

Labib Muttaqin, 2020

Volume 5 Issue 3, pp. 970-985

Date of Publication: 27th February 2020

DOI- <https://doi.org/10.20319/pijss.2020.53.970985>

This paper can be cited as: Muttaqin, L., (2020). *Corruptor Fight Back: Identifying the Corruption Eradication Commission's Enemy in Eradicating Corruption in Indonesia*. *PEOPLE: International Journal of Social Sciences*, 5(3), 970-985.

This work is licensed under the Creative Commons Attribution-Non Commercial 4.0 International License. To view a copy of this license, visit <http://creativecommons.org/licenses/by-nc/4.0/> or send a letter to Creative Commons, PO Box 1866, Mountain View, CA 94042, USA.

CORRUPTOR FIGHT BACK: IDENTIFYING THE CORRUPTION ERADICATION COMMISSION'S ENEMY IN ERADICATING CORRUPTION IN INDONESIA

Labib Muttaqin

Department of Legal studies, Faculty of Law, Universitas Muhammadiyah Surakarta, Indonesia
lm812@ums.ac.id

Abstract

The Corruption Eradication Commission of the Republic of Indonesia (CEC) is a state institution established with the aim of improving the effectiveness of efforts to eradicate corruption. With a clear juridical foundation and real achievement, the CEC is considered successful in meeting public expectations in eradicating corruption in Indonesia. Even so, the CEC's corruption eradication agenda experienced many obstacles from those who were against corruption eradication. The parties are always trying to weaken the CEC institution even there are also efforts to dissolve the CEC. Various attempts to weaken the CEC are called corruptor fight back. But unfortunately, the incessant corruptors fight back are not matched by the CEC's readiness in dealing with the fight back. Not yet identified the pattern of corruptor fight back is one indication of the weakness of the CEC in the face of the corruptor fight back. Therefore, there are three objectives of this study namely; First, learn the forms of the corruptor fight back. Second, read the workings of the corruptor fight back. Third, determine the ideal design and strategy to prevent and fight any corruptors fight back.

Keywords

CEC, Corruptors Fight Back, Strategy Facing Corruptors Fight Back

1. Introduction

It seems that corruptors and those who are against corruption eradication in Indonesia cannot stand the existence of CEC so that its existence must be eliminated immediately, because if not, there is concern that CEC will eradicate them, considering that Article 11 of the CEC Law gives a mandate to the CEC to eradicate corruption on three things; public officials, law enforcement, and parties related to both. Not wanting to be eradicated by the CEC, the corruptors also fight back (counter attacks) to eradicate the CEC, this agenda is what is later called the "corruptor fight back".

The life and death of anti-corruption institutions is almost always due to resistance from corruptors in each regime. At least there are several modes of fight back (counter attack) from corruptors which include: 1) weakening by forming a new body that aims to weaken the previous institution, 2) officially dissolved as an anti-corruption institution, 3) there is no dissolution but its role continues to be reduced, 4) weakening with efforts to cancel the legal basis for its formation (Indrayana, 2016).

On its way, the mode corruptor fight back against CEC increasingly varied. One of the earliest attacks was to test the existence of Law No. 30 of 2002 concerning CEC to the Constitutional Court of Indonesia (hereinafter referred to as CCI). Isra (2016) noted, to date the CEC Law has been tested at CCI nearly 20 times. Luckily, all these efforts failed to kill the CEC, given that CCI annulled the lawsuit. In the present context, it is not only the CEC legal basis that is judicially reviewed by the CCI, but the CEC Law also continues to face the challenge of revision of the People's Representative Council of the Republic of Indonesia (hereinafter referred to as PRCRI) which tends to weaken the CEC. There are many points in the proposed revision of the CEC Law which would otherwise blunt the CEC as an anti-corruption institution, the points include; redefinition of the CEC only as a corruption prevention agency and not a corruption eradication institution, the CEC no longer has prosecution authority because the authority is returned to the prosecutor's office, complicating the wiretapping process because it must obtain permission from the court first, the formation of a supervisory board which is considered to only open the way to intervene CEC, the existence of CEC is limited to only 12 years and there are many other points that tend to paralyze the CEC.

Another PRCRI agenda that is also part of the corruptor fight back against the CEC is the PRCRI Questionnaire Right against the CEC. It is quite clear that the inquiry right itself is against the law, but PRCRI still insists on submitting a questionnaire to the CEC. The Constitutional Law Teachers Association, for example, has stated that the CEC Questionnaire Right is an error in terms

of subjects and objects because it contradicts article 79 paragraph (3) of Law No. 17 of 2014 (Gatra, 2017). As if it was common knowledge that in the form of a special committee (special committee) the right of inquiry for the CEC was a form of resistance behind the PRCRI members against the investigation of the E-KTP corruption case by the CEC. Criminalization of CEC employees is also one of the agendas corruptor fight back. If you pay attention, the criminalization of CEC employees and leaders is always preceded by the investigation of the CEC against major corruption (mega corruption) in Indonesia.

Corruptor fight back is very bad for CEC, because fight back This not only has an impact on decreasing the level of public trust, but also affects the performance of the CEC, especially in the field of enforcement. But unfortunately, the incessant fight back corruptors are not matched by the readiness of the CEC in the face of the fight back (counter attack). Unclear pattern of corrupt fight back is one indication of the weakness of the CEC in dealing with it, instead of wanting to fight against fight back corruptors, which happened just the opposite, the CEC's resistance efforts were considered to actually worsen the national political situation. But, after all Corruptor fight back in the future it may not happen again and if it still exists of course must be resisted.

In this study, there are at least two things that must be examined in depth to prevent and fight any corrupt fight back. *First*, read the pattern or the workings of the corrupt fight back. *Second*, determine the ideal design and strategy for the CEC to prevent any corrupt fight back.

2. Literature Review

Is it possible for corruptors to do a corrupt fight back / counter attack to the eradication of corruption (CEC)? To answer this question, it is necessary to know in advance who the corruptor is, the corruptor is the person who commits corruption. Genaux (2004) says corruption is an act of enriching oneself, another person, or an entity, which is against the law both formally and materially and that the act directly or indirectly harms the country's finances and or economy or that the act is known or should be suspected by the maker that harms the country or the country's economy. Corruptor is someone who misuses his authority to enrich himself or others which results in the detriment of the state and community finances where the action is contrary to his oath of office and applicable laws and regulations (O: 2012)

In the context of eradicating corruption in Indonesia, Article 11 of the CEC Law gives a mandate to the CEC to eradicate corruption involving law enforcement officials, state administrators and parties related to both. In a political study, the objects of corruption eradication as referred to in article 11 are those who have strong resources to defend themselves and even

counteract the CEC who first made efforts to eradicate corruption against these parties (ADB / OECD, 2107).

So the term "corruptor fight back" is not a term that appears just like that but the term appears because it was preceded by the "fight to corruptors" or "against corruptor" by anti-corruption institutions such as the CEC, in other words there is resistance to corruptors or the eradication of corruption is the cause of a counter attack from corruptors or from parties who are against corruption eradication. So it can be said that the corruptor fight back is an attack carried out by corruptors or parties who are anti-corruption eradication of parties or institutions that eradicate corruption.

The phenomenon of corruptors fight back This is not only experienced by the CEC but also experienced by various institutions to eradicate corruption in other countries. In the period 1960-1970 before the birth of the ICAC (Independence Commission Against Corruption), corrupt practices that occurred in Hong Kong were natural, even considered a way of life (Chi, 2014).

But after the birth of the ICAC, corrupt practices in Hong Kong, especially in the body of law enforcement, are increasingly shrinking, until now Hong Kong is listed as one of the countries most free from corruption (Cheung, 2007). Nevertheless, the eradication of corruption by the ICAC does not always run smoothly, the corrupt fight back has also been experienced by the ICAC. The strong corruptor fight back experienced by ICAC is illustrated quite well in the film *I Corrupt All Cop* produced in 2009.

The film is told when first carrying out its duties, the ICAC faced very difficult challenges. Threats also come from corruptors (especially from the police) in a barrage of ICAC employees who are all made up of inexperienced young people. His family is no exception. There are even ICAC employees who can't stand the mental disorder. Some of them choose to retreat. In an interview with Professor Kwok Man-wai, an international anti-corruption specialist who has 27 years of work experience at the ICAC, the tempo magazine asked the question "There is the film *I Corrupt All Cops*, which tells about corruption in the Hong Kong Police and the emergence of ICAC. Is the film's story real? ", Professor Kwok answered; "All of that is correct". (HT, 2011).

Besides in Indonesia and Hong Kong, the story of the corruptor fight back also exists in Nigeria, and it is probably the most famous story. Nigeria has a problem of eradicating corruption similar to Indonesia, the value of corruption perception index is also not much different from Indonesia (Indrayana, 2016). Nigeria introduces Nuhu Ribadu to us, a Nigerian police hero with a brilliant career and topnotch ability to eradicate corruption while serving as Head of the Economic and Financial Crimes Commission (EFCC) in Nigeria since 2003. His track record is amazing,

various bribes with numbers the extraordinary success he fought, even he made as an entrance to dismantle a variety of major corruption scandals (Hope, 2017). However, finally sad. After chasing a senior politician with a strong influence on corruption charges, he finally could not avoid being corruptor fight back " which caused him to be thrown from his position by being accused of various crimes, and even threatened with attempted murder. Things that made him forced to 'flee' to England in early 2009. (Chimezule, 2015).

From the experience of eradicating corruption possessed by the countries above, it shows that what is referred to as "corruptors fight back" very likely to occur, considering that the objects of corruption eradication from anti-corruption institutions are those who have strong resources either because of the position they hold or because of the amount of funding capital they have, which these resources can be used as fuel to strike back corruption eradication agency.

3. Methodology

The method used in this study is classified as non-doctrinal-qualitative research, the purpose of this research method is that academics can respond to the fulfillment of the sense of justice of the lay masses. These non-doctrinal methods are used by law, not only to study the extra-legal factors, but also to study the real social factors in the context of legal behavior as it is in society (Bryman, 2008).

There are two data used in this research namely primary data and secondary data. Primary data (basic data) is data obtained directly from the community while secondary data is data obtained from library materials (Silverman, 2000). The primary data collection technique is done by interviewing relevant and credible parties. In this study, interviews were conducted with the Anti-Corruption Study Center of the University of Gadjah Mada University of Gadjah Mada University (ACSC UGM), Indonesia Corruption Watch (ICW), and the Corruption Eradication Commission of Indonesia (CEC). Whereas secondary data collection techniques are carried out by means of literature study.

To test the existence of the corruptor fight back against CEC there are a series of methods adopted in this study. *First*, building an argument that the corruptor fight back to the CEC is indeed true, the implementation of this stage is pursued by tracing library materials both from books, journals, and media coverage. *Second*, examine the relevance of the results of the first stage with the opinions of expert respondents relevant to this study conducted by interview. *Third*, conclude the findings from stages one and two descriptively-analytically and provide recommendations and solutions to the problems that exist in this study.

4. Discussion

4.1 Read the Corruptor Fight Back Pattern to the CEC

Reading patterns means reading how it works (Grenander & Miller, 2009), therefore this section will explain how the work of the corrupt fight back, starting from where the corrupt fight back comes to how the mechanism of working of the corrupt fight back. To be able to read well the pattern of corruptor fight back against CEC, the first thing that must be understood first is who are the potential parties involved in this corrupt fight back agenda?

There are three groups that have the potential to fight back against the CEC. First, namely the corruptor himself whose corruption case is being investigated by the CEC. Second, parties who currently do not have a legal case with CEC, but that party has the potential to reveal cases of corruption by the CEC in the future. Third, those who were unhappy with the CEC from the beginning and unhappy with the corruption eradication agenda. Discussion about which parties have the potential to do fight back corruptors becomes very important, because this discussion is a starting point to read how the pattern of corrupt fight back. If there are three potential groups as the subject of the corrupt fight back, the question is, is the pattern / method of working of the corrupt fight back carried out individually or can it be carried out jointly by the three groups?

The occurrence of corruption must always involve many parties, because corruption itself is a manifestation of illegal contracts and clientelism between public officials, politicians, economic actors and other related parties (Sachs, 2011). From here the author wants to say that corruption is not done by individuals, but more than that, corruption is carried out by many parties who then transformed into what the authors call "corrupt networks / corrupt mafias". Issacharoff (2010) said, certainly not an easy matter to prove the existence of a corrupt network (clientelism) because clearly there would not be found an organization and its management structure. Corruptor network is an underground network that is very difficult to prove in court, but if you remember what was delivered by Sachs, the existence of a corrupt network is real.

The existence of a corrupt network is a keyword to answer the question whether the corruptor fight back is carried out individually by these three parties or can be done together? Although not absolutely 100 percent, the authors argue that the corruptor fight back, one of the patterns, is the result of collaboration between parties who are members of the corrupt network. The writer's opinion is based on the argument that corrupt practices always involve many parties, so when there is one party whose corruption case is being investigated by the CEC, then there is no other choice

for other parties to help corrupt the fight back which is being carried out by the party being investigated by the case corruption by the CEC.

The assistance is not only based on friendly relations between corruptors, but is also based on what is called "paranoid solidarity", which is a solidarity that arises from mutual fear and concern if the other party does not help those who are in trouble with CEC (ACSC UGM, 2018), there were concerns from other parties that he would be the next target of the CEC. Therefore, the parties who are members of the united corrupt network unite in fighting back against the CEC in the hope of weakening the CEC from both legal and non-legal aspects, so that the CEC becomes flawed and no longer able to handle corruption cases involving the corrupt network.

Departing from the arguments above, the existence of corrupt networks has a significant influence in the realization of various corrupt fight back patterns, based on the results of research from expert respondents, this study states that there are at least three corrupt fight back patterns, namely:

4.1.1 Legal Path

History records, at least two forms of corruptor fight back that work through legal mechanisms, namely:

a. Judicial Review

Since it was enacted on December 27, 2002, the CEC Law is one of the most frequently tested material laws before the CCI, as of 2004 until now it has been tested and decided by on CCI almost 20 times. Saldi Isra, Danny Indrayana, Zaenal Arifin Mochtar and many other legal experts say that judicial review is the door of the corrupt fight back (Yuntho, 2016).

However, it needs to be understood, what is bad is not the concept of judicial review itself, but the judicial review can be used as a means by legal mafia groups to weaken the legal position of the CEC. In Muhtar's view (2019) Judicial review is like a sword, if the sword is used by the hero then the sword will be used to help people, but if the sword is held by a criminal / mafia then the sword will be used to kill others, in the context of this paper is CEC.

b. Criminalization

Black Law Dictionary (1990) stated that "Criminalization is the act or an instance of making previously lawful lack of crime. The by whom a person develops in crime. To make illegal to outlaw (criminalize). Thus, the limits of criminalization, namely an act that has been committed by a person, the act when it is done is essentially not a criminal act according to applicable law, but the act is developed into a criminal act (develop into criminal act) (Renggong, 2011).

During their work in eradicating corruption, several KPK leaders experienced criminalization, in 2009 two KPK leaders Bibit Samad Rianto and Candra Hamzah were criminalized by being charged under Article 23 of the Corruption Act in conjunction with article 421 of the Criminal Code concerning abuse of authority. The technique of criminalizing candra-seedlings was completely revealed when the recording of Anggodo Widjojo's conversation with a number of people was screened in the Constitutional Court of Indonesia. The 4.5-hour long record consists of nine sections that range from Member asking the prosecutor's help in criminalizing seed-candra to the planned murder of Candra Hamzah (Hukum Online, 2009).

Next is the criminalization experienced by Bambang Widjojanto or more familiarly called BW as the deputy chairman of the KPK. There are a number of strong reasons why the BW case is criminalization. Among them: First, BW was made a suspect first even though the article (criminal acts) is not known with certainty. Secondly, BW's arrest was considered as a reaction from the establishment of Budi Gunawan as a suspect by the KPK. Third, BW was suddenly arrested without any summoning process. (Iqbal, 2014).

Likewise, the Novel Baswedan which was criminalized, the novel was taken to the Criminal Investigation Police on 1 May 2015 in the early morning and underwent an examination early in the morning without a lawyer. Another reason that confirms that the novel was criminalized was that the novel was made a suspect on October 1, 2012 by Bengkulu Police on suspicion of mistreatment of a swallow's nest thief to death in 2004 when he was the Head of Bengkulu Criminal Investigation Unit (Wibowo, 2018).

4.1.2 Political Path

According to Lasswell (2006), there are at least three key words about politics; 1) making decisions 2) power and influence oriented 3) by the state or organization. Politics are decisions made (political decisions) by political institutions whose purpose is to gain or maintain power and influence (Raven, 2017). In the context of this paper, the pattern / way of working of corruptor fight back through political channels is by making political decisions that can result in the weakening of CEC institutions. Of the various forms of corrupt fight back, the authors argue that the revision of the CEC law and the PRCRI Questionnaire Right for CEC are two forms of corrupt fight back carried out through political channels, because these two things are political decisions issued by political institutions namely the People's Representative Council of the Republic of Indonesia (PRCRI).

The revision of the CEC Law aims to delegitimize the existence and scope of the CEC's authority, even Widjojanto (2016) (Former CEC Leader) said that the revision of the CEC Act was

a "legislation attack" that would destroy the CEC's existence. This opinion is not excessive if you look at the contents of the draft revision of the CEC Law which has provisions on the supervisory board, restrictions on wiretapping, cessation of investigations (SP3), recruitment of investigators and the dissolution of the CEC. The legislation attack was carried out not without reason, this is in view of the high number of politicians arrested by the CEC, according to the 2018 CEC Annual Report, there were 324 PRCRI / PRCRID members caught in corruption cases (CEC Annual Report, 2018). Do not want to be just eradicated by the CEC, the corruptors also fight back (counter attack) with the proposed revision of the CEC Law, with the hope that the CEC's authority in combating corruption is getting weaker and unable to eradicate corruption.

In addition to the Revision of the CEC Law, the PRCRI Questionnaire Rights for the CEC also included legislative attacks. There is no need to think long that the CEC Questionnaire Rights are corrupt fight backs because the questionnaire rights appeared shortly after the CEC investigated the corruption of Electronic KTPs which allegedly involved many PRCRI members (Firdaus, 2018). The lesson that can be drawn from the phenomenon of the Revision of the CEC Law and the Rights of the CEC Questionnaire is that the political path can be an obstacle course for the political elite to fight back to maintain power and influence from the corruption eradication carried out by the CEC to them.

4.1.3 The Terror Path

CEC Personnel from the highest level to the lowest level is always overshadowed by terror from those who are against corruption eradication, ranging from bomb terror, witchcraft, murder, criminalized to physical violence as experienced by senior CEC investigators, Novel Baswedan, doused chemical water in his eyes. It is difficult to deny that the path of terror is part of the pattern / workings of the corruptor fight back, given the majority of the terrorist acts occurred not long after the CEC investigated corruption cases.

Broadly, Hoffman (2017) defines terror as "the deliberate creation and exploitation of fear through violence or the threat of violence in the pursuit of political change". From this definition it can be seen that the purpose of terror is to create fear both through violence and threats in the hope that political change can occur.

Hoffman's definition (2017) has a strong connection with terror attacks experienced by CEC, namely terror is carried out with the aim to weaken CEC personnel from various aspects both from mental and physical aspects, consequently, the integrity of CEC personnel has the potential to experience degradation, this certainly very dangerous, because one of the factors that determine the success or failure of the eradication of corruption by the CEC is largely determined by the integrity

of the CEC personnel. Especially if you consider the nature of CEC as a trigger mechanism that acts as a support for other law enforcement institutions whose integrity is doubtful when handling corruption cases. (Akbar and Wicaksono, 2013).

4.2 Strategy Design Facing Corruptor Fight Back

Considering that a corruptor fight back is a phenomenon that involves many aspects, the design of a strategy built against it is not enough from only one aspect, therefore the author believes, there are at least three aspects as the foundation for building a strategy to face a corrupt fight back, namely the legal aspect, political and sociological:

4.2.1 Legal Aspects.

If counted, corruptor fight back through legal channels has happened to many times over the CEC both through Judicial Review and criminalization, this indicates that CEC is very vulnerable to this type of fight back corruptor. The question is why this type of pattern corrupt fight back can be repeated many times and at the same time the CEC has repeatedly failed to deal with it.

The findings of this study suggest that the cause of this crisis is because the CEC experienced what is called the "lack of effective legal framework and lack of strong legislation". According to Quah (2007) to be an effective institution there must be a comprehensive anti-corruption legislation. There are at least two steps that must be taken to improve the quality of legal instruments for the CEC, so that the CEC is not easy to get corrupted fight back through legal channels, the two steps are:

a. Making the CEC as a Constitutional Organ

Until now, the CEC is an independent state institution whose existence is still at the level of the Law Namely Law No. 30 of 2002 concerning the CEC. Even though the CEC Law gives extraordinary authority to the CEC, in exercising its authority it does not mean there are no problems, instead there are many problems in this case, namely the corruptor fight back to the CEC using the juridical channels. Therefore, making the CEC as a constitutional organ is one of the strategies to deal with such attacks, there are several reasons why the CEC must enter the constitution (Monteiro, 2012).

First, because the CEC is not part of the constitutional organ, so it is easy to find reasons to test the CEC Act to the CCI. If only CEC entered the constitution, the corruptor fight back through Judicial Review could be muted, because of the clear position of the CEC in the constitution. Second, end the debate that tries to state that CEC is a temporary/ad hoc institution. By becoming a constitutional organ, the position of the CEC as a permanent institution is more secure, because if

you want to question the existence of the CEC it can only be done through an amendment to the Constitution whose procedures are very difficult.

b. Limited Immunity for CEC Leaders and Employees

Like an old song that never stops sounding, that is the criminalization of CEC leaders and employees. Bibit Samad Rianto, Chandra Hamzah, Abraham Samad, Bambang Widjojanto are a series of CEC leaders who have experienced the bitterness of criminalization, plus a senior investigator Novel Baswedan who is also not spared from this attack. So that this tragedy does not recur, it is necessary to formulate a protection system that provides (temporary) immunity to CEC leaders and employees while serving and carrying out their duties. But, of course the right to immunity to CEC leaders is not unlimited. Some common limitations are in his tenure; in terms of carrying out its functions and authority and does not apply in the case of being caught in the act of committing a felony, especially corruption (Indrayana: 2016).

4.2.2 Political Aspects

The political aspect referred to in this study is the political will of other state institutions to work together with the CEC to eradicate corruption to its roots. Political will from other institutions is very important considering it is impossible to eradicate corruption by relying on CEC alone. Without political will from other institutions, the CEC is like a swordsman who alone faces thousands of enemies and ends up being killed due to exhaustion. Even Quah (2007) said "Political will is perhaps the most important precondition for the effectiveness of an ACA (Anti-Corruption Agencies). The political leaders in a country must be sincerely committed to the eradication of corruption by showing exemplary conduct and adopting a modest lifestyle themselves.

The strategy developed related to political will must touch the two main powers in this country, namely the executive and legislative branches.

a. Political Will from the executive.

Political will from the president to continue to protect the CEC from the ferocious fight back fighters is expected. Considering the importance of presidential support for the CEC in eradicating corruption, going forward, the commitment to eradicating corruption must be one of the vision and mission of the presidential candidates, bearing in mind that corruption is the root of the nation's problems (Indrayana, 2017) this is where the people are demanded to be smart in choosing their president with no drift with momentary interests such as money politics, or drifting with identity politics (choosing leaders for reasons of shared identity and not because of quality).

b. Political Will of the Legislature

In addition to support from the executive, Quah (2007) also stated that the precondition of other anti-corruption institutions is "there must be comprehensive anti-corruption legislation". In Indonesia, the institution that determines whether or not the precondition is realized is the People's Representative Council of the Republic of Indonesia (PRCRI) as the institution holding legislative powers. But unfortunately, the political will of the PRCRI to support the CEC is very doubtful of its existence, on the contrary, PRCRI members are actually considered by many parties to be the subject of the corrupt fight back itself by maneuvering its attacks on the CEC such as the Revision of the CEC Law and the CEC Questionnaire Rights. At this point, the political will of the PRCRI will determine the life and death of the CEC, if the PRCRI does not have the political will to strengthen the CEC, then in the future the CEC will experience a lack of effectiveness in combating corruption.

4.2.3 Sociological Aspects

Citing Santoso (2014), if anyone asks why until now the CEC can still survive and exist even though the fight back corruptors always come in a barrage and take place massively? Then the answer is because there is a level of trust a high from the community to the CEC, if the level of trust of the community is low to the CEC, then it is likely that the CEC has now perished, therefore the CEC must always maintain the trust of the people. However, maintaining people's trust is not easy, there are several things that must be done continuously by the CEC to maintain public support, namely:

- a) The CEC must always improve its performance in combating corruption through Coordination-Supervision, Prevention, and Enforcement. If the CEC goes stagnant and even decreases, the level of public satisfaction with the CEC will decrease. This is where the CEC is required to continue to innovate and continue to improve the management system both internal and external in order to eradicate corruption better
- b) All CEC employees from the leadership level to the staff must always maintain their integrity, this is very important to maintain public trust in the CEC, if there are only one or two of the CEC employees who are known to commit dishonest acts let alone to corruption, then public confidence can be ensured will decrease drastically to the CEC and in the future it will be reluctant to support the CEC again.
- c) The CEC must immediately formulate a massive anti-corruption campaign strategy, for the realization of a massive anti-corruption culture in this country. This is very important, as expressed by Friedman (1987) that the effectiveness of law cannot be achieved only by relying on law enforcement and the substance of the law, but there must also be a good legal

culture. The anti-corruption campaign is expected to foster a strong anti-corruption culture in this country, so that in any situation and condition the community is always ready to support the CEC if the CEC is experiencing a corrupt fight back.

5. Conclusions

There are three groups that have the tendency to do corruptor fight back, namely; (1) Corruptors (2) Parties who are potentially designated as corruptors by the CEC (3) Parties who hate the CEC. If they do a corruptor fight back, then they become the main enemy of the CEC in combating corruption in Indonesia. Unfortunately, until now the CEC does not have a powerful strategy to fight the corruptor fight back, as a result the threat of weakening and annihilation of the CEC will always be in Indonesia. Therefore, CEC must immediately have a powerful design strategy to deal with corruptor fight back in the future. At the very least, the design of the strategy must cover three aspects: (1) Legal aspects, namely by making the CEC a constitutional organ and granting limited immunity rights to CEC personnel. (2) Political Aspects, namely by encouraging the political will of the executive and legislative branches to join together with the CEC to eradicate corruption to its roots. (3) Sociological aspects, namely by building a strong anti-corruption movement in the society.

References

- Akbar, M. F & Wicaksono, D. A. (2013). The reform of corruption eradication corruption in indonesia: The prismatic law in the recent context, *Mimbar Hukum*, 1(25), 178–190.
- Anti-Corruption Policies in Asia and the Pacific. (2007). ADB/OECD *Anti-corruption initiative for asia and the pacific*. Mutual Legal Assistance, Extradition and Recovery of Proceeds of Corruption. <https://doi.org/10.1787/9789264041349-en>
- Black, H. C., Nolan, J. R., & Nolan-Haley, J. M. (1990). *Black's law dictionary: definitions of the terms and phrases of American and English jurisprudence, ancient and modern by Henry Campbell Black. 6th ed.* St. Paul, MN: West.
- Bryman, A., & Bell, E. (2008). *Social research methods*. Don Mills, Ontario, Canada: Oxford University Press. <https://doi.org/10.1557/PROC-1123-1123-P03-08> <https://doi.org/10.1080/13645570701401644>
- Cheung, A. B. (2007). Combating corruption as a political strategy to rebuild trust and legitimacy: can China learn from Hong Kong? *Research in Public Policy Analysis and Management*

- Comparative Governance Reform in Asia: Democracy, Corruption, and Government Trust*, 55–84. [https://doi.org/10.1016/S0732-1317\(08\)17005-1](https://doi.org/10.1016/S0732-1317(08)17005-1)
- Chimezule, O. (2015). Strengthening Institutions in the Fight Against Corruption and Financial Crimes in Nigeria. *SSRN Electronic Journal*, 56(9), 78–86. <https://doi.org/10.2139/ssrn.2673021>
- Firdaus, D. M. (2018). Hak Angket Dewan Perwakilan Rakyat Republik Indonesia (DPR RI) Terhadap Komisi Pemberantasan Korupsi (KPK). *Asy-Syariah*, 20(2), 191–202. <https://doi.org/10.15575/as.v20i2.3028>
- Friedman, L. M. (1987). *The legal system: a social science perspective*. New York: Russell Sage Foundation.
- Gatra, S. (2017, June 14). Asosiasi Pengajar Hukum Tata Negara Akan Sampaikan Hasil Kajian Hak Angket KPK Halaman all. Retrieved from <https://nasional.kompas.com/read/2017/06/14/11013931/asosiasi.pengajar.hukum.tata.negara.akan.sampaikan.hasil.kajian.hak.angket.kpk?page=all>
- Genaux, M. (2004). Social Sciences and The Evolving Concept Of Corruption. *Crime, law and social change*, 42(1), 13–24. <https://doi.org/10.1023/B:CRIS.0000041034.66031.02>
- Grenander, U., & Miller, M. I. (2009). *Pattern theory: from representation to inference*. Oxford: Oxford Univ. Press.
- H.T, Daniel, (2011, November 2). ICAC, I Corrupt All Cops (KPK, Komisi Pelindung Koruptor?). Retrieved from https://www.kompasiana.com/danielht/icac-i-corrupt-all-cops-kpk-komisi-pelindung-koruptor_55090d48a33311677a2e3a58
- Hoffman, B. (2017). *Inside terrorism*. Columbia University Press. New York. <https://doi.org/10.7312/hoff17476>
- Hope, K. R. (2017). Corruption in Nigeria. *Corruption and Governance in Africa*, 43(1), 125–162. https://doi.org/10.1007/978-3-319-50191-8_4
- Hui, W. (2014). Combating Corruption: The Hong Kong Experience. *SSRN Electronic Journal*, 6(239), 81–97. <https://doi.org/10.2139/ssrn.2677614>
- Hukum Online, 2018, *Rekayasa Kriminalisasi Bibit-Candra Benar-benar Terkuak*. <http://www.hukumonline.com/berita/baca/lt4af1190c0d87d/rekayasakriminalisasi-bibitchandra-benarbenar-terkuak>
- Indrayana, D. (2016). *Dont kill KPK: a constitutional law review on the strengthening of the Corruption Eradication Commission*. Malang, East Java: Intrans Publishing.
- Indrayana, Denny, (2017). Combating Corruption in Yudhoyono's Indonesia: An Insider's Perspective, *Jurnal Integritas*, 3(1). 215-227. <https://doi.org/10.32697/integritas.v3i1.163>

- Iqbal, M. (2014). *Kriminalisasi kebijakan pejabat publik: laporan penelitian*. Jakarta: Puslitbang Hukum dan Keadilan, Badan Litbang Diklat Kumdil, Mahkamah Agung RI.
- Isra, I. (2016). *Legislasi yang membunuh KPK*. Jakarta: ICW.
- Issacharoff, S. (2010), On Political Corruption, *Harvard Law Review*, 124(118). 10-54.
- Komisi Pemberantasan Korupsi, (2018), *Annual Report 2018*, Jakarta: KPK
- Kurniadi, D. (2008). *Mega skandal korupsi di Indonesia*. Bulaksumur, Yogyakarta: Pukat Korupsi, Fakultas Hukum, Universitas Gadjah Mada.
- Lasswell, H. D. (2006). *The structure and function of communication in society*. Urbana: University of Illinois Press.
- Monteiro, J. M. (2012). Penempatan Komisi Pemberantasan Korupsi Sebagai Organ Undang-Undang Dasar Negara Ri Tahun 1945. *Jurnal Hukum & Pembangunan*, 42(2), 286. <https://doi.org/10.21143/jhp.vol42.no2.277>
- Muhtar, M. H. (2019), The legal political model on indonesian eradication corruption in the context of law enforcement institution harmonization, *Jambura Law Review*, 1(1). 68-93. <https://doi.org/10.33756/jalrev.v1i1.1988>
- O, I. David. (2012). Corruption, Definitions, Theories and Concept, *Arabian Journal of Business and Management Review*. 2(4), 56-71. <https://doi.org/10.12816/0002257>
- Quah, J. S. (2007). Anti-Corruption agencies in four Asian countries: a comparative analysis. *Research in Public Policy Analysis and Management Comparative Governance Reform in Asia: Democracy, Corruption, and Government Trust*, 8(2), 85–109. [https://doi.org/10.1016/S0732-1317\(08\)17006-3](https://doi.org/10.1016/S0732-1317(08)17006-3)
- Raven, B. H. (2017). The Comparative Analysis of Power and Power Preference. *Social Power and Political Influence*, 4(1) 172–198. <https://doi.org/10.4324/9781315129693-7>
- Renggong, R. (2011). Kriminalisasi kpk suatu tinjauan hubungan antara fakta, norma, moral, dan doktrin hukum dalam pertimbangan putusan hakim. *Jurnal MMH*, 40(4), 76–98.
- Sachs, S. (2011), Corruption, Clients, And Political Machines: A Response To Professor Issacharoff, *Harvard Law Review*, 124(62). 62-71.
- Santoso, L., Meyriswati, D., & Alfian, I. N. (2014). Korupsi dan mentalitas: kendala kultural dalam pemberantasan korupsi di Indonesia. *Masyarakat, Kebudayaan Dan Politik*, 27(4), 159. <https://doi.org/10.20473/mkp.V27I42014.159-172>
- Silverman, D. (2000). *Doing Qualitative Research: A practical Handbook*, London: Sage Publishing.

- Wibowo, R, (2018), Construction of Terror Against CEC Investigators, (Framing Coverage of Terror Against Novel Baswedan in Tempo Daily and Republika Daily), *Jurnal Studi Komunikasi dan Media*, 3(4), 34-55.
- Widjojanto, B. (2016). *Berkelahi melawan korupsi: tunaikan janji, wakafkan diri*. Malang: Intrans Publishing.
- Yuntho, E. (2016). *Memperkuat & mempertahankan KPK: bunga rampai opini guru besar antikorupsi*. Jakarta Selatan: ICW.