

History of an Anti-Corruption Struggle

Based on the Experience of the Republic of Indonesia

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Abstract—The fight against corruption is an integral part of the existence of the state apparatus of any country. The solution of any business practice with the help of "gifts" has always been a normal practice in the countries of Southeast Asia. After winning their independence, the Indonesian authorities began paying serious attention to the fight against corruption. In 1958, for the first time, on the initiative of the President Sukarno, a special body named "the Committee for the Correction of the State Apparatus" was created to combat corruption. But, the work of the Committee was sabotaged by officials. As a result, the confrontation between the Committee and the senior government officials led to the bureaucrats' victory. In 1959, the Committee announced its dissolution. In 1963, President Sukarno created a new organization to fight corruption named "Operation Budhi." The main task imposed on the new organization by the President was the inspection of the large state-owned enterprises in order to identify corruption schemes and to bring criminal cases before the court for sentencing. A smear media campaign was launched against the investigators working under "Operation Budhi"; its activity was recognized as ineffective and brought to a stop. Despite all attempts, there were no tangible victories over corruption during the rule of President Sukarno. After the transfer of power from President Sukarno to General Suharto, the corruption in Indonesia reached unprecedented proportions. The turning point in the corruption fight took place in 2002, when President Megawati Sukarnoputri set up "The Corruption Eradication Commission."

Keywords—*Corruption in Indonesia; the spread of corruption; The Corruption Eradication Commission; attempts to eradicate corruption in Indonesia*

I. INTRODUCTION

Corruption has existed since ancient times in Indonesia. Even before the beginning of the European colonization period, the foreign traders sailing to the Indonesian islands to

purchase or sell goods (especially to the island of Java) were forced to pay bribes, both to the local officials and to the provincial governors, to get the protection of the local rulers. The situation had not changed with the arrival of the Dutch. Due to the preservation of the old aristocracy and the emergence of the new colonial administration, the quantity of bribes and their amounts only increased. The local elites always needed money to demonstrate their power, and the new Dutch officials considered their stay in the unhealthy climate and hostile environment for low wages as an opportunity to improve their financial situation with bribes from the local population.

After the declaration of the Indonesian independence in 1945 and the ousting of the old bureaucracy, the country managed to get rid of the corruption in the public sector of the economy for a short period of time. But, with the beginning of nationalization and the privatization of the Dutch property, the new state bureaucracy quickly adopted the habit of accepting profitable proposals only from those who paid the most to the official. The state officials, under whose control the big companies had been brought, considered those companies as a means of getting their own benefits, and thus, were taking and giving bribes avidly.

II. COMBATING CORRUPTION IN THE ERA OF PRESIDENT SUKARNO

After the coming to power of President Sukarno, the country was facing a number of serious problems. First of all was the survival of the young Republic. Despite the huge number of external and internal challenges, the Government of the Republic took seriously the issue of the fight against corruption.

A. *Legal framework*

By 1958, the legislative base for fighting corruption at the state level had been formed in the country. Below are listed several laws adopted to combat corruption:

"Peraturan Penguasa Militer No. PRT / PM / 06/1957 (Law on Military Administration)" Anti-Corruption Law. The definition of corruption was given. According to this law, the corruption in Indonesia was being considered from several aspects, as an act committed by a person in their own interest, in the interests of other individuals, or acting on behalf of another person, which directly or indirectly could lead to the financial losses of private individuals or the State [1].

"Peraturan Penguasa Militer No. PRT / PM / 08/1957 (Military Administration Law)" Contains information on the State authorities designated to represent the State in the prosecution of the individuals suspected of committing acts of corruption [2].

"Peraturan Penguasa Militer No. PRT / PM / 11/1957 (Military Administration Law)" This law regulates the procedures of investigation, arrest, imprisonment and confiscation of illegal profits derived from corrupt practices [3].

"Peraturan anti korupsi No. Prt / Peperpu / 013/58". In 1958, for the first time, a full-fledged law on combating corruption was adopted [4].

B. *Activities of "the Committee for the Correction of the State Apparatus"*

The first regular anti-corruption body in Indonesia is considered to be the "Panitia Retooling Aparatur Negara – PARAN", or PARAN (the Committee for the Correction of the State Apparatus). The Committee was established in 1958 on the initiative of President Sukarno. The Committee for the Correction of the State Apparatus was headed by Army General (retired) Abdul Haris Nasution, and the leadership of the Committee included two former ministers, Minister of Justice Professor M. Yamin and Minister of Foreign Affairs Ruslan Abdulgani. The Committee's main goal was to reform the civil service apparatus through its modernization, and a more careful selection of the officials by recruiting only those who shared the political ideals of the young Republic. The task of attracting to the civil service new officials supporting President Sukarno's policy was the principal goal of the Committee. The leadership of the Committee for the Correction of the State Apparatus tried to require state officials of all levels to complete income declarations and submit them for processing to PARAN. But the work of the Committee faced direct sabotage by the officials. The officials received the declaration forms, but they did not return the completed forms to the Committee.

The resistance of the state officials to these declarations was universal. The Committee was unable to overcome the obstacle of the officials who began to claim that they, under no circumstances, would transfer their completed declarations to the Committee for the Correction of the State Apparatus, but, would give them directly to the President. As

a result, the confrontation between the Committee and the senior government officials ended in the bureaucrats' victory. In 1959, the Committee announced its dissolution and transferred its powers to the Government headed by Prime Minister Raden Haji Juanda Kartavijaya.

C. *"Operation Budhi"*

The next stage in the fight against corruption occurred in 1963, when President Sukarno, with his decree "Keputusan Presiden No. 275 tahun 1963" [5], announced the beginning of an anti-corruption operation called "Operation Budhi". The operation was headed by the Minister of Defense and Security Coordination, Chief of Staff of the Armed Forces, General Nasution. The main task set by the President before Nasution was to review large state enterprises with the purpose of identifying corrupt schemes and to bring criminal cases to trial and for further sentencing. The first such enterprise tested under the framework of Operation Budhi, was the national oil company, Pertamina. Represented by its director, Pertamina, the largest state-owned enterprise, refused to provide information and documents to the investigators carrying out the activities within the framework of the Operation Budhi. The example of Pertamina was followed by the directors of other large state-owned companies. They demanded that they should be given special powers signed by the President himself. During the 3 months of work, the investigators and judges within the framework of the Operation Budhi managed to save or return 11 billion rupees to the Treasury of the Republic of Indonesia, a substantial amount for that time. However, a slanderous campaign was deployed in the media against the investigators working within the framework of the Operation Budhi, and its work was pronounced ineffective. By the order of President Sukarno, Operation Budhi was halted.

After the termination of the Operation Budhi, the Indonesian authorities made another attempt to curb corruption. In 1964, President Sukarno himself headed the fight against corruption. Under his personal control, an organization called "Supreme Command for the Retooling of the Apparatus of the Revolution - KONTRAR" was created. The problem of the rampant corruption in Indonesia was so serious, that it was necessary for the President himself to lead the fight against it; the special powers of the Commission were emphasized by the fact, that it also included Minister of Foreign Affairs Subandrio, who was at the same time the Head of the Department of Homeland Security and Intelligence of Indonesia, and Chief of Staff of the Army of Indonesia, Lieutenant-General Ahmad Yani. The choice of the Commission members was caused by the fact, that it was the Army, the Police, and the Diplomatic corps, which were the most corrupt. However, the Commission functioned for only a short period of time. As the result of the coup d'état in 1965, Sukarno was no longer fighting corruption and the Commission's work stopped.

III. COMBATING CORRUPTION IN THE EPOCH OF THE "NEW ORDER" REGIME OF PRESIDENT SUHARTO

During the rule of President Sukarno, despite all the attempts, there were no tangible victories over corruption.

After the transfer of power from President Sukarno to General Suharto, the corruption in Indonesia reached unprecedented levels. The new President turned out to be a great master of using the state budget for his own personal purposes and in the interests of friends and relatives. From the point of view of economic policy, the rule of President Suharto can be conditionally divided into two periods. The first period, from 1966 until the mid-1980s of the 20th century, was when the main driver of the country's economy was state-owned enterprises. The second period lasted from the mid-1980s until May, 1998. At that time, the Indonesian Government began to follow the recommendations of the World Bank and the International Monetary Fund by privatizing the state enterprises. "Suharto's influence was felt in all areas of the political and economic life of the country: the government distributed subsidies and provided special preferences to the strategically important sectors; the State banks issued loans at low interest rates. The Government established and controlled licensing restrictions, giving or refusing permission to cultivate oranges, to produce cigarettes, to deforest, to construct toll roads, and to import rice. The Suharto's Regime determined, who and how much money, one should receive." [6]

In the early days of coming to power in 1967, Suharto began to severely criticize the old order, which, he said, was not able to eradicate corruption due to the fact that all power in the country was concentrated in the hands of Sukarno. Suharto's speeches on fighting corruption began, it seemed, to renew the struggle. In the same 1967, in accordance with the decree of the President, "Keppres No. 228 Tahun 1967" [7], the creation of the Anti-Corruption Group "Tim Pemberantas Korupsi-TKP", headed by Attorney General Sugih Arto, was announced. But, the citizens of Indonesia were quickly disappointed with the work of this group. "Indonesian corruption under Suharto's regime was a big business. It began at the very top and cascaded down to the very bottom. Those who held positions that made it possible to declare war on corruption, were not at all going to fight against it - because the existing state of things was more than satisfactory to them." [8] The corruption in Indonesia under the new President reached an unprecedented level, because of the connivance and direct involvement of the country's authorities.

Since 1969, there had been spontaneous street demonstrations reaching an apogee when, on July, 20th, 1970, students took to the streets of Jakarta with the demands to stop corruption in the higher echelons of power. The authorities responded with force, using police to disperse the demonstrators. Several people were injured and dozens were arrested. Despite the suppression of the students' protests by force, the State had to create a new Commission to combat corruption, "Commission 4". This Commission consisted of high-ranking government officials who had a reputation as honest people. The Commission was headed by the former Chairman of the Supreme Advisory Council of Indonesia, Vilopo. Additionally, the Commission included such well-known people as Ignatius Joseph Kasimo Hendrovahiono, Anwar Chokroaminoto, Professor Hermann Johannes, and Major-General Sutopo Juvono. The Commission was tasked

with purging from corruption the Ministry of Religious Affairs, the Indonesian Logistics Bureau, the private company "Varingin", the joint stock company "Mantrast", the telecommunications company "PT Telekomunikasi Indonesia", and the state oil company "Pertamina". The work of the "Commission 4" was actively supported by the population of Indonesia. Many cases of corruption were revealed, including two cases of corruption which incriminated the President of Indonesia himself. The Commission handed over the results of its investigations directly to the Government of Indonesia, but there was no response. Soon, after five months of work, the Commission was dissolved and the official conclusions of its activity were never published.

From 1970 until 1977, the country lacked an anti-corruption body but, in response to criticism from both local and foreign media, President Suharto was forced to create a new anti-corruption structure. In 1977, Admiral (retired) Sudomo, in accordance with "Instruksi Presiden Nomor 9 Tahun 1977" (Presidential Instruction No. 9 of 1977) [9], was appointed the Head of the Agency "Operasi Tertib" (Operation Order), whose task included fighting with corruption. This agency was not notable for its success in the fight against corruption.

A. Combating corruption after Suharto's Regime

In May of 1998, President Suharto resigned and Buharuddin Jusuf Habibie came to power. The society's demand to fight corruption was so high that a year later, in 1999, the new President introduced the post of Ombudsman of the anti-corruption fight and published "Undang-Undang No 28 tahun 1999" [10] regarding the purging of corrupt government structures. In accordance with the new law, the Commission to oversee the income of public officials "Komisi Pengawas Kekayaan Pejabat Negara (KPKPN)" was established.

The next President, Abdurrahman Wahid, on the basis of the law "PP No 19 tahun 2000" [11] formed a Joint Group to eradicate corruption, "Tim Gabungan Pemberantasan Tindak Pidana Korupsi (TGPTPK)". But, despite the creation of more and more new structures, it was not possible to achieve visible progress in the eradication of corruption. Primarily, this was due to the opposition from the military, the police, and the Office of the Attorney General. These public institutions opposed and sabotaged the work of all commissions in the fight against corruption.

IV. ACTIVITY OF THE CORRUPTION ERADICATION COMMISSION

The Corruption Eradication Commission (KPK) was created in 2002 by President Megawati Sukarnoputri in accordance with the law "UU Nomor 30 Tahun 2002", [12] "On the eradication of corruption." It is necessary to note the name of the Commission, which contains as the main goal not the "fight against corruption", but the "eradication of corruption". The Corruption Eradication Commission (KPK) of Indonesia is a state institution with repressive functions. When creating the Commission, it was assumed, that the

KPK would work professionally, intensively, and continuously. [13] The main task of the Commission was to root out corruption in public and private enterprises and in organizations as well. The KPK is responsible to the citizens, it operates openly, and it regularly reports on its activities to the President, the Parliament and the Supreme Audit Department. The Commission has its own coat of arms and motto, "Dare to be honest, Great!"

A. Responsibilities of the Commission

In accordance with Article 6 of the Law No. 30, 2002, 5 categories of responsibilities assigned to the Commission are allocated: [14]

- 1) *Coordination of the activities of agencies authorized to deal with corruption offences.*
- 2) *Control over the activities of the institutions authorized to counteract corruption.*
- 3) *Execution of preliminary investigations and judicial prosecutions when establishing the facts of corruption.*
- 4) *Execution of preventive measures to combat corruption.*
- 5) *Monitoring of the activities of the state enterprises, in order to reveal corruption schemes.*

In addition, the Corruption Eradication Commission is authorized to conduct preliminary investigations, investigative measures, and judicial prosecutions against persons suspected of corruption:

- 1) *To prosecute law enforcement officers, government officials, and other persons suspected of corruption;*
- 2) *To initiate criminal proceedings against the empowered individuals who are at the center of public attention and suspected of corruption;*
- 3) *To initiate criminal proceedings against any persons who are suspected of corruption exceeding USD 100,000.*

The Corruption Eradication Commission (KPK) is headed by the Board of five people; all are civil servants or public figures. The members of the Corruption Eradication Commission can perform prosecutorial functions.

The Board of five members, which heads the Commission, are elected for the period of four years. The elections are carried out in accordance with the clear and transparent procedure, with the possibility of re-election for another term. The special "Selection Committee" of representatives of the state and well-known public figures create the primary list of candidates. The list of candidates is sent to the President of Indonesia, who selects not less than two candidates for each seat and sends the amended list to the Parliament, which, in turn, approves the final list of five people. The whole process of selecting the Commission Council for eradicating of corruption is widely covered in the national media. All citizens have the opportunity to report to the "Selection Committee" information about any candidate.

B. The Secretary-General

The Commission's work is determined by the Secretary General, who is appointed and dismissed by the President,

but who is personally responsible for the performance of his duties to the members of the Commission. The Secretary General has the task of preparing the strategy and tactics before the Commission and provides:

- The Commission's work organization
- Personnel training and resources
- Safety and comfort provisions
- The Public Relations and legal protection of all Commission Structures Departments.

The Secretary General of the KPK performs the following functions:

- 1) *Performs short-term and medium-term planning, development, and management of the Commission's finances, supervises the grants from donors, and prepares financial statements on the Commission activity results.*
- 2) *Provides material and technical support, asset management, purchases; arranges the auctions of confiscated goods; organizes management, and monitors the security of the building in which the Commission is located.*
- 3) *Recruits and dismisses the employees.*
- 4) *Controls labor relations compliance in the organization of the General Secretariat, and performs other duties assigned to him by the Head Executive in accordance with his functions (Article 6 of Law No. 30 of 2002). [15]*

The Corruption Eradication Commission recruits employees itself. The lists of candidates are open for general discussion. The personnel are recruited from the reliable law enforcement officers upon seconding.

The funding provided for the Corruption Eradication Commission work has been increasing yearly. Nevertheless, the Commission's activity is limited by its budget and the small number of employees.

V. RESULTS OF THE ACTIVITY OF THE CORRUPTION ERADICATION COMMISSION

The Corruption Eradication Commission has a number of unique features when compared to other law enforcement agencies of Indonesia. The staff of the Commission is different from other law enforcement structures of the State, beginning with the fact that this structure is headed by the Council of five Commissioners and two Advisers. The staff of the organization consists of 987 employees, including specialists in various fields, from prosecutors to programmers. The five delegates work as a collegial body, which provides greater transparency and independence. It is presumed that it is much more difficult to influence the decision of five authorized persons than the decision of one leader. The collegial nature of the leadership of the Corruption Eradication Commission also has the advantage that the workload of its leader is distributed among five people.

The Corruption Eradication Commission is independent of the executive, legislative, judicial powers. The financial

activity of the Commission is controlled by a special state body, the highest Audit Department, and is responsible for its activities to the people of Indonesia. When carrying out its tasks, the Corruption Eradication Commission has the right to oversee the activities of the General Prosecutor's Office and the National Police when examining corruption cases.

The Corruption Eradication Commission has virtually unlimited rights to investigate cases of corruption. The Commission can organize investigation against almost any public official, including Members of Parliament, judges, and even military personnel. As a preventive measure, it can prohibit all suspected persons from leaving the country. Although the Commission can investigate corruption cases against public officials, it does not have the authority to arrest them on the basis of corruption. During the years of the Commission's activity, several Members of Parliament and other top state officials have been brought to justice.

The Corruption Eradication Commission has all the investigative powers inherent in other law enforcement agencies. The KPK can organize phone tapping of suspects, check their bank accounts and tax payments, and also freeze assets; it has right to issue an arrest warrant for the suspects on corruption matters. A special court on corruption has been set up to consider the court cases investigated by the Commission. It is included in the system of the courts of general jurisdiction, and the judiciary is formed of the district judges.

In addition to investigating cases of corrupt officials, the Commission also conducts active measures to prevent corruption. These measures include:

- 1) *Checking the conformity of the welfare level of state officials to their income*
- 2) *Analysis of income statements of the officials*
- 3) *Introduction of anti-corruption educational programs at all levels of the public education system, starting with the schools*
- 4) *Creating and facilitating the dissemination of social programs to eradicate corruption*
- 5) *Carrying out anti-corruption campaigns in the mass media*
- 6) *Monitoring the management and reporting systems of all government agencies, in order to minimize the potential for corruption among officials.*

The Corruption Eradication Commission was fully operational at the end of 2003 and by now has reached the almost 100% level of public confidence. The percentage of initiated investigations of violations of legislation in the field of public procurement and cases of corruption brought to conviction reached 86%. [16]

The Commission cooperates successfully with the law enforcement organizations of the neighboring countries as well, as the corruption has long gone beyond the borders of one country. The KPK has a successful experience of cooperation with such regional states as Singapore, Malaysia, the Philippines, Australia, Vietnam and China.

One of the impressive indicators, thanks to which it is possible to evaluate the activity of the KPK, is, undoubtedly, the amount of stolen money returned to the State.

It should be noted that, in 2013, the Corruption Eradication Commission returned to the State budget 1.196 billion rupees, while for its maintenance in the same year, the State spent only 357.6 million rupees. It means the net income from the Commission's activity amounted to 838.4 million rupees. [17]

As a result of its activity, the KPK is the most effective state body due to the return of the money stolen from the State. For example, in 2014, The Corruption Eradication Commission had already returned to the State budget 2.8 trillion rupees, compared with the Office of the Attorney General (792 billion rupees) and the Police (67.7 billion rupees). [18]

Deputy Chairman of the Corruption Eradication Commission Adnan Pandu Praja announced in 2015 that, for the entire period of the Commission's functioning from 2003 to 2015, 294 trillion rupees of public money were returned to the State. [19]

While carrying out their professional duties, the civil servants of the Corruption Eradication Commission, empowered with the high state authority, and working in such organizations as the Office of the Attorney General, the Police, the General Staff of the Armed Forces, the Supreme Court, the Parliament, etc., often suppress the criminal activities of individuals. An uncompromising fight against corrupt officials in the upper echelons of power causes constant attempts to cut down the Commission's authority or reassign it to some power structure. Fortunately, all attempts to curtail the authority of the Corruption Eradication Commission have not been successful.

At present, among all public organizations, only the Corruption Eradication Commission has almost 100% support of the population of Indonesia. Not a single government body can boast of such support. It must be remembered that the creation of the KPK was caused by the loss of public confidence in the main institutions of power, such as the Parliament, the Police, the Courts, and the Office of the Attorney General. The successful functioning of the Corruption Eradication Commission for many years has proved that, even in a corrupt society, with the desire and political will, it is possible to create corruption-free power structures working effectively for the benefit of the people. Thus, using it as a model, the Corruption Eradication Commission could become an example in the future for the creation of renewed institutions of power which would be free from old vices. This gives to the Indonesian citizens hope that an effective and honest Government and state authorities of power can be created.

Despite the obvious success in the fight against corruption, the Commission faces certain difficulties. First is a shortage of personnel. The organization has only 1,000 employees, which is badly correlated with the scale of Indonesia itself, where 240 million people are living, and the territory whose size is 1.9 million square km. Second, the

Commission has restricted funding, the limits of which it cannot exceed.

VI. USE OF SOCIAL MEDIA TO COMBAT CORRUPTION

The Corruption Eradication Commission introduces non-standard methods of combating corruption and preventing corruption crimes in its work. The specialists of the Commission in the field of computer technologies are developing methods for using social networks in the fight against corruption. The KPK employees post videos condemning corruption and calling citizens to report corruption cases to the Commission in the social networks. Thus, the use of social networks can be successful among the young Indonesian citizens. Since, at present, almost every young Indonesian has a mobile device with access to the Internet, the dissemination of information about corruption crimes through social networks led to the fact, that in some cities, students and schoolchildren began to organize rallies with anti-corruption demands. It is known that about 50 million Indonesians actively use "Twitter" [20] and another 70 million use "Facebook". [21] Many young Indonesian citizens are demanding that information on all public procurements should be posted on the Internet to ensure that the whole process becomes open and transparent, which, as a result, would lead to the reduction of corruption.

An initiative of the Governor of Jakarta, Basuki Chahya Purnam, received strong support from the entire population of Indonesia. This initiative, through the social networks, displays all information about the commercial activities of the government of the capital of Indonesia. Thus, every citizen of the country can, at any time, be acquainted with the financial reports and the budget of the country's largest city. According to experts of the KPK, this move by the Governor of Jakarta will sharply reduce corruption in the capital, as the society will be able to monitor the spending of public funds.

The mass media became one of the strategic partners of the Corruption Eradication Commission in modern Indonesia. Chairman of the Commission, Abraham Samad, said that social media should become a means to attract citizens of the Republic to an uncompromising fight against corruption. [22] In this regard, former Deputy Chairman of the KPK (2011-2015), Bambang Vijayanto, made comments, highlighting five components of success for the media in the fight against corruption:

- 1) *Citizens' control over the officials' actions*
- 2) *Public accountability of officials for spending public funds*
- 3) *Propaganda of the necessity to fight corruption*
- 4) *Fighting corruption*
- 5) *Return of the funds withdrawn from the State [23]*

The specialists of the Corruption Eradication Commission also launched a special application, "GRATIS" or "Gratification Information and Socialization", which can be installed on any smartphone. The application was created to prevent corruption crimes and should build up the understanding among the citizens, especially that "free gifts" to state officials are equated with corruption. In addition, the

application explains to the officials that the so-called "free gifts" also fall under the category of malfeasance and that they should not be taken from citizens.

VII. CONCLUSION

The turning point in the fight against corruption took place in 2002, when President Megawati Sukarnoputri created the "Corruption Eradication Commission". It has virtually unlimited rights to investigate cases of corruption. In carrying out their professional duties, commissioners often suppress the criminal activities of people empowered with high state authority and working in such organizations as the Office of the Attorney General, the Police, the General Staff of the Armed Forces, the Supreme Court, the Parliament, etc. An uncompromising fight against corrupt officials in the upper echelons of power causes constant attempts to cut down the Commission's authority or reassign it to some power structure. But all attempts to curtail the rights of the Corruption Eradication Commission have not been successful. At present, among all public bodies, only the Corruption Eradication Commission has almost 100% support of the population of Indonesia. Not a single government body can boast such support. Indonesian citizens are mostly people with low income levels, but they are reacting very sharply to the social injustice. Almost every day, spontaneous reactions of citizens in response to the known cases of corruption in the echelons of power are held in the country. Hundreds and thousands of people take part in these rallies without destruction and injuries. Certainly, the work of the Corruption Eradication Commission contributes to the suppression of activities of corrupt officials and embezzlers. The suppression of such crimes and the reduction of their number is the Commission's contribution to the preservation of stability in the State and the well-being of the citizens. In the future, the Corruption Eradication Commission, together with interested Indonesian citizens, can create a system for the effective governance of the country, free from bribery and corruption.

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