy of social mobilisation may also be impractical and ineffective because, in countries where administrative corruption is rampant, paying bribes or illegal levies, though common, rarely threatens human lives or gives rise to an obvious impression of gross exploitation. Corrupt practices by individual civil servants may outrage some people, but such

discontent and resentment may not be enough to give rise to large-scale mobilisation.

The strategy of judicialisation is also limited. First, some accountability institutions only deal with large-scale corruption cases. The Corruption Eradication Commission, for example, only deals with corruption cases in which the amount of money involved exceeds 1 billion rupiahs.62 Few administrative corruption cases reach such a threshold. Secondly, not all accountability institutions have the authority to impose sanctions. The Ombudsman Indonesia, for example, can only summon allegedly corrupt civil servants to explain their conduct and then suggest sanctions. It is the civil servants’ superiors who have the authority to impose sanctions, but they usually impose administrative sanctions like transfer or demotion. Such mild sanctions are unlikely to deter administrative corruption.

Given these obstacles, it is no surprise that many Indonesians feel frustrated when they attempt to hold civil servants to account. In this context, the establishment of participatory accountability institutions is significant. Participatory accountability institutions are organisations specifically established to facilitate people’s participation

62 Article 11 of Law of 2002 on the KPK.
in public service delivery. The establishment of participatory accountability mechanisms transforms the role of the people from recipients of public service delivery to negotiators and monitors within that process. In other words, through participatory accountability institutions citizens can seek simultaneous accountability. School committees and Education Councils in the Indonesian education sector are examples of such institutions. Similar institutions in other sectors have not yet been set up in the Reformasi era.

Several Jakarta-based NGOs have expressed strong concerns about educational issues and have campaigned to reduce corruption in public schools. They treat teachers and pupils’ parents as stakeholders in their programmes aimed at removing corruption from schools and have mobilised them to monitor civil servants in schools through School Committees. What strategies did NGO activists use? Did teachers and pupils’ parents respond positively as activists expected them to do? Do relevant laws provide School Committees with the power required to exercise accountability effectively? Chapter Six answers these questions by analysing activities initiated by the Education Coalition to remove corruption from schools.

3.4 Summary

Corruption persisted in the first decade of the Reformasi era though there were signs of
improvement. Unlike other scholarly works, this thesis attempts to explain that problem through exploring NGOs’ experiences in preventing corruption. This chapter has argued that NGOs have emerged as important “agents of social accountability” when it comes to combatting corruption in post-Suharto Indonesia. They have initiated numerous activities to combat corruption, and some of them have attracted scholarly attention. Most such activities, however, focus on seeking ex-post accountability: punishing officials for their past corrupt misdeeds. For some Jakarta-based NGOs, this is not enough. They have also tried to prevent future corruption and have initiated several activities seeking ex-ante and simultaneous accountability. This chapter has identified opportunities and channels available for NGOs to engage in such activities, and the following three chapters will give in-depth analyses, beginning with NGO attempt to target corruption in the legislature.
4 Corruption, Electoral Accountability, and NGOs: The Anti-Rotten-Politician Movement

On 29th December, 2003, hundreds of Indonesians assembled in front of the Proclamation Statue (Tugu Proklamasi) located in central Jakarta. They were activists from noted NGOs, including ICW, JPPR, Imparsial, AJI, and Demos. Well-known intellectuals and politicians such as Nurcholish Madjid, Hidayat Nur Wahid, Andi Mallarangeng, and Ali Sadikin also joined the assembly. Despite heavy rain, journalists decided to stay because NGO activists would soon be announcing the start of the National Anti-Rotten-Politician Movement (Gerakan Nasional Tidak Pilih Politisi Busuk, GNTPPB). In their speeches, NGO activists gave reasons for initiating such a movement and called strongly on the electorate to follow them in rejecting unfit candidates. Print and cyber news media widely covered their slogans and claims (Masduki, 2006, p. 220).

The goal of the movement was to mobilise voters to not vote for “unfit” candidates. In order to achieve that goal, NGO activists announced at the start that they would adopt the strategy of publicizing blacklists of suspect candidates. Election candidates who were suspected of corruption or had already been found guilty of corruption would be deemed unfit to be elected. The movement soon took off and became a prominent part of the anti-corruption movement initiated by Indonesian civil society.
The National Anti-Rotten-Politician Movement was closely modelled on the Blackballing Movement in South Korea. Hundreds of South Korean NGOs jointly initiated the Blackballing Movement in 2000, which also featured the release and dissemination of blacklists. These two movements show that NGOs, besides election monitoring and voter education, can also engage in voter mobilisation amid elections. Because activists attempted to block certain candidates from winning elections, thereby forcing candidates to explain their track records in order to attract votes, both movements were clearly seeking *ex-ante* accountability. At the same time, they were also seeking *ex-post* accountability because blacklisted candidates were mostly incumbent politicians with poor track records. The success of these two movements helped tighten electoral accountability relationships between elected representatives and constituents, thereby reducing political corruption. Despite their similarities, however, only the Blackballing Movement in South Korea has attracted scholarly attention. The current literature on this movement has thrown up many questions in need of further investigation. The question of whether similar movements succeed in different contexts is the focus of this chapter. If not, the question of why a different outcome is worthy of further exploration. Findings of this exploration will help explain why political corruption remain pervasive in a given country. This chapter investigates the question by looking into the Anti-Rotten-Politician Movement in Indonesia.

The chapter’s findings are as follows: when NGOs initiated the Anti-Rotten-Politician
Movement in 2004, only the social context favoured their initiative, and the remaining three contextual dimensions were unable to support them. The legacy of past authoritarian ruling and the dominance of the political parties’ interests in the reform process both made the context unfavourable. Though NGO activists admitted failure, there are indications that their initiatives helped build up a consensus on criteria by which to evaluate election candidates’ qualifications, a contribution crucial to the development of a culture of democratic accountability in Indonesia. Also, NGO efforts to change electoral laws and systems removed some institutional obstacles they had encountered initially in 2004, thereby improving the institutional context. In other words, step by step Indonesian NGOs improved the context in which they were able to enforce electoral accountability, rather than just being subject to it. These findings enrich scholarly understanding of the anti-corruption movement in Indonesia and extend the discussion of social accountability. More importantly, they explain why NGO efforts to prevent undesirable candidates from being elected failed in 2004. This failure could be one reason that political corruption remained rampant in Indonesia.

These findings are presented in five sections. Section one summarizes findings of the present literature on electoral accountability. Section two brings the focus back to Indonesia, particularly the period between 1998 and 2004. It discusses Indonesia’s elected representatives’ importance to the transition to democracy, corruption and accountability problems relating to them and the performance of the then existing
accountability institutions. Section three gives a thorough discussion of the 2004 National Anti-Rotten-Politician Movement and follow-up activities, followed by in-depth analyses of four contextual factors and challenges encountered by NGOs. The final section gives concluding remarks.

4.1 Electoral Accountability

Elections are a mechanism by which constituents choose a person or group of people for political positions by voting, and delegate those elected to make decisions on behalf of the general public for a limited period. In addition to honouring “good” people with political authority (Fearon, 1999, pp. 57-58), functions of elections also include “legitimiz[ing] the powers of the elected, provid[ing] opportunities for voters to send signals to elites regarding the direction of policy and giv[ing] voters the opportunity to hold incumbents to account for policy performance” (Hellwig & Samuels, 2008, p. 83). Whether and how does the last function work out in transitional democracies?

Elected representatives in democracies mostly have great power to determine the allocation of budgets, enact laws, make policies, or supervise other state institutions and their personnel. They are, of course, expected to look after public interests (Fearon, 1999). However, many of them, as scandals reveal, may fail to meet such an expectation,
thereby leading to public distrust in representative bodies, or even in democracy (Anderson & Tverdova, 2003; Chang & Chu, 2006; Morris & Klesner, 2010). Accordingly, approaches to enhance the accountability of elected representatives have drawn wide scholarly attention.

Various options are available for citizens in democracies to hold elected representatives to account. Between elections, citizens can impose punishments or force elected representatives to respond by reporting them to judicial institutions, exposing wrongdoings through news media, or mobilising victims to impose pressure. Multiple cases can be found in Argentina and other Latin American countries and many of them have been deemed by scholars like Peruzzotti and Smulovitz (2006, p. 9) as examples demonstrating the enforcement of social accountability. In contrast, activities initiated by citizens to hold elected representatives to account through elections have not yet received systematic analysis, leading to poor academic understanding of such activities (Packel, 2008, p. 1; Rodden, 2004, p. 495). These activities are not the subject of social accountability studies (Smulovitz & Peruzzotti, 2000a), but are close to the concept electoral accountability that Tsai (2012) put forward, that is, “citizens demand incumbent elected representatives to take responsibility for their performance through elections” (pp. 38-39). Thus, this chapter calls such initiatives electoral accountability activities. Relevant scholarly workings are reviewed in the remainder of this section.
As the elected representatives’ principals, the electorate is in a legitimate position to hold elected representatives to account (Carey, 2009; Schmitter & Karl, 1991; Strøm, 2000). They can enforce accountability by threatening not to vote for incumbents who have performed poorly but still seek re-election. Such threat, in theory, is a powerful check on incumbent elected representatives (Ackerman, 2005, p. 13; Cheibub & Przeworski, 1999; Manin, Przeworski, & Stokes, 1999; Schedler, 1999, p. 18). The impact of the threat is likely to be great when the electorate makes informed choices, and elections are fair and competitive (Blair, 2000; Johnston, 1983; Schlesinger & Meier, 2007). As Rose-Ackerman (1978) puts it: “combining an informed and concerned electorate with a political process that regularly produces closely contested elections leads to a world in which corruption is limited by competition” (p. 213). This statement implies that the enforcement of electoral accountability is conditioned by several factors, many of which have been analysed in the literature on electoral accountability.

Scholarly works on electoral accountability can be divided into two groups; one focuses on obstacles to the enforcement of electoral accountability. Scholars mostly believe that elections are not a powerful accountability tool (Burden, 2007, p. 6; Packel, 2008, p. 11). Reasons often mentioned include the huge number of candidates, and the mixture of numerous issues (Malena, Forster, & Singh, 2004: p. 3). These factors may impede constituents from reaching a consensus on reasons for disqualifying specific candidates from being elected representatives, thereby hampering the enforcement of electoral
accountability.

Some scholars focus on regulations and institutions. They believe that term limits, the candidate nomination process, the electoral system, and other arrangements affect the enforcement of electoral accountability (Powell, 2000, pp. 10-13). Term limits concern incentives for elected representatives to serve the general public. When laws prohibit re-election, elections are not a control mechanism. The incumbents have few incentives to perform well, and constituents cannot vote retrospectively (Maravall, 2007; Packel, 2008, p. 16). On the contrary, if laws allow re-election, incumbents will consider constituents’ demands seriously because there always exists a need to secure more votes than competitors do. At the same time, constituents can punish the incumbents who are suspected of abusing mandates by withdrawing support (Barro, 1973, pp. 27-32; Ferejohn, 1986, pp. 7-8). In addition, candidate nomination processes that are neither open nor participatory also hamper the enforcement of electoral accountability. In their studies, Heller (2001, pp. 151-157), and Siavelis and Morgenstern (2008, pp. 14-16) noted that the dominance of a few leaders in candidate nomination processes within political parties is quite common. Such dominance narrows candidates’ legitimate base for being agents of the electorate, reduces electoral competitiveness, and makes it difficult to get access to candidates’ track records and other relevant information, thereby affecting constituents’ ability to make judgments (Agrawal & Ribot, 1999). Finally, electoral systems also matter. For example, under the Closed-List Proportional
Representation system, constituents only vote for political parties, and seats that parties win are allocated in accordance with sequence orders on party lists (Acosta, Joshi, & Ramshaw, 2010, p. 8; Carey & Shugart, 1995, p. 417; Mitchell, 2000, p. 341). In other words, under such a system there is little likelihood of preventing poorly performing candidates from winning re-election, unless constituents decide that political parties that nominate unfit candidates are disqualified, and therefore withdraw their support.

Some scholars emphasize constituents’ self-perception of their ability to influence government policies, something termed the sense of political efficacy by Campbell, Gurin, and Miller (1954, pp. 187-194). They usually assume that such a sense relates to much of how constituents behave. Citizens with a low sense of political efficacy tend to believe that they cannot participate in governmental decision making and also do not much expect that government officials should attend to their demands and needs (Lane, 1959, pp. 147-162). As a result, they rarely express strong interest in elections, voting, and other political activities. The sense of political efficacy is subject to several factors. Intelligence, education, experience of interaction with others, and the influence of affiliated groups are all possible factors, and there is a positive correlation between each of them and the sense of political efficacy among constituents (Bobo & Gilliam, 1990, p. 376; Easton & Dennis, 1967, p. 38; White, 1968, p. 710). Ainsworth (2000, p. 89) and other scholars looked for alternative explanations by analysing environment and institutions individuals encounter. Their studies found that surrounding environment
(Campbell, 2006, pp. 1-8; Gimpel, Dyck, & Shaw, 2004, p. 343), competition among political parties (Hill & Leighley, 1993, p. 1158; Patterson & Caldeira, 1983, p. 675), and the election system (Norris, 2004, pp. 81-95) all have effects on the sense of political efficacy. In addition, studies also found that the popularity of political talk programmes and news programmes help raise the sense of political efficacy among constituents (Newhagen, 1994, p. 386; Norris, 1996, p. 479). But it must be added that negative campaigning may cause the electorate to be disappointed by elections and the relevant democratic institutions, thus lowering the sense of political efficacy (Ansolabehere, Iyengar, Simon, & Valentino, 1994, p. 829).

Hellwig and Samuels (2008, p. 4) focused on ability of constituents', and believed that two abilities relate to the enforcement of electoral accountability. The first ability concerns discerning who bears responsibility, and is subject to factors such as political situation. When the heads of the executive departments and most members of parliament come from the same political party, not difficult for the electorate to distinguish who bear responsibility (Powell, 2000, p. 12). The second ability concerns initiating accountability activities. Hellwig and Samuels (2008, p. 4) believe that institutional arrangements such as not holding presidential election concurrently with parliamentary elections may affect constituents’ ability to initiate accountability activities. In contrast to studies that discuss politics and institutions, there are also scholars focusing on civil society. For example, in her comments on the enforcement of
electoral accountability in Taiwan, Huang (2008, p. 166) criticised local civic groups for failing to offer constituents credible evaluation criteria, and blamed them for tenuous electoral accountability in Taiwan.

The second group of studies are empirical, attempting to verify the enforcement of electoral accountability in several democracies by using data and figures. Scholars like Kiewiet (1983, pp. 1-10) believed that the electorate mostly regards macroeconomic conditions as outcomes of government policies. Accordingly, they assume that commodity prices, unemployment rate, and other macroeconomic indicators have a tight correlation with the total number of votes received by the ruling party and their nominees. Some empirical studies support this assumption. In their study of Latin American democracies, Chang and Chang (2006) found that commodity prices and other macroeconomic indicators affect the number of votes received by the ruling party in parliamentary elections. In their investigation of elections in eight developing countries, Pacek and Radcliff (1995, p. 745) noted that economic deterioration led to a remarkable decline in how many votes the incumbent received, but economic improvement did not increase the share of votes. Lowry, Alt, and Ferree (1998) found that from 1968 to 1992 outcomes of financial policies had remarkable impacts on gubernatorial elections and state parliamentary elections, suggesting that US voters considered states’ financial conditions when deciding whether to punish elected representatives through the ballot box. A study by Markus (1988, p. 137) showed that macroeconomic conditions
were crucial to whether the ruling party’s nominee won the presidency. The study by Duch and Stevenson (2008) supported the contention that constituents considered economic conditions when deciding to reward or punish the executive department of the government. In their study of elections in Poland, Shabada and Slomczynski (2011, p. 309) found that the deteriorating economy drove voters to support nominees of the opposition parties, rather than nominees who are incumbents nominated by the ruling party to seek re-election. A similar inclination is evidence in the Ukraine, as a study by Slomczynski, Shabad, and Zielinski (2008, p. 91) revealed. The results of empirical research led Tsai (2012) to say that "it can be confirmed that constituents indeed call the government to account by elections, asking incumbents accountable for their policies" (p. 40).

Clearly, there is a rich literature on electoral accountability. However, the two groups of writings have shortcomings. The first group puts excessive focus on obstacles to the enforcement of electoral accountability, at the expense of discussion of solutions. The second group emphasizes the correlation between macroeconomic conditions and election outcomes, but overlooks other factors that may also influence constituents’ voting behaviour. Given these shortcomings, it is not surprising that Packel (2008, p. 11) argued that scholarly understanding of electoral accountability remains insufficient. This thesis suggests that promoters of electoral accountability deserve attention because analyses of them can fill the gap in the current literature. Among accountability
promoters, NGOs are an appropriate object of study. Some transitional democracies witness the activities of such organisations during elections. Examples include PollWatch in Thailand and the National Citizens’ Movement for Free Elections in the Philippines (Callahan, 2000: p. 3), which have monitored electoral processes, helping reduce electoral malpractice and thereby creating a favourable environment for the enforcement of electoral accountability. In contrast, the Coalition Action for General Election (CAGE) in South Korea launched the Blackballing Movement, which advocated directly punishing unfit incumbents who sought re-election. In a sense, CAGE initiated an electoral accountability activity.

The Republic of Korea (hereafter South Korea) is a third-wave democracy. When CAGE launched the Blackballing Movement in 2000, this country had undergone democratic transition for more a decade (Oh, 1999, pp. 74-97). A mixed electoral system was applied to the 2000 parliamentary election to elect 273 members to the National Assembly, 227 members being elected through single-member district (SMDs) and the remaining 46 under a proportional representation system (Kim, 2000, p. 898). In other words, most election candidates depended solely on how many votes they received to win parliamentary seats. They thus paid close attention to what impressions had been made on the electorate and to constituents’ attitudes and needs (Mitchell, 2000, p. 342), and this favoured NGO efforts to block candidates whom activists deemed unfit from winning elections. As malpractice by elected members of the National Assembly remained a
serious problem, CAGE managed to exact punishment. Publicizing blacklists is one of the strategies applied by CAGE. Candidates who had trampled on human rights, engaged in corruption, or violated electoral laws were labelled unfit to be members of the National Assembly. CAGE publicised blacklists at both the candidate nomination phase and campaign phase (Kim, 2001, pp. 396-397). In addition to distributing leaflets, NGOs also launched music concerts and street parades to attract the attention of the general public and mass media. In the end, the Blackballing Movement received extensive coverage by mainstream news media and enthusiastic responses from the general public (Kim, 2006, pp. 532-534), as evidenced by hundreds of thousands of participants in concerts and the huge amount of money raised (Horowitz & Kim, 2002, p. 542). All activities were coordinated by a group of leaders. As polling day approached, CAGE labelled 22 candidates as most problematic and assigned responsibility areas to participant NGOs (Shin, 2003, pp. 709-710), demonstrating professionalism and efficiency. The final election results showed the success of the Blackballing Movement, not only because around 70 percent of blacklisted candidates lost the election, but also because a study by Horowitz and Kim (2002, pp. 556-557) verified the contribution of the Blackballing Movement to election outcomes. A similar movement launched four years later also succeeded; nearly 74 percent of blacklisted candidates lost the election (Kim, 2006, p. 527). The success of the Blackballing Movement produced several positive impacts on democratisation in South Korea, including reducing the dominance of political parties and politicians over the electoral processes (Kim, 2006, pp. 534-537). Lee (2001, p. 30) thus praised the
Blackballing Movement for leading “a step toward future political maturity” in South Korea.

The Blackballing Movement in South Korea exemplifies the successful enforcement of electoral accountability in a transitional democracy, showing multiple significance. First, enforcing electoral accountability attracts NGOs to co-operate with each other. Through cooperation, NGOs can form a political force that no political parties and politicians underestimate. Second, NGOs’ initiatives need media coverage and public support. NGOs can achieve that by techniques like organising activities efficiently, maintaining neutrality, and publishing blacklists. NGOs can thus overcome obstacles to the enforcement of electoral accountability, such as the inaccessibility of candidate-related information and a lack of consensus among constituents on candidates’ fitness.

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63 The success of the Blackballing Movement means negative campaigning does not necessarily impede democracy. Negative campaigning refers to means through which election candidates focus on competitors’ flaws and make criticisms through advertisements (Lau & Pomper, 2002, p. 48). The purpose of using such means is to reduce the number of votes that competitors might lose. Because negative campaigning may give rise to demobilisation effects (that is, that criticisms between the candidates may reduce voters’ trust in electoral mechanisms and thus reduce their voters’ willingness to cast vote) a number of scholars thus argue that negative campaigning may impede the promotion of democracy (Ansolabehere & Iyengar, 1995; Ansolabehere et al., 1994). With regard to the content of the blacklist, South Korean NGOs also engaged in negative campaigning, but the success of their efforts symbolises the enforcement of electoral accountability and improves the quality of democracy in South Korea. This difference suggests that there is a need to re-examine the definition of negative campaigning and its effects on the promotion of democracy.
for political positions. Finally, continuing and effective electoral accountability activities help overcome shortcomings of electoral politics, thereby improving the quality of electoral democracy.

The success of the Blackballing Movement is inspiring, and one question deserves further exploration: Do similar initiatives lead to the same results in a different context? If not, why not? What challenges arise? Does the trajectory of electoral accountability initiatives vary? To answer these questions requires a study of a different case, and this thesis argues that the Anti-Rotten-Politician Movement in Indonesia is a suitable object of study, because that movement was modelled on the Blackballing Movement in South Korea, and also because Indonesia is a third-wave democracy as well. Before looking into the case, the next section introduces elected representatives in Indonesia, with a particular focus on malpractice problems and performance of then-existing accountability institutions.

4.2 Indonesia’s Elected Representatives

4.2.1 Indonesia’s elected representatives in the Reformasi era

During their five-year tenures all Indonesian members of parliament have the power to
propose bills, and monitor governmental institutions as well as their personnel. In the New Order era, however, this power was thwarted by constant intervention from the Suharto administration, which also manipulated parliamentary elections by threatening elected representatives and offering them bribes and other material inducements. As a result, elections had little substantive meaning, and elected representatives could not effectively call the executive to account for its decisions and policies (Haris, 2005, p. 2). Accordingly, scholars and critics have called parliaments at all levels under Suharto’s rule a rubber stamp (Ziegenhain, 2005). The situation changed significantly as Indonesia entered the Reformasi era, especially after the 1999 general election.

The 1999 general election in Indonesia combined elections to the DPR (national parliament) and DPRD (regional parliaments) at all levels. President Habibie held the election ahead of time in order to satisfy widespread demands for people’s sovereignty, and also to obtain legitimacy for his administration (King, 2003, p. 48). Measures such

64 Before the amendment to the 1945 Constitution, it was the People’s Consultative Assembly (MPR), constituting all DPR members and several appointed representatives of the military and other social groups, that had authority over presidential election. Suharto once again won overwhelming support of the People’s Consultative Assembly in 1997 and constitutionally his tenure of office should have ended in 2002. His replacement after he resigned in 1998 would thus have been a legitimate and constitutional president until 2002. In order to satisfy widespread demands, however, President Habibie decided to advance the date of the general election. He dismissed several People’s Representative Council members before the deliberation over election bills. This has been deemed crucial to the successful passage of new election bills (King, 2003, p. 222).
as lifting bans on political parties, establishing the General Election Commission (Komisi Pemilihan Umum, KPU) and maintaining the neutrality of bureaucrats assured Indonesians of a fair, free and competitive election in 1999 (Katyasungkana, 2000, p. 260; MacIntyre & Ramage, 2008, p. 9). Though some minor flaws remained (Ismanto, Perkasa, Kristiadi, Djawamaku, Priyadi, & Sudibyo, 2004), the whole electoral process conformed to democratic standards. The election saw a marked reduction in scandals such as manipulation of election outcomes and no single party dominated. King (2003, p. 224)

65 Law No. 2 of 1999 on Political Parties does not limit the number of officially recognized political parties. Controversial provisions such as obeying official ideology also do not appear in that law. As a result, hundreds of political parties registered in the 1999 general election and 48 parties conformed to its requirements in the end (Reilly, 2007).

66 The General Election Commission takes responsibility for electoral affairs in the Reformasi era. It is a relatively independent institution, because the ratio of representatives of the executive is low. The Indonesian Election Council (Panitia Pemilihan Indonesia, PPI) and the Monitoring Council (Panitia Pengawas, PANWAS) are two affiliated institutions responsible for election activities coordination and monitoring respectively. They neither are under the control of the executive (King, 2000).

67 The absence of equality, freedom, and competitiveness was the common feature of elections held during the New Order era. The Suharto executive not only forced civil servants to vote for Golkar, but also weakened opposition parties by limiting the number of political parties and creating internal conflicts (King, 2003, p. 63; Sherlock, 2003, p. 4; Sulistyo, 2002, p. 77). Even nominees of opposition parties were subject to inspection by the executive (Haris, 2005, p. 2). As a result, Golkar’s share of votes in elections under Suharto was never below 60 percent (Rueland, 2001) and it was able to maintain similar dominance in local elections. The bulk of members in parliament at all levels were loyalists to Suharto’s executive. Of the 425-seat 1997 People’s Representative Council, Golkar occupied 275 seats, and its share was close to 65 percent (MTI, 1998). This share amounted to 70 percent, if the 75 seats reserved for representatives of the military were included. Anderson (1996, pp. 30-31) thus argued that no election held under Suharto was able to reflect public opinion. Unsurprisingly, the legislative was unable to fulfill its tasks of monitoring the executive during the New Order era (Surbakti, 1999, pp. 68-70; Ziegenhain, 2008a, p. 180). The political system under the New Order era was called pseudo-democracy (Case, 2002, pp. 6-7; King, 2003, p. 5).
thus praises the 1999 general election and also argues that Indonesia became an electoral democracy.

Most Indonesian parliamentarians were elected representatives who had gained legitimacy after the 1999 general election. They later obtained more powers to enforce accountability due to amendments to the 1945 Constitution and the decentralization of financial and political power. The amended Constitution provides that members of the People’s Representative Council are entitled to ask the Constitutional Court to inquire whether the conduct of the president or vice president contradicts the law, and also to suggest to the People’s Consultative Assembly (Majelis Permusyawaratan Rakyat, MPR) that it dismisses the president or vice president if proven guilty of corruption (Article 7A). Article 7C provides that the president cannot disband the People’s Representative Council, relieving parliamentary members’ fears of retaliation. Members of the People’s Representative Council have the power to raise

68 During the period 1999–2004, 38 members of national parliament were representatives of the military. At the same time, ten percent of members of regional parliaments were military representatives. Those representatives were not directly elected by voters, but appointed by the president.

69 Article 8 of the 1945 Constitution before revision stipulated that president could only be replaced when he or she passed away/die, resigned or was unable to fulfill presidential tasks. There were no provisions that explicitly stipulated the conditions and process for impeaching incumbent presidents and allowing the People’s Representative Council and the People’s Consultative Assembly to balance the power of the executive.
questions, express opinions, and interrogate government officials, and they enjoy immunity when exercising this power (Article 20A). As a result of these amendments, members of the People’s Representative Council can now hold the head of the central government accountable.

Similar changes also took place at the local level. In the New Order era, the heads of local governments were accountable to the president. Members of regional parliament could demand explanations of their actions but lacked the power to dismiss heads of local governments. As a result of the decentralization of power in the Reformasi era, however, members of regional parliaments were able to hold heads of local governments accountable for their conduct and policies. Before 2004, Law No. 22 of 1999 on Local Government regulated accountability relations between members of regional parliaments and heads of local governments. It provided that Regional People’s Representative Council members should elect heads of local governments (Article 18).

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70 See Law No. 5 of 1974.

71 Local autonomy started in 2001. Local governments in Indonesia thereby gained more authority than previously and the relationship between the executive and the legislative within local governments changed. Under Suharto, local governments were extensions of the central government. The central government controlled not only profits from the exploration of natural resources but also personnel matters and the development projects of local governments (Simarmata, 2002, p. 2).

72 Under Suharto, members of local parliaments did not have the authority to elect the heads of local governments. It was the president who decided who would occupy those positions.
who would be accountable to parliament at the corresponding level and were obliged to submit an accountability report before the end of the fiscal year (Article 45). Regional parliaments could reject the accountability reports, but no more than twice, after which time they could suggest to the president that he dismissed the heads of local governments (Article 46).

In summary, due to a series of reform measures, members of parliament at all levels have been important actors in Indonesia’s transition to democracy since the start of the Reformasi era. They are no longer rubber stamps, merely endorsing the policies of the executive, but a political force with power to check and monitor the executive. In fact, in the Reformasi era, Indonesian members of parliament use their power frequently, and, as a result, politics has now become parliament-centred. Of course, most Indonesians expect members of parliament to use their power to hold government institutions and personnel accountable on behalf of the people. However, “[t]here is no guarantee, in new or transitional democracies or in established ones, that elected leaders will act with integrity,” warned Marquette (2004, p. 422). Ensuring that elected representatives act with integrity relies on the ability of the people to exert control. But, as will be discussed

below, Indonesian citizens have had limited capacity to do this.

4.2.2 Accountability approaches

Between elections, constituents can normally use state accountability institutions to call elected representatives to account for transgressions. Such institutions include the police and prosecutors. According to Johnston (1999b, p. 218), traditional law enforcers have low enthusiasm for investigating corruption cases because to do so requires lots of time and effort. In the Reformasi era, Indonesian policemen and prosecutors have had to deal with lengthy and complicated investigation procedures if they wanted to address legislative corruption. Law No. 22 of 2003 requires law enforcers to report to the relevant state office holders to gain permission before they could summon members of parliament over allegations of corruption (Article 106), and to repeat the procedure when elected representatives’ status changed from witness to suspect. That provision was frequently criticized because the process of obtaining this permission was usually lengthy and complicated, allowing politicians or government officials to protect allegedly corrupt members of parliament from prosecution by interfering in legal trials. As a result, state accountability institutions scarcely investigated graft involving members of parliament.
Before the establishment of the Corruption Court, the general court heard corruption cases. Many elected representatives involved in corruption scandals were acquitted. The reasons frequently cited in the court verdicts included that “the courts do not have the authority to try that case” or that there was insufficient evidence. Such verdicts frequently raise suspicions of bribery or external pressure. As a result, there was a widespread impression that the courts were protecting corrupt members of parliament (Beittinger-Lee, 2009, p. 92; Chaniago, 2003a, p. 367).

Honour councils, which are permanent bodies in parliaments at all levels, can also hold elected representatives to account. They receive proposals to punish legislators from other members of parliament and have the power to relieve any parliamentarian found guilty of corruption. These councils, however, have also been frequently criticized.

According to LKIS (2006):

-Suggestions of punishments shall be under discussion in the Deliberative Body (Badan Musyawarah) and receive approval by voting in general session. There shall be initiatives of People’s Representative Council members making formal demands for discussing sanctions before submission to the Deliberative Body...[S]uch a mechanism involves hundreds of People’s Representative Council members. While People’s Representative Council members supplement their
incomes by engaging in corruption, predictably such a suggestion of sanctions was ignored. Few members dare to disclose corrupt conduct in the People’s Representative Council (p. 20).

This shows why housecleaning within institutions was very difficult, and thus it was no surprise that Honour councils had never effectively exercised internal control in Indonesia’s parliaments.74

Besides traditional law enforcement agencies, in the Reformasi era several newly established accountability institutions also had the power to hold elected representatives to account. 75 Indeed, those institutions were established to demonstrate political leaders’ resolution to combat corruption. The Corruption Eradication Commission and the Corruption Court have been the most prominent of these institutions, but these have been active only since 2004. Before them, three special accountability institutions were established for combatting corruption, but multiple


75 For more information about these institutions, see Table 3.2.
factors prevented them from functioning properly.

The Public Servants’ Wealth Audit Commission (KPKPN) was the first special accountability institution established to reduce corruption. Established in 1999, it was an independent institution in charge of the registration and audit of office holders’ wealth. It had one subcommission in charge of the investigation into the wealth of members of parliament at all levels. The commission only possessed limited power, because Law No. 28 of 1999 did not entitle it to punish politicians who refused or delayed registration. The commission thus could only pass on evidence of corruption to prosecutors for a formal investigation (Article 18). However, complicated investigation procedure and external intervention prevented traditional accountability institutions from punishing corrupt elected representatives to the full extent of the law.

The Joint Team for the Eradication of Corruption (TGPTPK) was the second anti-corruption accountability institution. Its primary function was to co-ordinate the investigation and prosecution of corruption cases that were difficult to prove. It mainly focused on investigating and prosecuting corrupt judges (Chalid, 2001). Unlike the Public Servants’ Wealth Audit Commission, the TGPTPK was not independent. According to Governmental Regulation No. 19 of 2000, it was affiliated with the Attorney General’s Office and therefore was expected to obey the Attorney General’s directives (Article 4).
The Attorney General had the authority to decide which corruption cases belonged to the “difficult to prove” category (Article 15). In brief, the TGPTPK could not operate independently. At the same time, judges targeted by the TGPTPK also resisted its efforts. A case involving three Supreme Court judges was the best-known example. In this case, the TGPTPK charged the three judges with accepting bribes, leading to a petition filed by the judges’ lawyers for a judicial review by the Supreme Court to query the TGPTPK’s legislative backing. The Supreme Court in the end granted the lawyers’ demands and ordered the institution’s dissolution in 2001 (Chalid, 2001).

The establishment of the National Ombudsman Commission (KON) represented another attempt by the Indonesian government to combat corruption. Established in 2000, its main tasks were to receive public complaints, clarify issues that people have raised, and to make suggestions to the state institutions concerned. Its legislative foundation was Presidential Decision No. 44 of 2000. The decision, however, did not equip the body with the authority to compel office holders to respond to its inquiries and follow its suggestions. At the same time, it did not possess sufficient resources in the early years of its operation (Sherlock, 2002, pp. 369-373). As a result, KON was not an accountability institution that Indonesians could use to hold elected representatives to account.

Thus, prior to 2004 few avenues were available to Indonesian citizens who wanted to
control elected representatives between elections. Unlike citizens in Taiwan and some other democracies that have the right to recall parliamentarians and also to overrule decrees and laws by a vote mechanism, the people of Indonesia in the Reformasi era had to put up with incompetent and dishonest elected representatives until the end of their terms in office, as well as whatever inadequate bills they enacted.

Corruption

The absence of effective accountability institutions is one part of the context which may explain why Indonesia’s elected representatives engaged in corruption during the period 1998–2004, but our discussion should start with their motives. Other than the desire to accumulate wealth, corruption was also a product of politicians’ need to expend huge sums of money to gain nominations and also get elected. The 1999 general election still adhered to the Closed-List Proportional Representation system. As Mitchell (2000, p. 341) pointed out, this is one of the most political-party-centred electoral systems, because it allows political parties to nominate their own candidates and decide on who

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76 The official team appointed by President Habibie once proposed a new electoral system that mixed the single-member-district system and proportional representative system. The proposal, however, did not receive any support from political parties (King, 2003, pp. 60-63).
will have a seat in parliament. Under this system, voters can only cast ballots for political parties, which gain seats in parliaments on the basis of their shares of valid ballots. The General Election Commission then follows the order in which candidates appear on their party’s list and decides on that basis who will obtain a seat in the parliament. Because of these characteristics, prior to 2004 elected representatives represented the constituency as well as his or her political party. However, elected representatives usually perceived themselves as agents of political parties because they depended so much on the political parties, rather than on constituents, for winning elections. Accordingly, they were seldom accountable, or even close, to the people (Haris, 2005, pp. 3-4; Ziegenhain, 2008a, p. 179).

In contrast, most elected representatives maintained tight relationships with political parties, especially the party leadership. Such relationships, built since the candidate nomination phase, frequently involved money. Most Indonesian political parties in the Reformasi era were still centralistic, and party leaders typically made key decisions behind closed doors (Ziegenhain, 2008a, p. 196). Because leaders’ support is critical to a

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77 The electoral system is only one of several factors that may influence the accountability of elected representatives to voters. Under a candidate-centred electoral system, there is still the likelihood that elected representatives will not be accountable to voters because the support of major factions at local levels allows them to easily win elections. This chapter thus only emphasizes institutions and discusses the influence of electoral system on elected representatives.
candidate’s nomination and place on the ballot paper, many competitors opted for bribery. Party nominees, as a consequence, were often people who had either offered higher bribes than their rivals or partisans who were close to party leaders or had the backing of their factions (Haris, 2005, p. 11). Such nominees often only concerned themselves with their own interests and those of their parties and, once elected, used the power entrusted to them to accumulate personal wealth. As Widoyoko (2004), ICW coordinator, put it,

[i]t has become an open secret that corruption and money politics were rife and widespread during the recent general elections. It is nearly impossible to produce credible leaders in such a corrupt...recruitment system. In fact, such an election, where candidates essentially invest [vast] sums of money to people that can get them elected, gives birth to corrupt leaders who almost have to be involved in corruption to recoup their investment.

Chaniago (2003a, p. 366) also noted that new politicians “act in a pragmatic and opportunistic fashion”, and argued that it is because they arise “out of a formalist and

78 See, for example, “Pilkada Rawan Politik Uang,” Kompas, February 11, 2005.
minimalist democratic system”.

In addition, parliamentarians also faced strong demands from party leaders for offering financial support to their parties. According to Mietzner (2008),

prior to 2005, members of parliament had typically handed around 10 to 20% of their salaries to the central boards of their parties but after the state subsidies were cut, some party leaders requested up to 40%. Moreover, legislators were increasingly asked to cover the costs of party events and financially maintain the branch offices in the area in which they were nominated (pp. 240-241).

These demands increased parliamentarians’ financial burden, further driving them to seek external sources of funding.

One of the features of corruption in legislation is that such corrupt practices usually involve several members of parliament. This is because, in parliamentary procedure, general consent is required to pass a bill or to appoint officials. As a result, local people often refer to corruption in parliaments at all levels as “mutually cooperative corruption” (*korupsi gotong-royong*) (LKIS, 2006). It is thus no surprise to see a huge amount of money involved in a single corruption case. Contractors or enterprises that bid for
government projects often thus need to spend a lot on bribing parliamentarians (Choi, 2004; Simarmata, 2002). Corruption in parliaments persisted in the period 1999-2004 because parliamentarians from major political parties often colluded to share the spoils of electoral victory, leaving parliaments’ internal oversight mechanisms ineffective (Slater, 2004).

A second feature is that corruption has mostly taken place within parliamentary commissions. Parliamentary commissions are significant because members of parliament negotiate within them to settle disputes about budget allocations or legislation, suggesting that deliberation and voting in general sessions are just a formality (Crouch, 2010, p. 70). Bribery thus prevails within parliamentary commissions. Several members of the People’s Representative Council, for example, received bribes in exchange for passing laws favourable to the State Oil Extraction Company (Pertamina).79 All Commission III members allegedly accepted bribes to stop investigating transgressions in the Freeport Company scandal case.80 Most of the Commission IX

79 Bribes involved in the Bank Indonesia bribery scandals amounted to 60 billion rupiah. Former Bank Indonesia President Burhanuddin Abdullah and Vice-President Aulia Pohan and several other leaders were involved in that scandal and many of them were found guilty and sentenced to year-long imprisonment. “Officials Jailed for Corruption,” The Straits Times, January 7, 2009; “Indonesia Hands Down Convictions in Graft Case,” The Wall Street Journal, June 18, 2009.

members received bribes from Miranda S. Goeltom in exchange for electing her as Senior Deputy Governor of Bank Indonesia.\textsuperscript{81} The Corruption Court sentenced half of them to imprisonment in 2011.\textsuperscript{82}

Similar corruption scandals also took place at local levels. Scandals in Central Kalimantan Province, Medan City, and Yogyakarta City, for example, involved regional members of parliament accepting bribes in exchange for electing candidates as heads of local governments (Choi, 2004; Irwan, 2002, p. 84). In West Sumatra Province, regional members of parliament allocated more budgets than necessary for themselves, leading to criticisms that they were abusing power for private benefit (Chaniago, 2003a, pp. 344-345). In DKI Jakarta, members of regional parliament approved governors’ accountability reports in exchange for bribes. In 2002, 25 members of the Yogyakarta Municipal Parliament jointly asked contractors to offer 42 billion rupiah as kickbacks (LKIS, 2006, pp. 23-24). These corruption scandals relate to the extended financial power and decision-making authority entrusted to members of regional parliament following decentralization. Hadiz (2004a, pp. 711-716) thus argued that the decentralization of

\textsuperscript{81} “Kasus Traveller Cheque Inilah 26 Politisi Tersangka Baru,” Kompas, September 2, 2010.

power in Indonesia had made bribery and corruption at local levels more rampant than ever. Members of regional parliament not only used state institutions to protect their personal welfare, but also strengthened their positions by means of offering bribes to law enforcers and intimidating civil servants who refused to co-operate with them.

Such cases show the variety of ways in which members of parliament can engage in corruption. They include supporting or opposing candidates for government positions (e.g., The Miranda case), policies (e.g., bribery scandals in Commission IX) or contractors (e.g., kickback scandals in Yogyakarta Municipal Parliament), as well as passing regulations to legalize abuses (e.g., the case of West Sumatra Provincial Parliament). Other examples show that elected representatives can commit corruption by allocating more funds than needed to finance specific government projects on infrastructure, health care and others, falsifying documents or data, and so on.83

Impact

Corrupt elected representatives have a profound impact upon public interests. First,

corruption leads to a reduction in funding, resulting in public services that are of poor quality or simply unavailable to the people. As Chaniago (2003a) put it,

One of the most prominent collusive practices is to be found within the allocation of regional budgets in certain regions. Corrupt budgets usually include travel allowances, dramatic salary increases, extensive provision of private facilities such as vehicle credit and allowances for clothing, spectacles, housing, and [many others]. [They bring about] corresponding reductions in health, education and other public facilities. (p. 366)

Second, corrupt elected representatives may undermine efforts to reduce corruption. Authority over legislation and appointments is crucial to the establishment of anti-corruption institutions, and such authority is in the hands of the People’s Representative Council members. They, however, have showed little effectiveness in enacting laws (McLeod, 2005, p. 373; Ziegenhain, 2008a, p. 184). As a result, several bills relating to corruption remained suspended for a long time. The Draft Law on Witness and Victim Protection, for example, had been under deliberation in the People’s Representatives Council for four years before its passage in 2006. Many witnesses and whistle-blowers have been unwilling to testify against corruption defendants in the courts due to the resulting lack of legal protection. In several cases courts have thus found defendants not
guilty on the ground of insufficient evidence (Edyyono, 2007). Observers have also criticized elected representatives for removing law provisions that were conducive to fighting corruption, as well as for not electing candidates capable of leading anti-corruption institutions. The Bill on Corruption Court is an example of the former; the selection of the Corruption Eradication Commission members an example of the latter.

Furthermore, corrupt elected representatives may lower public trust in democratic institutions and organisations (Chang & Chu, 2006). A nationwide survey by the Partnership for Governance Reform in 2001, however, showed that more than 70 percent of respondents deemed the People’s Representative Council the most corrupt institution in the country. A similar survey conducted nine years later found that nearly 80 percent of respondents believed the council to be the most corrupt state institution. Another survey by Formappi showed that more than 90 percent of respondents in Jakarta were of the opinion that the People’s Representative Council members did not represent the public. Results of this sort demonstrate wide public discontent with

85 Chapter Five discusses these two cases.
elected representatives in the Reformasi era. According to Sherlock (2003), the DPR is a focus for idealism and disillusionment, a symbol of achievement for the movement for reformasi, a focus for hopes for the future. It [, however,] also illustrates the obstacles to democratic participation and why the heady enthusiasm of the early post-Soeharto period has evaporated in the heat of political reality. The DPR is part of the solution and part of the problem. It is a key instrument for bringing about political change and a place where government can be held accountable and where its policy decisions can be deliberated upon. [It, however, ] retains much of the legacy of a past authoritarian order and has, in many ways, become a new conduit for old-style politics of patronage amongst the same exclusive circles rather than a means to increase popular participation (p. 7).

Corrupt elected representatives also undermine public trust in political parties. Political parties are an inalienable part of electoral democracy, and all elected representatives in Indonesia before 2004 were also representatives of their political parties. Corruption scandals not only blemish elected representatives’ personal reputation but also ruin the image of the political party to which they belong. In the first three years of the Reformasi era, most Indonesians doubted the ability of political parties to promote reforms in the
public interest (Robison & Hadiz, 2004, p. 232; Tan, 2002, pp. 500-505). A nationwide survey, for example, showed that more than 80 percent of respondents considered political parties to be corrupt, not accountable to party members and not answerable to public demands (Yulianto, 2007). A survey by Transparency International Indonesia (2006) showed that most Indonesian respondents saw political parties as the most corrupt organisations in Indonesia. Obviously, as Tan (2002) claims, “[political] parties’ reputations had taken a battering. A common observation was that the parties ... simply expressed interest in the machinations of power, rather than in solving the real problems of the people...Indonesians, who from the outset of the transition have been ambivalent about political parties, seem to have become less enamoured of the parties over time” (pp. 495; 498).

In summary, prior to 2004, reform efforts led to an election that met democratic standards, but did little to ensure that elected representatives met public expectations. Entrusted with the power of public office, elected representatives often used that power for private gain and political benefit, giving rise to problems such as inadequate infrastructure and tardy legislation. As a result, the people lost trust in elected representatives and their political organisations and institutions. However, due to limitations in accountability institutions, voters had limited ability to punish their
legislators, leaving public discontent unaddressed.\textsuperscript{88} It is thus fair to state that Indonesia encountered the crisis of democracy claimed by Kaase and Newton (1995, p. 155). This was the context in which Jakarta-based NGO activists took inspiration from the Blackballing Movement in South Korea.

4.3 The 2004 National Anti-Rotten-Politician Movement and Its Aftermath

Never, never elect them. They engage in corrupt politics

Never, never elect them. They always seize money for themselves

Never, never elect them. They rob the nation of welfare

Never, never elect them. People feel sorrow because of them

-- poem by noted singer Franky Sahilatua\textsuperscript{89}

\textsuperscript{88} Public grievances against elected representatives, political parties and parliaments were the main causes of the Anti-Rotten-Politician Movement. Movement coordinator Teten Masduki said that, “though the 1999 general election was democratic...it was for sure that it was meaningless to improve public lives. What occurred were new corrupt figures, and as a result reform efforts put to get rid of crises brought about by old regime had not worked out.” “Gerakan Tidak Memilih Politisi Busuk,” retrieved on March 11, 2011, from http://www.antikorupsi.org/antikorupsi/?q=content/view/10,.

4.3.1 The 2004 Anti-Rotten-Politician Movement

The National Anti-Rotten-Politician Movement was launched on 29th December, 2003 by a coalition of intellectuals, anti-corruption politicians and activists from several Jakarta-based NGOs. Former ICW chairman Teten Masduki acted as movement coordinator. NGO activists targeted the general election to be held on 5th April of the following year and announced that they would publicize a blacklist of candidates they deemed unfit to hold office. These decisions were made after NGO activists exchanged ideas and discussed strategies with participants in the Korean Blackballing Movement. By calling on the Indonesian public not to vote for “rotten” politicians Indonesian NGOs were actively mobilising voters in an election period, rather than simply monitoring elections and educating voters.

Participating NGO activists decided on four criteria by which to evaluate the fitness of

90 The 2004 general election also included the election for the Regional Representative Council (DPD) whose prime functions are to provide input into relations between central and local government, regional autonomy and local resources.


92 Election monitoring is an activity that Indonesian NGOs usually carry out during election periods. NGOs like Cetro and JPPR assigned thousands volunteers to monitor the 2004 general election (Beittinger-Lee, 2009, p. 121).
elected representatives and candidates. In addition to involvement in corruption, the
criteria were candidates’ involvement in human rights violations, environmental
pollution, and violence against women.\textsuperscript{93} NGOs with concerns about one of those four
criteria were given the task of evaluating the candidates. ICW, for example, checked
whether they had ever committed corruption; the Indonesia Centre for Environmental
Law (ICEL) checked whether candidates had been involved in environmental pollution
incidents. It was the task of the Commission for the Disappeared and Victims of Violence
(Kontras) to check whether candidates had ever violated human rights.\textsuperscript{94} With
corruption and human rights being issues that received wide concern and attention from
Indonesian voters during the 2004 general election (Sebastian, 2004, p. 264), the context
was favourable for the National Anti-Rotten-Politician Movement.

Participating NGO activists considered the National Anti-Rotten-Politician Movement to
be a nationwide movement. They communicated with local groups by emails or text
messages. They spread their ideas by attending TV and radio talk shows, distributing CDs
and holding discussion groups. Movement activists also called their movement a moral

\textsuperscript{93} Are candidates who favour polygamy also unfit? This question once gave rise to debate, but favouring
polygamy was in the end not considered a criterion by which to assess candidates’ fitness. “Menakar

movement, but insisted that it was more active than anti-corruption movements initiated by religious groups like NU or Mohammediyah.\textsuperscript{95} As JPPR coordinator Jerry Sumampouw put it, “the National Anti-Rotten-Politician Movement activists adopted several strategies, including offering track records of candidates and publicizing unfit candidate lists. Thus, that movement was different from the moral movement initiated by religious organisations”.\textsuperscript{96}

The National Anti-Rotten-Politician Movement received support from many civil society organisations from its foundation. The two biggest Muslim organisations—NU and Muhammadiyah—both publicly declared their support for the movement. Student groups such as the Indonesian National University Student Movement (Gerakan Mahasiswa Nasional Indonesia, GMNI) were also actively involved in promoting it.\textsuperscript{97} Several distinguished scholars also praised and supported the movement. Centre for Strategic and International Studies (CSIS) researcher Indra J. Piliang, for example, commended it for showing Indonesian civil society trying to end the domination of

\footnotesize

\textsuperscript{95} See “Kampanye Antipolitisi Busuk Investasi Jangka Panjang,” \textit{Koran Tempo}, January 18, 2004

\textsuperscript{96} Jerry Sumampouw, interview with author, Jakarta, October 29, 2009.

political parties in politics, and thought the movement would help build awareness that constituents are principals to whom members of parliament should be accountable.\textsuperscript{98}

Like the Blackballing Movement in South Korea, the National Anti-Rotten-Politician Movement in Indonesia did not promote an election boycott or non-voting. Widely known as Golongan Putih (Golput) in Indonesian, non-voting had started in Indonesia in the early 1970s. At that time, intellectuals like Arief Budiman encouraged voters to protest against the manipulation of election results by either not casting ballots on voting day or invalidating ballots.\textsuperscript{99} In the Reformasi era, though elections were fair, free, and competitive, the late President Wahid and several politicians still endorsed non-voting (Wahid, 2004, p. xvii). The Indonesian Survey Institution (Lembaga Survei Indonesia) chairman, Saiful Mujani, argued that the number of voters who supported non-voting increased remarkably in the lead-up to the 2004 general election.\textsuperscript{100} This increase was due to strong resentment about elected representatives’ failures to

\begin{flushleft}

\textsuperscript{99} Means of nullifying ballots include stamping in the wrong place and ticking more than one candidate at the same time (Asfar, 2004, p. 3).

\textsuperscript{100} “Potensi Golput Tetap Tinggi,” Kompas, June 17, 2008.
\end{flushleft}

The National Anti-Rotten-Politician Movement activists, however, did not deem non-voting conducive to the improvement of the Indonesian political environment. Relevant laws did not stipulate that a low turnout rate would automatically nullify election results.101 Agitating for non-voting thus might only lead to a decrease in the number of valid ballots, but do little to prevent unresponsive political parties from winning parliamentary seats.102 Burhanuddin, JPPR activist, voiced his criticism of non-voting: “in the current normal political environment, launching a Non-Voting Movement is like building a castle in the air. The authoritarian institutions against which those activists struggled no longer exist. The Non-Voting Movement is a political campaign accompanied with symbolic meanings, only suitable for fighting against the authoritarian regime.”103


102 The turnout rate in elections prior to 2004 was above 90 percent but the rate in the 2004 general election was 84 percent (Ismanto, Perkasa, Kristiadi, Djawamaku, Priyadi, & Sudibyo, 2004, p. 123). Though the turnout rate declined, it is questionable to attribute such decline to some political leaders’ agitation for not non-voting. A survey showed that insufficient voter education was responsible for the decline in the rate (Sherlock, 2004b, pp. 7-8).

The National Anti-Rotten-Politician Movement activists instead encouraged voters to cast ballots. They endeavoured (1) to encourage political parties recruit candidates openly, transparently and inclusively; (2) to reduce the likelihood that voters would elect bad quality candidates by offering to research and release candidates’ track records; and (3) to help voters make rational choices by means of political education (IRE, 2004). In the words of Teten Masduki, NGO activists “want to shorten the distance between voters and candidates and also to enable voters to control political parties and punish political parties or candidates that fail to act as people’s representatives” (IRE, 2004).

NGOs were accordingly actively involved in both the candidate nomination and campaign phase of the electoral cycle. The candidate nomination phase in the 2004 general election began on 22nd December, 2003. NGOs’ goal during this phase was to prevent political parties from nominating candidates they deemed unfit to hold office. The campaign phase started after the General Election Commission announced the Confirmed Candidate List (Daftar Calon Tetap, DCT) on 5th February, 2004. NGOs’ goal at that point was to prevent unfit candidates from winning parliamentary seats.

Nomination Phase

NGOs encountered several challenges during the nomination phase, mostly resulting
from the closed nomination process run by most parties and the inaccessibility of their lists of candidates. The Law on General Elections of 2003 obliged political parties to have participatory, democratic, and inclusive candidate nomination mechanisms (Article 67). That provision, however, was only normative, because it did not stipulate sanctions against parties that failed to have such mechanisms (Crouch, 2010, p. 66). As a consequence, the candidate nomination processes in most political parties were neither transparent nor democratic.\textsuperscript{104} The processes were often under the control of a small number of party leaders, and thus many nominees were either party leaders’ intimates or people who succeeded in buying party leaders off.\textsuperscript{105} At the same time, the same provision did not oblige the General Election Commission to publicize the Temporary Candidate List (Daftar Calon Sementara, DCS) submitted by political parties. The General Election Committee never publicized the list on its own initiative. It was thus difficult for NGOs to know whom political parties wanted to nominate, and accordingly activists could not effectively collect the track records of potential candidates. They thus had to guess and repeatedly lobbied political parties not to nominate poor-quality


\textsuperscript{105} Jerry Sumampouw, interview with author, Jakarta, October 29, 2009.
Unlike their South Korean counterparts, participating NGOs did not release blacklists at the nomination phase. Nevertheless, the likelihood of NGOs releasing blacklists still drew wide attention from the media. Journalists repeatedly inquired about party leaders’ attitudes towards the movement, rather than merely discussing the content of blacklists and feasibility of the National Anti-Rotten-Politician Movement (Aspinall, 2004). Most political parties declared their support for the National Anti-Rotten-Politician Movement and some of them urged NGOs to release blacklists as quickly as possible. Hidayat Nur Wahid, Prosperity and Justice Party (PKS) chairman, for example, argued that not releasing blacklists would give rise to the wrong impression that all candidates were unfit to hold office. At the same time, the National Anti-Rotten-Politician Movement also faced many criticisms. Akbar Tanjung, then Golkar chairman, for example, argued that the purpose of that movement was simply to defame Golkar (Aspinall, 2004).


Campaign Phase

The 2004 general election entered the campaign phase after the General Election Commission publicized all confirmed candidate lists. Participating NGO activists debated whether they should now publicize blacklists because the electoral system was unfavourable to their movement. The 2004 general election in Indonesia saw the application of the Limited Open-List Proportional Representation system under which political parties were still able to dominate the allocation of seats.\textsuperscript{109} Unlike in the 1999 general election, which applied the Closed-List Proportional Representation system, Indonesian voters could vote for a party and then also vote for one candidate on the same party’s list in the 2004 general election. It is the Electoral Dividing Number (Bilangan Pembagi Pemilihan, BPP) that determines the allocation of seats. The number is calculated by dividing all valid ballots in one election district by the number of seats. Political parties whose valid ballots exceed the BPP win seats.\textsuperscript{110} Seats won by political parties belong to nominees whose valid votes exceeded those of the BPP.\textsuperscript{111} Individual

\textsuperscript{109} See Article 6 of Law No. 12 of 2003.

\textsuperscript{110} See Article 106 of Law No.12 of 2003.

\textsuperscript{111} Candidates with more votes than the BPP have priority in obtaining parliamentary seats won by their political parties. When there are no candidates with more votes than the BPP, the allocation of parliamentary seats is to be based on candidacy order.
candidates win the parliamentary seats only if the number of votes that they receive also exceed those for the BPP.

The primary rationale behind the application of the Limited Open-List Proportional Representation system was to limit the parties’ power over candidates (Tan 2006 106).\textsuperscript{112} It was very difficult for an individual candidates’ votes to exceed those of the BPP, however.\textsuperscript{113} As a consequence, votes for individual candidates had little impact on who would actually win parliamentary seats. In other words, under this electoral system, candidates depend on their ability to retain a high position on their party’s list, rather than on securing the votes of their constituents (Crouch, 2010, p. 64; Hadiwinata, 2006; Ziegenhain, 2008a, p. 124).\textsuperscript{114} This characteristic of the Indonesian electoral system also meant that it was hard for NGOs to block candidates from winning parliamentary seats through voter mobilisation targeting “blacklisted” individual candidates.\textsuperscript{115} In contrast,  

\textsuperscript{112} The 1999 general election applied the Closed-List Proportional Representation System, under which voters decide how many parliamentary seats political parties win, and political parties decide who would take the seats won (Ziegenhain, 2008a, p. 124).

\textsuperscript{113} Only two candidates relied on their own votes to obtain parliamentary seats won by their parties in the 2004 general election.


\textsuperscript{115} Debates over the electoral system applied to the 2004 general election had started in 2000 (Emmerson, 2004, pp. 99-100). Most participants in debates at that time were scholars and representatives of political parties. NGOs concerned about election-related issues did not advocate for
the single-member-district system gave South Korean voters the ability to turn against individual candidates.

The electoral system compelled NGO activists to consider the necessity of releasing blacklists.\textsuperscript{116} For activists who opposed to it, adopting such a strategy was provocative and might lead to severe counterattacks. At the same time, they also feared that local social groups might disagree about the content of the blacklists released by Jakarta-based NGOs. They thus suggested only releasing evaluation criteria.\textsuperscript{117} Activists who were in favour of it believed that publicizing blacklists would help them attract media attention. Meanwhile, they also thought it still possible to block unfit candidates from winning parliamentary seats under the Limited Open-Listed Proportional Representation system.\textsuperscript{118} In the end, considering the strong public interest in blacklists, as well as the necessity of maintaining media and voters’ attention to the movement, NGOs released specific electoral system. Mostly, activists of those NGOs focused on election monitoring and voter education. Jerry Sumampouw, interview with author, Jakarta, October 29, 2009.


\textsuperscript{118} Jerry Sumampouw, interview with author, Jakarta, October 29, 2009.
the first blacklist on 12 March.\textsuperscript{119}

Table 4.1

<table>
<thead>
<tr>
<th>Item</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Human Rights Violation</td>
<td>26\textsuperscript{a}</td>
</tr>
<tr>
<td>Corruption</td>
<td>25\textsuperscript{b}</td>
</tr>
<tr>
<td>Environmental Pollution</td>
<td>5</td>
</tr>
<tr>
<td>Violence against Women</td>
<td>7</td>
</tr>
<tr>
<td>Total</td>
<td>61\textsuperscript{c}</td>
</tr>
</tbody>
</table>

\textsuperscript{a} Including HBL Mantiri who was a candidate in the election to the Regional Representative Council (DPD).
\textsuperscript{b} Marzuki Darusman had allegedly committed corruption and human rights violation; Theo Syafei had allegedly committed corruption and violence against women.\textsuperscript{c} The total number of unfit candidates was 61, instead of 63, because the overlap caused by the inclusion of both Marzuki Darusman and Theo Syafei was excluded.

This first blacklist contained the names of 61 candidates. Among them, only HBL Mantiri was a candidate in the election for the Regional Representative Council.\textsuperscript{120} The other 60 named candidates were nominees of political parties in elections to parliaments at all levels. Most of them were accused of having engaged in corruption or abused human rights (26 and 25 respectively) (Table 4.1). The blacklist was by no means an exhaustive list of candidates in the 2004 general election who in the view of NGOs should not be elected. According to Jerry Sumampouw, participating NGOs only investigated


\textsuperscript{120} NGO activists thought that HBL Mantiri had been party to acts of violence by the military in East Timor.
candidates whom they thought were more likely to gain parliamentary seats.\textsuperscript{121} Jerry’s remark explains why around 70 percent of blacklisted candidates were nominees of the three leading political parties (see Table 4.2).\textsuperscript{122} It also explains why nearly 80 percent of blacklisted nominees were placed in either the first or second position on their party lists (See Table 4.3).

Table 4.2
Blacklisted Candidates in Elections to Parliaments at All Levels (by political party)

<table>
<thead>
<tr>
<th>Political Party</th>
<th>Blacklisted Candidate</th>
<th>Due to Corruption</th>
</tr>
</thead>
<tbody>
<tr>
<td>Golkar</td>
<td>19</td>
<td>4</td>
</tr>
<tr>
<td>PDIP</td>
<td>13</td>
<td>10</td>
</tr>
<tr>
<td>PPP</td>
<td>10</td>
<td>4</td>
</tr>
<tr>
<td>PAN</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td>PKPB</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>PKB</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>PBB</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>PKS</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Perloper</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>60\textsuperscript{a}</strong></td>
<td><strong>25</strong></td>
</tr>
</tbody>
</table>

\textsuperscript{a}Excludes HBL Mantiri who was a candidate in the election to the Regional Representative Council (DPD).

Table 4.3
Blacklisted Candidates in Elections to Parliaments at All Levels (by candidacy order)

\textsuperscript{121} Jerry Sumampouw, interview with author, Jakarta, October 29, 2009.

\textsuperscript{122} They were the three major political parties in Indonesia before the 2004 general election. PDI-P’s share of votes in the 1999 general election was 33.7 percent; Golkar 22.4 percent; and PPP 10.7 percent.
<table>
<thead>
<tr>
<th>Candidacy Order</th>
<th>Blacklisted Candidate</th>
<th>Due to Corruption</th>
</tr>
</thead>
<tbody>
<tr>
<td>First</td>
<td>37</td>
<td>16</td>
</tr>
<tr>
<td>Second</td>
<td>11</td>
<td>4</td>
</tr>
<tr>
<td>Third</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Others</td>
<td>9</td>
<td>4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>60</strong>*</td>
<td><strong>25</strong></td>
</tr>
</tbody>
</table>

*Excludes HBL Mantiri, who was a candidate in the election to the Regional Representative Council (DPD) where party lists did not apply.

NGOs distributed the first blacklist through Sosok, a tabloid with a circulation of 200,000. The blacklist was also distributed in large cities like Surabaya, Makassar, Medan, Yogyakarta, Denpasar, Padang, Surabaya, Bandung, and Mataram. The distribution area in DKI Jakarta was the Blok M Mall, a popular shopping site. The second edition of Sosok was released on March 24 with more names added to the blacklist, which was distributed in similar ways.

Movement activists were cautious about the strategy of publicizing blacklists. The release date and wording of the blacklist, as well as the selection of sources, reflected their caution. Not wishing to provoke candidates and their political parties, movement activists tried to reduce the risk of a backlash by releasing the blacklist three weeks prior to the voting day. Movement activists admitted that the purpose of choosing that date...
was to limit the time available for blacklisted candidates to retaliate.\textsuperscript{123} The front page of \textit{Sosok} also shows the activists’ cautiousness. The title read: “Are they suitable to be elected?” (\textit{Layakkah Mereka Dipilih?}). Choosing this interrogative sentence not only corresponded with activists’ aims to have voters make judgments themselves on the fitness of candidates, but also conveyed a less provocative message than an affirmative. As to sources of information, NGOs consulted reports of international organisations (e.g., Amnesty International) and accountability institutions (e.g., the Human Right Committee), credible media reports, and evidence provided by witnesses and whistle blowers.\textsuperscript{124} In so doing, activists could maintain neutrality and refute criticisms that they were agitating public distrust and chaos by spreading unfounded rumours.\textsuperscript{125}

Not surprisingly, the two tabloids prompted counterattacks and criticisms. Blacklisted candidates accused movement activists of libelling their character and reputation, and most demanded a public apology.\textsuperscript{126} The political parties of blacklisted candidates, however, did not adopt an official stance on the movement. It is noteworthy that some


blacklisted candidates’ explanations sounded tenable. Irwan Prayitno, PKS nominee, for example, was on the blacklist because he had refused to categorise the Trisakti killings as a gross human rights violation.127 This is because Law No. 39 of 1999 provided that the term “gross human rights violation” only applied to genocide and systematic slaughter. Irwan insisted that he could not succumb to NGOs’ pressure and make a judgment contrary to the law.128 Alvin Lie, another blacklisted candidate, made similar criticisms.129 The controversies demonstrate the necessity for care over the content of blacklists. In the face of these criticisms, NGOs responded only that all participating NGOs jointly undertook the responsibility of releasing the Sosok statement.130 No movement activists made formal corrections or apologies regarding any individual in the list.

127 On 12th May, 1998, hundreds of Trisakti University students planned to march to the national parliament to present their demands for reform. The march became chaotic after police fired at it, leading to the death of four students. The shooting gave rise to strong criticisms of the Suharto administration and another wave of demonstrations. That led to the president’s resignation a few days later.


Outcomes and Evaluation

The 2004 general election was seen by the public and the international community as fair and open. The number of blacklisted candidates who lost the election was 23, making up 37.7 percent of the total number of blacklisted candidates (Table 4.4).\(^{131}\) Among the 37 blacklisted candidates who had topped their party lists, eight (21.6 percent) lost because their political parties did not win any seats in the relevant electoral district. Among 11 blacklisted candidates who were seconded in the party lists, six (54.5 percent) lost because their political parties only won one seat in the district (Table 4.5). The number of candidates blacklisted for corruption was ten, or 40 percent of the total number of candidates on the blacklist.\(^{132}\)

<table>
<thead>
<tr>
<th>Result</th>
<th>Number</th>
<th>Percentage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elected</td>
<td>38</td>
<td>62.3</td>
</tr>
<tr>
<td>Failed</td>
<td>23(^a)</td>
<td>37.7</td>
</tr>
<tr>
<td>Total</td>
<td>61</td>
<td>100</td>
</tr>
</tbody>
</table>

\(^a\) Includes HBL Mantiri, who was a candidate in the election to the Regional Representative Council (DPD).


\(^{132}\) The three allegedly corrupt candidates who topped the order of candidates but still won no seats are Husni Thamrin, Tarmidi Soehardjo, and Agnita Singadekane Irsal. Saidal Bahauddin and Sofialoh Burlian were allegedly corrupt candidates who were placed second in the order but still won no seats in the end.
These election results did not surprise NGO activists. All interviewees for this research deemed the 2004 National Anti-Rotten-Politician Movement unsuccessful, though the movement coordinator, Masduki (2006, p. 220), believed that the number of undesirable politicians was much lower than it could have been. NGO activists blamed the electoral system for the election of undesirable politicians and expressed little interest in exploring the correlation between the movement and its outcome. As ICW activist Lucky Djani put it:

We were aware that Indonesia’s electoral system was not favourable to the success of the Anti-Rotten-Politician Movement. Under it, it was predictable that many unfit candidates would successfully win seats in parliaments. It is meaningless to explore how many unfit candidates failed to win. In fact, no participant NGO activist attempted to do such surveys.¹³³

<table>
<thead>
<tr>
<th>Candidacy Order</th>
<th>Number</th>
<th>Percentage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Blacklisted Candidates</td>
<td>Who Failed</td>
</tr>
<tr>
<td>First</td>
<td>37</td>
<td>8</td>
</tr>
</tbody>
</table>

¹³³ Lucky Djani, interview with author, Canberra, July 14, 2008.
<table>
<thead>
<tr>
<th>Item</th>
<th>Number</th>
<th>Percentage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blacklisted Candidates</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Who Failed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Human Rights Violation</td>
<td>26¹</td>
<td>7¹</td>
</tr>
<tr>
<td>Corruption</td>
<td>25</td>
<td>10</td>
</tr>
<tr>
<td>Environmental Pollution</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td>Violence against Women</td>
<td>7</td>
<td>4</td>
</tr>
<tr>
<td>Total</td>
<td>61</td>
<td>23</td>
</tr>
</tbody>
</table>

¹ Includes HBL Mantiri, who was a candidate in the election to the Regional Representative Council (DPD).

The way in which the movement was organised and co-ordinated is another dimension worthy of observation. The 2004 National Anti-Rotten-Politician Movement was a loosely organised movement with only limited interaction between participating NGOs and groups in other areas. The main activities of NGOs included organising symposiums and criticising political parties. Data collected for this research shows only intermittent activities. Apart from the movement declaration, there were only a few press releases or statements under the name of the National Anti-Rotten-Politician Movement before the release of the blacklists. Instead, various individual NGOs released comments or blacklists. Due to the shortage of funds, NGOs never launched large-scale activities like concerts or street propaganda. Instead they had to settle for small or medium advertisement campaigns.

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The interaction between participating NGOs and civil society groups at the local level was also loose. Movement coordinator Teten Masduki stressed that the 2004 National Anti-Rotten-Politician Movement was open to all. This meant that:

Each organisation or individual could join that national movement whether or not they were already part of the National Anti-Rotten-Politician Movement network, or only partially accepting that movement and having campaigns under another organisation’s banner. That movement was not strictly hierarchical and thus was relatively flexible...each area could have their own model of campaign. It was unnecessary to follow the model already operating in Jakarta. (IRE 2004)

In other words, Masduki expected that local groups would initiate activities like the Anti-Rotten-Politician Movement in all election districts. He did not have any intention of placing those activities under the leadership of an individual or a single organisation. As a result, the interaction of participating NGOs with other groups was mostly in the exchange of information and strategies.134

In fact, following the declaration that launched the Anti-Rotten-Politician Movement, similar movements soon appeared in other areas, formed by student groups or local branches of Jakarta-based NGOs. In Solo, for example, the University Student Executive Board (Badan Eksekutif Mahasiswa) of the Universitas Sebelas Maret launched its own movement against rotten politicians. The Semarang Branch of the Legal Aid Foundation (LBH) co-ordinated similar campaigns at Semarang. In Bekasi, a movement was organised by the Islamic High School Student Alliance (Aliansi Pemuda Pelajar Islam). Around 200 civil society organisations endorsed the declaration of the National Anti-Rotten-Politician Movement (Masduki, 2006, p.200). The targets of the local groups and organisations were mainly the elections to the Regional People’s Representative Councils.

Despite these enthusiastic responses, the National Anti-Rotten-Politician Movement did not receive a great deal of financial support. Without adequate funding to cover expenses, the research and publication of candidates’ track records became slow and

cumbersome. Meanwhile, few lawyers, intellectuals, or others with significant professional and financial resource joined the movement. NGOs activists thus complained that Indonesian intellectuals always lived in their ivory tower (IRE, 2004).

To sum up, the 2004 National Anti-Rotten-Politician Movement was a loosely organised movement with vocal support from the electorate, but it failed to prevent most undesirable candidates from winning parliamentary seats. Though its performance was very unsatisfactory, the movement still had some impact. As Indra J. Piliang put it, “one of the Anti-Rotten-Politician Movement’s achievements was the widespread usage of the term ‘rotten politicians’ in several fields. The National Anti-Rotten-Politician Movement was not merely a moral movement, but also a cultural movement. The term ‘rotten politicians’ has since appeared in several poems, rhymes, songs and social service advertisements...cloths, stickers and other media were all used to distribute discourses about rotten politicians.” Participating NGOs all agreed to label candidates who had engaged in corruption, human rights violations, environmental pollution, or violence against women as unfit to be elected. The widespread popularity of the term “rotten politician” may thus reflect that many Indonesian people also agreed on the definitions


and claims made by NGOs. Indra’s remarks show that the movement did have some success in setting up an agenda. That agenda was that “politicians who have committed crimes should not be eligible to be elected representatives.”

4.3.2 Follow-up activities

Following the 2004 general election, Masduki hinted that NGOs would initiate follow-up activities. As he put it:

The National Anti-Rotten-Politician Movement may not stop after the end of the general election. It will continue to appear in the composition of Cabinet, elections to heads of local governments or promotion of bureaucrats...in the long run, this movement also will support the establishment of a public accountability system that can be used to hold figures in political or public positions accountable. [The system should allow citizens to] legally recall elected representatives and bureaucrats who betray the public as a whole.\(^\text{141}\)

\(^{141}\) “Gerakan Tidak Memilih Politisi Busuk,” retrieved on March 11, 2011, from
Masduki expected NGOs not only to launch similar accountability movements in other elections, but also to build up broader accountability systems. NGOs’ efforts to create a new electoral system in the period 2006–2008 fulfilled Masduki’s second expectation.

### 4.3.2.1 Changes to the electoral system

The Draft Law on Elections applicable to the 2009 general election was under deliberation in the People’s Representative Council from 2006. Several NGOs participating in the 2004 National Anti-Rotten-Politician Movement formed a Coalition to Improve the Packet of Political Bills (Koalisi untuk Penyempurnaan Paket UU Politik) to lobby members of parliament to enact bills that could allow voters to hold candidates accountable more effectively. Their demands included a transparent candidate nomination process and the adoption of a “Pure” (or Open) Candidate List Proportional System (Sistem Pemilu Proporsional dengan Daftar Calon Murni). Such demands were aimed at removing the institutional obstacles faced by NGOs in the 2004 general election.

The demand for a transparent candidate nomination process did give rise to strong

http://www.antikorupsi.org/antikorupsi.?q=content/view/10.
opposition, but the demand for an Open-List Proportional System aroused strong opposition because it was contrary to the interests of political parties. Under the proposed system, candidates with the largest number of individual votes would be allocated the seats their political parties won in the election in their district. In other words, NGOs suggested removing the role of the party list in deciding which candidate would be elected. According to NGOs, there were many advantages to adopting an Open-List Proportional System. These included promoting benign competition between candidates, promoting a democratic candidate nomination process, and, above all, promoting accountability of individual elected representatives to their constituents. At that time, major political parties like Golkar and the Indonesian Democratic Party of Struggle (Partai Demokrasi Indonesia Perjuangan, PDI-P), however, still favoured the Limited Open-List Proportional System (Sistem Proporsional dengan Daftar Calon Terbuka Terbatas). They nonetheless agreed to lower the threshold an individual candidate would need to be elected to 50 percent of the Electoral Dividing Number (the number of votes a party needed to win to have one nominee elected).\(^\text{142}\) NGOs considered the new threshold too high, believing that the dominance of political parties

in the allocation of parliament seats would remain intact under such a system.

The People’s Representative Council passed the new Law on Elections on 31st March, 2008. The law contained clauses stipulating procedures and details to improve transparency in the candidate nomination process. The new threshold was fixed at 30 percent of the Electoral Dividing Number. NGO activists were glad to see the stipulations about transparent candidate nomination in the new law. However, they were not satisfied with the new threshold. The Coalition to Improve the Packet of Political Bills said:

The Limited Open-List Proportional System does not allow voters to decide directly who the elected representatives are. Political parties are still dominant. The system will once again blur the relationship between constituents and elected representatives. [Thus,] elected representatives will not respond to constituents’ expectations and problems, but compete for the interests of the political parties. Their election [as people’s agents] are supposed to satisfy the expectations of constituents, rather than interests of political parties. Under the Limited Open-List Proportional System, the quality of representation predictably changes little. Political parties, especially elites in headquarters, will remain dominant because of their power over candidacy. Benign competition between
candidates will hardly exist. As a consequence, political parties will remain oligarchic and centralist.\footnote{143}

**4.3.2.2 Extension of the Anti-Rotten-Politician Movement**

Masduki also expected NGO activists to launch campaigns against unfit candidates in other elections. The three elections discussed here are the 2004 presidential election, the 2007 DKI Jakarta gubernatorial election and the 2009 general election. The first two were elections of heads of governments. These differed from elections to parliaments in the number of candidates standing, the method of casting ballots, the condition for winning elections, and in several other respects.

<table>
<thead>
<tr>
<th>Table 4.7</th>
<th>Summaries of Laws Concerning the 2004 Presidential Election and the 2007 Jakarta Gubernatorial Election</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislative Backing</td>
<td>2004 Presidential Election</td>
</tr>
<tr>
<td>Nomination Requirements</td>
<td>Law No. 23 of 2003</td>
</tr>
<tr>
<td>Nominees of political parties that obtained more than 20 percent of valid votes in the general election or more than 15 percent of seats in the DPR</td>
<td>Nominees of political parties that obtained more than 15 percent of valid votes in corresponding parliament elections or more than 15 percent of</td>
</tr>
</tbody>
</table>

Winning Condition

| Obtained more than half valid votes and had more than 20 percent of the votes in more than half the provinces (Article 66) |
| Obtained more than half valid votes. If none reached the threshold, the candidate pair that obtained more than 25 percent of valid votes and whose ballots outnumber rivals would win the election (Article 107) |

4.3.2.2.1 The 2004 presidential election

The 2004 presidential election was the first direct election of a head of the central government in Indonesia.\(^{144}\) Voting day was three months after the 2004 general election. The 2004 presidential election applied a two-round majoritarian system, meaning that there would be a second round run-off between the two leading candidates, in case of no first round winner.\(^{145}\) According to Law No. 23 of 2003, political parties still monopolised the right of candidate nomination, as shown in Table 4.7. At the same time, no candidates could rely on their political parties alone to win the election. This was because it was necessary to win more than half the valid ballots and “the complexities inherent in Indonesia’s multiparty system make it difficult for a party to” gain such a large amount of votes (Sebastian, 2004, p. 267). Given this, NGOs had opportunities to block candidates they deemed unfit from winning the presidency

\(^{144}\) The Amendment to the 1945 Constitution provides that the Indonesian president and vice-president are directly elected by citizens, no longer decided by the People’s Consultative Assembly (MPR).

through voter mobilisation. At the same time, because there were only a small number of competitors and all of them were famous politicians, it was also not difficult for them to collect the track records of candidates. In short, it was relatively easy for NGOs to try to blacklist poor-quality candidates; at least, the institutional context did not throw up the same obstacles as in the parliamentary elections.

Most NGOs participating in the National Anti-Rotten-Politician Movement also expressed concerns about the 2004 presidential election. In the third edition of Sosok and several other media platforms there was still discussion of candidates’ fitness and of the importance of rejecting rotten politicians as candidates for the presidency. It is thus tenable to regard NGOs’ activities during the 2004 presidential election period as an extension of the Anti-Rotten-Politician Movement.

One month prior to voting day, NGOs publicized what they considered to be the requirements for a head of central government: They should (1) have never joined the Suharto administration; (2) have never committed corruption; (3) and have the will to

146 Some NGOs departed the Anti-Rotten-Politician Movement in the presidential election. Many of those NGOs’ leaders even joined candidate pairs’ success teams. Danang Widoyoko, email communication, March 29, 2011.
promote reform.\textsuperscript{147} In order to provide voters with in-depth information on election candidates, NGOs released the third edition of \textit{Sosok} which contained candidates’ visions, promises, wealth reports, and incidents in which they were involved. There were more discussions of incidents and cases involving Megawati Sukarnoputri (nominee of the Indonesian Democratic Party of Struggle and the incumbent) and Wiranto (nominee of the Golkar) than of other candidates. These discussions were about the role of Megawati’s husband in corruption scandals and the involvement of Wiranto in human rights violations in East Timor.\textsuperscript{148} The third edition of \textit{Sosok}, unlike the two preceding editions, did not contain a blacklist of candidates. Its content, however, explicitly showed which candidates and their running mates were viewed most negatively. This change of strategy signalled that activists were ready to adopt a safer way to convey their message.

The election outcome was that Susilo Bambang Yudhoyono (nominee of the Democratic Party) defeated Megawati in the second round run-off. Megawati’s loss of the presidential election was by no means an NGO achievement, because the third edition of \textit{Sosok} merely implied her unfitness for the presidency and NGO activists never


\textsuperscript{148} “Koran Sosok Kupas Track Record Capres,” \textit{Koran Tempo}, July 1, 2004.
explicitly called on citizens not to vote for her.

4.3.2.2.2  The 2007 Jakarta gubernatorial election

The heads of regional governments have been subject to direct election since 2005. The first direct DKI Jakarta gubernatorial election was in July, 2007.\(^{149}\) Because of strict nomination requirements, only a small number of political parties were eligible to nominate candidates in that election. As in the 2004 presidential election, no candidate and their running mate could rely solely on their own political party’s mass base to win the gubernatorial election.\(^ {150}\) In other words, through voter mobilisation, NGO activists had an opportunity to block undesirable candidates from leading the DKI Jakarta government. In fact, rumours of money politics spread wildly during the campaign.\(^ {151}\) These rumours gave rise to widespread grievances and public distrust in candidates’ integrity.\(^ {152}\) As a result, discussions of rotten politicians reappeared in various media

\(^{149}\) Law No. 32 of 2004 on Regional Government stipulates that voters directly elect heads of regional governments (Article 24). The first direct elections to heads of regional governments were held in June, 2005 in seven provinces and 159 municipalities and districts.

\(^{150}\) See Article 59(2) and 107 of the Law on Regional Government.


\(^{152}\) “Pilkada Jakarta: Investigasi Politik Dagang Sapi Cagub Pilkada DKI,” Kompas, June 20, 2007.
and platforms. At the same time, there were also voices advocating non-voting and allowing independent candidates to run in the elections (Huri, 2006, pp. 187-189).153

ICW, Cetro and several Jakarta-based NGOs therefore formed the “People’s Clean Election Coalition” (Koalisi Rakyat untuk Pilkada Bersih). Activists in the coalition mostly monitored elections and exposed scandals. They did not see their activities as an extension of the National Anti-Rotten-Politician Movement, nor did they release a blacklist of unfit candidates. ICW coordinator Danang explains:

Many Jakarta-based NGO activists have concerns about issues at the national level. The DKI Jakarta Gubernatorial Election was a regional election, and thus was not the focus of our concerns... at the same time, there were only two pairs of candidates in that election. Calling one pair of candidates unfit would give rise to a charge of favouritism for the other. This charge was not true because we thought neither of the two pairs of candidates fit at that time.154


Danang’s remark shows not only why NGOs did not launch campaigns against undesirable candidates in every election but also how activists considered the need to release blacklists.

4.3.2.2.3 The 2009 general election

The 2009 general election followed Law No. 10 of 2008 on General Elections. This law included clauses stipulating that the candidate nomination process would be made transparent. Based on the schedule prescribed by law, all political parties had to submit their candidate lists to the General Election Commission before 19th August, 2008. The commission was required to finish administrative examinations before 8th October and publicize the Temporary Candidate List (Daftar Calon Sementara, DCS) through the mass media for five days (Article 61). Citizens could then question the candidate’s qualifications, and political parties would explain and replace unqualified candidates. The commission had authority to adjust where unqualified candidates were placed in the party list, if political parties did not replace them (Article 62). These clauses compelled political parties and the General Election Commission to open up the candidate nomination process to great public scrutiny. NGOs had more opportunities to hold political parties accountable for their candidate lists. They could even lobby the General Election Commission to change the candidacy order and demote candidates in the party list, providing they provide evidence.
Several Jakarta-based NGOs re-launched the National Anti-Rotten-Politician Movement in 2008. Problems like corruption and poor performance still persisted in parliaments at all levels. The movement coordinator was Jerry Sumampouw, who was also chairman of JPPR. The 2009 National Anti-Rotten-Politician Movement differed from its predecessor in several aspects. First, the number of participant NGOs and scholars decreased. Several NGO leaders and scholars became nominees of political parties and were thus unwilling to define their positions toward the Anti-Rotten-Politician Movement. For example, Indra J. Piliang, who wrote several articles promoting the 2004 Anti-Rotten-Politician Movement was nominated by Golkar in West Sumatra Province. Second, in the lead-up to the 2009 general election, the movement activists focused on the election to the Regional People’s Representatives Councils, unlike their predecessors who focused on the Election to the People’s Representatives Council. The rationale behind this shift of focus was the consideration that local groups knew more about problems at local levels and it was easier to promote the movement in small areas. Third, in addition to the original four criteria, movement activists in 2009 also treated candidates who had taken or traded in drugs and appropriated others’ property illegally as being “rotten”. Additionally, NGOs only sent blacklists to political parties and the

General Election Commission, instead of publicizing them. With regard to that change, Cetro activist Erika Widyaningsih explains:

Not publicizing the blacklists was the agreement. Even ICW activists also insisted on not publicizing the blacklists because they suffered much from charges by blacklisted candidates during the 2004 general election...If we publicize blacklists again during the 2009 general election, blacklisted candidates for sure would sue us. Not just one, but hundreds of candidates. We would have to appear in courts if they sued us, and that would exhaust us. We thus chose a simpler means, that is, we provide blacklists, instead of to mass media or the public, to political parties and the General Election Commission.157

Obviously, it was the experience gained from the 2004 National Anti-Rotten-Politician Movement that drove NGOs not to publicize blacklists again in the 2009 general election.


NGOs chose to start their activities on 23rd May, 2008—three months prior to the deadline for political parties to submit candidate lists. Several political parties welcomed the NGOs’ or individuals’ offer of information and track records for their candidates. Several media also covered the submission by NGOs to political parties of blacklists of unfit candidates. In the end, political parties like Golkar and the Democratic Party (PD) changed their candidate lists in accordance with movement activists’ suggestions. Such a thing had never happened in previous elections. Reforms making the candidate nomination process more transparent were essential to that change. The inclusion of the relevant clauses in the law on the elections was in turn the result of NGOs’ advocacy. Thus, NGOs had benefitted from an accountability mechanism which they had helped to build.

Nevertheless, many candidates with poor records in corruption and other problem areas still became nominees of political parties. JPPR found 21 candidates in the Temporary Candidate List who were suspected of crimes of various kinds. Eight of the nine


159 Erika Widyaningsih, interview with author, Jakarta, October 6, 2009.
candidates who had allegedly engaged in corruption were nominees of PDIP. Political parties also varied in their responses to blacklists compiled by NGOs. According to the Law on General Elections of 2008, NGO activists could still block candidates from standing by presenting evidence of their wrongdoings to the General Election Commission. No laws, however, stipulated that criminal suspects could not be candidates in elections. The General Election Commission thus could not change blacklisted nominees’ candidacy order in accordance with NGO activists’ suggestions, unless they had already been convicted of a criminal offence.

Table 4.8

<table>
<thead>
<tr>
<th>Laws</th>
<th>2004</th>
<th>2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>Winning Conditions</td>
<td>Candidates whose votes outnumber the Electoral Dividing Number obtained seats won by political parties. If no candidates exceeded this threshold, those at the top of the list</td>
<td>Candidates whose votes exceeded 30 percent of the Electoral Dividing Number were eligible to obtain seats won by political parties. If the number of eligible candidates</td>
</tr>
</tbody>
</table>

The 2009 general election entered the campaign phase after the General Election Council announced the Confirmed Candidate List. A critical change took place at that stage when the Constitutional Court (MK) made a controversial ruling on 23rd December, 2008 in response to several candidates’ requests for a judicial review of Article 214 of Law No. 10 of 2008 on General Elections.\(^{161}\) The clause stipulated that only candidates whose personal vote exceeded 30 percent of the number of votes required by their party to win a seat could be elected, regardless of candidacy order. Petitioners contended that Article 214 was unconstitutional. The Constitutional Court accepted the petitioners’ claims and ruled Article 214 invalid. In other words, it would be the number of individual votes, rather than candidacy order, which determined the allocation of parliamentary seats to candidates by their political parties (ANFREL, 2009, pp.32-33).

\(^{161}\) Legally speaking, NGO activists cannot make requests for a judicial review of laws. The Law on the Constitutional Court merely entitles citizens who experience damage to their constitutional rights to petition for review of the laws in question, suggesting that NGO activists cannot file a petition for review unless they themselves are candidates in elections.
As shown in Table 4.8, the ruling brought about significant changes to Indonesian electoral system, and had a critical impact on the 2009 general election. According to Mietzner, it transformed the main axis of competition among political parties into rivalry between candidates within the same political parties. Candidates thus emphasized their personal charisma and popularity in order to attract voters' attention. As a result, there was a remarkable change in the attitude of candidates who had long been criticized by scholars and party leaders for their indifference toward election campaigns. In other words, the ruling changed not only the method of seat allocation but also the model of electoral competition.

The court thus introduced a Pure Open-List Proportional Representation System—the very electoral system NGO activists had advocated while the draft law on elections was under deliberation. The change in the electoral system, in theory, should have facilitated the NGOs’ efforts to prevent undesirable candidates from winning seats in parliament.


163 Elections under the Proportional Representation System feature competition among political parties. Candidates thus are likely to be indifferent to election campaign activities. Golkar Chairman Jusuf Kalla on one occasion criticized candidates for lacking momentum in campaigns for ballots in the 2009 general election. That was why he endorsed the initiative to amend the Law of 2008 on General Elections. “Bukan Menerka Bajaj Belok,” Koran Tempo, September 1, 2008.
NGO activists, however, did not view the ruling favourably and also did not attempt to publicize blacklists afterwards. Movement coordinator Jerry Sumampouw explained: “Though I advocated adopting the Pure Candidate List Proportional Representation System, I was in an opposition position when the Constitutional Court announced its ruling. The electoral system should be confirmed at the start of the election, rather than promoted halfway.” He pointed out that the new seat allocation rule might not favour good candidates:

High campaign costs accompany the new seat allocation regulations. Good candidates, however, are usually not rich and thus can neither frequently have contact with constituents nor introduce themselves through posters or advertisements...though [there were changes to the seat allocation rule], we did not want to publicize blacklists. [The reason was that t]here were more than 11,000 candidates participating in the 2009 general election. If we insisted on the principle of fairness and equality, we needed to investigate all candidates. The number of candidates, however, was too large, and we were not willing to
conduct a comprehensive investigation.\textsuperscript{164}

To sum up, with lessons learned from the 2004 Anti-Rotten-Politician Movement, Jakarta-based NGOs tried to reform electoral institutions and continued to launch similar accountability activities in other elections. Their efforts to reform electoral institutions helped make candidate-related information at the nomination phase transparent and accessible, creating room to demand \textit{ex-ante} accountability of elected representatives. In addition, the cases discussed above also show what factors NGO activists considered when thinking about the blacklisting strategy, suggesting that the decision whether to release the blacklists was the outcome of deliberations among NGO activists.

4.4 Discussion

4.4.1 Analysis

The 2004 Anti-Rotten-Politician Movement is not successful, in terms of the number of

\textsuperscript{164} Jerry Sumampouw, interview with author, Jakarta, October 29, 2009.
candidates who survived NGO campaigns against them. The discussions above suggest that several contextual factors led to this outcome. This thesis follows Peruzzotti (2011) in dividing the context into four dimensions—society, culture, the public sphere and institutions—and analyse them one by one.

Social context, according to Peruzzotti (2011), refers to “the emergence of a sector of civil society interested in the exercise of social accountability as well as the development of a basic social infrastructure to support those new forms of civic engagement” (p. 57). Clearly, Indonesia in 2004 had a social context favourable to the exercise of electoral accountability, because a group of Jakarta-based NGOs initiated the Anti-Rotten-Politician Movement and the movement gave rise to imitation outside Jakarta. These activities represent the presence of forces within Indonesian society that endeavoured to solve the problem of the accountability deficit. They were unwilling to overlook elected representatives’ neglect of accountability obligations, but managed to strengthen the accountability relation between elected representatives and constituents.

In contrast, the cultural context in Indonesia in 2004 was not conducive to electoral accountability activities. Culture concerns constituents’ attitudes and behaviours, and a variety of accountability activities are usually evident under the culture of democratic accountability (Peruzzotti, 2011, pp. 56-57). However, the experience of being subjection
to authoritarian rule for decades had deprived most Indonesians of an awareness of rights, as well as of the courage to make demands (Schwarz, 1994, p. 33). As a consequence, Indonesian constituents were mostly reluctant to discuss elections and other politics-related matters. Despite a series of reform measures, empowered legislative institutions, and fair and open elections, most Indonesian constituents’ still show low interest in elections and politics-related issues, as revealed by multiple studies. An investigation by the Asia Foundation in 2003, for example, revealed that 65 percent of respondents had low interest in politics and 33 percent of them claimed no interest at all; 89 percent rarely discussed political issues; 59 percent of them claimed that they never discussed politics; and 77 percent were unwilling to be political parties’ election nominees (TAF, 2003, pp. 53-68). These figures show Indonesian constituents’ indifference to electoral politics during the Reformasi era, suggesting the lack of a sense of political efficacy and an awareness of rights within Indonesian society.

Similarly, Indonesia’s public sphere in 2004 was not sufficiently mature to underpin the Anti-Rotten-Politician Movement. The “public sphere” refers to “a space within a society” which is “independent both of state power and/or corporate influence, within which information can freely flow and debate on matters of public, [and] civic concern can openly proceed” (Corner, 1995, p. 42). According to Peruzzotti (2011), accountability initiatives by people “require a minimum of constitutional guarantees to allow them to successfully intervene in the process of agenda setting” and “the presence of
independent or watchdog journalism is essential for success” (p. 58). In other words, the relevant regulations and news media concerns both reflect the quality of public sphere and in these respects, Indonesia’s public sphere before 2004 was still too weak to support the Anti-Rotten-Politician Movement.

Indonesian constituents had never fully enjoyed freedoms before 1998 because of tight control by the Suharto administration (D. T. Hill & Sen, 2005, p. 120; McCargo, 2003, p. 33). Not until signs of the demise of the Suharto regime appeared in 1997–1998 did many civil groups and news media challenge the government and criticise politics (Atkins, 2002, p. 198; Forrester, 1999, pp. 64–65). Provisions to protect freedoms started to be written into constitutional amendments and new laws after Suharto resigned (Kitely, 2008, pp. 88–89). Such regulatory guarantees of rights favoured the development of civil society and the mass media. However, watchdog journalism had not yet been mainstream before 2004, as several surveys showed. During the Suharto era, few journalists or media companies dared to criticize the government or act like muckrakers. Some of them even disliked the radical approaches taken by European and American news journalists (Weaver, 1998, pp. 466–467). This inclination had changed little by 2004. According to a survey conducted by Hanitzsch (2005, p. 493) at the beginning of this century, most Indonesian journalists perceived themselves as neutral and objective news disseminators, rather than outspoken watchdogs, partly explaining why there were no signs of close collaboration media firms when NGOs initiated the Anti-Rotten-
Politician Movement. To sum up, regulatory reform measures created conditions favourable for improving the quality of the Indonesian public sphere. Thus, NGOs were able to initiate the Anti-Rotten-Politician Movement and attract civil groups at local levels to join. Nevertheless, NGOs did not benefit much from the improved public sphere, because watchdog journalism had not yet grown strong.

The institutional context is the final dimension. The electoral system and the statutes applied to the 2004 general election contained some flaws that did not favour the enforcement of electoral accountability. These were the outcomes of the dominance of the political parties’ interests in the reform process; one example can be found in the process by which a new electoral bill was deliberated in 1999. To prepare for the 1999 general election, the Habibie administration proposed a mixed system; that is, 76 percent of parliamentary seats to be elected through the single-member district plurality (SMDP) voting system; and the remainder through the Closed-List Proportional Representation system. Proponents of such a system claimed that it would tighten relations between elected representatives and constituents and favours small and newly formed political parties (King, 2003, pp. 60-61). However, most participant political parties preferred the Closed-List Proportional Representation system on the grounds of deep concern about the dominance of seats by one or few political parties over others, leading to the result that up to 21 political parties had at least one parliament seat. Most of these parties chose to apply the proportional representation system to the 2004
general election in order to maintain their share in parliamentary politics (Emmerson, 2004, pp. 99-101). Apparently, political parties dominated the electoral reform process before 2004, leading to political party-centred politics that left little room for Indonesian constituents to enforce electoral accountability. At the same time, political party-centred politics also gave rise to the prioritization by elected representatives of political parties’ interests over constituents’ needs. Ziegenhain (2008b) thus criticised members of parliament during the 1999 – 2004 term for their lack of knowledge and willingness, both being essential to effective legislation. The flaws in the electoral laws are thus not surprising.

To sum up, when NGOs initiated the Anti-Rotten-Politician Movement in 2004, only the social context favoured their initiative, and the remaining contextual dimensions were unable to support them. The legacy of past authoritarian rule and the dominance of political parties’ interests in the reform process both led to this unfavourable context. Though NGO activists declared their failure, there are signs that their initiatives helped build up a consensus on criteria by which to evaluate election candidates’ qualifications, a contribution crucial to the development of culture of democratic accountability in Indonesia. Also, NGOs’ efforts to change electoral bills and systems improved the institutional environment, removing obstacles that they had encountered in 2004. In other words, step by step Indonesian NGOs improved the context in which they became able to enforce electoral accountability, rather than just being subject to it.
Further improvement in contextual conditions will depend on how NGOs deal with the three challenges. The first challenge is about strategy. Releasing blacklists is a double-edged sword: it attracts journalists and constituents, while possibly endangering activists’ safety and NGOs’ reputations. Thorough consideration and complete preparation are both necessary before the release of blacklists. Both the timing of the release and the wording of the article in Sosok reveal how cautious NGO activists were. However, the failure to overcome the blacklisted candidates’ arguments shows that NGO activists had not prepared themselves well, possibly undermining the organisations’ reputations and creating room for counterattacks launched by other blacklisted candidates. Therefore, NGOs need to develop a risk-control mechanism if they continue to insist on applying the same strategy in the future.

Another challenge is about mobilisation. NGOs may mobilise civil groups at local levels as well as the general public for the purpose of widening the base for their accountability initiatives. It is easier to mobilise the former than the latter, because NGOs like Cetro already have extensive election monitoring networks. In contrast, to mobilise the general public is relatively complex and challenging, because the NGOs that initiated the movement are mostly issue-oriented organisations that engage in policy advocacy and have no regional chapters, suggesting infrequent interaction with the general public. To focus on the mobilisation of the general public is never easy, because of critical questions such as resource allocations. NGOs’ responses concern the future development of two
contextual conditions, namely, culture and the public sphere.

The last challenge is institutional reform. The electoral system initially applied to the 2009 general election was changed because of a ruling by the Constitutional Court, suggesting alternative approaches to promoting institutional reforms. However, to apply this approach it is necessary that it meet certain conditions. The Constitutional Court Act (Article 51) only entitles Indonesian citizens who believe that their constitutional rights have been encroached upon existing laws to claim judicial review. This provision suggests two options for NGOs. One is to persuade stakeholders to seek judicial review; the other is to allow their activists to compete in elections and make the same move. However, most NGO activists surveyed for this study explicitly reject these two options, meaning that lobbying members of Parliament is the only way for them to promote institutional changes. In fact, senior NGO activists such as Asmara Nababan have long advocated participation of NGO activists in elections, so Indonesian NGOs currently encounter a dilemma: to insist on “no involvement in politics” principle, or promoting reforms in a proactive and aggressive way. NGOs’ choices affect their future development.

4.4.2 Postscript

The 2014 general election offers another opportunity to explore the enforcement of electoral accountability in democratising Indonesia. By the time of the 2014 election, Indonesia was using a fully open-list system of proportional representation. Law No. 8 on General Election (UU No. 8 tentang Pemilihan Umum), passed in 2012, stipulates all matters about this election. Article 5 specifies the application of the Open Propositional System to the 2014 general election, meaning parliamentary seats won by political parties unconditionally go to candidates on lists with the highest number of individual votes (Article 215). These provisions signify the increase in the importance of the personal vote, and a decline in political parties’ leverage over Indonesia’s electoral politics, and have given rise to great competition among candidates from the same party, and also to the continuance of a trend toward candidate-centred campaigning (Aspinall, 2014, pp. 548-549; Republika, 2012). The new system, in other words, matched many NGO activists’ expectations and hopes because, as discussed in preceding sections, they had long advocated adoption of an electoral system that would facilitate their efforts to prevent individual candidates they deem unfit from winning parliamentary seats.

What did NGO activists do to promote electoral accountability under such a favourable context? Did they form a coalition and jointly release blacklists in the 2014 general election, like what they had done a decade earlier, or did they exercise electoral
accountability in even more proactive and aggressive ways?

The 2014 general election commenced after the General Election Commission announced in March 2013 that 12 political parties were eligible for the 2014 general election. Among these parties, only the National Democratic Party (Partai Nasional Demokrat, Partai NasDem), established in 2011, was new to the Indonesian electorate. After the date was fixed, the normal series of electoral activities commenced, including nominating of candidates by the parties, proposing of their candidate lists, and so on. The General Election Commission was tasked to examine whether candidates and candidate lists met the requirements set down by law, and released a Temporary Candidate List on June 14, inviting the public to file reports about candidates’ track records in the following two weeks (Harera, 2013). In total, the General Election Commission received 273 inputs from the public, including reports concerning the status of 22 candidates in legal cases (KPU, 2014, p. 64).

Many of those reports were prepared with NGO assistance. As in preceding elections, several Jakarta-based NGOs formed a coalition to collect documents about candidates and to assist individual citizens to file reports about them (Harera, 2013). However, this coalition did not jointly release blacklists, unlike what NGOs had done in the 2004 general election, and took no other more proactive moves. Based on the data I collected,
only ICW, at the nomination phase, released a list of 36 candidates whose commitments to combating corruption were questioned by activists. This shared some features with the blacklists NGOs released in 2004: a high percentage of those named were incumbents seeking re-election (Ninditya, 2013), it included a high ratio of nominees from big political parties rather than their counterparts from minor parties (See Table 4.9), and all the named candidates were running for election at the national level, not in regional races. These characteristics is understandable because the time frame available for filing reports was limited to two weeks, meaning that NGOs were best able to collect data on incumbent politicians whose speeches or actions were better covered by the mass media.

Table 4.9

<table>
<thead>
<tr>
<th>No.</th>
<th>Political Party</th>
<th>Number</th>
<th>Share (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>PKB</td>
<td>1</td>
<td>2.8</td>
</tr>
<tr>
<td>3</td>
<td>PKS</td>
<td>4</td>
<td>11.1</td>
</tr>
<tr>
<td>4</td>
<td>PDIP</td>
<td>5</td>
<td>13.9</td>
</tr>
<tr>
<td>5</td>
<td>GOLKAR</td>
<td>9</td>
<td>25.0</td>
</tr>
<tr>
<td>6</td>
<td>Gerindra</td>
<td>3</td>
<td>8.3</td>
</tr>
<tr>
<td>7</td>
<td>PD</td>
<td>10</td>
<td>27.8</td>
</tr>
<tr>
<td>9</td>
<td>PPP</td>
<td>2</td>
<td>5.6</td>
</tr>
<tr>
<td>10</td>
<td>Hanura</td>
<td>1</td>
<td>2.8</td>
</tr>
<tr>
<td>14</td>
<td>PBB</td>
<td>1</td>
<td>2.8</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>36</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>
Two other characteristics of the list were also noteworthy. One is that most named candidates were corruption suspects. ICW activists claimed that five types of candidates should have been disqualified as party nominees: persons (1) who are corruption suspects; (2) who are corruption convicts; (3) who have been sanctioned for or proven as violating ethics by the DPR Honour Council; (4) who showed hostility to anti-corruption efforts; and (5) who supported attempts to revise the Law on the KPK or to weaken the authority of this anti-corruption agency (Akuntono, 2013). Among these items, the “corruption suspects” category was crowded, with 25 named candidates, or nearly 70 percent of those on the list (See Table 4.10). However, to label corruption suspects as ineligible as candidates contradicts legal provisions. Article 51(1-g) deprives particular categories of persons with criminal convictions —those who have been sentenced to incarceration for an offense punishable by imprisonment of five years or more— of the right to run for election. Accordingly, releasing a blacklist including candidates who were merely suspected of committing a crime was unavoidably vulnerable to criticisms for unlawfulness and also subjectivity.

Table 4.10
ICW’s Named Candidates in the 2014 general election (by item)

<table>
<thead>
<tr>
<th>Item</th>
<th>Number</th>
<th>Share (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corruption Suspect</td>
<td>25</td>
<td>69.4</td>
</tr>
<tr>
<td>Corruption Convict</td>
<td>1</td>
<td>2.8</td>
</tr>
<tr>
<td>Sanctioned by the Honour Council, DPR</td>
<td>4</td>
<td>11.1</td>
</tr>
<tr>
<td>Hostile to Anti-Corruption Efforts</td>
<td>1</td>
<td>2.8</td>
</tr>
<tr>
<td>Hostile To The KPK</td>
<td>5</td>
<td>13.9</td>
</tr>
</tbody>
</table>
To reduce their vulnerability to such criticism, ICW activists worded their declaration cautiously - the second noteworthy characteristic of the 2014 electoral intervention. They barely used terms like “rotten politicians” and insisted stated that they were merely questioning the named candidates’ commitment to corruption fighting, rather than labelling them as corrupt politicians. As Sebastian Salang, Formappi coordinator, notes, the press release made no direct accusations, but only conveyed conjecture (Sasmita, 2013). Such caution had several causes but one was lessons learned from experience.

ICW activist Emerson admitted that “calling [named candidates] “rotten politicians” [in preceding elections] was our mistake. [Accordingly], we made a correction, and after that we were very cautious about the release of data and information” (Ninditya, 2013). Nevertheless, two named candidates, Ahmad Yani (PPP) and Syarifudin Sudding (Hanura), still reported ICW activists to the Criminal Investigation Body of the Police (Ninditya, 2013).

Table 4.11
ICW’s Named Candidates in the 2014 General Election (by Confirmed Candidate List)

<table>
<thead>
<tr>
<th></th>
<th>Number</th>
<th>Percentage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>confirmed as candidates</td>
<td>34</td>
<td>94.4</td>
</tr>
<tr>
<td>substituted by replacements</td>
<td>2</td>
<td>5.6</td>
</tr>
<tr>
<td>Total</td>
<td>36</td>
<td>100.0</td>
</tr>
</tbody>
</table>
Before the release of the Confirmed Candidate List by the General Election Commission, political parties were asked by the Commission to answer questions about, or offer explanations with respect to disputes over, their nominees. Political parties failing to make reasonable clarifications would be asked to propose replacements for the candidates in question. According to a formal report published by the General Election Commission, the Confirmed Candidate List, released on August 22, included nine replacements from seven political parties in the 2014 general election (KPU, 2014, p. 64). Only two of the nine persons replaced were on ICW’s list of candidates (See Table 4.11). The ratio of replacements to named candidates who passed the Commission’s examination phase unscathed suggests that ICW’s release of its list had little impact during the nomination phase.

The campaign phase started after the announcement of the Confirmed Candidate List. In total, 6608 candidates competed for 560 DPR seats in 77 electoral districts. When the election competition became fierce, ICW, JPPR, Cetro and many other NGOs endeavored to expose evidence of vote buying and other forms of electoral fraud, as they had done in the past (Irawan, Dahlan, Fariz, & Putri, 2014). They made no further release of blacklists of undesirable candidates. Even had ICW’s blacklist been known by most voters, it seems that the cultural and political context would not have been favourable to the exercise of electoral accountability. Case (2005, p. 90) a decade ago stated that “abuses and corruption remain secondary to most mass publics in [Indonesia and other
Southeast Asian countries." This tendency, it seems, has changed little after the passage of more than a decade. According to Jayadi Hanan, a researcher from the Syaiful Mujani Research and Consulting (SMRC), poll results show that Indonesian voters tend to prioritise economic and welfare issues, over corruption (Sasmita, 2013).

Table 4.12
2014 General Election Outcomes

<table>
<thead>
<tr>
<th>Political Party</th>
<th>Vote</th>
<th>Share (%)</th>
<th>Seats</th>
<th>Share (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>NasDem</td>
<td>8,402,812</td>
<td>6.7</td>
<td>35</td>
<td>6.3</td>
</tr>
<tr>
<td>PKB</td>
<td>11,298,957</td>
<td>9.0</td>
<td>47</td>
<td>8.4</td>
</tr>
<tr>
<td>PKS</td>
<td>8,480,204</td>
<td>6.8</td>
<td>40</td>
<td>7.1</td>
</tr>
<tr>
<td>PDIP</td>
<td>23,681,471</td>
<td>19.8</td>
<td>109</td>
<td>19.5</td>
</tr>
<tr>
<td>Golkar</td>
<td>18,432,312</td>
<td>14.8</td>
<td>91</td>
<td>16.3</td>
</tr>
<tr>
<td>Gerindra</td>
<td>14,760,371</td>
<td>11.8</td>
<td>73</td>
<td>13.0</td>
</tr>
<tr>
<td>PD</td>
<td>12,728,913</td>
<td>10.2</td>
<td>61</td>
<td>10.9</td>
</tr>
<tr>
<td>PAN</td>
<td>9,481,621</td>
<td>7.6</td>
<td>49</td>
<td>8.8</td>
</tr>
<tr>
<td>PPP</td>
<td>8,157,488</td>
<td>6.5</td>
<td>39</td>
<td>7.0</td>
</tr>
<tr>
<td>Hanura</td>
<td>6,579,498</td>
<td>5.3</td>
<td>16</td>
<td>2.9</td>
</tr>
<tr>
<td>PBB*</td>
<td>1,825,750</td>
<td>1.5</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>PKPI*</td>
<td>1,143,094</td>
<td>0.9</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>124,972,491</td>
<td>100</td>
<td>560</td>
<td>100.0</td>
</tr>
</tbody>
</table>

* The two political parties were ineligible for the allocation of seats because their shares of ballots did not reach the threshold 3.5% as stipulated in Article 208.
Note: http://www.kpu.go.id/koleksigambar/952014_ambang_Batas.pdf

Under the supervision and coordination of the General Election Commission, the 2014 general election was in general peaceful and free, despite complaints about vote buying
and minor violent incidents (Fukuoka & Thalang, 2014, pp. 2-3). PDIP, Golkar, and Gerindra became the three biggest political parties, with a share of seats at 19.5%, 16.3%, and 13.0% respectively. PD, previously the ruling party, encountered a remarkable, though unsurprising, loss with its share of votes declining sharply to 10.2%, from 20.9% in the preceding election. This decline, as Fukuoka and Thalang (2014, p. 3) put it, reflect “public disappointment with the party, particularly regarding its top leadership having been implicated in corruption scandals.” This background was also evident in the number of PD candidates named by ICW as undesirable. As Table 4.13 shows, both Golkar and PD had nine candidates included in ICW’s list. While 11 out of the 34 named candidates lost the election, most who dis so (7 out of the 11 or 63.6 percent) were from PD. This figure is remarkable, and increases if the two candidates removed from the Confirmed Candidate List are included in the calculation. However, because no real action was taken by ICW and other NGOs in the campaign phase, the outcome cannot be attributable to NGO’s efforts to enhance electoral accountability; presumably these PD candidates losts their seats as part of the general decline suffered by that party.

Table 4.13
ICW’s Named Candidates in the 2014 General Election (by Election Outcome)

<table>
<thead>
<tr>
<th></th>
<th>Elected</th>
<th>Not Elected</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>Share (%)</td>
<td>Number</td>
</tr>
<tr>
<td>PKB</td>
<td>1</td>
<td>4.3</td>
<td>0</td>
</tr>
<tr>
<td>PKS</td>
<td>4</td>
<td>17.4</td>
<td>0</td>
</tr>
<tr>
<td>PDIP</td>
<td>5</td>
<td>21.7</td>
<td>0</td>
</tr>
<tr>
<td>GOLKAR</td>
<td>7</td>
<td>30.4</td>
<td>2</td>
</tr>
</tbody>
</table>
This overview highlights the politics of electoral reform. While the role of political parties in Indonesia’s electoral politics has been debated by NGOs and politicians since 1998, after the 2014 general election, there was renewed public discussion in Indonesia about problems like money politics, vote buying, and the victory by many rich candidates who lack integrity and credibility. Some critics argued that the electoral system was to blame (Supriyanto, 2013). The Interior Minister, Tjahjo Kumolo, for example, criticized the application of the Open Proportional System for generating unhealthy conflicts among candidates from the same political parties, and thus advocated revision to the Law on General Elections (Aivanni, 2016). Such claims did not receive applause from civil society groups. Masykurudin Hafidz, the JPPR coordinator, argued that “shortcomings that exist in the Open Proportional System should not be addressed with the restoration of the closed electoral system” (Aivanni, 2016). The director of the Perkumpulan untuk Pemilu dan Demokrasi (Perludem), Titi Anggraini, echoed Masykurudin’s argument by claiming that the Open-List System has been the best alternative so far, in that it has led to the high participation of voters and also accountability of elected representatives (Aivanni, 2016). Accordingly, they proposed addressing the problems identified by critics by...
reducing party leaders’ authority over candidate recruitment and other internal reform measures. Many party politicians, in contrast, have advocated returning to the closed-list system. Clearly, ongoing debate over the electoral system means that the Indonesia’s candidate-centred electoral system might change in the future.

Future examination of the outcome of these debates and Indonesia’s electoral reform process may enrich the literature on politics of electoral reforms in transitional democracies. Based on thorough analyses of electoral reforms in France and other established democracies, Renwick finds that voters and reform activists there can have real power over electoral reform, but adds that the cause of electoral reform does not readily ignite fervour among ordinary voters, and in order to gain credibility as a serious issue it must gain support from leading political figures (Renwick, 2011, p. 16). While this finding suggests that civil society groups and networks can build alliances with reform-minded politicians to promote electoral reforms in established democracies, the influence of such forces in transitional contexts is less clear. Political parties and politicians have long occupied dominant positions in steering Indonesia’s post-Suharto electoral politics; the trend toward a candidate-centred electoral system, however, implies strong influence by civil society forces.

The overview of recent events above also draws attention to NGO activists’ choices of
strategies. After NGOs released the first blacklist of candidates in the 2004 general election, the number of NGOs that have released such lists has gradually declined. NGOs that have done so have been very cautious about technical details, such as the wordings of their statements and release date. What has driven this trend? One obvious explanation is that the NGOs concerned have learned lessons from their past experiences. However, if, as the quotation from Emerson mentioned above shows, they have become increasingly cautious about possible threats in response to this strategy – despite the adoption of an open-list electoral system that in fact should advantage them in pursuing it – this means that Indonesian NGOs have followed a trajectory of electoral accountability enforcement that is different from the one developed by their South Korean counterparts. If the reason is that NGO activists had prioritised institution building over mobilization of constituents, it suggests changes to Indonesian NGOs’ accountability strategies under democratisation. Whichever explanation is correct, they both suggest that this topic would be deserving of future comparative study.

4.5 Conclusion

Third-wave democracies mostly introduce competitive elections at the beginning of their transition (Rose & Shin, 2001, p. 331). These elections affect whether constituents in transitional democracies continue to lend their support to democratic measures (Svolik,
Widespread grievances against democratisation and representative institutions are likely to arise when these elections fail constituents, eventually leading to the stagnation of democratic progress, or even to the restoration of authoritarian rule. Indonesia is encountering such difficulties, as evidenced by low public trust in parliaments and elected representatives, and pessimism about the country’s future are revealed in a number of scholarly writings (Hadiz, 2005, p. 51; Robison & Hadiz, 2004, p. 253). Pessimists identify the dominance of oligarchy in the newly reorganised power structure and point out how political brokers plunder the national interest through violence, bribery, and by other means. This causes many scholars to worry about the demise of Indonesia’s democracy.

On the other hand, scholars like Mietzner (2012, p. 211) and Chalmers and Setiyono (2012, pp. 94-95) emphasize the role that civil society plays in democratisation, and argue that active civil society is the reason that there is still optimism about Indonesia’s democracy. This chapter echoes their arguments and looks into Indonesia’s Anti-Rotten-Politician Movement. The movement represents a force within Indonesian society that has proactively promoted electoral accountability. NGOs did more than advocate reforms or monitor elections. They released blacklists, and that put pressure on political parties and their nominees; they lobbied for changes in electoral laws, and which made the institutional context more favourable to the enforcement of electoral accountability than ever; they also disseminated information, which not only rendered
candidates’ track records more accessible than ever but turned the slogan “say no to rotten politicians” into a campaign agenda. These initiatives indicate that the powerful vested interests could no longer unilaterally decide Indonesia’s electoral democracy; local civil society organisations were countering their control of the democratisation process. In the light of this, the future of Indonesia’s democracy is not entirely pessimistic.

Findings of this chapter further explain why political corruption remains pervasive during the Reformasi era. While some scholars treat the presence of oligarchy and also its dominance in local politics as the main cause of the continuing corruption problem, this chapter offers a different explanation. NGOs endeavoured to turn elections into an effective accountability tool, but encountered challenges originating from the electoral regulations and constituents’ attitudes, suggesting that the context did not facilitate NGO-led accountability actions aimed at strengthening electoral accountability relationship between Indonesian constituents and their elected representatives. Changes brought about by NGO initiatives were evident in the election discourse, as well as in the electoral laws that NGOs lobbied for between elections. These changes have improved Indonesia’s context for the enforcement of electoral accountability; in theory, once the relationship has been strengthened, they could reduce political corruption.

This chapter’s findings also help extend discussions of social accountability. The term
“electoral accountability” has not received wide discussion in the literature on social accountability. However, as accountability agents emphasized by scholars of social accountability, NGOs should not overlook the importance of elections as an accountability tool, as evidenced by cases in South Korea and Indonesia. Because scholarly understanding of electoral accountability remains slight, this chapter identifies several noteworthy points. First, there is an alternative trajectory of the enforcement of electoral accountability in transitional democracies. While South Korea’s Blackballing Movement succeeded at its first trial and continued to exert influence over the development of local electoral politics, similar initiatives in Indonesia’s context did not reach the same outcomes. At that time, not all contextual conditions lent support to the Anti-Rotten-Politician Movement. Nevertheless, Indonesian NGOs did not flinch, but instead they turned to improving the institutions and other contextual conditions, promoting the enforcement of electoral accountability in a roundabout and sustainable way. This experience has prompted two considerations. First, the enforcement of electoral accountability in transitional democracies has at least two possible trajectories. Second, analysing electoral accountability initiatives by constituents should not focus merely on campaign periods and election results. Efforts to promote the enforcement of electoral accountability between elections also deserve attention.

Furthermore, some obstacles to the enforcement of electoral accountability can be overcome. For example, the strategy of publishing a blacklist helps to overcome such
limitations as the coexistence of multiple issues or voters’ inability to distinguish who
should be held accountable. Regulatory or institutional restrictions can be changed by
NGOs exerting influence over legislation or issuing demands for judicial review. Finally,
the enforcement of electoral accountability is not only subject to cost and other
macroeconomic factors. In both South Korea and Indonesia, involvement in graft and the
evasion of human rights are criteria by which NGOs have evaluated candidates’
qualifications, suggesting the need to look beyond macroeconomic factors.

Electoral accountability has regard to a country’s quality of democracy and its future
development, but academic understanding of this is still inadequate. The experience of
Indonesia’s Anti-Rotten-Politician Movement can supplement the current literature, but
it must be noted that it is only one case in a particular country. The academia still needs
more case studies to enrich our understanding of electoral accountability in transitional
democracies.
5 NGOs and Accountability Institutions: The Study of Three Indonesian Cases

Accountability institutions—state institutions holding legally endowed authority to monitor office holders, investigate maladministration and impose punishment upon wrongdoers (O’Donnell, 2006, p. 337; Schmitter, 1999)—play an important role in preventing corruption. This is because functioning accountability institutions are likely to discourage government office holders from committing corruption. The executive, legislative and judicial branches of the government all have tasks of accountability enforcement. O’Donnell (2006) calls this category “balancing institutions”, and differentiates them from appointed accountability institutions formed to deal with particular problems. ICAC in Hong Kong and the National Human Rights Commission (Komisi Nasional Hak Asasi Manusia) in Indonesia are examples of appointed accountability institutions.

The ideal is for all accountability institutions to function properly and independently, though of course there is often a gap between the ideal and reality. Many countries have seen balancing accountability institutions fail due to external intervention. Appointed accountability institutions may fail to carry out their tasks because they lack the resources necessary for daily operation or the power needed for accountability
enforcement (Grau, 2006). Even accountability institutions that possess sufficient resources and power may remain paper tigers if their leaders are unwilling to exercise that power. In short, multiple factors may weaken accountability institutions.

It is thus essential to make accountability institutions function properly and independently. Scholars who believe in the effects of democratic measures on the reduction of corruption treat enhancing accountability institutions as a critical strategy. The present literature on improvement in accountability institutions mostly focuses on decision makers within the government, like politicians and non-elected officials, because they hold the authority over budget allocation, legislation and other affairs that much affect the performance of these institutions. But, as Fritzen (2005) argues, those decision makers “may face weak, or even negative, incentives” (p. 79) to support anti-corruption initiatives. Accordingly, pressure from outside actors is often needed to ensure that decision makers promise to support accountability institutions, particularly ones that are formed to address corruption, and also that they keep promises when making decisions concerning these institutions (Brinkerhoff, 2000; Kpundeh, 1998; Kpundeh & Dininio, 2006).

This chapter focuses on NGOs and explores their efforts to ensure decision makers commit to supporting accountability institutions. In countries like Indonesia, Argentina,
and Mexico, a growing number of NGOs in recent times have expressed strong concerns about the performance of accountability institutions, precisely because NGOs have increasingly adopted the tactic of using such institutions to enforce accountability (Calvancanti, 2006; Houtzager & Joshi, 2008; Lemos-Nelson & Zaverucha, 2006; Peruzzotti & Smulovitz, 2006; Smulovitz, 2006). NGOs can pressure accountability institutions to perform their tasks effectively through approaches like exerting public pressure on them, filing petitions and such like. Most literature discusses these sorts of tactics. This research, however, explores efforts by NGOs in actually helping accountability institutions to gain the power and resource that they need to carry out their tasks, and to remove the obstacles that impede their work. Because most changes to accountability institutions involve political decisions, NGOs unavoidably have contact with both elected and non-elected officials.

This chapter focuses on non-elected officials within government because they are essential to the cases discussed here. As explained in Chapter One, in every democracy non-elected officials are appointed, selected, or promoted by elected representatives to lead government agencies or working groups that are established to address specific problems. Given their positions and tasks, it is reasonable to expect that such officials will generally be knowledgeable about government regulations and have rich experience in communication. Formally, non-elected officials are accountable to their elected superiors and thus do not have a formal obligation to listen to suggestions put forward
by NGOs. However, recent decades have witnessed a worldwide trend of increasing interaction between NGOs and governments (Najam, 2000, p. 375). This trend arises because of the increasing complexity and diversity of the world we live in (Kooiman, 1993, p. 35); the confluence of a number of trends including third-party government that are altering the shape of public sectors worldwide (Goldsmith & Eggers, 2004, pp. 9-10), and also the need to address problems left by excessive reliance on market-oriented measures to improve government governance (Rhodes, 1999). The intensifying interaction between NGOs and government officials is also evident in the formulation and implementation of government policies and decisions. NGO participation receives wide praise from scholars who advocate concepts like public–private partnerships, new governance, or network governance (Bingham, Nabatchi, & O’Leary, 2005; Bogason & Musso, 2006; Klijn & Koppenjan, 2012; Reuben, 2004, p. 199; Salamon, 2002; Torfing, 2005).

NGOs’ participation in policy making can take several forms, including offering assistance, giving suggestions, or imposing pressure. In some cases, NGO activists are formally invited to join a decision making process and thus hold legally endowed power to hold to account non-elected officials who share decision-making power with them. The ideal scenario is that these activists co-operate with other activists attempting to exert control over non-elected officials from outside the government. In some cases, NGO activists may even co-operate with government officials so that the content and the
implementation of decisions complies with their expectations. These activities involve efforts to enforce accountability during the designing and implementation of policy and thus fit in the type of simultaneous accountability.

Table 5.1
The Four-C’s Model of NGO-Government Relations

<table>
<thead>
<tr>
<th>Preferred Strategies (Means)</th>
<th>Goals (Ends)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Similar</td>
</tr>
<tr>
<td></td>
<td>Dissimilar</td>
</tr>
<tr>
<td>Similar Cooperation</td>
<td>Dissimilar Co-option</td>
</tr>
<tr>
<td>Complementary</td>
<td>Confrontation</td>
</tr>
</tbody>
</table>


There has been a growing body of literature on NGO—government relations since the 1990s. Many of it explores the merits, as well as the potential shortcomings, of such relations and their impacts (Bogason & Musso, 2006; McCargo, 2005; Papadopoulos, 2003; Sørensen & Torfing, 2003; Torfing, 2005). Some categorise such relations into different types (Coston, 1998; Seibel, 1992). Clark (1991) and Fisher (1998) have explored NGO-government relations from the perspectives of one of the two sides. Najam (2000) argued in turn that “the final shape of the relations is a function of decisions made by government as well as NGOs” (p. 383), and thus there is the need to look “at the perspective of both NGOs and government in any given relationship” (p. 390). Assuming that NGO activists or government officials consider goals and preferred strategies in making decisions, he constructs the “Four-C’s” Model (see Table 5.1). The
Four-C’s refers to four different types of possible relations—cooperation, confrontation, complementarity, and co-option—that can occur when NGOs and the government interact. Table 5.2 presents Najam’s elucidation of the four possible relations.

Table 5.2

*Elucidation of the Four-C’s*

| Cooperation | A cooperative relationship is likely when, on a given issue, government agencies and nongovernmental organisations not only share similar policy goals but also prefer similar strategies for achieving them. |
| Confrontation | A confrontational relationship is likely when governmental agencies and nongovernmental organisations consider each other’s goals and strategies to be antithetical to their own—essentially, total divergence of preferred ends as well as means. |
| Complementarity | A complementary relationship is likely when governmental and nongovernmental organisations share similar goals but prefer different strategies. Essentially, they have divergent strategies but convergent goals. |
| Co-optation | A co-optive relationship is likely when governmental and nongovernmental organisations share similar strategies but prefer different goals. Such situations, based on divergent goals but convergent strategies, are often transitory. |


Najam’s work (2000) offers a conceptual framework for understanding NGO-government relations. His premise is that government—NGOs relations are necessarily complex. He says:

The NGO sector is certainly not monolithic, and neither is the government. On any given issue, different agencies and actors within the same government can
nurture different types of relationships with a given NGO, and vice versa. This is why in the very same polity one is liable to find various types of NGO–government relations... The same NGO may have a confrontational relationship with one state agency and a cooperative one with another. Similarly, different NGOs are likely to have different relationships with the same agency... Implicit in the construction of the model is the notion that NGO–government relations are best understood at the level of particular issues and organisations, instead of as generalizations at the level of societies, nations, or continents. (pp. 390-391)

Several questions arise from Najam’s warning against generalizing NGO—government relations. Do NGOs vary in attitudes toward cooperation with the government? How do NGOs that differ in their relations with government interact? If only a few NGOs cooperate with the government, what impact can they have on government policy and decisions? These questions are essential to further understanding of NGO—government relations, but have rarely been addressed by the current literature. This research will fill the gap by analysing three cases that involve Jakarta-based NGOs in a democratising context.

The three cases relate to the Corruption Eradication Commission (KPK), the Corruption Court (Pengadilan Tipikor) and the Supreme Court (Mahkamah Agung) respectively. The
Corruption Eradication Commission and the Corruption Court can both be defined as appointed accountability institutions. They were established to supplement and complement “balancing accountability institutions” that had failed to reduce corruption effectively. The Supreme Court, by contrast, was a balancing accountability institution par excellence—for decades it had been Indonesia’s apex court and in the Reformasi era it took on the task of reforming Indonesia’s entire judicial system. In the case of the KPK, this research focuses on NGO activists and their interaction with non-elected officials when participating in the selection of KPK commissioners. With regard to the Corruption Court, this research observes activists’ interactions with officials when taking part in the preparation of statutory source of the court. Regarding the Supreme Court, this research observes activists’ participation in the formulation and implementation of the blueprint for judicial reform. The criteria used to select these cases include their significance to the development of accountability institutions and the level of concern that Jakarta-based NGOs expressed about them.

The findings of this research are as follow, Several Jakarta-based NGOs, aware of the importance of accountability institutions to the reduction of corruption, tried hard to influence and monitor non-elected officials’ decisions concerning the institutions named above. All activists interviewed for this research were positive about the invitations and opportunities that they had to participate directly in decision making, implying a great degree of flexibility in how their accountability activities were organised. At the same
time, favourable mechanisms and reform-minded officials offered NGO activists opportunities to exert control over the formulation and implementation of decisions concerning accountability institutions. Given that Jakarta-based NGOs had significant positive effects in the three cases, it is fair to state that they contributed to the prevention of corruption. Nevertheless, this research also points out that, under some conditions, the participation of NGO activists in the formulation and implementation of decisions might also have a negative impact.

This chapter starts with a brief review of Indonesia’s accountability institutions, particularly ones that concern the reduction of corruption, in the Reformasi era, followed by explorations of cases. The chapter concludes by summarizing its major contributions to the literature on social actors’ accountability activities, and also to literature on the anti-corruption movement in Indonesia.

5.1 Indonesia’s Accountability Institutions in the Reformasi Era

Indonesia had long lacked the effective checks and balances that are needed in a functioning democracy. The country ended its war against the Netherlands in 1949 and formally won its independence. For much of the ensuing period its executive government was in a superior position. Especially under Suharto (1967–1998), the
executive dominated other state institutions. Legislative and judicial institutions not only lacked the power to supervise the executive but also had their own internal problems, including malfeasance and corruption (Srinivasan, 2002, p. 112; Stockmann, 2009 p. 57; Ziegenhain, 2008a).

After Suharto resigned in 1998, a priority in the Reformasi period was to strengthen the legislative branch of government (Ramage, 2007). Fair and open elections improved the legitimacy of legislature. Amendments to the 1945 Constitution gave the People’s Representative Council authority to hold the president and vice-president accountable; regional parliaments were likewise strengthened vis-à-vis heads of local governments. Legislatures were no longer rubber stamps that merely endorsed decisions by the executive.

Parliaments in democracies are supposed to monitor the executive government, and there is plenty of evidence showing that Indonesia’s members of parliament in the Reformasi era have made frequent use of the power entrusted to them to do so (Ziegenhain, 2008a). Equally, many cases show that many parliamentarians misuse their power in exchange for pecuniary or political gain (Lembaga Kajian Islam Dan Sosial, 2006). Many government officials who should have been called to account for corrupt behaviour were thus able to evade punishment by offering bribes to parliamentary
members (Chaniago, 2003a; Choi, 2004).

Indonesian judicial institutions in the Reformasi era also fail to function optimally. Corruption is a criminal offence. It is the task of prosecutors and police to investigate allegations of corruption, but judges make judgments on corruption cases. On the surface, the process of law enforcement in Indonesia seems to be operating effectively, but a closer look reveals that it is plagued by many problems, including the lack of efficiency, professionalism and independence (Widjaja, 2003, p. 414). A New York Times journalist thus claims: “in Indonesia, justice is malleable”. 166

The integrity of many judicial officers is also highly dubious (Reksodiputro, 2002). Indonesians widely believe in the existence of a “judicial mafia” (mafia peradilan) (International Monetary Fund, 2005, p. 5). If former Supreme Court Junior Chief Asikin Kusumah Atmadja’s criticisms were not exaggerated, this “judicial mafia” include at least half of all judges (Lembaga Independensi Peradilan Indonesia, 2002, p. 4). Various scandals show that prosecutors and police are far from being immune to corruption. 167

167 “Legal Experts Tell President to Fire AGO Prosecutors,” Jakarta Post, June 24, 2008.
One survey shows that the interaction with police and judges of more than half of business people involved bribes (Transparency International Indonesia, 2006, pp. 18-19).

Corrupt officers threaten the fairness and credibility of judicial institutions (Reksodiputro, 2002, p. 33), hinder judicial institutions from improving themselves, and intimidate honest and upright law enforcement officials.168 As a result, many law enforcers consider receiving bribes a “normal interchange or perquisite or simply the way things [are] done” (International Monetary Fund, 2005, p. iii). The Political and Economic Risk Consultancy (PERC) has accordingly argued that Indonesia’s “whole legal system is in desperate need of an overhaul”.169

These problems suggest an obvious conclusion. Judicial and legislative institutions in the Reformasi era have not acted as competent accountability institutions. They are even a big part of the problem of accountability failure in Indonesia. Not surprisingly, Indonesians still have little trust in or respect for the country’s judicial and legislative institutions. The 2004 Global Corruption Barometer report found that most Indonesian

respondents deemed judicial and legislative institutions to be the most corrupt state institutions (Transparency International, 2004, p. 18). People often believe that court judges demand or accept bribes in exchange for a favourable judgment or legal outcome. Several laws have also come under criticisms for blatantly benefiting certain conglomerates.

Reform promotion is necessary in that context. There are two approaches to promoting reforms. One approach is to initiate internal reforms within existing accountability institutions. Several state institutions in Indonesia have already carried out reform measures alone. The Supreme Court, for example, released the blueprint for the first time in 2003; this lists areas that require reform, and the steps to achieve it. The court also set up a reform team (tim pembaruan) to co-ordinate and assess reform efforts. The Attorney General’s office accepted external audit for the first time in 2000 (Asian Development Bank, 2000). The Attorney General also narrowed the room for prosecutors’ discretion, in order to reduce the likelihood of prosecutors protecting

\[170\] The Global Corruption Barometer reports reflect the perceptions of local residents, unlike the Corruption Perception Index reports which reflect the perceptions of businessmen, analysts, and other professionals.
corruption suspects (Saleh, 2008).

Another approach is to establish appointed accountability institutions to supervise and supplement traditional accountability institutions. More than ten new accountability institutions were established to combat corruption or enforce accountability in the period 1998–2009 (see Chapter 3, Table 3.2). The Joint Team for the Eradication of Corruption, the Public Servants’ Wealth Audit Commission, the Corruption Eradication Commission, the Corruption Court, and Corruption Eradication Team are responsible for reducing corruption. The Information Commission, the Witnesses and Victims Protection Agency, the Indonesian Financial Transaction Reports and Analysis Centre, and the National Ombudsman Commission offered assistance. The task of the Judicial Commission, the Attorney Commission, and the Police Commission was to put law enforcers under close scrutiny and so improve their performance.

The common objective of the two approaches is to ensure a system of checks and balances. This research selects one balancing institution (namely, the Supreme Court) and two appointed institutions (namely, the Corruption Eradication Commission and the Corruption Court) as objects of case studies. Criteria used to select these three institutions include their importance to the reduction of corruption in Indonesia and relevance to the primary objective of this research. The three institutions differ in several
aspects, so this research only selects one phase of reform in each. The phases selected were critical to the development of these accountability institutions. The focus is on Indonesian NGOs’ efforts to help these accountability institutions function better.

5.2 Corruption Eradication Commission

5.2.1 The most powerful anti-corruption institution in Indonesia

The Corruption Eradication Commission was the fourth accountability institution specially established to combat corruption in the Reformasi period. Its establishment was critical. The three previous accountability institutions were all plagued with problems such as a lack of authority and inadequate funding. Adi Andojo Soetjipto, a famous anti-corruption figure who once led the TGPTPK, criticised the three institutions for failing to combat corruption effectively. Like many others, he advocated establishing


172 Take TGPTPK for example. It, was not an independent law enforcement agency, but was affiliated with the Attorney General’s Office. It thus lacked independence and also did not have the power required to conduct investigation. Its statutory source was Governmental Regulation No. 19 of 2000. According to Law No. 10 of 2004, government regulations cannot contradict laws and the 1945 Constitution. The Supreme Court ruled that the Team should be dissolved because the regulations contradicted Law No. 31 of 1999 on Corruption Eradication.
a replacement institution that would have real authority to carry out its tasks independently.¹⁷³

Most NGO activists agreed with Adi. The NGO Coalition for Corruption Eradication Commission (Koalisi Ornop untuk Komisi Pemberantasan Korupsi) consisted of ICW, LeiP and several other Jakarta-based NGOs. A joint statement released by the coalition on February 15, 2000 read, “the prime cause [of corruption] is the absence of capacity and willingness of law enforcement institutions to fight corruption. People, especially those who benefit from effective and fair corruption fighting efforts, thus long for the establishment of a Corruption Eradication Commission that is independent, professional and accountable”.¹⁷⁴ Some NGO activists even called the Corruption Eradication Commission the “last hope” for combatting corruption in Indonesia.¹⁷⁵

The Corruption Eradication Commission has a statutory basis that dates back to 2002.¹⁷⁶

According to Law No. 30 of 2002, the Corruption Eradication Commission is an independent state institution (Article 3). Its tasks include coordinating anti-corruption measures, scrutinizing state institutions, investigating and preventing corruption (Article 6). It has the power to take over corruption cases that police and prosecutors cannot handle (Article 9). It can also wiretap corruption suspects, and ask relevant authorities to freeze suspects’ bank accounts and suspend them temporarily from duty (Article 12). Those and other clauses endow the Corruption Eradication Commission with the power to investigate and prosecute corruption cases effectively. Indeed, it has more power than prosecutors and police do (Butt, 2011, p. 382). Many observers maintain that such powers are essential in the context of the Reformasi era. As National Commission on Human Rights (KOMNASHAM) commissioner Achmad Ali put it, “[m]any doubt that the commission’s tasks will overlap with the tasks carried out by the police and prosecutors. [I, however, think that] the need for the commission simply indicates the failure of these two institutions.”

The possession and execution of power are two different things, of course. Only people with a high level of professionalism, integrity, and a strong commitment and

determination to fight corruption will effectively use even wide powers to carry out their tasks. Fortunately, a professional recruitment mechanism was introduced to ensure that investigators, prosecutors, and staff of the Corruption Eradication Commission met all those criteria (Bolongaita, 2010, pp. 15-17). But leadership is also critical. The body’s first-term commissioners not only had to build up their institution but also faced high expectations that they would demonstrate quickly its effectiveness and efficiency in fighting corruption. Law No.30 of 2002 also established a Selection Board to recommend qualified commissioners. The executive government was empowered to form the Selection Board, composed of representatives from both society and government (Article 30). Its tasks included accepting applications, reviewing the qualifications of applicants, and ensuring that the whole selection process was transparent and open (Article 31). The Selection Board would make a shortlist of candidates, from which the People’s Representative Council would pick five candidates to be commissioners.

The selection phase is obviously crucial. If candidates recommended by the Selection Board were upright, professional and willing to combat corruption, the Corruption Eradication Commission could be a very effective body. NGO activists concerned with the fight against corruption understood how important the selection phase was, and became deeply involved in the selection of KPK leaders.
5.2.2 Involvement of NGO activists

More often than not, NGOs monitor the selection of accountability institution leaders, rather than participating in the decision-making process. However, Law No. 30 of 2002 provided that the Selection Board could consist of representatives from both society and government, creating room for NGOs to participate in the selection of KPK leaders. More importantly, Romly Atmasasmita the academic who presided over the Selection Board, offered some NGO activists opportunities to be deeply involved in the whole selection phase.178

5.2.2.1 Within the selection board

The first selection of commissioners of the Corruption Eradication Commission began on September 21, 2003. A professor specialising in criminal law, Romly was at that time the head of the General Law Administration Division, Justice and Human Rights Ministry. He had forged a close relationship with NGOs concerned with corruption and judicial

178 Romly’s output includes two books relevant to corruption problems. He once chaired the Indonesian Society of Criminology and Criminal Law (Masyarakat Hukum Pidana dan Kriminologi Indonesia).
reform. He appointed six community representatives as Selection Board members, including Indonesian Legal Aid Foundation (YLBHI) founder, Adnan Buyung Nasution, and TII General Secretary, Todung Mulya Lubis. The six, together with eight government representatives, made up the Selection Board.

Romly also invited several NGO activists to join the Technical Team affiliated with the Selection Board. The participants were activists of the Indonesia Transparency Society (MTI) and TII. They agreed to join the Technical Team because there was only limited time available for the selection, and they expected the Corruption Eradication Commission to begin operation soon (Transparency International Indonesia, 2003). They offered technical assistance, such as designing selection mechanisms and examining the qualifications of applicants. Such work was significant because all Selection Board members had concurrent posts and therefore could not deal with the detailed work of selection. Effectively, it was the Technical Team that ran the Selection Board.

179 Romly frequently participated in workshops held by NGOs. He was a member of the task force that NGOs formed to draft the Law on the Corruption Court.

Unlike members of the Technical Team, Buyung and Todung were entitled to cast votes on the Board. They were both famous legal scholars and practising lawyers before joining the Selection Board, and they were invited to join in recognition of their professionalism and their prominent public reputations. They perceived themselves, however, as representatives of NGOs, and saw their participation as promoting citizen’s rights. As Todung put it:

The law on the KPK stipulates that the Selection Board shall include representatives from society. The president and government should abide by that law. I had worked on fighting corruption for a long time, since the Suharto era. People and government officials knew me. At the same time, I also contributed to the Law on the KPK. Thus, when there was a need to form the Selection Board, the Justice and Human Rights Ministry invited me. I was happy to do so. [Regarding my role], I am a professional as well as an NGO activist. Most people, however, think that I am the latter. I also think my role in the Selection Board was more like an NGO activist, rather than a professional.\footnote{Todung Mulya Lubis, interview with author, Jakarta, October 12, 2009.}
The prime task of the Selection Board is to pick applicants competent to lead the Corruption Eradication Commission. Technical Team members recalled that most applicants were job seekers. Many did not have suitable qualifications and knew little about anti-corruption measures. Most qualified applicants were incumbent or retired law enforcers, prosecutors, police, and judges. While several NGOs openly objected to such applicants leading the Corruption Eradication Commission, Buyung and Todung took the opposite position. Buyung, who was himself a prosecutor early in his career before he established YLBHI, in the early 1950s explained:

I know some NGOs are very anti-police and anti-prosecutors. I [, however,] do not agree with that opinion. We should be open to everybody, even police and prosecutors. We never limit opportunities to the police and prosecutors because we should be open [on democratic lines], not arbitrary, anti-police or anti-military. That is NGOs’ position, and I disagree with them. Look! You should not generalise that all police are corrupt or all prosecutors were corrupt. I was a prosecutor for 15 years. Why did you accept me? I know that many colleagues were honest, but they rarely stood up. They were silent because they were afraid.

____________________

In the police, of course, it is still the same. In the police court, there are still many clean people. We should be open-minded. Generalization is not fair. If you support people [who are against state institutions], they will go too far [and create a] stateless society. That is a problem. I prefer that we fight against the wrong, but to good people we should be friendly and give them ideas in order to push them forward. Not generalizations! In this way, we will be more effective, rather than by making enemies.\textsuperscript{183}

The formulation of the decision on the shortlist was the last step for the Board. Relevant discussions within the Selection Board were not open. Many people feared that the governmental representatives who constituted the majority would manipulate the selection process against the public interest. This concern is to be expected, because there were cases that ended with poor choices (Grimes, 2008; Olken, 2007; Veron, Williams, Corbridge, & Srivastava, 2006). However, because it was a consensus-based decision-making process, governmental representatives could not in fact dominate the formulation of decisions.\textsuperscript{184} At the same time, according to Buyung, all governmental representatives were actually neutral, and did not attempt to manipulate the Selection

\textsuperscript{183} Adnan Buyung Nasution, interview with author, Jakarta, October 24, 2009.

\textsuperscript{184} Adnan Buyung Nasution, interview with author, Jakarta, October 24, 2009.
Board. He said:

No forces dared to interfere in the selection of the KPK commissioners in 2003, even the minister and the president. People were afraid that the [Selection] Board would choose applicants that the President preferred. In fact, we came there with our brains blank, and we came together and prayed to God [that we would pick] the best [candidates]. None of us knew who we were going to choose. Our minds were a blank and that was the way we started. I was happy to see that government people [in the Selection Board] were both very open-minded and reluctant to have any people close to the president. From that reaction, we came to see that people were very honest.\textsuperscript{185}

\textit{5.2.2.2 Outside the selection board}

Unlike the few NGO activists who were invited to join the Selection Board, most Jakarta-based NGO activists participated in the selection of KPK leaders in other capacities. Some were applicants, including Bambang Widjojanto (YLBHI), Amien Sunaryadi (MTI), and

\textsuperscript{185} Adnan Buyung Nasution, interview with author, Jakarta, October 24, 2009.
Erry Riayana Hardjapamekas (TII). Bambang was a famous human rights lawyer who had many times confronted the Suharto administration in the New Order era. With regard to his reasons for filing an application, Bambang explained:

In the Reformasi era, we believed that we have the space, and we could make the space bigger in order to push our idealism and make civil society strong, not only from the outside, but also from the inside. Yes! We join state institutions, but [the purpose] is to criticise [from within]. The KPK is an opportunity.\textsuperscript{186}

Table 5.3
Applicants Supported by NGOs

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<thead>
<tr>
<th>Name</th>
<th>Note</th>
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<tbody>
<tr>
<td>Marsilam Simanjuntak</td>
<td>Legal Consultant</td>
</tr>
<tr>
<td>Bambang Widjojanto</td>
<td>Member of Ethical Board of ICW/Lawyer</td>
</tr>
<tr>
<td>Iskandar Sonhaji</td>
<td>Member of Ethical Board of ICW/Lawyer</td>
</tr>
<tr>
<td>Amin Sunaryadi</td>
<td>Member of MTI</td>
</tr>
<tr>
<td>Erry Riayana Hardjapamekas</td>
<td>Member of TII</td>
</tr>
</tbody>
</table>

*Note. Adapted from Anung Karyadi, personal communication, August 8, 2007.*

Most NGO activists, however, participated in the capacity of monitors and lobbyists. While compiling applicants’ track records and scrutinizing the selection process, activists

\textsuperscript{186} Bambang Widjojanto, interview with author, Jakarta, October 14, 2009.
also lobbied for applicants they supported. Table 5.3 lists applicants NGOs supported at
that time. Bambang was most favoured. They, however, understood that Bambang was
too controversial to be accepted by most Selection Board members (he did become a
commissioner much later, in 2011). They thus managed to help the remaining four
applicants win recommendations.\textsuperscript{187}

NGO activists saw these strategies as important because they helped reduce political
intervention. Nevertheless, some saw this lobbying as interference. In response to this
criticism, ICW activist Adnan Topan Hosodo explained, “You can say that [we were trying
to interfere]. The difference is that we could guarantee the integrity of the person and
the visions of the people we recommended. Political parties and political elites may not
be able to do so. There were various kinds of interests in the KPK. We have to minimise
the possibility [that pro-corruption interests would dominate the institution].”\textsuperscript{188}

Many NGOs did not like the idea of law enforcement officials leading the Corruption

\begin{flushleft}
\textsuperscript{187} Adnan Topan Hosodo, interview with author, Jakarta, January 11, 2008.
\textsuperscript{188} Adnan Topan Hosodo, interview with author, Jakarta, October 8, 2009.
\end{flushleft}
Eradication Commission. ICW chairman Danang Widoyoko pointed out:

We did not support applicants from conventional law enforcement agencies to lead the KPK because we doubted that they would monitor agencies where they once served, not to mention imposing serious sanctions on them. At the same time, as you know, law enforcement agencies in Indonesia are corrupt. How can we entrust a new and powerful institution to people who are already accustomed to corruption?  

Danang’s remarks encapsulate the distrust most NGO activists felt toward traditional law enforcers; his views obviously differed from Buyung who joined the Selection Board. Such differences, however, did not give rise to conflict among NGO activists, according to the data collected for this research.

5.2.2.3 Selection results

The whole selection process took nearly 60 working days. The Selection Board publicised

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its shortlist on 6th December, 2003 (see Table 5.4). Buyung judged all ten candidates as competent to lead the Corruption Eradication Commission.\textsuperscript{190} Of the five applicants supported by NGOs, only Bambang was not on the shortlist. Nevertheless, he still praised the selection process for being the most fair and transparent in the Reformasi era.\textsuperscript{191}

Table 5.4

<table>
<thead>
<tr>
<th>Ten Candidates Recommended by the Selection Board in 2003</th>
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<tr>
<td><strong>Supporters</strong></td>
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<td>NGOs</td>
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<td>None</td>
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\textit{Note}. Adapted from Anung Karyadi, personal communication, August 8, 2007.
\textsuperscript{a} Elected as Corruption Eradication Commission commissioner; figures in parentheses show the number of votes they received

Commission II of the DPR (People’s Representative Council), in charge of legal and internal affairs, then had the power to make the final decision. All the candidates were interviewed by a team of 18 members of parliament. Later, all 44 members of

\textsuperscript{190} Adnan Buyung Nasution, interview with author, Jakarta, October 24, 2009.

\textsuperscript{191} Bambang Widjojanto, interview with author, Jakarta, October 24, 2009.
Commission II voted on the final decision. The result was that the retired police officer Tauifiqurrahman Ruki won the KPK chairmanship. Commission II also selected two candidates supported by NGOs—Amien and Erry—to be vice chairmen.

The election of Amien and Erry was significant, in that NGO activists, in addition to exposing scandals and launching protests, now had a new way to combat corruption: joining law enforcement agencies. It is noteworthy, however, that all law enforcers must obey codes of conduct. Such codes include not leaking information on cases under investigation (such as names of suspects and evidence collected), and not intervening in judicial processes. As Amien Sunaryadi points out,

Joining KPK is against NGO activists’ principle of maintaining independence because, once you become a law enforcer, you have to follow the rules, code of conduct, technical procedure and line of command. Whoever becomes the commissioner is OK, but once an activist joins law enforcement agencies he or she has to cut their relationship [with their original organisations]. If activists still work like activists [such as freely sharing information with others] after they
serve in law enforcement agencies, they might be breaking the law.\textsuperscript{192}

Even so, once they joined the KPK, activists could still function as a bridge linking the Commission and NGOs, in certain limited respects. Several suggestions put forward by NGO activists were under deliberation within the Corruption Eradication Commission. Erry said:

I have encouraged NGOs to contact the KPK since the start. There were varied fields in which both can co-operate, and I could be the bridge. In fact, NGOs had many good suggestions. I collected them and proposed them. Now many suggestions of NGOs have become programmes or decisions of the KPK.\textsuperscript{193}

To sum up, Jakarta-based NGOs were deeply involved in the selection of the Corruption Eradication Commission leadership. Not only the Selection Board but also the Technical Team affiliated to it had the participation of NGO activists. At the same time, there were also NGO activists advocating selecting specific applicants whom they considered

\textsuperscript{192} Amien Sunaryadi, interview with author, Jakarta, October 9, 2009.

\textsuperscript{193} Erry Riayana Hardjapamekas, interview with author, Jakarta, January 3, 2008.
competent to head the Corruption Eradication Commission. Though their roles differed, NGO activists worked closely and formed a force to oversee the whole selection process from both within and outside the Selection Board. Other factors, including the fact that government representatives maintained neutrality, that pro-reform officials offered invitations and that the decision-making process followed the principle of consensus, were also conducive to producing an outcome that met NGOs’ expectations. The selection of the Corruption Eradication Commission leadership is therefore a good example of the exercise of simultaneous accountability by NGOs through deep involvement in decision making. The two NGO activists elected as commissioners functioned as a bridge between the Corruption Eradication Commission and NGOs. Though they were required to follow the KPK’s code of conduct, they could also reflect the concerns of NGOs. KPK thus became an accountability institution that was responsive to social demands.

5.3 Corruption Court

5.3.1 A Special court maintaining a high conviction rate

The Corruption Court (Pengadilan Tindak Pidana Korupsi, Pengadilan Tipikor) is a special court structurally affiliated with the Central Jakarta District Court. Its establishment was
A response to grievances about the general courts. Chalid (2001), a former TGPTPK member, considered the general courts “to be the most dangerous threat to anti-corruption efforts” (p. 24) in Indonesia. This was because they frequently made controversial judgments that either acquitted corruption defendants or failed to prosecute them to the full extent of the law. Critics believed that bribery had a lot to do with these outcomes.

There had been demands for the establishment of a special Corruption Court since the start of the Reformasi era. Not until the Law on the Corruption Eradication Commission was passed in 2002 did the court have a statutory basis (Butt, 2012a). Presidential Decision No. 59 of 2004 stipulates its composition. The Corruption Court came into operation in 2004, and only hears corruption cases that have been prosecuted by the Corruption Eradication Commission.\(^\text{194}\)

The Corruption Court performed better than the general courts. Based on a survey by ICW, the Corruption Court acquitted no corruption defendants in the period 2005–2008. In contrast, the general courts acquitted nearly 40 percent of corruption defendants in

\(^{194}\) For more details about the formation of the Corruption Court, see Presidential Decision No. 59 of 2004.
the same period. In terms of content of sanctions, the Corruption Court was also more punitive than the general courts. This outcome prompted praise, because the court effectively warned corruption suspects prosecuted by the Corruption Eradication Commission that they would receive severe punishment. The Corruption Court was thus an excellent partner for the Corruption Eradication Commission, and won community support.

Several factors led to this outcome. In particular, the recruitment of ad hoc judges was essential. Ad hoc judges are non-career judges whom the Supreme Court recruits to handle certain cases that require a high level of experience and knowledge. This kind

\footnotesize


of ad hoc recruitment was necessary in the Reformasi era, precisely because public trust in career judges was low and only judges with particular knowledge and skills were able to hear corruption cases. All first-term ad hoc judges in Corruption Court were upright and professional, according to NGOs.

The composition of the panel of judges in the court allowed ad hoc judges to dominate the formulation of court judgments. Law No. 30 of 2002 explicitly stipulated that the panel of judges would include both ad hoc and career judges, but that the former must outnumber the latter (Article 58, 59, 60). NGO activists attributed the court’s extraordinary conviction rate to the relevant clauses in Law No. 30 of 2002. As KRHN

%20korupsi.pdf.


202 The Corruption Court is not the only special court that has ad hoc judges. Other special courts such as Human Rights Court and the Commercial Court also have ad hoc judges.
activist Kandi put it:

There are no ad hoc judges in district courts, but the Corruption Court has ad hoc judges. District courts acquitted many corrupt people, but none of the accused in corruption cases heard by the Corruption Court was free to leave the courts. If career judges outnumbered ad hoc judges, the performance of the Corruption Court might not be as good as we see now. It is clear that ad hoc judges and the provision allowing them to outnumber career judges were crucial factors contributing to this difference.\footnote{Kandi, interview with author, Jakarta, October 28, 2009.}

The Corruption Court, however, faced two major challenges in 2006. The first originated from a ruling of the Constitution Court.\footnote{Petitioners included nine General Election Commission (KPU) members who were also corruption suspects. Article 24 of the 1945 Constitution requires all judicial agencies to have their own laws as statutory sources. They thus argued that applying Law No. 30 of 2002 to establish both the Corruption Eradication Commission and the Corruption Court was unconstitutional. Petitioners also claimed that they faced discrimination because their cases were heard by the Corruption Court, not general courts, and argued that this treatment contradicted Article 28 of the 1945 Constitution that protected Indonesian citizens from discrimination. The Constitutional Court, however, did not grant this aspect of the petition.} The Constitution Court ruled that Article 53 of Law No. 30 of 2002 was unconstitutional, and that the Corruption Court would require its own statutory source before 19th December, 2009. Otherwise, it would be dissolved

\footnote{Kandi, interview with author, Jakarta, October 28, 2009.}

\footnote{Petitioners included nine General Election Commission (KPU) members who were also corruption suspects. Article 24 of the 1945 Constitution requires all judicial agencies to have their own laws as statutory sources. They thus argued that applying Law No. 30 of 2002 to establish both the Corruption Eradication Commission and the Corruption Court was unconstitutional. Petitioners also claimed that they faced discrimination because their cases were heard by the Corruption Court, not general courts, and argued that this treatment contradicted Article 28 of the 1945 Constitution that protected Indonesian citizens from discrimination. The Constitutional Court, however, did not grant this aspect of the petition.}
(Masyarakat Transparensi Indonesia, 2007, pp. 37-66). The second arose after the DPR ratified the United Nations Convention against Corruption in 2006. Law No. 31 of 1999 on Corruption Eradication thus needed to be revised in order to incorporate the principles and ideas stipulated in the Convention. It was feared that the revision might influence the operation of the court because it contained clauses stipulating the principles, criteria, and methods concerning investigation and prosecution of corruption suspects and sanctions.

NGO activists were greatly concerned that the revised laws would result in the dissolution of the Corruption Court and the dismissal of ad hoc judges. NGOs made many efforts during this period to ensure that the Court of Corruption would remain independent and effective. They did so by trying to affect the process of preparing a new

205 This ruling gave rise to strong criticisms, because it allowed the unconstitutional article to remain active for three years. On this criticism, Maruarar Siahaan, Constitutional Court judge, explained that the ruling was a response to the understanding that corruption in Indonesia was an extraordinary crime and that there were strong demands to eradicate it. This explanation was praised by NGO activist leaders like Agung Herdarto and Bambang Widjajanto. However, Adnan Buyung Nasution argued that constitutionally all unconstitutional articles or laws should be abolished immediately. For more discussion, see “MK Beri Batas Waktu Tiga Tahun Pemerintah-DPR Harus Buat UU Pengadilan Tipikor,” Kompas, December 20, 2006 and Masyarakat Transparensi Indonesia (2007 pp. 37-66).


207 Law No. 21 of 2001 is a revision of Law No. 31 of 1999.
5.3.2 Activities of NGOs

Several Jakarta-based NGOs expressed strong concern that the continued existence of the Corruption Court might be threatened. ICW, PSHK and many others thus formed the Coalition to Save Corruption Eradication (Koalisi Penyelamat Pemberantasan Korupsi) in order to defend the Corruption Court.

NGOs were able to exert influence at both the preparation phase of the new draft bill and the discussion phase. According to Law No. 10 of 2004, both the President and the DPR have the right to propose draft laws (Article 18 and 19). The President assigns ministers concerned with the relevant area of policy to discuss the draft with members of parliament (Article 20 and 21). Ordinary people also have the right to offer suggestions at both the draft preparation and discussion phases, by means of either oral or written statements (Article 53).

The new bill was prepared in a period in which the possibility for community members to influence policy was gradually improving, both because the attitudes of government officials had changed and because the capacity of NGO activists had greatly improved.
Partnership for Governance Reform (Kemitraan) advisor Dadang Trisasongko, for example, pointed out:

[In the initial phase of the Reformasi era], it was not easy [for NGOs] to influence legislation because prejudice existed in both the government and society. Things changed, however, after frequent contact and talks. I think it has become easy for many government officials, especially subordinates to ministers, to have discussions with outsiders. This is partly because ICW and some other NGOs have already built a reputation. At the same time, [the official preparation team] did not have alternatives because they sometimes distrusted the university experts whom they consulted. Many have problems of integrity. [Accordingly,] now many government officials are open to discussions with NGOs and inclined to combine viewpoints from different parts.208

The enactment of the Law on the Corruption Court and the revision of the Law on Corruption Eradication both illustrate Dadang’s point.

208 Dadang Trisasongko, interview with author, Jakarta, February 14, 2008.
5.3.2.1 The Law on the Corruption Court

NGOs demonstrated enthusiasm for this law from the beginning. Their first step was the formation of a Draft Law Preparation Team which consisted of NGO activists and several officials like Romly Atmasasmita, Amien Sunaryadi and others. Their initial goal was to draft an NGO-version Draft Law on the Corruption Court. However, this goal was superseded after the Minister of Justice and Human Rights delegated Romly to lead the official Draft Law Preparation Team. NGO activists thus shifted their focus to the formulation of the government’s own version of the draft Law.

Romly did not invite NGO activists to join the official Draft Law Preparation Team. The discussions within that team were not open to public participation, but Romly offered to make relevant information available to the public. NGOs activists were thus aware of the progress of drafting and of issues under debate. They could take quick action to lobby against provisions that might hinder anti-graft activities. The official Draft Law Preparation Team incorporated many suggestions made by NGOs into the final law draft.


According to Dadang Trisasongko, nearly 90 percent of the draft originated from the suggestions of NGOs.\textsuperscript{211}

Nevertheless, the draft still contained several controversial clauses (see Table 5.5). One such clause stipulated the establishment of a Corruption Court in regions where activists believed they would be more vulnerable to intervention. In spite of such worries, activists interviewed for this research did not strongly oppose this clause, probably because they also expected a Corruption Court in the regions to bring changes to local areas. By comparison, another clause relating to the composition of the judging panel was strongly criticised (Butt, 2011, pp. 389-390). All interviewees for this research maintained their support for the previous ratio under which \textit{ad hoc} judges outnumbered career judges. The Draft Law on the Corruption Court, however, stipulated that it was the chairmen of district courts and the Supreme Court Chief Justice who would decide on the ratio in each regional court.\textsuperscript{212} This clause gave rise to intense criticisms. Zainal Arifin Muchtar, researcher at Gajah Mada University, argued that “[The provision is] risky... if chairmen of district courts can decide on the composition of the judging panel

\textsuperscript{211} Dadang Trisasongko, interview with author, Jakarta, February 14, 2008.

\textsuperscript{212} I could not interview Romly and ask him to explain why this controversial clause was included in the draft law, because he was jailed for corruption during my fieldwork period.
of the Court [for Corruption]... they will choose judges who lack the skills required to hear corruption cases. They are subject to influence. That would weaken our anti-corruption efforts. It is the most dangerous clause in the draft law.”

Table 5.5

<table>
<thead>
<tr>
<th>Controversy</th>
<th>Law No.30 of 2000</th>
<th>NGOs’ Claims</th>
<th>Law No.46 of 2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corruption Court at Regional Level</td>
<td>N/A</td>
<td>Unnecessary</td>
<td>Each province is to have its own Corruption Court and the establishment of such courts will be finished two years after this law is enacted (Article 35)</td>
</tr>
<tr>
<td>Composition of Judging Panel</td>
<td>Judging panel consists of two career judges and three ad hoc judges (Article 58, 59 and 60)</td>
<td>Provisions should explicitly stipulate that ad hoc judges should outnumber career judges</td>
<td>District Court chiefs can decide on the composition of the judge panel (Article 26)</td>
</tr>
</tbody>
</table>

When the bill was under deliberation in the DPR, NGOs activists still acted as lobbyists during that phase, but they faced more challenges than they had in the preceding phase. This was because the DPR’s productivity was notoriously low. At the same time,

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214 President Susilo Bambang Yudhoyono sent the draft to the People’s Representatives Council in August 2008, 16 months before the deadline. The deliberations, however, were slow. This was because members of parliament were busy with their election campaigns. The general election was held in April 2009. At the same time, there were nearly 40 bills that required deliberation. “Graft Bill Committee Questioned,”
several members of parliament were themselves corruption defendants. Unsurprisingly, the bill came under severe criticism at the deliberation phase. While many NGO activists complained that it might weaken the Corruption Court, many members of parliament criticised the same bill for offering too much power to the court. NGOs attempted to exert influence by utilizing formal channels such as public hearings and forums, as well as by using personal relations with individual members of parliament. Eventually, the DPR passed the Law on the Corruption Court, after 16 months of deliberation. The Corruption Court thus continued to exist, but NGOs failed to prevent the establishment of regional courts, and the chairmen of district courts would now have the authority to decide on the composition of judging panel in each case.

5.3.2.2 Revision to the law on corruption eradication

The Minister of Justice and Human Rights also formed a team to revise the Law on

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Corruption Eradication, and appointed Professor Andi Hamzah to lead that team. Andi was also an expert specialising in criminal law, but his ideas and suggestions were often against the KPK and the Corruption Court. Andi considered corruption in Indonesia a common problem, and thus argued that the general courts should hear all corruption cases. He questioned ad hoc judges’ ability to hear corruption cases, and thus suggested ending their recruitment. He also considered the Corruption Eradication Commission a “superbody” and suggested revoking its prosecutorial function. Those suggestions and arguments were obviously contrary to the expectations of NGO activists.

Nevertheless, Andi still invited Emerson Yuntho, an Indonesia Corruption Watch (ICW) activist, to join his team. Interviewees for this research shared the idea that such an offer was aimed at winning NGOs’ endorsement for moves to downgrade the KPK. ICW is an advocacy-type NGO whose activists prefer not to work for agencies or organisations they


monitor. Emerson, however, accepted the offer with approval from ICW leadership.\footnote{220} Regarding this, Danang Widoyoko, ICW coordinator, explains:

We can participate in government and sometimes participation is good. I can be a member of formal teams or committees. [However], we keep our independence and do only what we want. For us, [joining the Draft Law Preparation Team does not go against the principle of independence.] Our principle is to be free to attend and also free to quit. Thus, when I work in a formal team, I still think I am an outsider. When there is disagreement, we just quit.\footnote{221}

Obviously ICW activists subscribed to the principle of conditional participation, so they would only participate in official programmes if there were no contradiction with the goals and ideals of their organisation. They have always refused to compromise, and would sooner resign than endorse government policies or decisions that they believe

\footnote{220} ICW activists preferred not to work for organisations or state institutions that they monitored. Danang Widoyoko, interview with author, Jakarta, October 21, 2009.
\footnote{221} Danang Widoyoko, interview with author, Jakarta, October 21, 2009.
contradict their goals.

Most of the preparation team members were in favour of Andi’s ideas. They were inclined towards clauses which “explicitly remove the KPK’s prosecutorial function and reduce the penalties for some corruption offenses” (Butt, 2011, p. 390). Emerson soon realised this and the fact that, after years of reform, little had changed. He accordingly chose to quit halfway through the revision process. Regarding the disagreement, Danang said:

Other Draft Law Preparation Team members did not want the Corruption Eradication Commission to keep its authority over the prosecution, and instead wanted only to leave it with authority over investigation. They also wanted to make corruption no longer an extraordinary crime. If corruption was not an extraordinary crime, there would be no need for the Corruption Eradication Commission. They also wanted to dissolve the Corruption Court and dismiss ad hoc judges. Of course, we did not agree with them. Thus, we asked Emerson to
Many other NGOs also opposed the ideas and views of the preparation team. The public seemed to side with NGOs. A public opinion poll survey, conducted by *Kompas*, showed that most respondents perceived that career judges remained subject to political and material interests. They thus agreed that it was essential for the Corruption Court and *ad hoc* judges to remain.

The draft bill submitted by the preparation team did not explicitly contradict public expectations. There were no clauses actually revoking the prosecutorial function of the Corruption Eradication Commission, dissolving the Corruption Court or dismissing *ad hoc* judges. These results represented a symbolic victory for NGO activists. At the time of writing this thesis, the draft remains suspended in the DPR, due to the backlash by NGOs


225 NGO activists criticise the fact that the draft does not directly entitle the Corruption Eradication Commission to prosecute corruption suspects. Such an ambiguity is likely to give rise to controversies and debates in the future.
and KPK leaders against efforts to weaken the commission (Butt, 2011, p. 390).

To sum up, this case is an example of demands for simultaneous accountability by NGOs outside decision-making circles. In this case, NGO activists either lacked opportunities to join the preparation team or declined such an offer on the grounds of conflict with government officials over the status of the Corruption Court. Nevertheless, the outcomes were satisfactory, because the Law on the Corruption Court was enacted before the deadline and the draft revision to the Law on Corruption Eradication did not include clauses unfavourable to the Corruption Court. Nevertheless, NGO activists deem Law on the Corruption Court worrying because it entitles chairmen of district courts to decide on the composition of judging panel, creating room for corruption suspects to affect court verdicts. Two points demonstrated here also deserve attention. First, even advocacy NGO activists were willing to work with government officials, suggesting the need for further exploration of the interaction between the two and the impacts of this interaction in the study of corruption and social accountability. Second, government official could assist NGOs in exercising accountability through offer of key information, suggesting the importance of having a close look at the exercise of accountability by NGOs outside decision-making circles.
5.4 Supreme Court

5.4.1 An Accountability institution that pioneered in internal reform

Except for the Constitutional Court, the Supreme Court is the highest judicial institution in Indonesia, maintaining and supervising the whole court system according to the One-Roof (satu atap) System policy. The 1999 Law on Basic Provisions on Judicial Authority stipulates the transference of authority over finance, personnel matters, and the fundamental structure of general and special courts from the executive branch of the government to the Supreme Court (Article 11) (Pompe, 2005, pp. 5-6). Since 1999 the Supreme Court has not only had responsibility over most courts in the land, it has also tried to initiate judicial reform.

The Supreme Court faced two major problems. One was poor internal management (Bjornlund, Liddle, & King, 2008, pp. 10-11). Another problem was corruption. A leader of the Supreme Court claimed that that half the court judges in Indonesia were corrupt (Lembaga Independensi Peradilan, 2002 p. 4), and numerous cases have shown that

Supreme Court justices were no exception (Chalid, 2001). PSHK activist Iman also claimed that “bribing judges happens every day and is a common rule”. Public opinion polls also show low public trust in the courts and judges. According to the 2008 Bribe Payer Index, the average score given by respondents to the courts in Indonesia was 3.8 on a scale of 0 to 10. The score was only slightly lower than those for parliaments, the police and customs officers who have long been notorious for rampant corruption (Transparency International, 2008).

The Supreme Court started by initiating internal reform projects, a move that accorded with public expectations because many people blamed high-ranking judges for the rampant corruption they saw in Indonesia (The Asian Foundation, 2001, p. 50). The recruitment in 2000 of non-career justices (justices who had never served as judges prior to their recruitment) was essential to the success of that initiative (Assegaf, 2007, p. 11). According to Law No. 14 of 1985 on the Supreme Court, at least 15 years’ working experience in the legal field is the only requirement that non-career justices have to

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228 0 means that bribery in this institutions is extremely common; 10 means bribery is unknown there.

229 Law No. 5 of 2004 stipulates that career judges who are eligible for participating in selection of Supreme Court justice should have at least 20 years’ experience in working in courts, including at least three years in appellate courts.
Most non-career justices in the Supreme Court have thus been practising lawyers or legal consultants prior to their recruitment. The retirement of several senior justices in 2000 created 16 vacancies in the Supreme Court. Eventually, nine non-career justices and seven career justices filled the vacancies. Among them were Bagir Manan and Abdul Rahman Saleh, who initiated internal reform projects in the Supreme Court.

Bagir and Abdul were both non-career justices. Bagir worked as a professor of law before he assumed office as the Chief Justice of the Supreme Court. He prioritised strengthening internal supervision, and nominated Abdul to be the deputy chief (ketua muda) of the court that led the Supervision Division (Badan Pengawasan) and reform projects. Bagir and Abdul undertook several pioneering actions, such as acknowledging that the courts have serious corruption problems and offering reform-related information to the media of their own accord, both things that previous justices had never done (Assegaf, 2005).

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230 Law No. 14 of 1985 on the Supreme Court has clauses explicitly stipulating the selection of justices. Law No. 5 of 2004 replaces that act.


Among all the reform measures, the formulation of the blueprint and the establishment of the reform team were of significance and received the most attention. The blueprint, released in 2003, was a plan for internal reform of the Supreme Court. The Supreme Court saw the goal as creating a judicial system that could offer legal services of high quality, accessible and inexpensive, as well as building the supremacy of law (Mahkamah Agung Republik Indonesia, 2003 pp. 1-2). The blueprint collected various respondents’ suggestions and the results of several investigations. It revealed a number of practical problems facing the Supreme Court, including a low level of professionalism among judges and flawed internal accountability mechanisms. The blueprint discussed problems in the areas of human resources, case management, information management, the transparency and accountability of the court, the supervision and discipline of judges and other issues. The blueprint set down detailed reform plans designed to solve these problems. The tasks of the reform team were to assess the progress of reforms

233 The blueprint addressed only problems of the Supreme Court. This was because, according to Law No. 14 of 1970 on Judicial Authority Fundamental Regulations, the Supreme Court oversaw only its own organisation, administration, and finance, not those of the general, military courts or other special courts. Since the introduction of the One-Rooft system, the Supreme Court now holds the authority to handle affairs related to the organisation, administration and finance of all district and appeal courts. The Supreme Court is now putting together a new blueprint to address problems in all courts.
periodically and ensure that reforms were on the right track.

Though the formulation of the blueprint and the operation of the reform team were formally internal to the Supreme Court, data collected for this research show the deep involvement of several Jakarta-based NGOs in both matters. This involvement suggests there was frequent interaction between participating NGO activists and officials within the Supreme Court. This experience was unusual for Indonesian NGOs, because they had previously rarely participated in internal reform projects within governmental agencies like the Ministry of Finance. The participants were mostly activists from research-type NGOs such as LeiP, PSHK, MaPPI and ICEL. Their members believed that court reform should be a priority in the Reformasi era (Widjaja, 2003, p. 428), and focused their activities accordingly.

5.4.2 Participation of NGOs

5.4.2.1 Blueprint formulation phase

The formulation of the blueprint was achieved by Bagir Manan while he chaired the Supreme Court. The blueprint, as mentioned above, contained a collection of suggestions for the internal reform of the court. A high percentage of the suggestions came from LeiP. The interaction of LeiP and other NGO activists with the Supreme Court leadership had started with the recruitment of non-career justices in 2000. Thanks to the support of the court leadership, NGO activists were able to participate in the formulation of the blueprint.

The recruitment of non-career judges in 2000 drew the attention of ICW, AJI and several other Jakarta-based NGOs. They formed the Working Group for Monitoring Prospective Supreme Court Justices (Kelompok Kerja Pemantau Calon Hakim Agung) whose objective was to have the recruitment process done in a transparent manner. They adopted several strategies to exert their influence on members of parliament who had the right to select the judges. Their strategies included publicizing candidates’ track records, monitoring the selection phase, and mobilizing people to send mail to parliamentarians. Both Bagir and Abdul were favourites with NGO activists at that time. They and three other candidates passed the selection process, constituting the

235 Dian Rositawati, interview with author, Jakarta, October 20, 2009.
236 Abdul is a senior NGO activist. He chaired the Legal Aid Institute-Jakarta (LBH Jakarta) in the early
majority of the nine non-career justices recruited (Widjaja, 2003, p. 429).\textsuperscript{237} A majority of justices then later elected Bagir to lead the Supreme Court, and Bagir in turn appointed Abdul to operate the reform projects.

Under the leadership of Bagir and Abdul, NGOs truly “got access to the Supreme Court”.\textsuperscript{238} Bagir and Abdul invited several NGO activists to participate in the discussions on the formulation of the blueprint.\textsuperscript{239} Participating NGO activists could communicate with the leadership, though they were not members of the blueprint Formulation Team. Such a direct channel of communication was essential because these internal reform projects were purely initiatives of several Supreme Court justices. LeiP chairwoman Dian said:

We can say that internal reform at that time was [an initiative of some elites].

\begin{flushleft}

\textsuperscript{237} The candidates selected were Bagir Manan, Laica Marzuki, Valerine Kierkoff, Artidjo Alkostar, and Abdul Rahman Saleh.

\textsuperscript{238} Dian Rositawati, interview with author, Jakarta, October 20, 2009.

\textsuperscript{239} Aria Suyudi, interview with author, Jakarta, October 15, 2009; Bivitri Susanti, interview with author, Jakarta, October 15, 2007.}
\end{flushleft}
Not many justices personally have visions. Even [toward] the reform process the reluctance was enormous. Transparency, for example, was a highly sensitive issue then. Many Supreme Court personnel and justices did not want to publish and share court decisions, on the grounds that they were not public information.

[At the same time], I think it was difficult to work with career judges who had been there for more than ten years and court personnel who had also been there since the New Order era. We had conflicts of ideas more with [career justices] than with new justices who had just come up after the Reformasi era. [Accordingly, on critical and sensitive issues,] there was a tendency that we only discussed [things] with the pro-reform leaders. We used our close relationship and also their commitment to reform.240

At the same time, the Supreme Court leadership used NGOs to help facilitate the court’s relations with donor organisations. At that time, donor organisations like the Asia Foundation and the United States Agency for International Development (USAID) had projects promoting judicial reform in Indonesia, which explains why they showed keen interest in the content and formulation of the blueprint and wished to sponsor relevant

240 Dian Rositawati, interview with author, Jakarta, October 20, 2009.
activities. The Supreme Court leadership, however, refused to contact donor organisations directly, because they feared being seen as encouraging foreign intervention in one of Indonesia’s core institutions. NGOs thus became channels through which the Supreme Court and donor organisations communicated. Dian Rositawati said:

The relationship between donors, state institutions and NGOs [is] a triangle. At that time, there was so much funding that was ready to be given to the Supreme Court to conduct some projects, but donors did not have intimate relationships with the court. So donors used NGOs to facilitate the relationship between donors and court institutions. Bagir Manan, Supreme Court Chief Justice then, did not want to get direct funding from donors, because he was afraid of their intervention. He also anticipated negative public perception if the Supreme Court managed foreign funding. [As a result,] it was NGOs that received the funding, and they created cooperation projects with the courts. The Supreme Court thus did not touch the funding at all. It was NGOs that managed and used it.241

241 Dian Rositawati, interview with author, Jakarta, October 20, 2009.
NGOs obviously played a vital role during the blueprint formulation phase. They acted not only as a bridge connecting the Supreme Court and donor organisations, but also as a source of advice. The Supreme Court’s leaders accepted most suggestions put forward by NGOs. Dian Rositawati even saw the blueprint as the “NGOs’ proposal, because the Supreme Court leadership accepted most of the NGOs ideas”.242 The blueprint received high praise from many observers who deemed it a practical reform plan, and consequently many donor organisations now consult it before they propose cooperation with the courts.243

5.4.2.2 Reform team phase

The establishment of the reform team was aimed at implementing reform measures set out in the blueprint and to evaluate the progress of these measures. Bagir ordered the formation of the team in 2004, and appointed Abdul Raman Saleh as its leader. Bagir also invited several NGO activists to join the team. Participants include Aria Suyudi.

242 Dian Rositawati, interview with author, Jakarta, October 20, 2009.

243 The blueprint is a “menu” that donor organisations consult when they design cooperation plans. Thus, it is unlikely that several donors would finance the same projects simultaneously. Wiwiek Awiat, interview with author, Jakarta, October 29, 2009.
(PSHK), Meissy Sabardiah (MaPPI), Mas Achmad Santosa (ICEL) and Wiwiek Awiat (ICEL).

The reform team was not affiliated to any division of the Supreme Court but was instead directly accountable to the leadership. A steering team (tim pengarah), consisting of the Chief Justice and two Deputy Chief Justices, nominally led the reform team. In practice, the Deputy Chief who headed the programme technical team (tim teknis program) took charge of coordination. Participating NGO activists belonged to the united technical team (tim teknis pendamping) and programme assistance team (tim asistensi program). Their tasks included scrutinizing the progress of reform plans, offering suggestions and coordinating reform efforts. The reform team was not a permanent agency, but participating NGO activists were full-time employees and had titles like advisors, assistants or reform promoters.

The reform team was the channel through which the Supreme Court could have dialogues with civil society, donor organisations, and the executive and parliaments. It facilitated communication, transformed criticisms into language that the Supreme Court personnel could accept, and informed the court personnel of the obstacles the reform team encountered. Such tasks were essential because critics usually blamed the slow progress of reform projects on lack of commitment to reforms and the various obstacles created by the “judicial mafia”. Reform team members found such criticisms unjustified.
Meissy, for example, argued that it was not always reasonable to blame poor output on leaders’ lack of will to reform. The problem was often a result of the poor capacity of Supreme Court personnel.244

Several aspects of the NGO activists’ participation are worthy of further discussion. One is their relations and interaction with their counterparts who were monitoring the implementation of reform measures from outside the Supreme Court. In general, NGO activists participating in the reform team still thought of themselves as critics, apparently believing that few substantial differences existed between them and their counterparts. Meissy said:

Whether [inside or outside the Supreme Court], activists still engage in reform. Both are extremely significant in the reform process. Just like supply and demand. I think my participation is just a matter of location, meaning it is about whether I locate myself inside the court, or outside the court. Personally, I had the passion. If someone thinks that it is more idealistic or beneficial to be outsiders, to create discussion, to raise awareness from the outside, this is fine. This is the role they

244 Meissy Sabardiah, interview with author, Jakarta, October 19, 2009.
choose. People who want to work side by side with the court and see what people do there, that is also a choice. I cannot say it should be either or. We need both. People cannot assess their work objectively...People who think they know everything and can do things by themselves [usually go nowhere]. The Supreme Court recruited representatives from the public because they needed the outsiders’ perspectives. If they wanted to get yes-men, they could have hired someone else.245

There were, however, slight differences between the two groups of activists, especially in how analysing and criticising the reform process. NGO activists participating in the reform team usually chose mild and indirect ways to convey their criticisms. In contrast, NGO activists who monitored the reform process from the outside were more likely to choose more direct means to embarrass power holders. Dian Rositawati explained:

ICW is highly critical of the Supreme Court. [Its activists] can be like this because they do not have a close relationship like [activists of] LeiP [have] with the Supreme Court. Because we choose to participate in its internal reform projects,

we have to limit the approaches we use as critics of the Supreme Court. We would give recommendations to the Supreme Court, rather than making them public, because that would harm our relations with the Supreme Court. I think most NGOs know what kinds of role they have. Sometimes, we try to raise our voices when we think the remarks of justices, or even the Supreme Court Chief Justice, are incorrect. We give our comments to friends in ICW and MaPPI. They will distribute our ideas. That is the role we play, giving statements or something, but not directly or publicly.246

The participation of Meissy and other NGO activists in the reform team did not give rise to conflicts within Indonesian civil society. ICW and other advocacy-type NGOs also supported their participation in the internal reform programmes of the Supreme Court. Teten Masduki, for example, said that the common enemy of all NGOs concerned about judicial reform was a judicial system that lacked the desire to complete reforms. Differences in approach thus only meant a division of labour, which proved quite favourable to the promotion of reform (Widjaja, 2003, p. 431). KRHN activist Kandi said:

_____________________

246 Dian Rositawati, interview with author, Jakarta, October 20, 2009.
Some activists have the opportunity to participate in the formulation of decisions directly. I say “OK, please” when other activists ask my opinion of their joining state institutions. Joining state agencies, in my opinion, is a part of the strategy, and has nothing to do with the independence of NGOs. Activists need each other. When a conflict of opinion between activists and officials in state institutions arises, it is the activists outside institutions who initiate campaigns. The functions of activists [participating in state institutions] are to offer information.247

It is also worth discussing how participating NGOs activists carried out reform measures. Data collected for this research show that they tended to rely on specific leaders of the Supreme Court (such as the Chief Justice) to promote reforms, particularly when they encountered obstacles.248 They were thus significantly advantaged by the entry into the leadership of the court or reform-minded individuals at an early stage.

The Supreme Court has not deviated from the path set down in the blueprint and has instead achieved concrete reform results, thanks to the tireless efforts of the reform


team. As a consequence, the Supreme Court has turned into a traditional accountability institution that could also boast considerable reform progress. PSHK activist Imam Nasima claimed:

The Supreme Court is the most transparent government institution in Indonesia. The Supreme Court Chief Justice issued [Decision of the Supreme Court Chief Justice No. 144/KMA/SKNIII on Information Openness in 2007,] one year before the enactment of the Law on Public Information. According to that decree, the Supreme Court will update information about decisions and rulings regularly [on its webpage] and publicise the progress of cases in justices’ hands. In terms of transparency, the Attorney General Office and the police are left far behind.249

Nevertheless, the participation of NGO activists in the internal reform project gave rise to an unexpected conflict within the Supreme Court. As mentioned, the blueprint was the result of collaboration between NGOs and several pro-reform leaders of the court. Most of the court’s personnel were not deeply involved in its formulation. Most of them therefore felt that they had been sidelined by their own institution. According to Aria

Suyudi, they were “reluctant to implement reform projects and became an obstacle to the implementation of reform programmes”.\textsuperscript{250} As a result, the rate of accomplishment of reform projects had reached only 50 percent by 2009, which was far behind schedule.\textsuperscript{251} As a result, efforts were made to include most Supreme Court personnel in the formulation of the second blueprint (Mahkamah Agung Republik Indonesia, 2010). These efforts were aimed at preventing similar problems from recurring.\textsuperscript{252}

To sum up, the example of the Supreme Court is an example of the exercise of simultaneous accountability by NGOs through cooperation with leaders of state institutions. No laws oblige these leaders to involve NGO activists in promoting reform. The opportunities for co-operation arose from trust built up in the selection of non-career judges, the need for linking the communication between donor organisations and the Supreme Court, and positive attitudes among NGO activists toward opportunities for co-operation. NGOs assisted the Supreme Court in formulating a feasible reform programme and kept reform measures on the right track. Supreme Court leaders assisted NGO activists in addressing resistance from court staff, and other obstacles to

\textsuperscript{250} Aria Suyudi, interview with author, Jakarta, October 15, 2009.

\textsuperscript{251} Meissy Sabardiah, interview with author, Jakarta, October 19, 2009.

\textsuperscript{252} Meissy Sabardiah, interview with author, Jakarta, October 19, 2009.
the exercise of accountability. Because of this close co-operation, the Supreme Court is now arguably a law enforcement agency inherited from the New Order period that has succeeded in reforming itself extensively. However, this close co-operation between NGOs and Supreme Court leaders resulted in many court staff lacking a sense of ownership over the reform. These personnel arguably slowed the progress of reform.

5.5 Discussion

5.5.1 Analysis

The successful curbing of corruption relies greatly on accountability institutions; this is why efforts to strengthen such institutions have been visible in Indonesia and several other transitional democracies. Since the start of the Reformasi Era, Indonesia has seen reform efforts directed at strengthening existing balancing accountability institutions and at establishing appointed institutions aimed to address specific problems. While scholarly works mostly emphasize accountability institutions’ authority, organizational frameworks, personnel, and independence, the focus in this chapter is on another crucial aspect: the involvement of NGO activists in the formulation of the main decisions concerning such accountability institutions. This aspect has not yet received much scholarly analysis but is arguably essential to the performance of accountability
institutions. Through interviewing key persons and reviewing relevant data, this chapter has explored the demand side of accountability, with a focus on obstacles and opportunities Jakarta-based NGO activists encountered, as well as the impact they had. The findings can be summarized as follows.

Firstly, NGO activists interviewed for this research mostly claimed to have deep involvement in the three cases studied, as exemplified by the KPK case where NGO activists participated in different capacities and also the Supreme Court case where NGO activists play crucial roles in the formulation and implementation of the Blueprint. Given the fact that before 1998 little room was available for Indonesian NGOs and other civil society groups to exert leverage over policy formulation (Hadiwinata, 2003: 42), their deep involvement in these processes certainly show some improvement in openness of the policy formulation process during the Reformasi Era.

However, a further look into the cases suggests that such participation was poorly institutionalised. No statutory provisions specify the inclusion of social representatives in formal decision making or policy formulation, except in the KPK case. In the case of the KPK, there are provisions obliging government officials to invite social representatives to join the Selection Board. However, the provisions in question do not specify the requirements such social representatives need to meet, the ratio they would occupy in
the board, and other matters that may influence the selection process. In other words, government officials still have the final say, meaning NGO involvement in accountability institution-related decision formulation is large dependent on the discretion of the officials in question, and vulnerable to personnel changes. Further statutory improvements would be required to generate sustained involvement by NGOs in the policy-making process.

In such a poorly-institutionalized context, aggressive moves by NGO activists may create opportunities to widen their participation in decision formulation. In the case of the Supreme Court, the selection of Bagir and Abdul as justices was underpinned by NGOs’ lobbying efforts, and it was the two justices who facilitated NGO activists’ participation in the formulation and implementation of the Blueprint. In the KPK case, Erry was one of the NGOs’ preferred applicants, and he was the person who brought NGOs’ anti-corruption ideas into internal discussion within the agency. While such instances suggest the value of a strategy of exerting influence over the selection of the leaders of accountability institutions, limitations on the applicability of such a strategy should be noted. In particular, the strategy has little effect in cases where the president directly appoints the leaders, rather than opening leadership selection to competition.

How did Jakarta-based NGOs become so deeply involved in decision making in such a
poorly institutionalised context? A deeper look at participants’ attitudes may offer an explanation. Unwillingness or pessimism on either side may make such collaboration fail. Fortunately, the three cases studied all involved positive collaboration, and this is the second finding of this chapter. On the part of government officials, a general inclination worldwide, as Arroyo and Sirker (2005, p. 27) note, is reluctance to have citizens or civic groups involved in formulating decisions, due to concerns over efficiency and complaints about partiality. However Indonesia’s government officials in the three cases studied all demonstrated open attitudes towards NGO participation; even when the activists were from advocacy NGOs and held contrasting stances on the issues in question. This openness was thus remarkable, and must largely be attributable to strong public expectation, given the poor performance of anti-corruption agencies established before the KPK.

On the part of NGO activists, interviewees in this research all showed a willingness to participate in the formulation of policies concerning accountability institutions, contrary to remarks by Beittinger-Lee (2009: 120) and Saleh (2008: 424-430). However, they differed in terms of the opportunities they gained, and also in the responses they offered when their ideas conflicted with those of government officials. Ackerman (2005: 22) believes that government officials are likely to offer opportunities to persons with similar backgrounds and shared ideas, and this seems to hold in the three cases studied. Take Adnan Buyung Nasution and Todung Muly Lubis, for example: both were legal
professionals familiar with anti-corruption issues, similar to Romly, who was in charge of the Selection Board. However, it shall be noted that in the Corruption Court case, an ICW activist joined the official drafting team, although he differed widely with the team leaders on issues like the seriousness of the corruption problem in Indonesia and on whether the Corruption Court should exist. This case suggests that government officials may have other considerations while selecting NGO activists to join decision-making processes, with catering to social expectations being one such consideration.

NGO activists also differ in their responses when they had conflicting ideas with government officials. Emerson’s quitting from the official drafting team in the case of the Corruption Court reveals that some Indonesian NGOs may adhere to the conditional participation principle, differing from activists who believe in the effects of initiating reforms from within, as observed in the Supreme Court case. Such differences, however, did not lead to enmity within the NGO community. On the contrary, NGO activists cooperated with each other, eventually forming a force capable of sustaining pressure for accountability.

What then can we say about how these activists took advantage of the opportunities they had to influence policy making (Tu and Peng 2008, p. 126)? Table 5.6 presents a summary of NGO-government relations in the three cases studied, following the “four-
C’s” model Najam develops. In both the KPK case and the Supreme Court case, NGO activists developed cooperative relations with government officials who had the same goals and adopted similar strategies. Such relations were complementary when they shared goals but used different means to reach those goals. In the Corruption Court case, the relations between government officials and NGO activists initially involved cooptation but quickly switched to being confrontational after the NGO activist withdrew, due to conflicts on several matters.

Table 5.6

<table>
<thead>
<tr>
<th>Phase</th>
<th>KPK</th>
<th>Corruption Court</th>
<th>Supreme Court</th>
</tr>
</thead>
<tbody>
<tr>
<td>Formulation</td>
<td>Cooperation/Complementarity</td>
<td>Co-optation/Confrontation</td>
<td>Cooperation/Complementarity</td>
</tr>
<tr>
<td>Implementation</td>
<td>Cooperation/Complementarity</td>
<td>n/a</td>
<td>Cooperation/Complementarity</td>
</tr>
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</table>

Finally, NGOs reached their goals in cases which feature their deep involvement, though one adverse effect can be noted. Table 5.7 presents a summary of NGO goals in the three cases studied. In the KPK case, NGOs had deep involvement in the whole selection process and reached their prime goal (helping the Selection Board select the best applicants) and their secondary goal (helping their preferred applicants to be selected) in the end. NGOs also had deep involvement in the Supreme Court case. They successfully incorporated their reform proposals into the Blueprint and had several
reform projects carried out as they expected. In contrast, NGOs did not have deep involvement in the Corruption Court case, leading to limited leverage over relevant provisions. Though actions by NGOs rescued the Corruption Court from dissolution, the two drafts still contains controversial provisions that may weaken this specialised court.

Table 5.7

<table>
<thead>
<tr>
<th>Case</th>
<th>KPK</th>
<th>Corruption Court</th>
<th>Supreme Court</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary goal</td>
<td>Having the best applicants selected</td>
<td>Finishing legislation before the deadline</td>
<td>Securing KPK and Corruption Court</td>
</tr>
<tr>
<td>Secondary goal</td>
<td>Having applicants NGO recommended selected</td>
<td>Securing <em>ad hoc</em> judges</td>
<td>Finishing legislation</td>
</tr>
</tbody>
</table>

Nevertheless, the Supreme Court case suggests that some adverse effects may arise from the participation of NGO activists in the internal reform projects. As mentioned, the blueprint was the result of collaboration between NGOs and several pro-reform leaders of the court, with the result that many of the court’s personnel felt sidelined within their own institution. Their silent boycott delayed the implementation of reform, an unexpected impact originating from NGOs’ deep involvement in decision formulation.
These findings expand the present understanding of policy-making accountability. Policies, as Cochran and Malone (2005, p. 1) understand them, are “government decisions and actions designed to deal with a matter of public concern”. Following this understanding, policies include decisions on leadership selection, statute formulation, and design of reform projects concerned with accountability institutions. If the decision-making process is transparent, open and subject to public monitoring, little room will be left for external intervention, enabling accountability institutions to acquire resources, power, and the support they require to fulfil their duties. In contrast, when the policy making process is closed and void of meaningful monitoring accountability institutions are likely to be paper tigers. Given this, policy-making accountability deserves scholarly attention. Following Pollitt’s (2003, p. 89) understanding, policy-making accountability in this thesis is understood as a relation between government policy makers, most of whom are appointed officials and high-ranking bureaucrats, and citizens whose rights and welfare are potentially affected by the policies concerned. As an organized and issue-centred force within the society, NGOs’ experience in holding policymakers to account on decisions related to accountability institutions show the opportunities for, and obstacles to, policy-making accountability in a democratising context.

Policy formulation formally includes three phases, namely, agenda setting, policy formulation, and policy implementation (Patten, 2000, p. 226), and in each government officials play a major role. In representative democracies, government officials are
entrusted with authority by elected officials to design and make policies, with a tendency for such authority to increase (Dunn, 1999, p. 297). According to the principle of uniformity between authority and responsibility, government officials are legally obliged to explain to elected representatives about action they take and take responsibility for outcomes (Strøm, 2000), leading to a perception that they do not need to be accountable to the public (Susan Rose-Ackerman, 2007, pp. 5-6). Such policy-making accountability linking government officials to elected representatives is typical of established democracies, and the relevant scholarly literature mostly surrounds the questions of what institutions are involved (Easton, 1957, pp. 383-384; Nordlinger, 1981; Skocpol, 1985, p. 9) and how to analyze the relationship of accountability concerned (Albaek, 1995; deLeon, 1995, p. 898; Doron, 1992a, 1992b; Durning, 1993, p. 297; Fischer, 1993, pp. 166-167; Hajer, 2003, p. 189; Kaplan, 1986; MacRae, 1976; Torgerson, 1986; Wagle, 2000; Weimer, 1992, 1998).

However, because many countries still encounter democratic deficits that make citizens suffer as a result of policy flaws, scholars like Denhardt and Denhardt (2000) emphasize that citizens also have the right to demand accountability of government officials for the policies they formulate and implement. McComas (2001, p. 135) argues that citizens have the rights to have policies reflect their interests; Dryzek (2002, p. 34) and Cohen (1989, p. 20) advocate public participation in negotiation over policies, with the belief that such involvement affects the legitimacy of policies. Obviously, some scholars have
moved away from discussing the typical nexus of policy-making accountability, but instead emphasize citizens’ roles and their rights to hold government officials to account. This viewpoint echoes studies that focus on participatory policy-making. There have long been voices advocating public participation in policy-making (Chung, Grogan, & Mosley, 2012, p. 1653; Irvin & Stansbury, 2004, p. 55), with advocates stressing that participation can help demonstrate different policy options’ potential influences (Wagle, 2000, p. 213), enable policies to match public needs (Kim, 2011, p. 84), and accelerate trust building (Hajer, 2003, p. 184).

As well as in advanced democracies (Bayley & French, 2008, p. 196), institutional arrangements for participatory policy-making are also visible in several transitional democracies. In South Korea, for example, a variety of laws and institutional arrangement were created to protect citizens’ rights to participate in policy formulation (Kim, 2011, pp. 87-88); in Brazil, participatory budgeting arrangements have long been noted (Melo, 2009, pp. 20-22). In China, local governments have also experimented with methods to facilitate citizen participation in policy making, though this country is far from democratic in any sense (Xiaojun & Ge, 2016). These initiatives have attracted the attention of scholars who differ widely in their research foci. Some scholars emphasize issues like the openness of policy-making process (Papadopoulos & Warin, 2007, pp. 450-451), collaboration models of community participation (Wagle, 2000, pp. 216-218), and the utilization of technology (Rios Insua, Kersten, Rios, & Grima, 2008, p. 161);
others explore ways to incorporate public opinions into government policy formulation (Mizrahi & Vigoda-Gadot, 2009, p. 410).

By analysing three Indonesian cases, this chapter has shown that NGO activists could have profound participation in the formulation of key decisions concerning accountability institutions, even in a poorly institutionalized context. Their success occurred because Jakarta-based NGO activists held open attitudes toward involvement in policy development. Accordingly, they were able not only to scrutinise the formulation of policies but also to cooperate with reform-minded and receptive officials to build policy networks that could have significant influence on key decisions. They achieved several of their goals, as the table above shows. However, the Supreme Court case also reveals that NGO activists’ exercise of policy-making accountability, on occasion, may lead to unexpected conflicts within accountability institutions. Moreover, a poorly institutionalized context is still a cause for concern, because it may prevent NGOs, and also the policy networks they form with receptive government officials, from having ongoing influence on policies.

5.5.2 Postscript

5.5.2.1 The KPK
The KPK has drawn wide scholarly attention since it started operating in 2004. Such literature has stressed the role of NGOs as external monitors and defenders of the institution. Their role as a guardian of the anti-corruption agency has been noted especially with regard to conflicts between the KPK and other law enforcement agencies notably the police (Kopolisian Negara Republik Indonesia, Polri). Such conflicts have occurred since the establishment of KPK, due to concerns about overlapping authority and moves by the KPK to investigate senior police officers. They erupted in 2009. In September that year, two KPK commissioners—Chandra Hamzah and Bibit Samad Rianto—were arrested on charges of extortion and bribery. Both denied the charges and argued that there must be a conspiracy behind them. Many citizens and civil groups sided with the two suspects, especially after a wiretapped conversation suggesting the a plot was aired on TV. Under several NGOs’ coordination, thousands of citizens blocked streets in several cities across the archipelago to demonstrate their support for the two suspects. The support campaign on the Facebook platform also attracted more than one million supporters in a short period.

In addition, the Antasari Azhar case also showed that securing the KPK from internal decay was an urgent priority. Antasari was selected to succeed Taufiequrachman Ruki as chairperson of the KPK. Before he was selected, Antasari was a prosecutor who was notorious for his poor track record. For example, it was alleged he was involved in the escape of Hutomo Mandala Putra, President Suharto's youngest son, from detention in
2000. Accordingly, few NGOs endorsed his appointment as KPK head. However, signs of intervention in the selection had been evident since the beginning. For example, Todung Mulya Lubis claimed that there was a conspiracy behind his removal from the Selection Board, and believed the aim was to influence the selection process.\textsuperscript{253} Though NGO activists repeatedly questioned his integrity (Baskoro, 2007), Antasari was still recommended by the Selection Board, and in turn won overwhelming endorsement in the DPR Commission III on legal affairs. Unsurprisingly, Antasari soon proved ineligible to head KPK because he masterminded the murder of a business person over a triangular love affair in 2009 (Luebke, 2010, pp. 86-88).

Intervention in the selection of KPK commissioners was predictable on the ground that KPK had successfully demonstrated its capacity to combat corruption. Given this, the selection of leaderships of anti-corruption agencies requires keen attention from NGO activists, and scholars alike. If NGO activists are open to participation decision-making on such matters, then the key question becomes the institutionalisation of policy-making accountability, and the focus can be on statutory provisions that specify the number of social representatives in the Selection Board or voting mechanisms (resorting to

\textsuperscript{253} Todung Mulya Lubis, interview with author, Jakarta, October 12, 2009.
consensus rule or majority rule while disagreement arises) within the board.

5.5.2.2 Corruption Courts

The Corruption Court cannot be dissolved as a result of the enactment of Law 46 of 2009. However, this law contains at least three provisions that might prevent this specialised court from performing as expected (See Table 5.8). Article 3, by creating a much larger number of courts, creates vacancies that cannot be easily filled in Indonesia’s present context. As Butt and Schütte (2014, p. 610) state, “the pool of qualified ad hoc judges appears to be small, especially in outer provinces,” leading to “a shortage of ad hoc judges”. Another is Article 5 that obliges the Corruption Court to hear cases presented by general prosecutors who have long been notorious for poor integrity and investigation skills, suggesting the quality of indictments are less likely to be of good quality. The most controversial provision is Article 26 (3) because it “allows chairpersons of general courts that have [courts for corruption] to determine the composition of the bench for corruption trials on a case by case basis [, and these] chairpersons are inevitably career judges” (Butt & Schütte, 2014, pp. 609-610). Given the shortage of ad hoc judges and the fact that the composition of judge panels is decided by career judges, the influence of ad hoc judges over court judgements is much reduced.
Controversial Provisions in Law 46 of 2009

<table>
<thead>
<tr>
<th>Article</th>
<th>Content</th>
</tr>
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<tbody>
<tr>
<td>3</td>
<td>The Corruption Court is located in the capital of every district/city. The Corruption Court has jurisdiction over the same area as its corresponding district court.</td>
</tr>
<tr>
<td>5</td>
<td>The Corruption Court is the sole court with jurisdiction to examine, hear and decide corruption cases.</td>
</tr>
<tr>
<td></td>
<td>(1) Corruption cases are to be examined, heard and decided by a panel of three or five judges, comprising [a ratio of] career Judges and Ad hoc Judges.</td>
</tr>
<tr>
<td></td>
<td>(2) If the panel referred to in Article 26(1) comprises five judges, the ratio is to be three to two. If the panel comprises three judges, the ratio is two to one.</td>
</tr>
<tr>
<td>26</td>
<td>(3) The Chairperson of the court hearing the case or, depending on the stage of proceedings and in the interests of each case, the Supreme Court Chief Justice, determines the number of judges on the panel and its composition</td>
</tr>
</tbody>
</table>


Not surprisingly, several problems that had never occurred in the Corruption Court during the 2004–2009 period began to occur after 2011. In 2012 four ad hoc judges—three from the Semarang Corruption Court (Central Java) and one from the Pontianak Corruption Court (West Kalimantan) —were arrested on charges of bribery (Schütte & Butt, 2013, p. 3). Such graft is one sign of the difficulties in recruiting qualified ad hoc judges. Meanwhile, the courts’ acquittal rate has also increased dramatically. Butt (2012) argues that acquittals “are not always a bad thing” because defendants “are supposed to enjoy the presumption of innocence”. However, in Indonesia where many law enforcers’ integrity and professionalism remain questionable, the rise in the acquittal
rate is likely to mean that more wrongdoers are able to evade punishment.

To tackle these problems NGOs would need to be able to monitor the recruitment of *ad hoc* judges in Corruption Courts at the local level and monitor the performance of such courts. Neither would be easy, given endless attempts by members of parliament to weaken anti-corruption agencies and due to the limited human resources available to NGOs. NGO activists would need to cooperate with other social groups at the local level to engage in such monitoring and to mobilize public grievances against attempts to weaken the courts.

### 5.5.2.3 Supreme Court

After the release of the Blueprint, the Supreme Court received wide praise for its efforts to improve the accessibility of documents and data. For example, Sebastiaan Pompe, a legal scholar from the Netherlands, praised the Supreme Court for its transparency, on the ground that it had published tens of thousands of court judgments online (Cholil, 2012). According to a report released by the Central Information Commission in 2011, the Supreme Court was the most transparent state law enforcement agency. The Supreme Court was ranked sixth in the same report if all public institutions in the country were included in the comparison. However, criticisms of the Court also continued. Some
high-profile cases show that “the judiciary, especially the Supreme Court, remains politically subservient” (Tahyar, 2012, pp. 125-137). Meanwhile, the Supreme Court has also been strongly criticized for holding “a poor record of disciplining its own members and lower court judges” (Tahyar, 2012, p. 153).

The conflicting impression reveals that, though a series of reform measures helped improve the Supreme Court’ performance, some problems remained unsolved. The making of the Blueprint for Judicial Reform 2010-2035 (Cetak Biru Pembaruan Peradilan 2010-2035) signalled commitment to continuing reforms on the part of senior judges. Unlike its predecessor, the second blueprint was mostly designed under the leadership of Bagir Manan (2001-2009) but implemented by his successors, namely Harifin A. Tumpa (2009-2012) and Muhammad Hatta Ali (2012-). Presumably, many things changed along with these leadership rotation, including opportunities for NGO activists to participate in the implementation of reform plans. Several questions would thus arise and could be addressed through further fieldwork. Did NGO activists still enjoy strong support from these successors to Bagir Manan? Did they maintain deep involvement in the implementation of reform projects in the Court? What happen to the silent boycott problem that activists had previously encountered?
5.6 Conclusion

Functioning accountability institutions are essential to preventing corruption because they discourage government office holders from engaging in corruption. Many Indonesian accountability institutions in the early Reformasi era failed to function as expected, however, resulting in strong demands from civil society groups, scholars and donor organisations for the establishment of specialised anti-corruption agencies and reform projects aimed to improve the judiciary. Not surprisingly, the three accountability institutions studied in this chapter soon became objects of research, with analysts focusing on topics like how best to assess their performance, institutional design, personnel arrangements and resource allocation. The existing literature has identified some design flaws that may have contributed to the three accountability institutions’ failures in performing their tasks; it is argued in this thesis that such flaws may be outcomes of poor policy making, and that accountability in the policy making process itself has not yet received sufficient analysis. Given that Indonesia was a transitional democracy with vigorous civil society groups at the time these institutions were created, this chapter has paid attention to the demand side of accountability, with an interest in how NGO activists enforced accountability vis-à-vis the three bodies.

This chapter has analysed Jakarta-based NGO activities aimed at holding government
officials to account for the formulation or implementation of decisions concerning three accountability institutions. It finds that NGO activities were initiated in a favourable context. Many government officials were willing to consult NGO activists or to invite them to participate in the formulation or implementation of decisions concerning accountability institutions. At the same time, there were no quarrels between NGOs with opportunities to participate and those without about activists taking part in such a process. Accordingly, NGO activists were able to carry out a whole range of activities (such as offering criticisms or bringing pressure to bear) to hold officials accountable. Besides monitoring the decision-making process from the outside, they demonstrated a willingness to be involved in making decisions and to grasp the opportunity to scrutinise government officials from within. Both external monitoring and internal scrutiny sought to achieve simultaneous accountability. Given positive outcomes in the three cases, it is fair to conclude that Jakarta-based NGOs succeeded in securing and strengthening accountability institutions through demanding accountability of government officials.

Findings of this chapter also demonstrate the presence of the low institutionalisation problem that may constrain NGOs from sustainably enforcing accountability and exerting leverage in the policy formulation process. Accordingly, it is argued in this thesis that improving institutionalisation of such involvement deserves reformists’ attention and efforts. In addition to suggestions put forward in preceding sections, the advice by Ranjani K Murthy and Barbara Klugman shows a similar direction. They argue
participation-contracts between civil society and governments...are needed which spell out that different parts will have equal say in setting broad priorities, formulating specific policies and monitoring implementation. These should spell out the institutionalised structures (beyond the duration of the project) that would be established or strengthened for promoting such participation... [and also] processes that need to be put in place (Murthy and Klugman 2004, p. 184).

These findings may enrich scholarly understanding of social actors’ accountability activities because the present literature on the subject says little about NGOs’ efforts to strengthen accountability institutions. Of the literature collected for this research, many works discuss the participation of NGOs in the formulation and implementation of policies, but they focus mostly on cases relating to education, medical treatment, and social assistance (Chakrabarti, 2008; Dowbor, 2008; Gómez-Jauregui, 2008; Houtzager, 2008; Houtzager & Acharya, 2008; Houtzager & Joshi, 2008; Jara, 2008; Jayal, 2008; Joshi, 2008; Mehtta, 2008; Pande, 2008). This research shows that NGO activists can also play a significant role in policy making on accountability institutions and can be quite proactive in strengthening them by holding government officials accountable for their decisions.

These research findings may expand scholarly understanding of the anti-corruption
movement led by Jakarta-based NGOs in the Reformasi era. There has been a small, but growing, body of literature discussing Indonesia’s anti-corruption institutions and of efforts by Indonesian NGOs to use them for anti-corruption purposes (Butt, 2012a, 2012b; Butt & Lindsey, 2011; Chalid, 2001; Lindsey, 2002; Schütte, 2008, 2011; Schütte, 2012; Setiyono & McLeod, 2010). However, it barely mentions NGOs’ efforts to strengthen accountability institutions. This research shows that several Jakarta-based NGOs were effective guardians of Indonesia’s key anti-corruption institutions and key promoters of critical reform measures.

The findings of this chapter may also supplement the existing literature on policy-making accountability. Susan Rose-Ackerman (2007, pp. 31-32; 44) criticized emerging democracies for low policy-making accountability, blaming it for the fact that policies in such countries often do not reflect the interests and needs of the public. Accordingly, she suggested strengthening policy-making accountability should be a top reform agenda in transitional democracies (Rose-Ackerman, 2005, p. 6), with the goal being to build sustainable democracy (Rose-Ackerman, 2007, p. 31). Rose-Ackerman’s observations are correct in a general sense, but the findings in this chapter compel the author to add that the quality of policy-making accountability in transitional democracies will depend greatly on the policy issues on which the researcher focuses.
6 School Committees and the Prevention of Corruption in Schools

Having discussed the accountability of elected representatives and non-elected officials in the preceding two chapters, this thesis now turns to discuss civil servants. The Civil Service is responsible for putting central government plans into action. Civil servants are, of course, expected to adhere to policies and regulations and to deliver services in an impartial and professional manner. Their working environment, however, can often prevent them from adhering to this code of conduct (Lipsky, 2010). Furthermore, civil servants are often expected to be flexible in the delivery of services to the public. Accordingly, in practice civil servants use their discretion, and the services they deliver are therefore not always in compliance with legal or policy provisions (Lipsky, 2010, p. 15). The misuse of discretion in exchange for personal gain by low-ranking civil servants is generally considered petty corruption, because it occurs at a small scale and often involves modest sums. Although the individual amounts of money involved may not be great, the cumulative impact of these low-level and small-scale corrupt practices should not be underestimated.

Corruption committed by civil servants directly affects the everyday lives of ordinary people. When civil servants ask for a bribe in exchange for services that ought to be free, ordinary people, especially the poor, have to shoulder increased administrative and
financial costs. When civil servants misappropriate subsidies and funds intended for infrastructure or services, it is the people who must bear the outcomes in low-quality infrastructure and loss of public services.

One way to reduce administrative corruption, as Klitgaard (1988) suggests, is to hold civil servants accountable. There has been a rich body of literature on official institutions and mechanisms through which civil servants are held accountable to their superiors. By comparison, a smaller body of literature explores the question of how recipients of public services can themselves also hold civil servants to account. However, strong advocacy for the enforcement of accountability by such recipients has arisen in recent decades. For example, the 14th International Anti-Corruption Conference Declaration states: “[T]he rules of the corruption game [will not] change unless people are willing to stand up and demand integrity”.254 In line with this statement, this thesis explores the accountability relations between education service providers in schools and citizens who have a stake in schools free of corruption. The former refers to teaching and administrative staff in schools; the latter, to pupils and their parents. The reasons for doing so are twofold. First, teaching and administrative staff in schools constitutes a

majority of civil servants in Indonesia, suggesting that they are reflective of government functionaries as a whole. Secondly, the right to education has been widely recognised as a basic human right, and is believed to be essential to individual development (Knight, 1995), implying that these stakeholders are likely to seek accountability from education service providers. Effective public oversight will, in theory, cause civil servants to worry deeply about what might happen when they abuse their discretion in delivering services, and so help to prevent administrative corruption.

Certain conditions favour public oversight over civil servants. Cases in Uganda and India suggest that accessibility of information is particularly important, because those affected can demand accountability from civil servants once they learn more about their legal entitlements and the losses that administrative corruption causes them (Goetz & Jenkins, 2001; Jenkins & Goetz, 1999; Pande, 2008; Reinikka & Svensson, 2004, 2005). Administrative corruption prevailed in both Uganda and India in the 1990s, but initiatives were taken aimed at addressing it by enhancing accessibility of information. In Uganda, civil servants and politicians in local government captured nearly 90 percent of grants during the period 1991–1995. The central government subsequently initiated newspaper campaigns to make citizens aware of educational subsidies and their entitlement to these grants. Informed citizens soon expressed concern about the flow of subsidies and demanded explanations from civil servants. Such concerns created social pressure and, as a result, the percentage of subsidies misappropriated dropped to 18
percent in 2001 (Reinikka & Svensson, 2005). In India, governments have been long notorious for administrative corruption (Bussell, 2012; Oldenburg, 1987; Wadea, 1982). Information relating to government projects and funds before the 1990s was neither transparent nor accessible, and participatory accountability institutions were lacking as well. However, by holding public hearings and other strategies, local NGO activists succeeded in distributing information, raising awareness that ordinary people were victims of administrative corruption, and mobilizing stakeholders to demand accountability (Goetz & Jenkins, 2001; Jenkins & Goetz, 1999). As a result, the percentage of funds misappropriated by civil servants declined. Eventually, the central government enacted a Law on Rights to Information, and a dialogic relationship between the accountable and the accounting actors was put in place (Pande, 2008).

In addition to access to information, participatory accountability institutions are also conducive to public oversight, as the experience of Chicago in the United States suggests. Chicago was once notorious for the poor quality and performance of its public schools. The establishment of Local School Councils (LSCs) was part of efforts by the state congress to address the problem. The LSCs it established were participatory accountability institutions consisting of community representatives and with power over school budgets, approval of school improvement projects, the evaluation of principals’ performance, and the renewal of principals’ contracts (Fung, 2001, p. 77; Fung & Wright, 2001; Gamage & Zajda, 2009). While residents showed enthusiasm for participating in
such institutions, they also used them to call civil servants to account effectively, and thereby improved the quality of public schools (Ryan, Bryn, Lopez, Williams, Hall, & Lippescu, 1997).

As for the institutional environment, the Indonesian context at the present time is broadly favourable for public oversight over civil servants in the education sector. This is because there is legislation (such as Law No. 14 on Public Information Disclosure) that entitles individual citizens to access data and documents kept by government functionaries, and there are also institutions (such as School Committees and Education Councils) that facilitate public oversight. However, Law No. 14 on Public Information Disclosure took effect only in 2010, suggesting that the institutional environment before then was less favourable than at the present day. Nevertheless, some case studies show that School Committees seem to have performed effectively.

As institutions established to make school management conform to democratic standards, school committees are widely expected to exert control over teaching and administrative staff in schools. Based on his study conducted in 2007 in Ngada Regency, East Nusa Tenggara Province, Bandur (2008) argued that school committees there were successful oversight institutions. More than 80 percent of his respondents perceived the quality of decision-making processes in schools to be good; a similar percentage of
respondents thought themselves empowered to participate in discussions on issues relevant to school affairs, including school budgets and selection of principals. Accordingly, he argued:

the presence of school [committees] in schools has resulted in creating participatory decision-making...In turn, it leads to higher participation of parents and wider community through their representatives on the school [committees], leading [them] to feel ownership of the decisions, take responsibility, and be committed to the actual implementation of the decisions. (Bandur, 2012, p. 324)

In other words, residents in Ngada Regency succeeded in enforcing simultaneous accountability through school committees.

Bandur’s arguments are soundly based because he used both qualitative and quantitative data to support his arguments. Rather than challenging the credibility of his data, this research raises questions about the applicability of his findings to other administrative areas in Indonesia. The reasons are twofold. First, his arguments run counter to the viewpoints and data that I collected while conducting fieldwork in DKI Jakarta in 2007. Second, the literature suggests that both law and regulations lacking clarity and unbalanced relations between recipients and providers of public services
have long existed in Indonesia (Bell, 2001; Dwiyanto et al., 2006; Wie, 2002). The two reasons suggest the need to examine how school committees in other administrative areas operated and fulfilled their tasks.

To explore these issues, this chapter analyses statutory sources of School Committees and several Jakarta-based NGOs’ experiences in mobilizing education stakeholders to exercise control over teaching and administrative staff in schools through School Committees. This research argues that, in the period 2003–2010, citizens in DKI Jakarta were hesitant and also not sufficiently empowered by relevant regulations to exercise scrutiny over civil servants in schools through School Committees. As a result, School Committees in DKI Jakarta and surrounding areas were not effective oversight bodies in either primary or secondary schools, and school staff could evade accountability to education stakeholders. Thus, it is no surprise that corruption in schools persisted in DKI Jakarta. These research findings fill a gap in the study of social accountability, which rarely discusses NGO efforts to mobilise ordinary citizens to exercise simultaneous accountability, and add to the study of persisting corruption in the public services in democratising Indonesia, which lacks a thorough understanding of corruption victims’ unwillingness to combat corruption directly.

This chapter consists of four sections. The first section gives an overview of the
Indonesian education sector and the problem of corruption in schools, while the second section reviews legislation concerning School Committees. The third section analyses efforts by a NGO alliance called the Education Coalition to mobilise ordinary people to exert control over civil servants in schools through School Committees. Section Four concludes with discussions of the findings and their implications.

6.1 Civil Servants and Corruption in Indonesian Schools

6.1.1 Corruption in schools: causes and impact

The education sector in Indonesia is sizeable. There are more than 1,500,000 teachers who are also civil servants. These teachers make up more than 30 percent of the total number of bureaucrats across Indonesia. The education sector encompasses more than 30 million people, inclusive of students and civil servants.

To maintain high-quality, efficient education service delivery is never easy. Most agree that it is the government’s responsibility to offer such services (Ramesh & Asher, 2000, p. 119), but the Suharto administration treated education mostly as a tool by which to instil obedience in the people (Dananjaya, 2005; Tilaar, 2000). It never allocated more than 10 percent of the national budget to the education sector (Ramesh & Asher, 2000
Table 5.3 & 5.4). As a result, the education sector already had problems of poor quality of teaching and ill-maintained infrastructure before the Reformasi era.

Citizens in the New Order era had few options for participating in educational affairs. They could join the Parents’ Association for School Support (Badan Pembantu Penyelenggara Pendidikan, BP3) to understand educational activities in schools. They could discuss national education policies with officials if the President invited them to join the National Education Review Board (Thomas, 1990, p. 15), though, of course, only a very small number ever had this privilege. Participants, however, only had the functions of offering technical assistants and donations; they had no entitlement to oversee the implementation of education policies and education service delivery.

As a result, there were widely expressed grievances about the education sector in the Reformasi era. CSIS researcher Legowo (2004) was typical. He said:

Education in Indonesia is...too poor to offer a clear future for the society. This can be seen from the fact that criticisms of and complaints about Indonesian education policies, service and practices from the society appear every day. National Education now has created injustice. Few citizens had ever heard praise of Indonesian education policies, practices and service (pp. 43-44).
Corruption is one factor leading to public discontent with education services delivery. There are two main kinds of corrupt practices in the education sector. One is collusion between school principals and government officials. The other is corrupt conduct by individual civil servants. Corrupt conduct in schools includes misappropriation of scholarships or subsidies, chasing of illegal levies in exchange for services already financed by the government, and demands for kickbacks from textbook publishers and construction contractors. Such practices give rise not only to high costs for education services but also to poor educational equipment and infrastructure. The poor thus either discontinue schooling early or pay for poor-quality services.

Not surprisingly, many Indonesians perceive corruption in the education sector as rampant. A survey by the Partnership for Governance Reform in Indonesia in 2001 (Kemitraan, 2001) shows that 53 percent of Indonesian interviewees thought that corruption was a serious problem in the education sector and 24 percent of respondents had been asked in person for bribes by civil servants in the sector.

Corruption in schools takes several forms, including the misappropriation of funds, the embezzlement of grants, the leaking of information to contractors in exchange for tendering pay-offs and several others (Hardjono & Teggemann, 2003). The most common is when teachers or staff demand that parents pay for items or activities which
the governments has already financed and which should thus be offered for free (Widoyoko, 2007). Such practices, termed illegal levies locally, are unilateral, in the words of Rosenbloom (1993), because there are no direct transfers of benefits between civil servants and pupils’ parents. Charging illegal levies for theoretically free services prevailed in the New Order era (Bray, 1996, p. 20), but has persisted since. Schools may vary in how much money they levy illegally (Rosser, Joshi, & Edwin, 2011), but school construction and books are the most common items that are charged for (Irawan, Sunaryanto, Hendry, and Diani, 2006, p. 60).

1.2.1 Causes

There are several reasons that civil servants in schools engage in corruption. We can start from their motives. Much literature shows that civil servants often do so because their salaries are low (Dwivedi, 1967; Leys, 1965; Rijckeghem & Weder, 1997; Tella & Schargrodsky, 2003). Though the central government has taken measures to raise their salary levels, many civil servants in Indonesia still face financial difficulties (Filmer & Lindauer, 2001; World Bank, 2003a, p. 95), and teachers are not exceptions. In primary and secondary schools, 64 percent of teachers have civil servant status, and in 2005 they earned roughly 800,000 rupiahs per month—slightly less than workers in the construction industry. Teachers with civil servant status are better off than their counterparts without such a status—honorary or adjunct teachers. Such low salaries
cannot cover daily needs in DKI Jakarta and other big cities, where in the same year the average monthly living expenses for a family was about two million rupiahs. Unsurprisingly, nearly 20 percent of teachers in Indonesia hold more than one job. Teachers who do not have concurrent jobs only have two other options: either maintain a very simple life, or impose illegal levies to increase their income. Tanzi (1998, p. 572) suggests that the perception that losing a low-paying job if they are caught engaging in corruption will cost them little may encourage civil servants to act illicitly. In this regard, committing corruption is a rational act.

Civil servants willing to engage in corruption will search for opportunities. There are plenty in Indonesian schools in the Reformasi era. As a result of attempts to improve education quality, primary and secondary schools have obtained substantial new funds from governments and other donors. For example, the School Operation Assistance Programme (Bantuan Operasional Sekolah, BOS) which the Indonesian government initiated in 2005 at a cost of two billion U.S. dollars annually was intended to reduce schooling expenses of ordinary, especially poor, families. The World Bank, one principal

255 I randomly asked taxi drivers, teachers and NGO activists about monthly living expenses in DKI Jakarta during my fieldwork period. Most of them replied that they at least needed two million rupiahs to cover daily needs.
donor in Indonesia, provided approximately 2.4 billion U.S. dollars to improve the quality of education in Indonesia. Schools thus have much higher budgets, consisting both of government subsidies and parents’ contributions, than they did before 1998 (Irawan, Eriyanto, Djani, & Sunaryanto, 2004, pp. 110-122).

Information about how such funds are managed should be open, transparent and accessible. However, such information is often barely available, as a result of several factors. The World Bank (2012, pp. 68-81) criticizes programmes for being poorly publicised and having inadequate implementation; NGO activists criticise civil servants in schools for deliberately keeping the management of funds secret (Widoyoko, Djani, Irawan, Sunaryanto, & Hendry, 2006). If information about school funds is inaccessible, conditions are favourable for school staff wanting to divert them for private use.

Control mechanisms constitute the last line of defence against corruption in schools. Indonesia has various such mechanisms in the Reformasi era. Internal control mechanisms in the education sector include inspectors with the power to investigate and correct the behaviour of school staff, and the Supervision Bureaus (Bawasda) of local governments. However, a number of problems weaken these mechanisms, including unclear divisions of responsibility (Baines & Ehrmann, 2006, p. 241); collusion and connivance between them and the schools they investigate (Rosser, Joshi, & Edwin, 2011,
and the perception that corruption in schools is merely petty (Baines & Ehrmann, 2006, p. 228). Civil servants in schools are also under the surveillance of the National Ombudsman Commission and other external monitoring institutions. The absence of powers of investigation, insufficient financial support from the central government, and various other factors, however, limit the extent to which these institutions can hold civil servants in the education sector accountable (M. Crouch, 2008; Sherlock, 2002; Sujata, Surachman, Sampul, & Juwono, 2003).

1.2.2 Impact

Palmier (1983, p. 209) argues: “corruption will be most prevalent when salaries are low, opportunities great, and policing weak”. Given that these three conditions coexist in Indonesian schools in the Reformasi era, it is no surprise to see widespread corruption in schools.

The impact of corruption in schools can be serious. A high drop-out rate, a problem in Indonesia (Suryadarma, Suryahadi, & Sumarto, 2006, p. 21), is connected to corruption in schools. According to a survey by the World Bank in 2007, nearly half of Indonesian citizens earned less than 19,000 rupiahs (approximately two U.S. dollars under the then exchange rate) per day, suggesting that they earned less than seven million rupiah
(US$700) per year, an amount that makes it difficult to cover daily expenditures and education-related expenses. A survey in 2006 showed that households in Indonesia on average spent 4,012,500 rupiah on education annually (Irawan, Sunaryanto, Hendry, and Djani, 2006), nearly 60 percent of average annual income. This simple fact explains why many students in Indonesia discontinue schooling. In fact, family education expenditure should not be so high, because various laws explicitly prohibit civil servants in schools from asking parents to pay for textbooks, renovating school buildings, and similar purposes. Such payments, widespread though they are, are illegal levies, and on average cost families with school-age children in DKI Jakarta 1,445,516 rupiahs per year (Irawan, Sunaryanto, Hendry, and Djani, 2006, Table 18b). This amounts to 36 percent of average family expenditure in DKI Jakarta on education (see Table 6.5), an amount that flows directly into the pockets of corrupt school staff (Irawan, Sunaryanto, Hendry, and Djani, 2006, pp. 62-63). It is expected that reducing this rate of illegal levies would allow many students to continue schooling.

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount (rupiahs)</th>
<th>Percentage (%)</th>
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<tbody>
<tr>
<td>Legal Levies</td>
<td>2,566,984</td>
<td>64.0</td>
</tr>
<tr>
<td>Illegal Levies</td>
<td>1,445,516</td>
<td>36.0</td>
</tr>
<tr>
<td>Total</td>
<td>4,012,500</td>
<td>100.0</td>
</tr>
</tbody>
</table>
Corruption in schools may also undermine social values. This impact is far-reaching, though hard to measure, because students spend considerable time in schools and build up their value system through listening to and observing their teachers there. Corruption in schools is thus likely to instil negative values such as dishonesty into Indonesia’s next generation. As Chapman (2005) puts it:

The real damage to a society occurs when entire generations of youth are miseducated—by example—to believe that personal success comes not through merit and hard work but through favouritism, bribery, and fraud. Widespread petty corruption breaks the link between personal effort and anticipation of reward. This, in turn, limits economic and social development well beyond the immediate corruption. Such lessons have the potential to undermine civil society well into the future. (p. 66)

In sum, corruption in schools is a problem worthy of attention. Its impacts are huge, and its causes are various. Solutions can start from removing the root causes. Raising the salaries of civil servants in schools is one option, and wages have indeed risen significantly. However, no one can guarantee that corruption in schools will automatically end as school staff salaries rise. It is thus best to combine salary increases with other measures, such as efforts to increase the accessibility of information about school funds
and to strengthen oversight mechanisms in schools. However, who should be responsible for this? Devarajan and Reinikka (2003, p. 50) suggest that the potential victims of corruption in schools should take the lead. In the context of Indonesia, such victims include at least teachers and parents. However, teachers and parents in Indonesia rarely participated in management of school affairs before Reformasi. Establishment of School Committees after 2002 was an important effort to reverse that situation.

6.2 School Committees

6.2.1 Background

School Committees are a by-product of the School-Based Management (SBM) policy that was introduced in 2000. The objective of that policy was to turn schools into financially independent and autonomous educational institutions, based on the principle that “school personnel presumably know more about local educational problems than national officials, and...have an incentive to lobby for more resources and to innovate” (E. M. King & Guerra, 2005, p. 179). The SBM policy accordingly offers principals more power over school management than preceding arrangements and encourages people who have concerns about education to participate in school affairs actively and directly.
The policy was not the first attempt by the Indonesian government to increase public participation in educational affairs. For example, as far back to the 1950s, the central government had formed the Associations of Parents and Teachers (Persatuan Orang Tua Murid dan Guru, POMG). The Suharto administration later replaced them with the Parents’ Association for School Support (BP3). Both institutions aimed to enhance public participation in educational management (Bjork, 2005, p. 124). Their participation made little difference, however, because they had neither the power nor the capacity to initiate changes and resolve problems (Bandur, 2012, p. 316; Bjork, 2000; J. Cohen, 2000). In the Reformasi era, along with the trend of decentralization, the Ministry of Education once again tried to promote involvement by teachers and parents in decision-making processes in schools, and did so by establishing school committees.

Anti-corruption activists hope that school committees will act as effective oversight institutions in schools. Meeting this expectation was a challenge in the Indonesian context, because the Suharto government prevented ordinary people from exerting oversight. That administration emphasised values like obedience and harmony, and managed to ensure that most citizens obeyed the rules by intimidation and outright repression (B. R. O’ G. Anderson, 1983; M. R. Lane, 2009). As a result, before the Reformasi era, most Indonesians had been accustomed to not voicing grievances about government policies or performance. Unaccustomed to negotiating with civil servants or
government officials, they were unable to exercise effective oversight over their
behaviour (Masduki, 2006, p. 209, 221). Even after the New Order era ended, many
Indonesians remained unwilling or unable to exert oversight (Masduki, 2006).

Similar tendencies were also evident inside the government, in part because of
recruitment requirements. Before Reformasi, the backgrounds of people who wanted to
be civil servants were investigated closely, and those with critical political views were
seldom admitted. After they had passed the exams, civil servants were expected to
respect their superiors and obey directives. Moreover, civil servants under Suharto could
not form unions, but instead had to join the Civil Servants Corps (Korps Pegawai Republik
Indonesia, KORPRI). This organisation was not autonomous, and one of its tasks was to
support Golkar—the electoral machine of the Suharto administration. Because of these
requirements and limitations, civil servants under Suharto tended toward blind
obedience (Dwijanto et al., 2006, pp. 57-58; Legowo, 1999, p. 90).

Bjork’s observations demonstrate that those features were also evident in schools
throughout Indonesia. Bjork conducted fieldwork in 1997, and his goals were to explore
teachers’ attitudes toward education and their relations with pupils and their parents in
Indonesian schools. His research findings thus reflect dynamics in Indonesian schools
during the New Order era. According to Bjork (2005), many teachers in Indonesia
“conceived of themselves as public servants first and foremost” (pp. 94), and “were often treated as children who should be seen but not heard” (p. 99). Teachers who raised questions were usually “considered a “radical” by her colleagues” (Bjork, 2005, pp. 99). In this context, “obedience rather than initiative was rewarded,” stressed Bjork (2005, p. 110).

Of all groups, we would expect that the parents of schoolchildren would be most likely to express concerns about educational and school affairs. Bjork, however, found that most Indonesian parents of children in schools made donations but seldom held officials in schools accountable for the use of funds. They rarely participated in discussions about school affairs, let alone exerted oversight. He said:

There was a clear consensus that parents were valued for the financial and material contributions they made—but such donations did not earn them any influence over school management, practice, or curricula. The existence of parents’ associations (BP3) appeared to belie the pervious statement. Parents and teachers referred to these bodies, which exist in virtually every Indonesian school, as if they were actively functioning, influential groups of parents. In actuality, the primary function of BP3s in the schools I studied was to raise funds to support school activities. Teachers and administrators depended on these
contributions, which in theory were voluntary, to subsidise educational programmes, materials, and special events. It would have been quite challenging for most schools to operate without BP3 support. The individuals who made financial contributions, however, did not regularly meet to discuss school-related issues (Bjork, 2005, p. 124)

Meanwhile, school staff rarely interacted with parents. Bjork (2005)said:

Indonesian schools have not traditionally invited or responded to the input of everyday citizens...like most public institutions, schools have operated with a sense of independence from their surrounding communities. There are no institutionalised mechanisms for facilitating school—home communication. Parent—teacher conferences are not written into school calendars. School festivals are usually closed to the community, and teachers do not invite parents to campus to observe classes. Institutional practices as well as the tacit signals communicated to parents underline the idea that education of Indonesia’s youth should be entrusted to teachers, and that parents should not interfere in that process. This division between schools and communities solidified over time, and is now an accepted feature of most of the schools I visited. (pp. 123-124)
Bjork’s remarks suggest that relations were highly unbalanced in Indonesian schools before the Reformasi era. Teachers, as low-ranking civil servants, were obedient to principals and other superiors, and not accountable to others. Parents and other education stakeholders made donations to schools but rarely even interacted with school staff. What could parents and teachers do if they found, or suspected, corruption in schools? They mostly acquiesced to or tolerated corrupt acts, suggested Widoyoko (2007). Not only did they lack channels of redress but many also sympathised with school staff whose incomes were not sufficient to maintain basic living standards. Tanzi (1994) put it: “low wages always invite corruption and at times lead society to condone acts of corruption” (pp. 16-17).

This indicates some challenges in having school committees as effective oversight bodies in schools. The next subsection gives an in-depth analysis of legislation concerning the authority of school committees.

6.2.2 Authority of school committees

Education Ministerial Decree No. 44 of 2002 is the statutory source of school committees. The decree, consisting of four clauses (see Table 6.6) and two appendices, stipulates that school committees are established by the initiative of community members, education
units and/or local governments (Article 1[2]). It also stipulates that school committees are independent oversight institutions that monitor civil servants in schools on behalf of the public. Several subsequent decrees and laws also contain clauses relevant to school committees and stipulate committees’ power over the revision of curriculum, nomination of candidates for the position of principals, and other matters (see Table 6.6).

To ensure their proper implementation, legal instruments should convey clear and precise messages. Regulations relevant to school committees, however, fail to meet those requirements, argued Bambang Sumintono. His criticisms centre on Education Ministerial Decree No. 44. He criticizes it for offering no clear explanations about school committees’ “functions, tasks, role and authority, not even about who are the intended clients,” and this absence “can be taken to mean that there is no clear legal standing for the parties who are involved” (Sumintono, 2009, p. 48). He also complains that the decree does not specify who is responsible for, and can be involved in, establishing school committees. This lack of specification may lead to a legitimacy problem and to tension between communities and local governments (Sumintono, 2009, p. 49). Meanwhile, he criticised use of the phrase “can use” (dapat menggunakan) in that decree, because such a usage makes the decree a “hesitant regulation” and suggests that following that decree and its appendixes is not compulsory (Sumintono, 2009, p. 50). Because of these shortcomings, Sumintono (2009, p. 51) suggests that school committees are likely to encounter problems such as varied, even contradictory,
interpretations of the same articles, and confusion when they are put into operation.

Among these shortcomings, the absence of clear delineation of authority deserves particular concerns, because authority is essential to the effectiveness of oversight institutions. What sort of authority encourages school committees to hold school officials to account? The Chicago experience suggests that authority over evaluation of principals’ performances and school budgeting are key (Fung & Wright, 2001; Gamage & Zajda, 2009). With such authority, LSCs can hold school principals accountable for the allocation of grants, the implementation of projects, the maintenance of school buildings, and such like.
Table 6.6

Summaries of Legal Regulations concerning School Committees

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<th>Laws No.</th>
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<td><strong>Education Ministerial Decree No. 44 of 2002</strong></td>
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</tbody>
</table>
| 1 | (1) In each district is formed an Education Council, as an initiative from the community and/or the district government.  
(2) In each education institution or group of education institutions is formed a School Committee as an initiative from the society, educational institution and/or the district government.  
The formation of the Education Council and School Committee can use the guidelines for the formation of Education Councils and School Committees as attached in Appendix I and II of this decree. |
| 2 | Under this decree, then the decree of Ministry of Education and Culture No 0293/U/1993 of 1993 regarding the formation of Board of Education Assistance is abolished. |
| 3 | This decree is effective on the date stipulated. |
| **Law No. 20 of 2003** |
| 38 | Primary and secondary schools co-operate with school committees to develop an educational curriculum, under the co-ordination and oversight of the Education Bureau of Local Government. |
| 56 | The central and local governments, education councils and school committees raise the quality of education by means of offering advice, exerting oversight and others. |
| 66 | School committees can oversee the implementation of education services. |
| **Education Ministerial Decree No. 162 of 2003** |
| 7 | (1) Education Bureau Directorial General lists vacancies for principals in accordance with his authority;  
(2) In order to ensure the objectivity, Advisory Team of Principal Appointment can be formed;  
(3) Advisory Team of Principal Appointment consists of members of the school committee concerned, local government officials, relevant school superintendents, and Education Bureau Directorial General;  
(4) Advisory Team of Principal Appointment is established by Governor or Regent/Mayor in accordance with their authority.  
The principal appointment and assignment mechanism is as follows:  
a. School superintendents, together with school committees, recommend to the Education Bureau Directorial General qualified candidates for principals;  
b. Education Bureau Directorial General makes the selection;  
c. Based on the selection result, Education Bureau Directorial General recommends Advisory Team of Principal Appointment candidates who are competent and eligible for the position, with a copy to Governor or Regent/ Mayor;  
d. Advisory Team of Principal Appointment later holds a meeting in order to assess candidates recommended;  
e. Governor or Regent / Mayor who holds the authority to make appointment;  
f. Governor or Regent / Mayor makes final decisions in accordance with his authority. |
By comparison, Indonesia’s school committees are not powerful oversight institutions. Education Ministerial Decree No. 44 of 2002 does not offer a clear explanation of the authority vested in school committees; subsequent resolutions also fail to do so. Education Ministerial Decree No. 162 of 2003 on the Appointment of Principals, for example, offers school committees only a minor role in appointing school principals. Such an arrangement per se is not necessarily a problem. However, in Indonesia’s context, a number of factors are likely to make the appointments problematic, including widespread bribery at the appointment stage and the low integrity of superintendents. In addition, subsequent regulations do not offer school committees authority over assessment of school principals’ performance.

Furthermore, subsequent regulations also do not provide school committees with the authority to make information transparent and accessible. Educational Ministerial Decrees No. 44 and No. 45 both stipulate that school committees can discuss school budgets with school officials and give advice, in order to create a transparent, responsible, and democratic environment in schools. However, no regulations offer school committees authority to impose sanctions on officials who obstruct their participation and oversight in the selection of contractors and other activities related to school financial affairs (Davison et al. 2004 p. 4).
Several scholars and activists are of the opinion that these problems are the outcomes of a culture of closed decision making. For example, Irawan, Aunaryanto, Hendry and Djani (2006) complained that “education policy making process within the Ministry of Education was neither participatory, open, nor accountable” (p. 38). They believed that it was this closed decision making that made Indonesians know little about critical education policies like the SBM (Irawan, Aunaryanto, Hendry and Djani, 2006, pp. 38). Policy makers’ attitudes revealed low trust in the capacity and willingness of teachers and parents to exert oversight in schools, adds Sumintono (2009, p. 64).

In summary, according to legislation, school committees should be participatory accountability institutions in schools that facilitate stakeholders’ participation in, and exertion of control over, school management. They were not clearly vested with the authority to call civil servants at schools accountable, however. The absence of authority is discouraging because education stakeholders in Indonesia had been alienated from school management for a long time and thus would need clear guidelines. What did NGOs do to address these limitations?
6.3 Education Coalition

6.3.1 The education sector in Indonesia: an overview

The Indonesian Constitution entitles every citizen to receive education. Indonesia’s current term of compulsory education is nine years, meaning that all Indonesian school-age children must attend primary schools (SD) for six years, and then junior high schools (SMP) for another three years. Students who continue studies can choose between senior high schools (SMA) or vocational schools (SMK). This pathway is similar to those in many countries. It is noteworthy that Indonesia also has Islamic religious schools (Madrasah) (Table 6.1). Such schools are private and, unlike ordinary schools, are under the jurisdiction of the Ministry of Religious Affairs (Chen, 2011, p. 7). The ratio of Islamic religious schools to ordinary schools is 1:9. In the 2009—2010 school year, more than 36 million students attended primary and secondary schools, with 87 percent enrolled in public schools (Table 6.2).

Table 6.1

<table>
<thead>
<tr>
<th>Types of Schools in Indonesia</th>
<th>Ordinary School</th>
<th>Madrasah</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compulsory</td>
<td>SD</td>
<td>MI</td>
</tr>
<tr>
<td>SMP</td>
<td></td>
<td>MT</td>
</tr>
<tr>
<td>Non-compulsory</td>
<td>SMA</td>
<td>SMK</td>
</tr>
</tbody>
</table>

Note. SD = Sekolah Dasar; SMP = Sekolah Menengah Pertama; SMA = Sekolah Menengah Atas; SMK = Sekolah Menengah Kejuruan; MI = Madrasah Ibtidaiyah; MT = Madrasah Tsanawiyah; MA = Madrasah
Education service providers are teachers, principals, and school administrative staff, of which teachers form the majority. In the 2009—2010 school year, more than two million teachers worked in primary and secondary schools, 64 percent of whom had civil servant status (Table 6.3). The ratio of teachers with civil servant status to other civil servants is roughly 1:2 (Table 6.4). This high percentage suggests that schools can be representative of the whole bureaucracy. Not surprisingly, the shortcomings of the Indonesian bureaucracy as a whole are also evident in schools.

Table 6.2
Public Schools vs. Private Schools (Primary and Secondary Level)

<table>
<thead>
<tr>
<th>Type</th>
<th>Number</th>
<th>Percentage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public School</td>
<td>31,676,393</td>
<td>86.9</td>
</tr>
<tr>
<td>Private School</td>
<td>4,759,214</td>
<td>13.1</td>
</tr>
<tr>
<td>Total</td>
<td>36,435,607</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Note. Adapted on September 8, 2013, from http://pdsp.kemdikbud.go.id/.

Table 6.3
Types of Teachers (Primary and Secondary Schools)

<table>
<thead>
<tr>
<th>Type</th>
<th>Number</th>
<th>Percentage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Teachers with civil servant status</td>
<td>1,450,073</td>
<td>64.0</td>
</tr>
<tr>
<td>Teachers without civil servant status</td>
<td>814,859</td>
<td>36.0</td>
</tr>
<tr>
<td>Total</td>
<td>2,264,932</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Note. Adapted on September 8, 2013, from http://pdsp.kemdikbud.go.id/.
Table 6.4

*Teachers with Civil Servant Status vs. Other Civil Servants*

<table>
<thead>
<tr>
<th>Type</th>
<th>Number</th>
<th>Percentage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Teachers with civil servant status a</td>
<td>1,450,073</td>
<td>31.3</td>
</tr>
<tr>
<td>Civil servants</td>
<td>3,187,926</td>
<td>68.7</td>
</tr>
<tr>
<td>Total</td>
<td>4,637,999</td>
<td>100.0</td>
</tr>
</tbody>
</table>

*Note.* Adapted on September 8, 2013, from http://pdsp.kemdikbud.go.id/.

a Primary and Secondary Schools only

Civil servants in Indonesia have long been criticised for inefficiency, lack of professional competence, laziness, and corruption, despite a series of reform measures. In the late 1960s, President Suharto implemented a number of bureaucratic reforms which succeeded in enhancing civil servants’ capacity to implement policies and attitudes toward discipline (Emmerson, 1978, p. 90), but failed to resolve shortcomings such as lack of creativity (Legowo, 1999, p. 90). Though there has been a new series of reform efforts since 1998, most reforms have focused on politics and the economy, not on administration (Ramage, 2007). As a result, a culture of corruption persists, and civil

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Indonesians usually call civil servants Pegawai Negeri Sipil (PNS), and differentiate them from other government employees whose tasks are to maintain social order and national security. According to the Law No. 43 of 1999 on the Civil Service, government employees are citizens who are competent, recruited to fill positions in the administration, and other state institutions and paid by the government (Article 1). Government employees, therefore, include civil servants, the military and police. This chapter discusses only civil servants: bureaucratic functionaries who have regular contact with the people in the delivery and administration of public services and government functions.
servants with poor competence still dominate Indonesia’s bureaucracy (McLeod, 2008). Many civil servants still perceive themselves to be the personal servants of their superiors (Dwiyanto et al., 2006, pp. 57-58). Civil servants with this sort of mindset readily assume obedience to their superiors’ directives to be necessary, while the efficient delivery of public service is nonessential.

Civil servants in schools have also been long criticised for these shortcomings. Teacher inadequacies mentioned in the literature include poor education levels and teaching abilities (Irawan, Sunaryanto, Hendry, & Djani, 2006; Zulfikar, 2009), frequent absence from class, and an unwillingness to enhance teaching quality (Toyamah et al., 2010; Usman, Akhmadi, & Suryadarma, 2007), as well as blind obedience to orders and reluctance to initiate change (Bjork, 2005). Corruption in schools allegedly remains rampant. One survey shows that more than half of respondents viewed corruption in Indonesia’s education sector as a severe problem, and nearly a quarter of respondents admitted to having faced demands for bribes from civil servants in that sector (Kemitraan, 2001). Based on the 2006 Global Corruption Barometer, local respondents consider the education sector as corrupt as the military and only slightly less corrupt than the taxation authorities (Transparency International, 2006). Given that the military and the taxation authorities are allegedly the most corrupt institutions in Indonesia, such survey results demonstrate how negative the education sector is in respondents’ minds. While other problems such as poorly maintained school buildings and teaching equipment also exist
(BPS-Statistics, Bappenas, & UNDP, 2004), the key point is that education services which
the students in Indonesia receive are quite poor.

Not surprisingly, the poor education quality in the state system satisfies few Indonesians.
As Legowo (2004, pp. 43-44) puts it, “education in Indonesia, regardless of types, extents
or scopes, is insufficient to inspire the community. The fact that there are public
criticisms and complaints about education-related policies, management and service
reflects this...rare (or even no) praise for Indonesia’s education-related policies,
management and services.”

6.3.2 Introduction

The Education Coalition (Koalisi Pendidikan) consisted of several Jakarta-based NGOs
and associations, with ICW, the Federation of Indonesian Independent Teachers
(Federasi Guru Independen Indonesia, FGII), the Indonesian Consumer’s Foundation
(Yayasan Lembaga Konsumen Indonesia, YLKI) as its core members. They started co-
operating because of shared concerns about the National Examination (Ujian Nasional,
UN) policy in 2003. Following the enactment of Law No. 20 of 2003 on the Education
System, some NGOs started to express their concerns about problems in the whole
education sector. Rather than trying to influence the formulation of policies, these NGOs
were pushing the government to carry out education policies in accordance with the law (Ichwanuddin, Perdana, & Fitri, 2006, p. 51).

The Education Coalition, founded in 2003, is in essence a forum. It has a secretariat in charge of activity co-ordination but lacks a hierarchical framework. Participating NGOs meet once a month, discussing educational problems, potential solutions and other matters and making decisions collectively (Ichwanuddin, Perdana, & Fitri, 2006, p. 51, 53). Among participating NGOs, it is the ICW that maintains the operation of the coalition and co-ordinates its activities.

As already discussed, ICW is an advocacy-type NGO. It is highly proficient at exposing corruption scandals, which explains its nationwide reputation. Disclosing scandals, however, is only one of its numerous accountability activities. As discussed in Chapter Four and Five, ICW activists mobilised voters and participated in the formulation of decisions relating to the reform of accountability institutions such as the KPK. The present chapter discusses its efforts in mobilizing stakeholders to reduce corruption in schools. The Public Service Monitoring Division of ICW took charge of such activities, focusing on the education sector because its activists believed that corruption in education sector is highly destructive. According to the division co-ordinator, Ade Irawan:
The education sector... [is] significant because [it] influences the development of Indonesian human resources. Indonesia is rich in natural resources. I think Indonesia’s future much relies on human resources, [and] good education will help Indonesia to develop. Some basic things like incompetent teachers and unsuitable textbooks, however, make current education full of problems. Many of them are attributable to corruption and ICW thereby has an interest in combatting corruption in the education sector. If corruption in the education sector decreases, those basic things [that ruin human resources in Indonesia] will also decrease.257

ICW activities aimed at reducing corruption in the education sector were supported by a donor, the Belgium-based 11.11.11., which offered the ICW around 669 million rupiah to finance projects initiated by the Public Service Monitoring Division in the period 2003–2008.258 This donor organisation is flexible with most project contents and proposed uses of funds, and thus ICW could initiate whatever activities its activists believed would

257 Ade Irawan, interview with author, Jakarta, October 14, 2009.

258 ICW was established in 1998 and its focuses in the following four years were building its reputation. It relied solely on activists’ donations and voluntary labour contributions during that period. Thus, it could not carry out large programmes before 2003. Teten Masduki, interview with author, Jakarta, February 21, 2008.
be most effective.259

All activists in the Public Service Monitoring Division had been teachers before joining ICW, and shared the opinion that the low participation of stakeholders in school management was a prime cause of rampant corruption in schools (Ichwanuddin, Perdana, & Fitri, 2006, p. 53). They thus tried to increase teachers and parents’ participation for the purpose of combatting corruption in schools. Co-operation with parents makes sense, because it is they who pay tuition fees and illegal levies. They are recipients of education services. In contrast, co-operation with teachers is potentially more controversial, because most teachers are civil servants, and many also engage in the very corruption that ICW seeks to oppose. Nevertheless, ICW activists still treat teachers as corruption victims. Ade Irawan put it:

It is school principals, not teachers, who dominate school operations, in the current educational environment. Thus, we consider teachers as crucial partners in campaigns against corruption in the education sector. The reason is that teachers are victims of corruption, as well as potential partners contributing to

corruption reduction and improvement of education\textsuperscript{260}.

All activists interviewed for this research agreed with Irawan on the need to facilitate co-operation between teachers and parents. According to Education Coalition activist Jimmy Paat:

Parents and teachers should co-operate...We expect them to discuss school budgets together...There are funds from the [government], and they can negotiate on the usage of those funds...Negotiation enables participants to know how school budgets are allocated and for what purposes. Such negotiation may be easier in schools than in other institutions because there are not many people involved.\textsuperscript{261}

The Education Coalition works with other NGOs in order to expand the anti-corruption network (Masduki, 2006, p. 213). It frequently co-operates with the Indonesian Forum for Budget Transparency (FITRA). FITRA is proficient at collecting and analysing data in

\textsuperscript{260} Ade Irawan, interview with author, Jakarta, February 5, 2008.

\textsuperscript{261} Jimmy Paat, interview with author, Jakarta, October 21, 2009.
government budgets, and it thus serves as a source of information for the Education Coalition. At the same time, the coalition also co-operates with local NGOs or social groups that have strong concerns about educational issues at the local level. Its local partners include the Tangerang Teachers’ Union (Serikat Guru Tangerang, SGT), Garut Teachers’ Union (Serikat Guru Garut, SGG), and Garut Governance Watch (G2W).\textsuperscript{262} Despite its experience and extensive network, the Teachers’ Association of the Republic of Indonesia (Persatuan Guru Republik Indonesia, PGRI) is not a key partner of ICW.\textsuperscript{263}

The Education Coalition is not active in many areas. Its prime activity areas are DKI Jakarta and the nearby Tangerang City and Garut District. The coalition has yet to extend its activities to other areas, due to its limited resources. It has developed initial co-operation with NGOs in Medan City, North Sumatra Province, but co-operation in other areas is still under development.\textsuperscript{264}

The Education Coalition is concerned about all issues related to education. It campaigns

\begin{flushleft}
\textsuperscript{262} The Education Coalition activists care about education quality, and thus also pay attention to issues such as national examinations. Ade Irawan, communication with author by email, October 23, 2008.

\textsuperscript{263} Jimmy Paat, interview with author, Jakarta, October 21, 2009.

\textsuperscript{264} Jimmy Paat, interview with author, Jakarta, October 21, 2009.
\end{flushleft}
to improve national examinations, increase the education budgets; implement compulsory education and so on. This chapter, however, only discusses its efforts to stop corruption in schools.

6.3.3 Challenges

The Education Coalition faces multiple challenges, including stakeholders’ lack of negotiation experience, flaws in relevant acts and decrees, the public’s sympathy for civil servants who engage in corruption, and the nature of power relations in schools. In addition, several specific challenges are worthy of attention.

First, data about school budgets is often inaccessible in schools. The Law on Public Information Openness, passed in 2008, took effect in 2010,265 and until it came into force the public lacked the authority to demand access to information about school budgets.266 Until 2010, civil servants in schools mostly kept such information secret and

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265 According to this law, public information is a tool with which to optimise public monitoring of organisations of the state or other public agencies, a term that applies to schools. Details are listed in Undang-undang Republic Indonesia Nomor 14 Tahun 2008 tentang Keterbukaan Informasi Public.

faced no legal sanctions for doing so. At the same time, the Ministry of Education also seldom took the initiative to publicise details of education funds allocated to schools. Collecting documents proving corruption in schools was never going to be easy in such circumstances.

Second, the media usually shows little interest in corruption in schools. The Education Coalition, like most NGOs, relies on media (print as well as electronic) to propagate its anti-corruption campaigns. Cases or stories relevant to corruption in schools, however, are often not considered sufficiently interesting to attract journalists. Masduki (2006) explained:

The media tend to direct much of their focus to corruption cases involving important personages or enormous sums of money. However, this can lead to a tendency to ignore graft cases that do not involve important public figures or large amounts of public money. Thus, corruption that impacts directly on


269 Ade Irawan, interview with author, Jakarta, October 14, 2010.
people’s quality of life such as graft, in the health and education sectors, normally fails to attract the attention it deserves. (p. 217)

This suggests that there are only limited options available for the Education Coalition to campaign against corruption in schools.

Third, the impact of corruption in schools is widely underestimated. A survey by Transparency International in 2004 showed that respondents perceived corruption in administrative branches of the Indonesian government as being less widespread than that in political branches (Transparency International, 2004, Table 15). Education Coalition activists knew that getting the public to take corruption in schools seriously is a challenge. Ade Irawan explained: “[t]o explain to the public that corruption in schools directly influences their lives [is a challenge, because] the impact deriving from corruption in schools is usually only visible a couple of years after it happens.”

Several methods were available for activists to address these challenges. They could advocate amending flawed laws, or propose new ones to empower school committees

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270 Ade Irawan, interview with author, Jakarta, October 14, 2010.
to be more effective oversight institutions in schools. However, observation of their activities shows that the Education Coalition activists did not in fact give much attention to the regulatory framework. Instead, they tried to mobilise parents and teachers to take action. With regard to this method, Johnston and Kpundeh have some suggestions. They argue that NGOs “cannot just urge citizens to act. They need leadership, protection and an organisational base. They need to know about each other—literally, that they are not alone” (Johnston & Kpundeh, 2005, p. 151). These suggestions mean that NGO activists need to do several things: demonstrate leadership in combatting corruption in schools; publically condemn corrupt officials in schools; offer protection to whistle blowers; and unite education stakeholders who express strong concerns about corruption in schools. The next section discusses what Education Coalition tried to do to meet these goals.

6.3.4 Activities

6.3.4.1 Leadership

Activists managed to show leadership in combatting corruption in schools, and they started by making the Education Coalition known to people who cared about problems in the education sector. To achieve that goal, they did not limit their focus to corruption in schools, but frequently commented upon other problems, such as insufficient budget allocations for the education sector. Activists also offered suggestions and solutions from
the perspectives of education service recipients. For example, in an article entitled the
*Education Map: The Version of Education Coalition*, activists advocated increasing the
accessibility of data in schools, publicizing policies and plans through mass media and
various other steps to increase transparency and accountability.  
Journalists from *Tempo, Kompas* and other news media frequently cited their comments and criticisms. 
These references and reports helped the Education Coalition to gain celebrity.

Table 6.7
*Summaries of Survey Reports by ICW*

<table>
<thead>
<tr>
<th>Years</th>
<th>Areas</th>
<th>Method</th>
<th>Purposes</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003–2004</td>
<td>Jakarta</td>
<td>Citizen Report Card</td>
<td>To evaluate the implementation of the new School Based Management (MBS) system</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>To analyse parents’ evaluation of school education quality and their participation in school operations.</td>
</tr>
<tr>
<td>2004–2005</td>
<td>Jakarta, Garut, Solo, Semarang, Kupang</td>
<td>Citizen Report Card</td>
<td>To evaluate the implementation of the School Operational Assistance (Bantuan Operasional Sekolah, BOS) programme and to know whether parents were involved in the management of BOS funds</td>
</tr>
<tr>
<td>2005</td>
<td>Jakarta, Garut, Semarang, Kupang</td>
<td>Interview</td>
<td>To evaluate the implementation of the nine-year compulsory education programme, and to analyze education expenditure undertaken by parents</td>
</tr>
<tr>
<td>2006–2007</td>
<td>Jakarta, Tangerang, Garut, Padang, Banjarmasin</td>
<td>Interview</td>
<td>To evaluate public understanding of primary school services</td>
</tr>
</tbody>
</table>

In order to develop their knowledge of corruption in schools, activists also conducted investigations. They conducted both qualitative analyses of interview material and quantitative surveys. Their findings thus reflected how well respondents understood school committees, how much they participated in them, and what the most common forms of corruption in schools were. Investigation results were presented in the form of either books or reports. Table 6.7 and Table 6.8 show survey reports and books related to corruption in schools which were published by ICW in the period 2003–2008.\textsuperscript{272}

Activists distributed investigation findings in several ways. A creative means was to publicly deliver their findings to the relevant accountability institutions. These handovers were newsworthy, not only because both activists and officials would show up and discuss their findings, but also because they symbolised the government’s formal reception of complaints from civil society. Once officials received reports, they would

\textsuperscript{272} The two tables show that focuses of investigation by the Education Coalition were prime education issues at the time of investigation. The Education Coalition, for example, investigated the implementation condition and the level of participation of children, parents, and teachers soon after the School Operation Assistance programme started in 2005. Similar investigation activities were conducted every year in the period 2003–2008, thanks to support from the Belgium-based 11.11.11.
face continuing demands by NGO activists for responses and solutions. In addition, activists also disseminated the results of their investigation by holding symposiums, aiming to attract people concerned about education problems and to encourage networking among them.\textsuperscript{273}

### Table 6.8

**Summaries of Publications of ICW**

<table>
<thead>
<tr>
<th>Year</th>
<th>Book Title (in Indonesian)</th>
<th>Books Title (In English)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>Mendagangkan Sekolah : Studi Kebijakan Manajemen Berbasis Sekolah (MBS) di DKI Jakarta</td>
<td>Trading schools: Studies of School-Based Management Policy in DKI Jakarta</td>
</tr>
<tr>
<td>2007</td>
<td>Buruk Wajah Pendidikan Dasar : Riset Kepuasan Warga Atas Pelayanan Pendidikan Dasar di Jakarta, Garut dan Solo</td>
<td>The Ugly Face of Primary Education: Research into Public Satisfaction with Primary Education Service in Jakarta, Garut and Solo</td>
</tr>
<tr>
<td>2008</td>
<td>Penyiasatan Anggaran Pendidikan 20%</td>
<td>Investigation into Education Budget</td>
</tr>
</tbody>
</table>


### 6.3.4.2 Offering protection

\textsuperscript{273} Ade Irawan, interview with author, Jakarta, October 14, 2010.
The Education Coalition was also willing to offer protection against threats or violence. On occasion, civil servants charged with graft would respond by making threats, or even physical attacks. The Education Coalition adopted several methods to offer protection, including keeping information about whistle blowers anonymous, pressuring the authorities concerned (such as the Education Bureau) to investigate, and offering legal assistance.

### 6.3.4.3 Organising

The Education Coalition also puts efforts into organising. Because holding civil servants to account requires, not just courage, but also knowledge and skills, the coalition ran many training programmes for people who lodged complaints, attended symposiums or offered data in relation to graft. Activists trained people on collecting evidence, analysing data, consulting references or regulations, and writing reports.

The Education Coalition also tried to recruit participants in their activities against corruption in schools. It entrusted individual volunteers to implement these tasks.

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274 Ade Irawan, interview with author, Jakarta, October 14, 2010.
6.9 lists some information about the volunteers, including their names, areas of activity, and the schools they focused on. These volunteers received subsidies from the coalition only to cover their primary activity expenses. All such volunteers were parents of schoolchildren who lived in their activity areas or in places adjacent to them, and so were familiar with the dynamics of local schools. They frequently visited schools and looked for opportunities to hold talks with other parents and teachers. Through these volunteers, the Education Coalition disseminated information about corruption in schools, encouraged better understanding of this problem and increased the number of participants in its anti-corruption activities. Though a promising approach, the Education Coalition had agents only in DKI Jakarta, as a result of its limited resources.

<table>
<thead>
<tr>
<th>Name</th>
<th>Areas</th>
<th>Schools Covered</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jumono</td>
<td>East Jakarta</td>
<td>SMPN 213 Klender</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SMPN 139 Standar Nasional Klender</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SDN 19 Malaka Jaya</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SDN 06 Malaka Jaya</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SDN 02 Klender</td>
</tr>
<tr>
<td>Sahuri</td>
<td>Central Jakarta</td>
<td>SDN 03 Mangga Dua</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SDN 01 Mangga Dua</td>
</tr>
<tr>
<td>Manaf</td>
<td>North Jakarta</td>
<td>SDN 04 Tulang Bawang</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SDN Warakas</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SDN 01/02</td>
</tr>
<tr>
<td>Yusuf</td>
<td>West Jakarta</td>
<td>MIN petukangan</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SDN 01 Petukangan Selatan</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SDN 05 Petukangan Selatan</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SDN 010 Jembatan Tiga</td>
</tr>
</tbody>
</table>

In order to strengthen its organisational base, the Education Coalition also offered assistance to people form alliances or unions. The Alliance of Parents Caring about Transparency in the Education Budget (Aliansi Orangtua Peduli Transparensi Dana Pendidikan, Auditan) is an example. Its establishment was assisted by ICW activists. Even after its establishment, it still relied heavily on ICW financially, even though it was technically an independent organisation. It shared the office of the Public Service Monitoring Division of the ICW because its activists were parents who worked weekdays and lacked funds. As to teachers, the Education Coalition encouraged them to form unions on their own, further extending the battlefront against corruption in schools.

6.3.5 Intended outcomes and new challenges

These activities against corruption in schools did bring about some changes. First, media coverage increased. Numerous published reports covered Education Coalition activist’s comments and observations about problems in the sector. Ade Irawan explained: “Before the start of the school term or the inauguration of critical educational policies, many news reports come out that are relevant to education problems. Media frequently cite our remarks blaming corruption in schools for problems like the high drop-out rate and low-quality education services. This sort of thing was not obvious a couple years
Increased media coverage raised the capacity of the Education Coalition to set the agenda in relation to education problems, helping it to demonstrate leadership in combatting corruption in schools.

Second, symposiums attracted many enthusiastic participants. Based on activists’ observations, most participants in symposiums were teachers, while parents were in a minority. In the two symposiums I attended, participants crowded meeting rooms, joined group discussions enthusiastically, and showed no hesitation in expressing their opinions. Some participants lived in distant districts, suggesting that they had to spend hours on public transport to attend these events, but were willing to do so in order to learn about problems in the education sector and share their experiences with people who had experienced similar challenges. A teacher in one symposium explained:

I took the train to Jakarta soon after I finished class. I need to take the last train back home after this meeting because I have to teach tomorrow morning. This

275 Ade Irawan, interview with author, Jakarta, October 14, 2010.
277 One symposium was held in the local activity centre at Tangerang City; another in Jakarta State University.
meeting is, however, worth my time. Here, I receive information about legal entitlements, subsidies from the governments, among other things. At my school, it is impossible to learn about these things. School principals always hide something. I want to know why the quality of school buildings is always poor and how school budgets are being spent. [Surprisingly,] many participants here have had a similar experience.\textsuperscript{278}

His remarks show the success of the Education Coalition in initiating activities against corruption in schools, as well as in uniting stakeholders.

Third, the number of people seeking the assistance of the Education Coalition increased. There was a dramatic increase in the numbers of complaints that ICW received (see Table 6.10). The total number of the complaints might not look huge, but they exceeded those relating to accountability institutions. In contrast, among 885 complaints received by the National Ombudsman Commission in 2007, for example, only eight complaints were about problems within the education sector (Komisi Ombudsman Nasional, 2008, p. 112). ICW received 133 complaints related to corruption in the education sector in that same

\textsuperscript{278} Anonymous interviewee, interview with author, Jakarta, August 16, 2007.
year, showing that the Education Coalition had become a focus for complaints about corruption in schools and thus indicating success in both leadership and in offering protection to whistle blowers.

Table 6.10

Complaints Received by ICW (2004–2007)

<table>
<thead>
<tr>
<th>Year</th>
<th>From Jakarta</th>
<th>From Outside Jakarta</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>5</td>
<td>20</td>
<td>25</td>
</tr>
<tr>
<td>2005</td>
<td>11</td>
<td>32</td>
<td>43</td>
</tr>
<tr>
<td>2006</td>
<td>16</td>
<td>36</td>
<td>52</td>
</tr>
<tr>
<td>2007</td>
<td>24</td>
<td>109</td>
<td>133</td>
</tr>
<tr>
<td>Total</td>
<td>56</td>
<td>197</td>
<td>253</td>
</tr>
</tbody>
</table>

*Note. Retrieved from Ade Irawan, email communication, November 11, 2007.*

ICW reviewed all the complaints it received before deciding whether to use them to try to hold the authority concerned accountable. At the beginning, activists analysed, categorised and verified the complaints. If these proved justified, they passed them publicly to the authority concerned and tried to track the official response. Several corruption scandals, such as those in SDN IKIP, SDN 03 Mangga, and SDLB Bulus ended in all the corrupt civil servants involved being subject to administrative punishments.279

279 Ade Irawan, email communication with author, February 3, 2008. “Kejati Segera Sidik Korupsi di SDN
However, activists also encountered some challenges in this sector. First, many stakeholders’ understanding of school committees was insufficient or even incorrect, as revealed by a series of surveys conducted by ICW. For example, one survey conducted in 2004 showed that a high percentage (37.6 percent) of local respondents in DKI Jakarta had never ever heard of school committees (see Table 6.11). Considering that information flows quickly in the capital and there had been advertisements in newspapers for years, such a percentage was surprisingly high. Furthermore, nearly 60 percent of respondents thought that school committees and the Parents’ Association for School Support (BP3) were the same thing (Table 6.12). More than half the respondents thought that school principals held the power to decide how many members school committees should have and who could fill vacancies in them.

Activists urged the Ministry of Education to take responsibility in correcting stakeholders’ misunderstandings of school committees. Irawan, Eriyanto, Djani, & Sunaryanto (2004) noted that the Indonesian government had advertised the School-Based Management policy in all television stations since 2000, but complained that the advertisements did

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280 The difference between BP3 and school committees rests in independence. BP3 was a part of the schools, but school committees are supposed to be fully independent (Irawan, Eriyanto, Djani, & Sunaryanto, 2004).
not explain the concept clearly. They put it:

They only reflected the government's desire to raise funds from the public. Advertisements suggested that participation equates sponsoring damaged schools with making donations. Such content made the public afraid and reluctant to participate in the management of school affairs. Teachers learned what the School-Based Management is from briefings from principals and newspapers. However, many teachers only know about, rather than understanding, the School-Based Management, because such briefings were brief and did not involve the participation of all teachers. (pp. 81)

Table 6.11

<table>
<thead>
<tr>
<th>Public Awareness of School Committees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Question</td>
</tr>
<tr>
<td>Have Heard of school committees</td>
</tr>
<tr>
<td>Never Heard of school committees</td>
</tr>
<tr>
<td>No Response</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>


Table 6.12

<table>
<thead>
<tr>
<th>Public Understanding of School Committees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Question</td>
</tr>
<tr>
<td>Question 1: Are school committees:</td>
</tr>
<tr>
<td>the same as BP3?</td>
</tr>
</tbody>
</table>

399
The implications of poor public knowledge were twofold. First, stakeholders who lacked understanding about school management would continue to pay bribes or to acquiesce in graft as previously, rather than using school committees to enhance the accountability of civil servants in schools. Deininger and Mpuga (2004, p. 13) show that knowledge of how to report irregular practices is critical to stakeholders’ actions and attitudes toward administrative corruption. Second, poor public knowledge allowed many school principals to manipulate the new committees by appointing relatives or friends. Such school committees could hardly be effective oversight institutions in schools.

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Third, teachers in DKI Jakarta showed less enthusiasm for forming unions or accountability activities than did their counterparts in other administrative areas. Several teacher unions were formed with the Education Coalition’s assistance. There were also some cases where teachers made strong attempts to carry out oversight in their own schools. However, most cases took place in administrative areas outside DKI Jakarta.\textsuperscript{282} Activists felt that teachers in the capital were hesitant about forming unions or taking direct means to demand accountability in schools. Considering that NGOs initiated lots of activities in the capital and teachers there exceed counterparts in other administrative areas in number, such an outcome was unsatisfactory.\textsuperscript{283}

Fourth, parents showed comparatively little enthusiasm for the Education Coalition’s calls to take action against corruption in schools.\textsuperscript{284} Auditan was the sole NGO in the country consisting of parents wanting to end corruption in schools. Of course, some individual parents also demanded accountability in the allocation of school budgets, but their number was not remarkable.\textsuperscript{285} Activists believed that parents’ worry about school

\begin{footnotesize}
\begin{itemize}
    \item \textsuperscript{282} Jimmy Paat, interview with author, Jakarta, October 21, 2009; Agus Sugandi, (G2W activist), interview with author, Jakarta, October 25, 2007.
    \item \textsuperscript{283} Jimmy Paat, interview with author, Jakarta, October 21, 2009.
    \item \textsuperscript{284} Jumomo, (Auditan activist), interview with author, Universitas Negari Jakarta, November 8, 2007.
    \item \textsuperscript{285} “Komnas PA: Hak Anak Jangan Dilandnggar,” Kompas, June 8, 2010.
\end{itemize}
\end{footnotesize}
staff’s retaliation was the main cause of low participation. According to Auditan activist Jumono:

We have not succeeded in changing the unbalanced power relationship between school principals and school committees. This is because there have not been enough parents who dare to challenge school principals. Many parents are willing to attend street demonstrations or file complaints. However, they will rarely directly question and challenge school principals. This is because they fear that the school principals and teachers whom they question or challenge will retaliate by bullying their children.286

Jumono’s remarks supplement current explanations of reasons that the public might hesitate to take action to combat corruption. Johnston (2005, p. xii) has proposed a free-rider explanation: people usually deem combatting corruption as public goods and thereby choose to wait, instead of taking action. Jumono’s remarks suggest that more altruistic considerations, and fear of retaliation, can also be important.

Fifth, Irawan argued that stakeholders have relied on NGOs to expose corruption in schools.\textsuperscript{287} Practices such as filing complaints to NGOs or joining NGO-organised street demonstrations reflected stakeholders’ reliance on NGOs. Even if such actions showed a decline of public tolerance for corruption in schools, they barely helped to achieve NGOs’ goals of preventing corruption by getting stakeholders to exert oversight at both the decision-making and implementation stages. Reliance on NGOs, with their limited resources, would not do much to prevent corruption in schools from taking place, given the scale of the problem.

In summary, according to NGOs activists’ observations, education stakeholders in DKI Jakarta had not been able to utilise school committees effectively to exert oversight over school staff, despite a variety of activities initiated by NGOs. Causes of this outcome include poor knowledge of school committees among education stakeholders, fear of retaliation, and reliance on NGOs, suggesting a need to develop comprehensive strategies in the near future.

\textsuperscript{287} Ade Irawan, interview with author, Jakarta, February 5, 2008.
6.4 Discussion

6.4.1 Analysis

School Committees are a participatory accountability institution that accords with ideas associated with the notion of the ‘New Public Service’, a type of public administration practice Robert B. Denhardt and Janet Vinzant Denhardt have advocated since 2000. New Public Service consists of “a set of ideas about the role of public administration in the governance system that places citizens at the centre” (Denhardt & Denhardt, 2000, p. 550). Proponents of the concept argue that “the government belongs to its citizens” and thus civil servants “should focus on their responsibility to serve and empower citizens as they manage public organizations and implement public policy” (Denhardt & Denhardt, 2000, p. 549). Such citizen-centred ideas make New Public Service distinguishable from Old Public Administration that emphasises accountability of civil servants to democratically elected political leaders, and also from New Public Management that stresses how the government steers the society (Denhardt & Denhardt, 2000, p. 554).288 Bowman and his colleagues believe that the emergence of

288 Traditionally, it is elected political leaders who make public policies, and civil servants are demanded to implement policies effectively and also to account for performance to those leaders (R. B. Denhardt &
the New Public Service paradigm reflects changes in how governments operate. They state:

Today vertical hierarchy is giving way to horizontal “networks,” bureaucracies are diminishing, and shared leadership structures are emerging. The public interest is identified and pursued as a collaborative process based on dialogue with relevant stakeholders. The discretion of empowered administrative officials is present, but limited, and they remain accountable to the citizens via elected political leaders and administrative oversight. Employee job boundaries are flexible and skill sets are versatile. The transition from the old to the new style of providing services has altered the role of the public sector, emphasizing

Denhardt, 2001, p. 391). However, such model of administration has been long under criticisms for ignoring citizens’ demands, hostility toward innovation, and several shortcomings (Osborne & Gaebler, 1992, pp. 11-12). Several reform ideas were thus proposed in the 1980s, and some of them are labelled as New Public Management, due to shared beliefs in the market. Proponents of New Public Management argue that the government ought to be run like enterprises; that citizens shall be treated like customers; and that government officials shall endeavor to create incentives or mechanisms. Examples of New Public Management-like reform measures can be found not only in Australia, New Zealand, United States, and some other advanced democracies, but also in transitional democracies in Latin America or Southeast Asia (Samaratunge, Alam, & Teicher, 2008; Turner, 2002). In spite of remarkable impacts, New Public Management school is still not immune from criticisms. Such criticisms include tensions between the emphasis on decentralization and the need for coordination in the public sector (Peters & Savoie, 1996); vague roles and relationships of the executive and legislative branches (Carroll & Lynn, 1996); and undermining fairness, justice and other democratic values (McCabe & Vinzant, 1999).
collaboration and enablement rather than hierarchy and control (Bowman, West, Berman, & Wart, 2004, p. 11)

New Public Service is now believed to have “become increasingly evident in public administration scholarship and practice” (J. V. Denhardt & Denhardt, 2015, p. 664). The discussion in this chapter suggests that even Indonesia was following this global trend, at least in the field of school management.

To have New Public Service ideas fully realized proponents expect both citizens and civil servants to meet certain requirements. Citizens are expected to focus on “common good and the long-term consequences to the community,” rather than private and short-term interest (Denhardt & Denhardt, 2001, p. 397). Civil servants are expected to prioritise the creation of a collective, shared notion of the public interest over other administrative affairs, to help citizens articulate and meet shared interests, and to build up a relationship of trust and collaboration with citizens (Denhardt & Denhardt, 2001, pp. 398-399). Regarding accountability, civil servants are expected to be accountable to citizens for whether their actions conform to the law, community values, political norms, professional standards, and citizen interests. However, the existing literature has not yet included in-depth discussion on how such accountability can be enforced. Indonesia’s School Committees are an example that can be used to fill such gap, being participatory
accountability institutions the Indonesian government established to tackle problems in the education sector, in particular at elementary and secondary schools. Analysing such institutions can help enrich scholarly understanding of the limitations on, and opportunities for, achieving the ideas of the New Public Service paradigm in a democratising context.

Two aspects of School Committee were analysed in this chapter. Concerning institutional design, the analysis focused on legally stipulated authority, organisational composition, and functions that NGO activists expected the Committees to have. Regarding participation of stakeholders, the focus was on the level of involvement by community members and also the reasons for their participation. The chapter concludes that the performance of School Committee fell far short of NGO activists’ expectations. School personnel had long been criticised for concealing key data concerning the operation of their schools, ignoring parents’ right to access such data, and failing to build trust with stakeholders. On the part of stakeholders, many of them, as observed by NGO activists, did not demand accountability, suggesting that they placed little emphasis on the long-term public interest. In addition to problems of policy socialisation, the causes of these outcomes may include the incompleteness of supporting measures for participatory accountability, and also the absence of democratic awareness that could underpin the enforcement of accountability.
6.4.2 Postscript

Conditions in Indonesia after 2008 have looked more advantageous to the exercise of accountability by school stakeholders than they were during the 2003–2008 period, due to some changes in mindset and practices by interested parties and the establishment of new accountability institutions. The former was observable in several areas where NGOs carried out pilot projects and experimented with new strategies. Such experimentation is a reflection of flaws in strategies taken during the period 2003–2008. In that period, activists from the ICW-led Education Coalition attempted to expose problems like poor public understanding of school committees by conducting surveys, with an expectation that survey outcomes would have the effect of driving all stakeholders to exercise accountability. NGO efforts led to a clear understanding of problems within Indonesia’s education sector, but not to significant changes in accountability relations at schools. This outcome drove activists to think about alternatives. As ICW activist Febri puts it:

We later realized that [Citizen Report Card] CRC research was merely a downstream instrument [, and] there will be no changes if we just persist in it. We, therefore, adopt upstream [alternatives; that is,] planning strategies and managing school finance in a participatory manner (Wisudo, Irawan, & Fadjar, 2011, p. 20).
ICW, with Garut Governance Watch (G2W) and other local partners, launched the Participatory School Budgeting Movement (Gerakan APBS Partisipatif) after 2008. Activists believed that “a robust and harmonious relationship between the school, school committee, and citizens [is] the key to solving various problems [schools now encounter]” (Rosadi, Fajar, & Rustandi, 2011, p. 78). They expected that the formulation of decisions, including decisions concerned with budgets, within schools would be entirely open to stakeholders’ oversight, and also that all stakeholders would work together to bargain with government officials for budgets and funds (Wisudo, 2011b, pp. 103-104). The Garut Regency, West Java Province, and the Tangerang Regency, Banten Province, were chosen to be sites of these pilot projects, for reasons of geographical proximity, knowledge of local conditions, and history of collaboration with local NGOs. Activists targeted ten schools in each regency, with an expectation that the 20 schools would exemplify how Participatory School Budgeting could work if practised properly (Wisudo et al., 2011, p. 19).

The activists began the Participatory School Budgeting Movement by extending their existing networks. They initiated several new activities, including arranging courses about organic farming, in the light of the fact that most parents in pilot areas were farmers (Wisudo, 2011b, p. 96). Meanwhile, activists also assisted schools to apply to local governments or domestic firms for funds to renovate damaged buildings (Wisudo, 2011b, pp. 103-104). These activities, though seemingly unrelated to the goal of
combating corruption in schools, could broaden the networks that activists deemed essential to the Participatory School Budgeting Movement. To mobilise stakeholders, NGOs released survey outcomes, organised meetings, and offered training for all participants (Fajar, 2011, p. 34). These mobilisation efforts were widely supported by teachers and parents who had previously attended NGO symposiums, meaning NGOs’ past efforts had started bearing fruit.

NGO activists encountered several obstacles soon after they began this experimentation. For example, few residents in the pilot areas were accustomed to being involved in school affairs, they also encountered prejudices and suspicion on the part of participants (Wisudo, 2011a, p. 49; Wisudo, 2011b, p. 96). Activists also noticed variation among targeted schools in several aspects. For example, in the Hanjuang 3 Public Elementary School all affairs were under the control of the school principal and specific School Committee members and the level of satisfaction with the education delivered in the school was high, unlike in the bulk of the schools where there were strong complaints about school principals’ dominance over school affairs (Rosadi et al., 2011, p. 86). Activists also noted strong resistance from civil servants beyond schools. For example, a local activist in Garut complained that officers at the Regional Technical Implementation Unit (Unit Pelaksana Teknis Daerah, UPTD) always insisted on accountability of school budgeting to regional governments and bureaus, rather than to parents and other stakeholders (Wisudo, 2011b, p. 101;106). It is believed that anxieties about the loss of
benefits under Participatory School Budgeting motivated such resistance.

Notwithstanding such challenges, NGO efforts to promote Participatory School Budgeting had some achievements. A high ratio (nine out of ten) of targeted schools were selected for grants from the national government to rebuild damaged buildings, implying that NGO assistance was crucial to the selection, and this increased ICW’s and local partners’ reputation as promoters of Participatory School Budgeting (Wisudo, 2011b, p. 104). As several activists note, attitudes of stakeholders in targeted schools toward the Participatory School Budgeting Movement and the NGOs changed after this achievement (Fajar, 2011, pp. 39-41). Many teachers and parents now felt proud to be a part of the Participatory School Budgeting Movement, and activists believed that they had built mutual trust and friendship between them and residents (Wisudo, 2011b, p. 95; 97). Furthermore, in some of these cases stakeholders took the initiative to themselves demand transparency in school affairs, suggesting NGO activists no longer overwhelmingly constituted the core of the force pushing for accountability in the pilot project areas. The schools which satisfied such demands for transparency soon gained public trust, and accordingly attracted more stakeholders than ever to participate in school management (Wisudo, 2011a, p. 50). In short, a benign cycle incrementally took hold.
Three years of efforts in these pilot projects had led to the formulation of a clear mechanism for Participatory School Budgeting. Such a mechanism runs as follows. First, outcomes of surveys, conducted to collect information about pupils’ expectations and teachers’ needs, are reported to school committees for deliberation. Next, a plenary meeting attended by all parents decides on the issues submitted by the School Committee and, finally, detailed reports on the implementation of these resolutions are posted on schools’ bulletin boards in the next school year (Wisudo, 2011a, pp. 49-50). Such mechanisms have persist in the pilot project schools even though the actors involved have changed, activists note. According to activists’ evaluations, Participatory School Budgeting in three targeted schools had been fully implemented by 2011, and in the remainder, at least some improvements in participation and transparency were observable (Wisudo, 2011b, pp. 105-106). Given the fact that the NGOs offered similar assistance in all the schools, activists believed the variation resulted in differences in stakeholders’ attitudes and actions (Rosadi et al., 2011, p. 90). Overall, these experiments had reached expected outcomes, helping targeted schools to reduce problems like teacher absenteeism, and attracting more school-age children.

Meanwhile, the institutional context also improved after Law No. 14 of 2008 on Disclosure of Public Information (UU Nomor 14 Tahun 2008 tentang Keterbukaan...
Informasi Publik), enacted in 2008, came completely into force in August 2011. This statute specifies that all public information should be open and accessible to Indonesian citizens and legal entities (Article 2(1)); and that all public bodies (badan publik), defined in this law as entities whose works are concerned with state administration and funded by the government, and non-government organisations funded by either the community or foreign sources (Article 1(3)), must provide relevant information in a quick and straightforward manner (Article 2(3)), and in comprehensible language (Article 10(2)). Given that no previous statutes had entitled Indonesian citizens to access such information, Law No. 14 of 2008 is certainly a legally significant advance (Butt, 2013, p. 114). According to it, schools are public bodies legally obliged to respond to every citizen’s demands for data concerning school management.

Law No. 14 of 2008 contains provisions aimed to facilitate the disclosure of public information, though these provisions and their implementation have been criticised in certain regards (Putro & Berenschot, 2014; Sakapurnama & Safitri, 2012, pp. 76-77).

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289 Like several other laws mentioned in this thesis, the passage of Law No. 14 of 2008 on Disclosure of Public Information was also much attributable to local NGOs’ efforts. The Indonesian Centre for Environmental Law (ICEL) and 23 other local NGOs in 2000 jointly formed the Coalition for Freedom of Information, with the aim to lobby for the enactment of this law. Though the draft was submitted to the parliament in 2002, there had been no deliberation on it until 2005. During the following two years, NGOs made suggestions concerning provisions, many of them were included in provisions in the end (Butt, 2013, p. 116).
Article 24 and 60 specify the establishment of a Central Information Commission (Komisi Informasi Pusat) in Jakarta and an Information Commission in each provincial capital. Meanwhile, the Law also requires public bodies to appoint information officers in charge of responding to citizens’ requests for information (Article 13). Concerning dispute settlement, the statute stipulates that the Central Information Commission can mediate or adjudicate on disputes (Article 38(2) and 42), and, if the Commission’s decisions do not satisfy the parties concerned, they can appeal to relevant courts (Article 4(4)). Civil servants and officials who tamper with public information will be fined up to Rp 5 million, and they will be fined much more if found guilty of destroying or removing public information (Article 52 and 53). Such penalties are heavy in the eyes of Indonesia’s civil servants because most of them earn less than Rp 10 million per month, explaining why Butt (2013, p. 129) believes “penalties may ultimately have a deterrent effect where they apply to individual information officers.”

Law No. 14 of 2008 has improved Indonesia’s institutional context, creating a more favourable context for the exercise of accountability by stakeholders in schools. In 2011, together with the United States and six other countries, Indonesia initiated the Open Government Partnership (OGP) program to provide citizens further access to government data (Fung, 2013, pp. 184-185), again demonstrating the Indonesian government’ commitment to improving people’s access to public information.
Information Commissions eventually became operative after years of development, far behind schedule (Butt, 2013, pp. 124-125). By mid-2016 there were 35 Information Commissions across the archipelago, in addition to the Central Information Commission. Among these Commissions, 30 were at the provincial level, four at the Regency level and one at the municipal level. In the two provinces where NGOs engaged in the Participatory School Budgeting Movement, Information Commissions have been established. A study of 40 decisions by the Central Information Commission and eight appeals against Information Commission decisions heard by administrative courts shows such institutions generally performed in favour of information seekers. Simon Butt states:

Disputes which come before the Information Commission and the Indonesian courts were...almost always being decided in favour of the person seeking the information. In other words, public bodies are usually compelled to disclose information that they would rather keep within their own ranks...Indonesia’s reforms in [the area of disclosure of public information] have, on the whole, thus

290 Southeast Sulawesi Province, East Nusa Tenggara Province, Special Region of West Papua, and North Maluku Province had not yet established information commissions at the time of writing. The four information commissions at the regency level are located at Bangkalan (East Java Province), Sumenep (East Java Province), Cirebon (West Java Province), and Tolitoli (Central Sulawesi Province). The only municipal information commission is located at Cirebon City (West Java Province).
How has the Information Commission structure been used to improve transparency in schools? At the time of writing few news reports are available to offer a concrete answer. Based on limited news reports collected it was clear that the prime institution making use of the Commissions are ICW and its partners, which also act as complaint collectors. A case about alleged graft in five Jakarta junior high schools is an example. In that case, ICW acted a complaint centre as well as the agent making use of the accountability institution in question. ICW activists, based on complaints received, in 2011 made a request to the Central Information Commission for solving disputes over access to data concerning School Operational Assistance (BOS). The Commission granted the request, but principals of the five schools in question still refused to follow the Commission’s decisions (Kompas, 2011). To enforce the decision, ICW activists submitted petitions to corresponding courts, one of the dispute settlement mechanisms stipulated in the law (Sobri, 2012). In this case, stakeholders merely acted as complaint makers, and there is no indication of deeper involvement in the process. If this instance is typical, NGO activists still have a long way to go before creating fully inclusive and open schools.

The discussion above reveals the presence of grounds for optimism about the enforcement of accountability by Indonesian stakeholders in schools. Signs like
willingness on the part of teachers and parents in pilot areas to demand accountability on their own initiative and even to have deep involvement in school management underpin such optimism. Moreover, to further promote the Participatory School Budgeting Movement, NGOs have taken its activities to provinces beyond Banten and West Java, and also advocated by-laws to protect residents’ entitlements to access information kept by school personnel (Wisudo, 2011b, p. 107). However, it should be noted that the pilot project was carried out in areas of limited geographic scope, and that there has not yet been any comprehensive study of the resolution of disputes over access to information kept by schools. Accordingly, several questions about the enforcement of participatory accountability in Indonesia after 2008 remain unanswered, suggesting a direction for future studies.

6.5 Conclusion

Corruption in schools is by no means petty crime, maintain Education Coalition activists. It undermines social values, leads to poorly maintained school infrastructure and robs poor students of rights to education and a decent future. School committees which the Indonesian government ordered established in 2003 for the purpose of widening
involvement of stakeholders in school management were widely expected by NGO activists to resolve this problem. As participatory accountability institutions, school committees help prevent corruption in schools, provided that they are vested with the power to exert control over school staff, and their members are able, and also willing, to use this power to demand accountability. However, based on analyses of legal sources and NGO activists’ observations about the attitudes and activities of stakeholders in DKI Jakarta and nearby areas, school committees barely met these two requirements. This finding suggests that, in the period 2003–2008, school committees did little to prevent administrative corruption in schools, partly explaining why corruption in the civil service persisted in democratising Indonesia. Causes of this include flaws in the legislation, poor public knowledge of school committees, education stakeholders’ excessive reliance on NGOs, and parents’ fear of retaliation, meaning that neither the institutional nor the cultural context favoured NGO-led accountability actions aimed at preventing administrative corruption in schools.

The findings of this chapter add to scholarly understanding of the NGO–led Indonesian anti-corruption movement in the Reformasi era. They show that Jakarta-based NGOs combat corruption in schools in a proactive fashion, but several institutional and cultural factors obstructed their efforts. Various investigations have shown that many citizens misunderstood the function and composition of school committees, inhibiting participation in them. But people who did accurately understand them quickly found
that school committees lacked “teeth”, because such institutions were not vested with the power to exercise control over school staff. This understanding, together with other factors such as fear of retaliation, discouraged many education stakeholders from utilizing school committees to call school staff to account. Instead, they left stakeholders dependant on NGOs to exert control, a tendency that went against NGO activists’ expectations of not combatting corruption in schools alone.

Law No. 14 of 2008 made the context after 2008 appear favourable for the exercise of control by education stakeholders over school staff. This law entitles citizens to ask all public institutions (badan publik), inclusive of schools, to give them access to public information (Article 17). All public institutions are now required by law to offer requested materials within seven days (Article 22). Violators will be subject to legal sanctions (Article 51-57). In a few cases, the right to public information has been successfully enforced. For instance, in 2012, the Central Information Commission ordered five junior high schools in Jakarta to publicise information relating to the School Operation Assistance Programme (BOS) in the period 2007–2009. Unlike the situation before 2008, there are now rights both to information and school committees. A future task for the Education Coalition will be to ensure that both advantages complement each other.

The findings expand the discussions on social accountability. The literature on that
subject mentions factors that can affect how well mobilization strategies work, including the type of controversy that triggers mobilization (Lemos-Nelson & Zaverucha, 2006; Peruzzoti & Smulovitz, 2006), and the vulnerability of office holders to public oversight (Behrend, 2006). There has been little discussion of ordinary people’s fear of exerting control, however. Such fear may derive from concerns about negative impacts of accountability activities. The findings may also enrich the study of NGOs’ efforts to combat corruption. The current literature on that subject mostly discusses how NGOs expose scandals and impose pressure upon office holders or accountability institutions, rarely mentioning NGOs’ efforts to mobilise ordinary people for the purpose of preventing corruption. NGOs by themselves cannot end corruption, especially when it is deeply entrenched in a bureaucratic system and supported by social norms. This chapter explains how NGOs can try to mobilise ordinary people, and the great challenges they may encounter in doing so.
7 Conclusion

Why is rampant corruption so common in democratising countries? Explanations from the present literature emphasise factors like political will, institutional design, and penalties for corruption practices, paying little attention to efforts by citizens to enforce accountability. In order to fill this gap in the literature, this thesis has focused on citizens and their activities, with the belief that citizens in countries undergoing democratisation can help tackle corruption in a proactive manner.

This thesis has made the concept of accountability central to its discussion because there is a tight correlation between corruption and accountability. The literature on accountability offers useful guidance for understanding the anti-corruption activities of varied kinds. This thesis also has focused on accountability activities initiated by NGOs to tackle corruption. Since NGOs are formed by citizens voluntarily for specific purposes and are capable, financially and technically, of mobilizing citizens and initiating other accountability activities, it is fair to expect that NGOs’ anti-corruption experiences will point to the opportunities and obstacles that citizens encounter when trying to promote accountability so as to reduce corruption. Furthermore, this research has explored how NGOs have tried to enforce ex-ante and simultaneous accountability, unlike most literature on accountability and corruption that has focused on NGO activities aimed at
calling government office holders and politicians accountable for corrupt conduct already committed. Following remarks by Walter Little and Daniel Kaufmann, this thesis argues that citizen-initiated activities aimed at demanding ex-ante and simultaneous accountability can play an important role in the reduction in corruption.

As a transitional democracy where corruption persists, Indonesia provides an opportunity to explore citizen initiatives aimed at preventing corruption. It is widely accepted that corruption threatens this country’s fledgling democracy because it contradicts openness and other democratic values and ruins public trust in democratic institutions. Corruption remains severe, though various reform measures aimed at tackling it were initiated by the Indonesian government in the first decade of the Reformasi era. As a result, public discontent about corruption has remained strong, and several local NGOs were formed to enforce accountability. This thesis has focused on Jakarta-based NGOs. The main rationale for this is that many of them were extremely proactive in leading the anti-corruption movement in the Reformasi era. Thus, it is hoped that lessons learned from Jakarta-based NGOs’ anti-corruption activities in the period 1998–2008 can broaden understanding of the obstacles and opportunities that Indonesian citizens may encounter while engaging in efforts to prevent corruption in a democratic context. In order to explore how Jakarta-based NGOs tried to promote ex-ante and simultaneous accountability in the first decade of the Reformasi era, I carried out fieldwork in 2007 and 2008. Most of the data used for this thesis comes from
interviews conducted in this period. The cases discussed in the thesis were selected in accordance with suggestions put forward by NGO activists themselves. To bring the material up to date, I have added postscripts to each substantive chapter, but the material in these postscripts was compiled without the benefit of fieldwork. These sections thus end with pointers toward supplementary or future research.

This thesis was set out in seven chapters. Chapter One set out the research objectives, elucidated fundamental concepts, put forward research questions and explained research methods, limitations, and contributions. Chapter Two reviewed the literature on the association between democracy and corruption, and also on NGO activities aimed at enforcing accountability and combatting corruption. The review showed that scholars widely believe corruption harms democracy and that some suggest citizen-initiated actions can help reduce corruption. However, the literature on NGO-led accountability actions mostly focuses on their ex-post accountability activities. At the same time, the literature on anti-corruption NGOs mostly discusses their efforts to make power holders within governments accountable for corrupt conduct by such means as exposing scandals and bringing other external pressure to bear. Such literature helps little to explain what NGOs can do to prevent corruption. Several possibilities were identified for exploration in the third section, including NGO activities aimed at seeking electoral accountability, efforts by NGOs to strengthen policy-making accountability on issues concerned with accountability institutions as well as activities designed to mobilise
Chapter Three focused attention back on Indonesia, particularly during the Reformasi era. It discussed in turn the Indonesian context, the agents of social accountability, and the objects of their accountability activities. It noted that in the first decade of the Reformasi era there were a plethora of activities designed to strengthen accountability. Members of parliament used their new powers to enhance political accountability; several state institutions pursued internal reforms in order to strengthen administrative accountability; newly-built accountability institutions like the Corruption Eradication Commission exerted control over public agencies. At the same time, numerous NGOs also tried to attack corruption and enhance accountability. These local NGOs and their accountability activities have begun to attract scholarly attention, but some of their activities, especially ones concerned with corrupt prevention, have not yet been analysed in depth.

Chapter Four explored Jakarta-based NGOs’ electoral accountability activities that have the effects of promoting ex-ante accountability. It revealed that, though corruption engaged in by members of parliament gave rise to widespread discontent prior to 2004, citizens could not effectively hold their elected representatives accountable through ordinary people to exert scrutiny over civil servants through participatory accountability institutions.
existing accountability institutions or mechanisms. In this context, several Jakarta-based NGOs launched the Anti-Rotten-Politician Movement, aiming to prevent candidates whom they believed were unfit to hold offices from winning parliamentary seats in the 2004 general election. If successful, the movement would not only have punished corrupt politicians who sought re-election but would also have prevented undesirable candidates from obtaining power, reducing the likelihood that corruption in parliaments would still persist. However, factors like the party-centred electoral system impeded NGOs’ attempts to prevent all blacklisted candidates from winning parliamentary seats, suggesting that the Indonesian context prior to 2005 did not facilitate citizens’ efforts to prevent corruption in parliaments. Nevertheless, lessons learned from the movement helped NGO activists to identify flaws in the electoral system, leading to the initiation of follow-up activities aimed at making the electoral system and legislation favourable to the exercise of electoral accountability. A noteworthy point is that no proactive moves were taken by NGOs to enhance electoral accountability in the 2014 general election, despite the presence of a candidate-centred electoral system facilitating such efforts. As a result, tackling graft involving elected representatives appears to be a distant goal.

Chapter Five explored efforts by Jakarta-based NGOs to exercise policy-making accountability in cases concerning the Corruption Eradication Commission and two other state accountability institutions. Such efforts are essential to corruption prevention because such simultaneous accountability practices help accountability institutions to
function optimally, discouraging power holders within the government from engaging in corruption. This chapter found that Jakarta-based NGO activities were initiated in a favourable context. Many government officials were willing to consult NGO activists or to invite them to participate in the formulation or implementation of decisions concerning accountability institutions. Meanwhile, all activists interviewed for this research viewed as positive the opportunities which activists had to participate directly in the process to design and implement these institutions, implying considerable degree of flexibility in how accountability activities were organised. NGOs’ accountability activities led to positive outcomes in the three cases, meaning that they contributed to corruption prevention through securing and strengthening accountability institutions. However, the situation after 2008 seems less favourable than ever. Challenges stemming from leadership rotation, political intervention, and other factors cast doubt over the ability of NGOs to keep enforcing policy-making accountability. To address those challenges requires NGOs to maintain keen attention to decisions concerned with accountability institutions and also to adjust their strategies to the changing political situation.

Chapter Six explored efforts by Jakarta-based NGOs to mobilise ordinary people to exert control over school staff and teachers through participatory accountability institutions. It found that, in the period 2003–2008, school committees in DKI Jakarta and surrounding areas were not effective oversight bodies, meaning that citizens who had a
stake in corruption-free schools failed to exercise simultaneous accountability, and in
turn could not prevent corruption in school. The reasons for this ineffectiveness include
a lack of the power needed to enhance the accountability of civil servants in schools,
poor understanding by stakeholders of their functions, and excessive reliance on NGOs
to combat corruption in schools, rather than a direct demand for accountability.
Conditions in Indonesia after 2008 look more advantageous to the exercise of
accountability by stakeholders in schools, due to the establishment of new accountability
institutions and NGO experimentation with new mobilisation approaches. Despite
grounds for optimism about the enforcement of participatory accountability, further
exploration is needed to have better understanding of actual developments on the
ground. Overall, this chapter contributes to the study of social accountability, a field
where the outcomes of mobilization strategies are rarely discussed, and also to the study
of corruption, which lacks a thorough understanding of the unwillingness of victims of
corruption to combat corruption themselves.

This thesis concludes that several Jakarta-based NGOs strove to fight corruption in a
proactive fashion, but not all aspects of the Reformasi context were in their favour. The
Reformasi context favoured their actions aimed at strengthening the accountability of
non-elected officials in regard to decisions about accountability institutions, partly
explaining why some anti-corruption agencies (e.g. the Corruption Eradication
Commission) were powerful and enjoyed strong public support. At the same time,
however, the context did not favour NGO actions aimed at enhancing the accountability of elected representatives and civil servants, reflecting the shortcomings of government reform measures as well as Indonesian citizens’ lack of willingness to demand accountability from politicians and the civil service. The poor exercise of electoral accountability and participatory accountability, in turn, reduced the prospects of combatting corruption in Indonesia. Elected representatives who were themselves not subject to serious electoral accountability were in turn legally entitled to monitor accountability institutions which were primarily tasked to tackle political corruption. At the same time, participatory accountability institutions that failed to perform as reformists expected could not compensate for anti-corruption agencies’ limited ability to tackle administrative corruption. As a result, the first decade of the Reformasi era was marked by the paradoxical coexistence of strong accountability institutions and rampant political and administrative corruption. Given this, promoting electoral accountability and participatory accountability was a matter of urgent necessity, and NGOs’ ability to exercise influence in these fields will affect whether corruption remains pervasive in the future.

Ideally, NGOs would have made sustained progress in exercising the three types of accountability activities after the main fieldwork for this thesis was concluded in 2008. Postscripts added to three chapters point to some favourable conditions, including continuing attention paid by NGO activists to corruption-related issues, an improved
institutional context (e.g. a candidate-centred electoral system and the establishment of Information Commissions), and willingness of citizens to demand accountability of civil servants, as proven in NGO pilot projects where activists experimented with new strategies in the education field. However, numerous challenges impeded significant progress. While NGO activists endeavoured to enforce policy-making accountability, factors like external intervention in decision-making concerning accountability institutions (e.g. the selection of Antasari to head the KPK) and leadership rotation (e.g. the second Supreme Court Blueprint was made under the leadership of Bagir Manan but implemented by his successor) lessened their leverage. NGOs thus needed to have keen attention to what was happening with accountability institutions and sustain their efforts to ensure their effective functioning. Meanwhile, improvements in electoral accountability seemed unlikely due to factors like most NGO activists’ inclination to avoid “aggressive” strategies (e.g. releasing blacklists), and little change to voters’ tendencies to disregard corruption when making their electoral choices. Regarding participatory accountability, though NGO efforts to mobilise stakeholders in schools had brought about some positive effects, this happened only in a few pilot areas. Overall, it is fair to state that NGOs have still not managed to effectively exercise *ex-ante* and simultaneous accountability, and have therefore not been able to prevent corruption from happening.

Indonesia’s experience suggests that to effectively tackle corruption countries should enact reform measures that favour the exercise of accountability by civil society, in
particular activities aimed to enhance *ex-ante* and simultaneous accountability, rather than merely emphasising checks and balances among government institutions and actions aimed to call power holders to account for past misdeeds. By emphasising these aspects, this thesis has offered a different explanation for the persistence of corruption in a democratising context. Present works on corruption in such contexts mostly discusses the conditions that favour the abuse of power for personal benefit, such as opportunities arising from the changing socio-political environment under democratisation, or partial reform measures. Some works may mention the roles of citizens and civil society, but they rarely give in-depth analyses of accountability actions aimed at preventing corruption from happening. This gap leads to several interesting questions. This thesis offers an explanation from NGO activists’ perspectives by analysing cases in democratising Indonesia and examining NGO-led accountability actions aimed at preventing corruption. It reveals that civil society organisations may combat corruption in a proactive fashion and enjoy a favourable context during democratisation. The existence of contextual factors impeding NGO-led accountability actions indicates room for further improvement in both the cultural and institutional setting, and that is one reason for the persistence of corruption in transitional democracies. Since Jakarta-based NGOs now endeavour to remove obstacles to their anti-corruption efforts, they are playing a prominent role in developing the sound systems of accountability which Chalmers and Setiyono (2012, p. 77) believe that emerging democracies need.
It is hoped that findings of this research will enrich scholarly understanding of efforts by NGOs to prevent corruption. This topic is itself a minor part of the large body of work on corruption. This body of work draws scholars’ attention away from even more usual subjects, like the causes of corruption, its impact, and official anti-corruption agencies, but it in turn puts excessive focus on NGOs’ activities that aim to hold corrupt politicians and office holders accountable for misconduct they have already committed. In other words, the present literature leaves the impression that NGOs focus on punishment but do little to prevent corruption. Against that impression, this research shows that NGOs can be proactive in trying to promote preventive measures. In Indonesia, they tried to mobilise voters to block corrupt candidates from winning parliamentary seats, to influence the formulation and implementation of decisions concerning key state accountability institutions, and to mobilise ordinary people to exert control over civil servants in schools through participatory accountability institutions. This research also points out challenges that NGOs may encounter while carrying out such tasks. Challenges may derive from the system (such as a party-centric electoral system), flaws in statutes (such as Law No. 20 of 2003 on the National Education System), the attitudes of officials (such as Andi Hamzah, in the case study of the Corruption Court), the mindsets of ordinary people (such as parents, in the case study of school committees), and so on. It is hoped that the experiences of Jakarta-based NGOs in addressing such challenges point toward new research direction.
This research expands scholarly understanding of Indonesia’s anti-corruption movement in the Reformasi era. There has been a small, but growing, body of literature on that subject, most of which focuses on NGOs’ growth, internal problems and also their efforts to expose corruption scandals (Abidin & Rukmini, 2004; Chaniago, 2003a, 2003b; Davidson, 2007; Hikam, 1999a, 1999b; Khoirullah, 2004; Lindsey, 2002; Setiyono & McLeod, 2010; Sinaga, 2004; Widjaja, 2003; Zainal, 2004). The present literature rarely notices the wide range of activities that NGOs initiated for the purpose of preventing corruptions, and the difficult trade-offs and problems encountered when engaging in the government’s own anti-corruption efforts. This thesis fills these gaps by examining Jakarta-based NGOs’ anti-corruption experiences.

This research also extends the study of social accountability. The vast literature on accountability has little to say about NGOs. Existing works on social accountability draw scholars’ attention away from subjects like formal accountability institutions. However, it puts excessive focus on NGOs’ ex-post accountability activities and has little to say about the other two types: ex-ante and simultaneous accountability. This research has argued that several NGO activities aimed at preventing corruption can be categorised as demanding ex-ante and simultaneous accountability, and has drawn attention to numerous contextual factors that may be favourable to such efforts, the challenges that NGOs may encounter, and efforts NGOs can take to create an environment conducive to the enforcement of social accountability.
It is hoped that this thesis will be followed by a study of efforts by NGOs to enforce *ex-ante* and simultaneous accountability for anti-corruption purpose. Future research should be conducted in a comparative fashion; by so doing it will contribute to a richer understanding of NGOs’ activities to enforce accountability and to combat corruption than we have at the present time.
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