

OPENING REMARKS

*Laode M Syarief**

The Honorable,

Mr Kozo Honsei, Deputy Chief of Mission at the Embassy of Japan,

Mr Keisuke Senta, Director of the United Nations Asia and Far East Institute (UNAFEI),

Mr Bambang Waluyo, Acting Vice Attorney General/Deputy Attorney General for Advancement,

Our visiting expert Mr Kim Han-Kyun, Director of the Center for International Cooperation in Criminal Justice, Korean Institute of Criminology,

Distinguished participants from ASEAN countries,

And colleagues from the Indonesia National Police, FIU (PPATK), Financial Services Authority (OJK), Ministry of Foreign Affairs and Ministry of Law and Human Rights.

Assalamu'alaikum wa rahmatullahi wa barakatuh and Good Morning to all of you,

First and foremost, all worship and praise to God Almighty, as it is by His will that we can gather here in this very prestigious Tenth Regional Seminar on Good Governance for Southeast Asian Countries with the main theme of Contemporary Measures in International Cooperation.

At present, corruption is no longer a mere crime, but has morphed into a threat that tremendously impacts the social system and structure in our community. In fact, corruption not only causes harm to state financial losses, it is also one of the main causes of poverty. International Cooperation is needed to make effective and efficient Law Enforcement in order to trace proceeds of corruption across the country, especially in the ASEAN region. At this time, MLA is one of the best ways to recover proceeds of corruption across nations besides “good bilateral relationships”.

The study of corruption explains two things: First, the fact that poverty affects the Human Development Index (HDI). In 2012, Indonesia ranked 124th from 145 countries where HDI was measured. Second, in countries categorized as “Corrupt” based on global corruption survey results, the quality of human development, such as health and education, is adversely impacted. Corruption also leads to increased infant mortality and school drop-out rates, and it reduces life expectancy and literacy. These numbers lead to the conclusion that there is a very strong, direct correlation between the Human Development Index and the Corruption Perception Index.

Corruption by state authorities delegitimizes the government, causes distrust in the political system and democracy, undermines the credibility of law enforcement, further

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damages the environment, stunting economic growth and eventually leading to a collapse of the entire economy.

This seminar, held by UNAFEI in cooperation with KPK and AGO, is very interesting, and should be appreciated, for at least 2 (two) reasons. First, corruption these days is increasingly internationalized, so it is often referred to as “transnational crime”. Cross-border corruption has intensified, involving international networks supported by professionals known as “gate keepers”. In the Global Corruption Report, Transparency International has invited experts and activists from all over the world to discuss specific themes and examine cases that are seen as corruption trends in particular sectors. TI’s Corruption Perception Index and Bribe Payer Index are used as empirical indicators of corruption. In light of the above, this seminar is very timely and important.

Second, a discussion that addresses the multiple aspects of corruption is of high relevance to the dynamics and impacts of corruption on development. Corruption has widened, penetrating deeper into the fabric of society and infecting the various building blocks of the social structure. Corruption eradication requires a comprehensive perspective and an intervention strategy that sides with the interests of those who suffer from the impact of corruption. Thus, innovative and applicable solutions are a must to keep abreast of the criminals, including campaigns designed to inspire an awareness to act and push for a more massive social movement against corruption.

Indonesia is a State Party to the United Nations Convention against Corruption (UNCAC) (ratified by Law No. 7 of 2006), which places obligations on State Parties to provide cooperation on extradition and/or MLA in corruption cases. Indonesia has signed the Southeast Asian MLAT. Enacted on March 3, 2006, the LMLACM (Law on Mutual Legal Assistance in Criminal Matters) contains detailed provisions on the grounds for extending and refusing requests for MLA, the procedure for executing requests, and the types of assistance available, including search and seizure and production orders but not taking of the evidence by video conference. The LMLACM contains provisions on MLA regarding proceeds of crime which include the requirements and procedure for executing foreign requests to restrain or confiscate proceeds. Furthermore, the Law on Extradition contains detailed provisions on the procedure and requirements for extradition.

Regarding incoming and outgoing requests for extradition, they should be made in writing and sent through the diplomatic channel unless a treaty provides otherwise. All MLA requests to Indonesia may be submitted through the diplomatic channel or sent directly to the Minister for Law and Human Rights. The Minister also prepares and sends outgoing MLA requests. All MLA requests to Indonesia must be in the language of the requesting state and/or in English with a translation in the Indonesian language as well.

With regard to Indonesia, the KPK needs a smart, solution-oriented, and assertive way of thinking to make corruption eradication more effective and efficient. In many countries anti-corruption agencies are already mandated by the constitution, much like national human rights commissions and general election commissions.

We also see interesting developments in criminal law, where crimes of corruption are increasingly tried with multiple indictments, not only with money laundering charges, but also tax crime. If KPK is given the authority to handle tax crimes that involve corruption elements, the fight against corruption would accelerate and be strengthened exponentially. In fact, a potential legal basis for this is already provided by Article 43A paragraph (3) of Law 28/2007

on General Provisions and Tax Procedures, which states “in the case that an element of corruption is found based on initial evidence, the implicated employee of the Directorate General of Taxation shall be processed pursuant to the provisions of the Law on Corruption”.

Third, the corruption case has grown more sophisticated and complex, supported by what seems to be unlimited resources, an increasingly solid political network, bolstered by experts and professionals. There are some indications of strategic positions in state institutions which are dominated by certain groups with questionable anti-corruption credentials. The corruptors and their cronies now employ a more sophisticated defense strategy, utilizing mass media to safeguard their own interests. Their defense is no longer confined to the courtroom, but they fight back on talk shows and discussions, using mass communication consultants to wage the “opinions war”. Already we see media’s independence and objectivity being questioned by the public in situations when media owners find themselves at odds with the anti-corruption drive.

KPK has dedicated 13 years to combating corruption. Since it was established, KPK has recovered state losses totalling 248.89 trillion rupiah from enforcement efforts, and prevented the loss of 197.39 trillion rupiah through its prevention efforts. There are also ongoing programmes to prevent potential state losses of 51.5 trillion rupiah. This much money can fund the building of 2.5 million homes for the poor for free; or provide 22.6 billion litres of free milk for children at risk of malnutrition; or provide one year of free elementary education to 429 million children; or give 29.3 billion kilograms of rice to people facing hunger; or build 1.9 million elementary school classrooms; or 1.8 million junior high school classrooms; or supply 49 million computers for schools; or provide seed capital to 25 million fresh university graduates; or seed money to establish 4.9 million community-based cooperatives.

Despite these seemingly impressive numbers, frankly, we feel that we are still some ways off from delivering the outcome that we desire. KPK needs all the support it can get from all parties. KPK will not remain idle, and we have faith that we will prevail. There is not a single day that goes by without fighting corruption, no second or minute passes in leisure while letting corruptors run rampant. Attending this seminar, here in Yogyakarta, is akin to a caravan heading towards an oasis. It serves not only to quench our thirst for your valuable input, but also to strengthen KPK’s determination to remain firm and whole, to have unfailing belief that we will triumph over corruption for the sake of our people and the motherland.

Before I conclude this speech, let me pose a question for us to ponder. Today, one of the major challenges in corruption eradication is: what can we do, what corruption eradication strategy, what programmes can we employ to produce outcomes that can benefit and be felt by the people directly, rather than just feed the media circus and add more “noise” in the news. We want to encourage the anti-corruption social movement to become more massive and energetic, to make improvements to the system in order to minimize corruption and stem the problem at its roots, We want to untangle the intricate web of corruption that has become systemic and ingrained.

Finally, I wish all the best for the Seminar. May The Almighty bless all the sessions where ideas and thoughts will be exchanged and discussed in order to find the best programmes, strategies and formulations to conquer corruption. From Yogyakarta, for a Corruption-Free Indonesia and ASEAN region, together with UNAFEI, AGO and KPK.

Thank you, *wassalamu’alaikum wa rahmatullahi wa barakatuh.*