
This report was written as a response to the following questions:

**Does your Government accept that corruption is a human rights issue?**

1. The emergence of corruption as a human rights issue was manifested in establishing the Indonesian Corruption Eradication Commission (KPK). It was established in 2003, and the impetus to create this commission was the economic crisis during 1997, which subsequently also led to the downfall of President Soeharto. KPK, as an independent commission, was established to combat the extraordinary crime of corruption in Indonesia, which is rampant, systemic, and affecting the lives of practically everyone in the country. During the crises, there was a sense that drastic measures were needed to tackle corruption, which contributed to the country’s difficulties.

2. KPK recognized corruption as a part of human rights violations. As stated by its Chairperson, corruption can make the state fail to achieve its goals, including violations of crimes against humanity or human rights.¹ Through Law No. 30 of 2002, which has been amended to Law No. 19 of 2019, KPK is a state institution within the executive power, which is carrying out its duties and authorities, is independent and free from the influence of any power. One of its duties is to investigate and prosecute corruption so that the statement submitted by KPK can represent the Government’s position, especially concerning corruption matters.²

² Law No. 19 of 2013, Article 3.
How does your Government support and protect human rights defenders working against corruption?

3. The support and protection for human rights defenders in Indonesia, including those engaged in the corruption eradication sector, are very minimal. Human rights defenders often experience various forms of threats, such as attempted murder, arbitrary arrest, sexual violence, criminalization, intimidation, and terror in carrying out their work.3

4. The Government’s effort in supporting the work of human rights defenders in anti-corruption issues is by identifying that anti-corruption human rights defenders are part of human rights defenders.4 This is because the anti-corruption work is intertwined with the protection, respect, and fulfillment of human rights. In terms of regulation, the National Human Rights Institution (Komnas HAM) stipulated that the rights of anti-corruption activists are guaranteed in Law No. 39 of 1999, concerning Human Rights, from Article 100 to Article 103.

5. However, recently the Government has been absent in protecting the work of human rights defenders in the anti-corruption sector. The revised corruption law mandates that all previously independent employees of the commission become civil servants through a test. Several investigators in KPK were reportedly set to lose their jobs as frontline fighters against corruption after failing a test required to change their status to that of civil servants. Reports emerged in May 2021 that around 75 KPK employees failed the civic knowledge test held by the National Civil Service Agency (BKN) as part of the employee status transition within the antigraft body.

6. Many human rights defenders advocated this case under the pretext that the test was unfair and an effort to weaken KPK. They got a massive digital attack from their work, and multiple attacks ranged from hacking to doxing.5 The violation of privacy rights did not get any remedy from the police, and neither did several similar cases before. This indicated that the state’s protection for human rights defenders in the anti-corruption sector is still fragile, and they did not have the guarantee of security of their work.

Has your Government ratified the UN Convention Against Corruption?


If yes, what, specifically, has your Government done to implement its Article 13, including "...to promote the active participation of individuals and groups outside the public sector,

---

4 Ibid.
such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption...”?

8. Even though the Convention’s ratification was in 2006, the public’s rights in participating in the prevention and eradication of corruption have been regulated explicitly in Law No. 31 of 1999, concerning the Crime of Corruption. Article 41 of the law stipulated that the public can participate in helping efforts to prevent and eradicate corruption and the right to obtain legal protection during the case they involve with.

9. The public, or in this case is civil society organizations, were involved in many corruption cases. For example, the Indonesian Corruption Watch (ICW), an anti-corruption non-governmental organization, actively provided information and challenged corruption cases. However, most times, the Government did not respond to the participation cooperatively. In one of the cases, the ICW said that the Government should disclose the partnership agreement made between the pre-employment card – the Government’s flagship unemployment benefits program – and its digital platform partners to ensure the latter is taking undue advantage of the deal. They requested the Coordinating Ministry for Economic Affairs to disclose the partnership agreement, and the Ministry did not respond. The ICW reported this case to the Indonesian Ombudsman as a mal-administration; hence the Ombudsman can process the report and investigate it. However, the Ombudsman also repeatedly rejected the report, claiming that ICW did not have any legal standing. This showed that public participation is open, but it risks one thing: rejection.

10. Another risk the public faces in eradicating corruption, which shows no solid promotion for active public participation, is an attack. One of the former KPK investigators, Novel Baswedan, was attacked by unknown persons with chemical water that made him partially blind on April 11, 2017. Before this attack, he handled a case that involved public officials. He led the investigation of a mega scandal of the Electronic Identity Card case that proved to have a corruption scheme involving several public officials’ names.

**Have there been any cases of human rights defenders working on anti-corruption issues physically attacked, including killed, in your country between January 1, 2020, and June 30, 2021? What action has been taken to bring the perpetrators to justice?**

11. During the mentioned period, some physical attacks targeted anti-corruption activists. The attack usually came in the form of torture and forced dispersal. One of the recent cases is a physical attack against a journalist, Nurhadi. He was attacked by about then people when he tried to interview Angin Prayitno Aji, former Director of Inspection of the Directorate General of Taxes, Ministry of Finance, on March 27, 2021. Angin was allegedly involved in a tax corruption scandal. Before Nurhadi could interview him, he was being hit, strangled, kicked, and the perpetrators also damaged his work equipment. He reported the attack to East Java Regional Police; however, the perpetrators, who are police officers, were not arrested as they were deemed cooperative during the examination.
12. Other than Nurhadi's case, some human rights defenders in the anti-corruption issue also faced some attacks in the form of forced dispersal by the police. The students from the University of Muhammadiyah Surakarta were going on a rally to urge President Joko Widodo to issue a Government Regulation to revoke the problematical KPK law. Before the rally started, the police, military, and the Civil Service Police Unit (Satpol PP) forced them to disperse the rally. The reason for this forced dispersal was to prevent the crowd and anticipate traffic jams.⁶

13. Another forced dispersal case occurred when Semarang Legal Aid Institute (LBH Semarang) held an event to watch a documentary film about the weakening of KPK. The forced dispersal happened under the reason to enforce the Covid-19 health protocol. LBH Semarang decided to disperse the event due to the immense pressure on dispersing the event from the security apparatus. Even though there were no physical attacks in these two cases, they were still a part of violations and attacks against human rights defenders working in the anti-corruption issue.

Have cases of attacks, intimidation, and harassment of anti-corruption activists been investigated and prosecuted? Please provide details of topics is available.

14. The majority of those cases did not get any accountable and transparent legal process, for example, the case mentioned above of Novel Baswedan. Two active police officers handed themselves after President Joko Widodo ordered the National Police Chief to solve the case in November 2019. They were arrested as the perpetrators that attacked Novel Baswedan.

15. Novel Baswedan himself did not believe that both perpetrators carried the attack on their own; hence, they must be only the scapegoats. The state prosecutor recommended to the court a one-year prison term for both suspects, whereas the punishment in the article in the indictment is a maximum of 12 years in prison. On July 14, 2020, North Jakarta District Court sentenced one perpetrator for two years in jail and the other for 18 months.

16. The light sentence sparked many protest from human rights organizations. There was also an allegation that police in higher rank commanded the attack in this case. Furthermore, the police spent almost three years to find both perpetrators from their police force members, and suspiciously after President Joko Widodo declared the immediate order for this high-profile case. Even one defendant told the mainstream media that he attacked the victim because he personally disliked him. The trial also has many oddities as it only raised more questions about this incident. The prosecutors did not give any crucial evidence, and they also ignored any clues that linked Novel Baswedan's anti-corruption work, especially the cases that involved many government officials. Novel Baswedan has met with former Special Rapporteur on the situation of human rights defender Mr. Michel Forst, but there was no further continuation.

What more could your Government do to help protect human rights defenders working on issues of anti-corruption?

17. Based on the report above, we would like to recommend the Government of Indonesia to:

   a. *Establish* a new law to regulate the protection of human rights defenders, including those in the anti-corruption issue. This is important as the existing law only governs public participation, and there are no specific norms to protect people from criminal or civil lawsuits in the anti-corruption issue.

   b. *Investigate* every report regarding the attack against human rights defenders in anti-corruption issues, and further prosecute the perpetrators fairly according to the law.

   c. *Improve* the promotion and protection of the rights to participate in preventing and eradicating corruption for the public by revoking or revising the repressive law.