Local Politics and Corruption in Indonesia’s Outer Islands*

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Abstract

Prosecution of local corruption cases in Indonesia often occurs in a seemingly arbitrary manner. This article analyses some of the patterns behind this seeming arbitrariness. It will be argued that local corruption cases often follow similar patterns whereby prosecution is not a result of the work of anti-corruption activists, but rather the consequence of intra-elite rivalries. Thus, the growing number of cases being exposed is not a sign of societal accountability, but should rather be seen as a reflection of the competitiveness of local politics and the need for local elites to continuously find new strategies to weaken local rivals.

Keywords

Indonesia – corruption – democratization – decentralization – local politics

Introduction

Indonesia’s decentralization process began with a ‘big bang’ in 2001, but its implementation in subsequent years has left much to be desired. Over the

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years, numerous studies have painted a gloomy picture of the politics of de-centralization and today it is widely agreed that the devolution of political power and fiscal authority to the regions has failed to deliver on most of its anticipated outcomes, such as greater accountability, enhanced public service delivery, and accelerated local development (Buehler 2010; Choi 2011; Hadiz 2010). Instead, so the argument goes, practically all centres of local power have been captured by predatory elites who are oblivious to the concerns of the people. Local politics, in other words, is little more than a microcosm of the national political scene, which is controlled by, depending on interpretation, cartelized parties (Ambardi 2008; Slater 2004) or super-wealthy oligarchs (Winters 2013). Lately, however, there have been some attempts to challenge this dominant discourse. Aspinall (2013), for example, has provided some evidence that electoral competition for local executive posts has not just resulted in the reorganization of power among entrenched elites, but also provided avenues for ordinary citizens to make politicians more accountable and demand improvements in social welfare.¹

This article will highlight another important consequence of the competitiveness of local politics, namely the increased risk for local elites to be implicated in corruption scandals. As a matter of fact, corrupt officials—at all levels, national and local—nowadays face a much greater risk of detection and prosecution than at the time when decentralization began more than a decade ago. To a large extent, this is due to the work of the Komisi Pemberantasan Korupsi (KPK, Corruption Eradication Commission), which has had remarkable success in bringing to justice some high-profile politicians, bureaucrats, and business people. However, the KPK’s resources and institutional capacities are largely concentrated at the national level, leaving the fight against local corruption primarily in the hands of a law enforcement apparatus that in itself is widely regarded as corrupt (Butt and Lindsey 2011). One consequence of this is that the prosecution of corruption at the local level is characterized by arbitrariness and a seemingly random selection of corruption cases that are brought to court.

Illuminating the dynamics behind these seemingly random processes is the main aim of this article. It will use detailed case study material from two provinces in eastern Indonesia to show under what circumstances exposure and prosecution of local corruption cases is likely. Highlighting distinct patterns that appear to stand representative of broader trends in Indonesian local politics and law enforcement, the article argues that outcomes of corruption

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¹ Similarly, the cartel and oligarchy theses have also been challenged with regards to the national level, for example by Mietzner (2013).
investigations at the local level are chiefly determined by the dynamics of local power politics rather than the efforts of anti-corruption activists or large-scale protests from social movements. Thus, the growing number of cases being exposed is not a sign of societal accountability, but should rather be seen as a reflection of the competitiveness of local politics and the need for local elites to continuously find new strategies to weaken their local rivals.

To contextualize the case studies in broader discourses about anti-corruption movements, the article will begin with a brief review of the topical literature and an outline of the main differences in the interests and institutional capacities of key state and society actors at the national and local level in Indonesia. The main objective of this first section is to identify some of the main reasons why an anti-corruption strategy centred predominantly on traditional, external control mechanisms, such as anti-corruption commissions, civil society, and the media, provides little hope to tackle local-level corruption effectively.

Corruption and How To Tackle It

Transparency International (2013) defines corruption as the ‘misuse of entrusted power for private gain’, and differentiates between grand, petty, and political corruption. All forms of corruption are global phenomena that occur in countries with very different political systems and levels of economic development. However, the combination of liberal democracy and high levels of economic development provides powerful obstacles for corruption to thrive, whereas non-democratic countries or those that have only had limited exposure to democratic values and institutions tend to be more prone to corruption (Pellegata 2013). According to Transparency International's Corruption Perceptions Index, most of the ‘cleanest’ countries are Western democracies with high standards of living, whilst many of the most corrupt countries are authoritarian or hybrid regimes, often with high levels of poverty (Transparency International 2013). That said, it should also be noted that while consolidated, liberal democracies often have low levels of (perceived) corruption, newly democratizing countries, especially those that are concurrently liberalizing their economic systems, are often susceptible to high levels of corruption (Stephenson

2 Other factors that have been found to be correlated with low levels of political corruption are a Protestant tradition, British colonial heritage, and involvement in open international trade (Blake and Martin 2006; Treisman 2000).
The case of Indonesia, where the number of corruption cases appears to be growing every year since the beginning of democratization, is therefore by no means unique.

As widely as corruption is spread around the globe, as plentiful are efforts that seek to better understand the root causes of corruption and to devise strategies to contain it. Scholars like Rose-Ackerman (2010) have emphasized that there is no generally accepted anti-corruption blueprint, but in practice the anti-corruption discourse has long been dominated by a few international development organizations, which have poured huge amounts of money into programmes aimed at reducing corruption in developing countries by ‘improving efficiency and equity of public services provision and strengthening institutions of accountability in governance’ (Shah 2007:xv). Based on the understanding that corruption is primarily a ‘principal-agent problem’ that occurs when self-interested agents betray the public interest (Andvig and Feldstad 2001), most internationally funded efforts to curb corruption are centred on policies such as deregulation and decentralization, which are intended to concurrently minimize the role of state officials as gatekeepers over material resources and enhance the overall efficiency of state institutions (Fisman and Gatti 2000; Shah 2007).

Critics of this approach, however, argue that these efforts are misguided, because they are based on false assumptions about the appeal of liberal anti-corruption norms and the potential of formal rules to induce behavioural change by political actors (Collier 2002). A study about the failure to curb corruption in Kenya and Uganda, for example, has found that in countries where corruption has reached systemic levels, principal-agent approaches are destined to fail because it is not only the agents who are corrupt, but also the supposedly honest principals (Persson, Rothstein and Teorell 2013). Corruption, so the authors of this study argue, should therefore not be conceptualized as a principal-agent problem, but rather as a collective-action problem.

Meanwhile, a report by the Institute of Development Studies (2010:70) stresses the need to recognize that informality is not always part of the problem, but should actually be utilized as a crucial part of the solution. Similarly, Aspinall and Van Klinken (2011:8) maintain that the focus on ‘good governance’ negates the importance of broader political and socio-cultural contexts that often influence the conduct of corrupt officials. As Van Klinken (2014:22) points out, clientelistic networks are ubiquitous at the local level, yet they are not merely oppressive but can also fulfil integrative functions by connecting people and building social capital. Yet another criticism often levelled at anti-corruption initiatives is that they are too strongly focused on national institutions and actors (Davidson 2007), while overlooking or misin-
terpreting different political constellations at the sub-national level. Though this national, top-down focus has been somewhat adjusted in recent years, and locally based NGOs have become more actively involved in anti-corruption strategies, descriptions of ‘NGOs as a pool of resistance’ (Rinaldi, Purnomo and Damayanti 2007:6) paint a somewhat misleading picture of the actual capacities of civil society at the local level.

Despite the paucity of strong empirical evidence that internationally supported anti-corruption programmes are actually curbing corruption, many external donors still regard formal institutional change as the best instrument against corruption. The menu of measures usually applied comprises various strategies that are directly targeted at reducing the potential for corruption, either through internal or external control mechanisms (Brunetti and Weder 2003; Hamilton-Hart 2001). Internal control mechanisms are formal and informal rules and regulations that are used to control corruption from inside an organization, for example by prioritizing meritocratic principles over clientelism or by providing incentives to increase honest behaviour. However, given that such strategies from within require strong and committed leadership from top officials, they often suffer from ‘over-large “design-reality gaps”’ (Heeks and Mathisen 2012:534).

In contrast to measures that seek to induce behavioural and attitudinal change from within, external control mechanisms originate outside a particular organization and focus on oversight, auditing, naming and shaming, and, ultimately, the punishment of corrupt officials. Only some of these external mechanisms are a formal part of the state (for instance, the police, the Office of the Attorney General, or the courts) whilst others are created by the state but operate independently (for instance, specially established anti-corruption commissions or audit institutions) or emerge and exist outside the state (for instance, a free press and independent media organizations or watchdog organizations rooted in civil society). In regards to the latter, the role of the state is merely to pass legislation that provides the kind of enabling environment in which civil-society organizations and the media can thrive. Generally, the main aim of creating and strengthening external control mechanisms is to supply more and better information to the public and provide deterrents to corruptors in the form of greater sanctioning power for both the public and the law enforcement apparatus. The overall track record of such initiatives, however, has been mixed. Anti-corruption commissions in particular have often failed to perform in line with the expectations of anti-corruption movements, as is evident, for example, in several Asian countries including Thailand, South Korea, and the Philippines (Quah 2010). Significantly, the Indonesian case has often been described as an exception to this rule of failure (Bolongaita 2010). How-
ever, while that is true in comparison to the Thai or Korean cases, the KPK's effectiveness is also limited, especially when it comes to fighting corruption at the local level, as the following sections will discuss.

Combating Corruption in Indonesia: The View from Jakarta

In Indonesia, the fight against corruption is driven primarily by forces exogenous to the state apparatus. Three actors in particular have been at the forefront of exposing corruption scandals in the last few years, namely the state-funded but independent Corruption Eradication Commission, widely known by its Indonesian acronym KPK; non-government organizations such as Indonesia Corruption Watch (ICW) or the Pusat Studi Hukum dan Kebijakan Indonesia (PShK, Indonesian Centre for Law and Policy Studies); and some independent media organizations such as Tempo newsmagazine. State institutions, on the other hand, have remained notoriously silent in the public debates about corruption, and resistant to internal reforms. Despite a few notable exceptions such as, for example, the Ministry of Finance under former minister Sri Mulyani (2005–2010), efforts to reform the state bureaucracy have been half-hearted at best (McLeod 2008), and many government departments and law enforcement institutions are still widely regarded as highly corrupt. This leaves the onus of the fight against corruption in the hands of activists, journalists, and the committed investigators of the KPK.

The most prominent anti-corruption institution in Indonesia is without a doubt the KPK. Established via legislation in 2002, it began its operations in 2004 and quickly developed a reputation of integrity, professionalism, and effectiveness (Butt 2011; Schütte 2012). Through its specialized anti-corruption court in Jakarta it maintained a 100% conviction rate for several years, often with hefty jail sentences for the defendants. Equally important, it has been indiscriminate in its selection of cases, pursuing high-profile corruptors ranging from bureaucrats and businesspeople to legislators, embassy staff, and heads of local governments (Butt 2011:385). The bolder the KPK became over the years, the more frequent became the attempts to weaken it (Mietzner 2012). Some of these attempts received wide media attention and actually helped consolidate public support for the commission (for example, the blatant attempt to frame two of its commissioners; see Von Lübke 2010), but others have been more subtle and have therefore gone largely unnoticed by the general public.

Perhaps the most far-reaching attack on the institutional integrity of the KPK and the anti-corruption courts has come in the form of the revised law on the anti-corruption court, which was passed in parliament in late 2009.
The revision became necessary after an earlier version of this law had been declared unconstitutional by the Constitutional Court. Legislators now used this opportunity to draft a law that clearly jeopardized the effectiveness of the KPK-driven fight against corruption. For example, the law stipulates the establishment of local anti-corruption courts in all of Indonesia’s provinces, despite widespread concerns about a lack of qualified human resources and effective oversight mechanisms at the local level (Kuris 2012:11). As will be discussed below, this decentralization of the courts has indeed brought with it several problems and damaged the reputation of the anti-corruption courts. Overall, however, the KPK has, despite these challenges from political elites, retained its unrivalled position as the chief instrument for fighting corruption in Indonesia, defying concerns expressed in the early years of its existence that it may follow in the footsteps of similar bodies in Thailand and the Philippines and soon become irrelevant (Davidson 2007:94). Today, it continues to enjoy broad public support and has built strong relationships with two other key pillars of the anti-corruption fight: the media and civil-society groups.

Over the years the KPK has built strong relationships with civil-society groups, another crucial external control mechanism (Setiyono and McLeod 2010). Whenever the KPK has come under attack from conservative elites, the NGO community was quick to jump to the commission’s defence (Mietzner 2012:216). Especially NGOs like ICW and PSHK, which were established in the immediate aftermath of the fall of Soeharto (and thus earlier than the KPK), have been at the forefront of the anti-corruption struggle, conducting invaluable work in uncovering corrupt practices in government, parliament, and the bureaucracy. Leaders of the most prominent groups are frequent guests in talk shows and thus highly visible mouthpieces of the anti-corruption movement. Equally important, they have been involved in the shortlisting and background screening of KPK commissioners (Schütte 2011) and helped establish a legal and institutional framework for combating corruption by assisting in the formulation of anti-corruption legislation (Setiyono 2010). At the societal level, the NGOs organize seminars and workshops for community leaders and act as vehicles through which ordinary people can channel their aspirations to fight corruption. As one of the biggest and best-organized groups, ICW also administers a comprehensive website (www.antikorupsi.org) that serves as an online archive of major corruption cases in recent years. Thus, at the national level, NGOs perform many crucial functions—though, as will be detailed below, few of these groups possess roots in society beyond Jakarta.

The third and final pillar of the fight against corruption in Indonesia are the mass media, which have assisted the KPK and NGOs in their work through their willingness to publicize reports and findings from investigations, provide
space for interview snippets, and invite activists to write newspaper columns and appear in talk shows and newsrooms. Some media outlets regularly conduct their own investigations into corrupt practices, first and foremost Tempo newsmagazine, which has a long tradition of independent, unbiased reporting (Steele 2005). One example where Tempo journalists helped trigger a KPK investigation is the infamous beef import scandal implicating leading figures of the Partai Keadilan Sejahtera (PKS, Prosperous Justice Party). Long before former party chairman Luthfi Hasan Ishaq was arrested by the KPK in early 2013, the magazine had already pointed to dubious procurement practices in the import of beef to Indonesia (Tempo 14-3-2011). While the role of newsmagazines like Tempo is significant, the ability of the press to frame public perceptions of corruption is much smaller than that of the electronic media. Television in particular is crucially important, because the vast majority of Indonesians nowadays receives their knowledge of political events from national TV stations. But the role of many television stations is also much more ambivalent than that of the press. On the one hand, the electronic media contribute to greater awareness of corruption, as they frequently deliver broadcasts directly from the KPK building and host studio discussions about corruption, its impact, and the efforts to combat it. On the other hand, however, many television stations—especially the news channels Metro TV and TV One, which are owned by ambitious politicians—are also highly selective in their coverage for political reasons, while other channels trivialize critical issues by presenting them as sensationalist infotainment (Kramer 2013).

**Combating Corruption in Indonesia: The View from the Outer Islands**

Compared to the national level, the anti-corruption instruments available to monitor local politics are far less sophisticated, especially in the more remote areas of eastern Indonesia. As Davidson (2007:95) had already concluded in his early assessment of local anti-corruption campaigns, ‘struggles to change socio-political conditions in the regions will be mighty’. They still are. Although decentralization has, at least to some extent, enhanced both electoral and societal accountability, corruption is still a deeply rooted part of local politics as the parliaments and executive offices of the reform era remain dominated by a ‘pool of former officials, party apparatchik, as well as business figures and gangsters, many of whom had helped to exercise authority at the local level on behalf of the old authoritarian regime’ (Hadiz and Robison 2013:54). Challenging these entrenched networks and their corrupt practices at the local
level has been extremely difficult, because here, in contrast to the national level, the virtual absence of internal control mechanisms is exacerbated by concurrent, serious deficiencies in the three most important external control mechanisms.\(^3\)

To begin with, the two key legal institutions involved in the fight against corruption—the KPK and the anti-corruption courts—are not fully functional at the local level. In fact, the KPK does not even have branch offices in the regions as the commissioners had decided early on that expansion to the region would unnecessarily jeopardize their institutional integrity and the safety of their staff (Schütte and Butt 2013a). Similarly, the anti-corruption court was initially also confined to Jakarta. This changed after revisions to the law on the anti-corruption courts, passed by the House of Representatives in 2009, stipulated the establishment of local anti-corruption courts in all of Indonesia’s provinces.

The new law was not only significant because it stipulated the establishment of anti-corruption courts at the provincial level, but also because it transferred jurisdiction for all, not just some, corruption cases to the anti-corruption courts, including the new courts at the provincial level. Moreover, it removed the exclusive right for KPK prosecutors to present cases in the anti-corruption courts, allowing ordinary prosecutors to present cases as well (Schütte and Butt 2013b). Legislators portrayed the regionalization of the court as an initiative to strengthen the fight against corruption. In reality, however, it represented a setback for the anti-corruption fight, because the integrity of the new local courts was never going to be as high as that of the Jakarta court. Indeed, several problems ensued including difficulties with the recruitment of suitable judges and the apparent involvement of some local anti-corruption court judges in corruption. Perhaps most damaging for the public eye, however, has been the fact that, in contrast to the Jakarta court, the new local courts soon acquitted a number of defendants.\(^4\)

In view of the problems with the courts and the KPK’s lack of organizational infrastructure outside Jakarta, the KPK’s track record in convicting corrupt officials from the provincial and district levels is even more remarkable. As

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3 Just like at the national level, there are exceptions at the local level, too. Joko Widodo (Jokowi)’s reform of the bureaucracy in Solo is arguably the most well-known example of a successful local effort to clean up corruption from within. Other examples of clean and innovative leaders are portrayed in Tempo (10-12-2012).

4 Criticisms of the allegedly high acquittal rate, however, seem unfair, because they are chiefly based on the assumption that no one accused of corruption could possibly be innocent (Butt 2013; Schütte and Butt 2013b).
Local politics and corruption in Indonesia’s outer islands

Table 1

| Area               | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | Total |
|--------------------|------|------|------|------|------|------|------|------|------|------|-------|
| Central Government | 1    | 15   | 11   | 12   | 23   | 24   | 20   | 21   | 18   | 26   | 171   |
| Aceh               | 1    | 1    | –    | –    | 1    | –    | –    | –    | –    | 2    | 5     |
| North Sumatra      | –    | –    | –    | 2    | –    | –    | 2    | 1    | –    | 3    | 8     |
| Riau & Kepri       | –    | –    | –    | 3    | 4    | 3    | –    | –    | 13   | 3    | 26    |
| South Sumatra      | –    | –    | –    | 1    | 1    | –    | –    | –    | –    | 2    |       |
| Bengkulu           | –    | –    | –    | –    | –    | 1    | 2    | 4    | –    | –    |       |
| Lampung            | –    | –    | –    | –    | –    | –    | –    | –    | 3    | –    | 3     |
| Jakarta            | –    | 1    | 3    | 1    | 1    | 4    | 5    | 2    | 11   | 28   |       |
| West Java          | –    | 2    | 1    | 5    | 3    | 1    | 4    | 2    | 12   | 36   |       |
| Central Java       | –    | –    | 2    | 2    | –    | 1    | –    | 3    | 5    | 2    | 15    |
| East Java          | –    | –    | –    | 2    | 2    | –    | 1    | –    | –    | –    | 5     |
| Banten             | –    | –    | –    | –    | –    | –    | –    | 1    | 1    | 4    | 6     |
| West Nusa Tenggara | –    | –    | 1    | 2    | –    | –    | –    | –    | 1    | 4    | 5     |
| South Kalimantan   | –    | –    | 1    | –    | –    | –    | –    | –    | –    | 2    | 5     |
| East Kalimantan    | –    | –    | 6    | 3    | 2    | –    | –    | –    | –    | 1    | 11    |
| North Sulawesi     | –    | –    | –    | 1    | –    | 1    | 2    | 1    | –    | 5    |       |
| Central Sulawesi   | –    | –    | –    | –    | –    | –    | –    | 4    | 1    | 5    |       |
| South Sulawesi     | –    | –    | 1    | –    | –    | –    | –    | –    | –    | 1    |       |
| Papua              | –    | –    | –    | 1    | 2    | 1    | –    | –    | –    | –    | 4     |
| Total              | 2    | 19   | 24   | 24   | 42   | 37   | 39   | 39   | 48   | 70   | 344   |

Source: KPK (2012, 2013)

a matter of fact, in the first ten years of the KPK’s operation, about half of the defendants convicted as a result of a KPK investigation were from outside Jakarta—though, as Table 1 shows, the majority of cases from outside Jakarta were still cases from Java or Sumatra. Many eastern Indonesian provinces, by contrast, are conspicuous only by their absence from the list.

The key problem for the KPK in its investigations at the local level is that in order to be successful it needs reliable allies on the ground. Local prosecutors are usually unsuitable for this role, as they are either too inert, too

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5 The table only shows cases from inside Indonesia. In addition to these, there were also six cases from Malaysia and three cases from Singapore.
incompetent, or too corrupt to initiate and complete an investigation.\(^6\) In Kendari, for example, the local Attorney General has been so inactive that even a judge at the local anti-corruption court expressed surprise at the low number of cases brought to court.\(^7\) Local NGOs are also only of limited use, as they are often short-lived and tend to pursue dubious agendas sponsored by local political elites. The larger Jakarta-based groups, meanwhile, have insufficient capacities to get involved directly in anti-corruption activities in remote areas, although Kuris (2012:6) points out that groups like ICW often act as intermediaries between the KPK and individual local activists.

In fact, it is individual activists who tend to be the most important transmitters of information in the fight against local graft. The reliance on such individuals, however, can be problematic. In small, provincial towns, knowledge about the wheeling and dealing of local elites is a commodity that can be utilized in multiple ways. Channelling this knowledge to the KPK may be one option, but there are also a growing number of former activists who prefer to use their knowledge about local politics to gain access to influential positions in parties and the bureaucracy. Others are joining the bandwagon of public polling and consulting, opening locally based businesses or working as local surveyors for Jakarta-based consultancies. What these men and women have in common is that they have become part of the very networks that the anti-corruption groups seek to dismantle. As one youth activist in Ambon said; ‘They will watch us demonstrate in front of the Dinas [local government department] office a few times, then they will come out and offer us money and jobs. Many activists accept that because the government is the only avenue to a job. Thus, many activists are co-opted into the system; once they are identified as smart and critical, they are absorbed into the system.’\(^8\) Although many of these young men and women maintain their links with the NGO community, their concurrent entanglement in local patronage networks often hinders the transmission of information about illegal activities. Utilizing the knowledge of these informants more systematically could be an important step forward, but better legal protection for whistleblowers would be needed for this to occur.

The fight against corruption outside Jakarta is further complicated by the ambivalent role played by many regional media outlets. In contrast to the

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6 These characterizations of local prosecutors were frequently heard in interviews with lawyers and NGO figures in Kendari and Ambon, January/February 2013.
7 Interview with Effendy Pasaribu, judge at the anti-corruption court in Kendari, 7-2-2013.
8 Interview with Boy Latu, KNPI functionary, Ambon, 3-2-2012.
media landscape in the capital, where newspapers and TV stations have been influential in building and maintaining public support for the KPK, media outlets in small, provincial towns are far less effective in assisting the anti-corruption fight. One reason is the enduring prevalence of ‘envelope journalism’ (Romano 2000), the ubiquitous practice of journalists receiving money or other gifts from sources who are the subject of news reports. While the practice is also widespread at the national level, it is near universal at the local level, where journalists and local elites, especially government elites, are linked to each other in intricate webs of mutual dependence. Local media outlets, on the one hand, need local governments for financial support in the form of advertorials, but the elites also need the media for the dissemination of their opinions and policies. This mutual dependency is routinely reinforced through the provision of envelopes with money and other bribes.

Another problem is that local journalists often lack the professional and organizational skills necessary for thorough investigative reporting. Especially the smaller local newspapers that were established directly in the regions by local media entrepreneurs often employ journalists with little experience and few opportunities for professional development. As a result, much of the coverage in these newspapers still reflects what Hanitzsch (2005) once described as ‘A said X and B said Y’ journalism. The professional standards are somewhat better in the bigger papers that are affiliated with national media conglomerates such as the Jawa Pos Group or the KompasGramedia Group, but even the best journalists rarely receive enough organizational and logistical support from their employers to conduct serious investigations into corrupt practices in their home provinces. In fact, editorial boards and some senior journalists often act as gatekeepers to prevent the publication of stories that are deemed too critical towards powerful local elites. Ever fearful of antagonizing anyone who holds important revenue sources, senior staff at local newspapers and TV and radio stations tend to act strategically rather than professionally in order to survive in what has become a tremendously competitive media market (Freedom House 2013).

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9 In Ambon, for example, many journalists questioned the establishment of a local branch of the Aliansi Jurnalis Independen (AJI, Alliance of Independent Journalists) on the grounds that no journalist in Maluku could honestly claim to abide by AJI’s strict code of ethics which prohibits accepting envelopes. Interviews with local journalists, Ambon, 8-2-2012.
The Unlikely Anti-Corruption Force: Local Politicians

The discussion so far has underscored Van Klinken's (2014:23) assessment that ‘provincial societies are dominated, not by citizens who are free to speak truth to power, but by collusive, Gramscian blocs of bureaucrats, legislators, entrepreneurs, NGOs and journalists who are the state in their town’. In this kind of social environment, corruption almost naturally flourishes and usually remains undetected or unreported. The few cases that are exposed are, unless they are handled directly by the KPK, routinely negotiated behind closed doors between lawyers, prosecutors, and judges, so that wealthy defendants usually have little trouble in averting a conviction. And yet, every now and then, local politicians not only find themselves taken to court, despite their best efforts to buy their way out of criminal proceedings, but they may even face a surprisingly dogged prosecutor determined to get a conviction. Though not particularly plentiful, these cases do occur with increasing frequency and can therefore not simply be dismissed as mere exceptions to the rule.

The following section will use two case studies from eastern Indonesia to illustrate how such cases often unfold. Both cases, it should be noted, were not handled by KPK investigators, but by state prosecutors. Legal inaction in such cases may still be the norm, but, as the analysis will show, today every corrupt politician in Indonesia does face a genuine risk of detection and prosecution. Yet, it will also be demonstrated that where local politicians or bureaucrats are indeed taken to justice these days, it is often not public pressure triggered by investigative journalism or the work of a critical NGO that prompts an inquiry. Rather, corrupt officials are reported to the police or the KPK by political rivals (or their proxies) who may be seeking an advantage in an electoral contest or in the appointment of a bureaucratic position. In other cases, local elites may try to influence corruption investigations that are already under way as a result of an unfavourable audit report from the Badan Pemeriksa Keuangan (BPK, State Audit Agency),10 thereby exploiting ongoing investigations for political purposes. Either way, the outcomes of these power struggles depend on the resources that can be mobilized by the involved parties and on how these parties engage with external actors at both the local and the national level (Clark 2012).

10 The BPK fulfils important oversight functions at the local level, but it can only issue recommendations for legal action, which then need to be taken up by authorized investigators. Though cooperation between the BPK and law enforcement agencies has improved in recent years, many corruption cases exposed in the audit reports are still not being prosecuted. For a detailed analysis of the BPK, see Dwiputrianti 2011.
The Buhari Matta Case

The story of Buhari Matta begins in mid 2011, when he was first declared a suspect in two separate corruption cases. The first involved the illegal issuance of a mining permit in a nature conservation area in the Kolaka district in Southeast Sulawesi. Matta was the district head (bupati) of Kolaka at the time and had apparently issued the permit without prior approval from the Forestry Ministry in Jakarta. Moreover, he was accused of receiving a bribe of 5 billion rupiah from the business that was awarded the permit (detiknews 11-7-2011). In the second case, he was accused of embezzling around 24 billion rupiah when he conspired with a business partner to sell state-owned, low-quality nickel from a local mine without the necessary approval of the district parliament. Significantly, the allegations surfaced about two years before a crucial gubernatorial election was held in which Matta was keen to challenge the incumbent governor Nur Alam. Though the investigation was formally triggered in response to reports from ‘the people’, Matta immediately accused Nur Alam of masterminding the allegations (Kendarinews.com 13-7-2011).

Once declared a suspect, Matta immediately began mobilizing his networks to help him out of his trouble. In Kolaka, demonstrators gathered in front of the local court building, while in Jakarta a cabinet member from Matta’s party, the Partai Persatuan Pembangunan (PPP, United Development Party), expressed his support (Berita Kendari 27-7-2011). Unsurprisingly, the central government failed to provide the permit that allows the prosecutor to interrogate a serving district head, and the case was shelved. For more than a year, no further legal steps were taken and Matta remained a free man. Emboldened, he went on the attack and officially registered for the gubernatorial election in Southeast Sulawesi, scheduled for November 2012. When the election was held, however, he only won 27.8% of the vote and was clearly defeated by incumbent Nur Alam, who easily won re-election with 49.3% of the vote (Republika 11-11-2012).

The election defeat ushered in a new dynamic in Matta’s case. Merely a month after the election, he was summoned by the prosecutor for questioning; but Matta shunned the request and did not attend. Three weeks later, he heeded the request only to tell the prosecutor that he refused to be interrogated. When summoned again in the following months, he claimed to be ill and unfit to be questioned. All in all, Matta ignored four requests to appear in court before he eventually talked to the prosecutor (Kompas 24-4-2013). In the meantime, he was suspended from his post as district head and voices of support had become far less vocal. Yet, the outcome of the process at this point was still anyone’s guess. On the one hand, Matta’s fortunes had taken a turn for the worse and his support base was thinning out. On the other hand, his
political opponents had, as will be shown below, already reached their main goals when Matta was suspended from his post and lost the gubernatorial election. In the end though, Matta was found guilty by the local anti-corruption court and sentenced to four years and six months in jail for his role in the illegal nickel deal.

To understand the case better, it is necessary to analyse the local political situation in Southeast Sulawesi a bit more closely. At the time the case unfolded, this thinly populated province was the only province in Indonesia that was dominated by the Partai Amanat Nasional (PAN, National Mandate Party). Since his first election in 2007, Governor Nur Alam, the chairman of PAN’s provincial leadership board, had been remarkably successful in bringing the vast majority of districts into the PAN fold. By late 2010, most district heads were either PAN members or were nominated and supported by PAN during their election campaigns (Kendari Ekspres 15-12-2010). There are also cases where elected district heads were supported by another party before the election, but then switched to PAN shortly afterwards. Thus, in contrast to most other governors in Indonesia today, Nur Alam apparently still regarded the institutional machinery of a political party as a useful tool to ensure the loyalty of local executives at the district level.

Buhari Matta was one of only a few who dared to resist the PAN juggernaut. A bureaucrat by background, Matta first became district head in Kolaka in 2003 before being re-elected in 2008. Though he ran on a PPP ticket in both elections, he accepted a local PAN politician, Amir Sahaka, as his deputy in 2008. During his second term, when Nur Alam began his mission to make PAN the dominant force in Southeast Sulawesi, Matta found himself the target of increasingly frequent criticism from the provincial government. Among other things, Matta was accused of failing to implement programmes devised by the provincial government and of constantly being absent from the office (Media Indonesia 9-7-2012). At the same time, the local media began to ask questions about Matta’s corruption case and about why the authorities were not taking action. Little-known NGOs suddenly emerged to provide further ‘evidence’ that the corruption allegations were true. By the time Matta challenged Nur Alam for the governor post, he was already facing a formidable local political coalition keen to get him out of the way.

Once the election was lost, Matta was left with few resources to defend himself. The central government eventually abandoned him and issued the necessary documents to suspend him from his post. On 10 April 2013 Nur Alam declared with barely hidden satisfaction that the executive of the Kolaka district would now be headed by Amir Sahaka, the incumbent deputy district head and local PAN leader. With that, Matta’s opponents had effectively achieved
their aims and appeared well on track to bring yet another district under PAN control. Once elevated to the top job, Sahaka wasted no time in cleansing the bureaucracy of Matta’s supporters in order to further strengthen his own election bid for the next *bupati* election, which was scheduled to take place in October 2013.\(^{11}\) Somewhat unexpectedly, he then lost that election against a Golkar-backed bureaucrat (*Kompas* 27-10-2013), but for Buhari Matta the result probably no longer mattered. Though he appealed his corruption conviction, the trajectory of his legal battle indicates that his political career is likely to be over, as he is now too isolated in Southeast Sulawesi’s power constellation to stage a political comeback—at least in the near future.

The Theddy Tengko Case

A more complex case recently unfolded in the Aru Islands district in Maluku, where former district head Theddy Tengko had long looked set to win a farcical battle against the state. In the end, he did accept defeat and commenced his prison term, but not before he had ensured that his main rival in the local political microcosm of the Aru Islands, his former deputy district head, had also been dragged into the corruption morass. The Tengko case is another example of the politicization and corruption of both the law enforcement apparatus as well as the judiciary, showing once more how corruption allegations are used as political weapons in local power struggles.

Theddy Tengko is a retired military man affiliated with the small Partai Keadilan dan Persatuan Indonesia (*PKPI*, Indonesian Justice and Unity Party), who won two consecutive elections for the *bupati* job in Aru in 2005 and 2010. His re-election in July 2010 occurred just a few months after he had been declared a corruption suspect by the local prosecutor, who alleged that Tengko had embezzled 42.5 billion rupiah from the district budget between 2005 and 2007.\(^{12}\) During these early stages, however, the case appeared to follow what is considered as normal legal procedures by many observers: the investigation

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11 Sahaka’s reshuffles were so massive that the Ministry of Home Affairs felt compelled to intervene and order him to stop dismissing people without proper procedures (*Kompas*, 22-8-2013).

12 Although this case related to the embezzlement of state funds from the local budget, the investigation was apparently not triggered by a *BPJ* report (*Siwalima*, 14-4-2010). Why exactly the investigation was initiated could not be established conclusively, but Tengko, for his part, certainly believed that it was a politically motivated act intended to prevent him from running in the 2010 *bupati* election (*Kompas*, 11-3-2010).
was delayed, letters were not issued or not received, documents disappeared. But in March 2011, one year after he was declared a suspect and five months after he was formally reinstated as bupati, Tengko was suspended by the minister of home affairs and court proceedings eventually began. In a sign of things to come, however, several sessions ended in brawls between supporters and opponents of the accused (*Media Indonesia* 8-3-2011). Throughout the trial, Tengko was never held in custody, and after months of delay the court finally acquitted him in October 2011.

But then something unusual happened. In contrast to normal practice, the prosecutor appealed the verdict at the Supreme Court. And, perhaps even more surprisingly, the Supreme Court did indeed overturn the verdict in April 2012 and sentenced Tengko to four years in prison. Tengko, however, was not so easily defeated. At first, his lawyers detected an erroneous formulation in the Supreme Court’s verdict, forcing the court to reissue the verdict. Then, when the verdict was eventually waterproof, Tengko went into hiding. It was not before December 2012 that he was eventually captured. Even then, despite Tengko’s blatant defiance of court orders, his most prominent lawyer, former minister for justice and human rights Yusril Ihza Mahendra, argued that the arrest was unlawful because no arrest warrant was presented to Tengko at the time he was apprehended.

Following the arrest, the case at last appeared to approach closure. But when Tengko was due to be transferred from Jakarta to Ambon to serve his jail term, this remarkable legal farce took yet another twist. The *Jakarta Post* (14-12-2012) described the events that unfolded on 13 December 2012 as follows:

The prosecutors brought Theddy to Soekarno-Hatta International Airport to transfer him into the custody of Maluku prosecutors and eventually a penitentiary in Ambon. However, upon arriving at the airport, the prosecutors were unexpectedly confronted by more than 50 men claiming to be Theddy’s supporters who had come to Jakarta from Maluku to help him escape arrest. Dozens of airport police guarding Theddy and the prosecutors were ‘unable’ to resist the mob, and Theddy was eventually handed over to the group. [...] Upon arriving at Patimura Airport in Ambon, Theddy was escorted by his supporters, who later took him to Aru Islands. The Maluku prosecutors who had waited for Theddy’s arrival at the airport were outnumbered by Theddy’s supporters. According to the *ago*, there were no police present to help the prosecutors.

For several months after his return to the Aru Islands, Theddy Tengko remained a free man. Not only that, he was even reinstated as bupati by Maluku governor
Karel Ralahalu after the local court (*pengadilan negeri*) in Ambon overturned the verdict of the Supreme Court in dubious circumstances. Assuming that Tengko had won the battle, the Aru Islands district branch of the Golkar Party then elected Tengko as its chairman in April 2013 amid rumours that he may want to run for parliament in 2014. Apparently, the party’s central leadership board was not informed about this election and was forced into embarrassing damage control (*Ambon Ekspres* 16-4-2013). Another month passed, but on 31 May 2013, nearly half a year after his return to Aru, Theddy Tengko was at last last arrested by a team of Attorney General staff, police, and TNI in a dramatic showdown at the airport of Aru’s capital Dobo. He was immediately transferred to Bandung’s Lapas Kelas I Sukamiskin prison complex, which also houses other notorious graft convicts, such as the former treasurer of the Partai Demokrat (*PD*, Democratic Party), Muhammad Nazaruddin, and Indonesia’s most infamous tax official, Gayus Tambunan.

It is impossible to trace exactly the flows of money and favours that have enabled the twists and turns in this extraordinary case. But the tale of Theddy Tengko certainly highlights how difficult it is to combat corruption at the local level. The case also lends further support to the argument that the exposure of corruption cases is often not the result of an enlightened civil society or critical media, but merely the consequence of intra-elite rivalry. Based on fieldwork impressions from interviews as well as statements from Tengko’s lawyers and the turn of events in the final days before Tengko’s capture, there are strong indications that this corruption case was essentially a power struggle between Tengko and his deputy Umar Djabumona, who was apparently keen to take over the top job in the district—a striking similarity to the Buhari Matta case. As a matter of fact, when Tengko was initially suspended from his post, Umar formally assumed the running of the government. However, for the entire period of Tengko’s suspension he only remained a caretaker *bupati* with limited authority. More significantly, local observers reported that Tengko had diverted most of the important business dealings to the local regional-secretary (*sekretaris daerah*, or *sekda*) rather than to Umar.

Thus, although Theddy Tengko was ultimately brought to justice, he ensured that his main rival would at least not benefit from his demise. Quite the contrary, in fact. Not long after Umar had first assumed the caretaker *bupati* post, the local court controversially supported Yusril’s argumentation that Tengko’s arrest was unlawful, ignoring the fact that it had been Tengko’s unlawful abscondence after the Supreme Court’s verdict that led to the dramatic events of his recapture. Not only did these circumstances make the presentation of an arrest warrant secondary, many observers also questioned the local court’s authority to overturn a verdict by the Supreme Court.
his wife was suddenly implicated in a corruption scandal. Shortly afterwards, Umar himself also became the target of graft allegations. Initially the investigations proceeded slowly, but precisely, and hardly coincidentally, a day after Tengko was arrested, Umar was declared a suspect in his ongoing case in which he was accused of embezzling funds from a Qur’an reading competition. His new status as an official suspect gave Maluku’s governor, a supporter of Tengko, a pretext to refuse proposing Umar as new bupati to the home affairs minister. The minister himself adopted a wait-and-see attitude, and even when Umar was eventually acquitted by Ambon’s anti-corruption court in February 2014, the provincial government, by now run by caretaker governor Saut Situmorang, still refused to appoint Umar as bupati of Aru, hinting ominously that Umar’s judicial woes would not be over with this acquittal (Antara 14-2-2014). As a result, nearly three years after Theddy Tengko was first suspended from his post as bupati of the Aru Islands, this district at the far fringe of the archipelago continued to have no functioning government.

Conclusions

If measured only by the KPK’s spectacular conviction rate, Indonesia’s anti-corruption efforts over the last ten years appear to have been remarkably successful. But the sheer number of cases that are continuously being exposed indicate that the prevalence of corruption has hardly been reduced. Especially in the more remote parts of the archipelago abuse of public office for private gain is still rampant, and corrupt elites still face precious little public scrutiny from civil society. In fact, this problem seems more serious today than in the early days of the post-Soeharto era, when widespread enthusiasm about reformasi had spawned the formation of many dedicated anti-corruption movements and media outlets committed to the fight against graft (Davidson 2007). Today, many of those former activists have been co-opted into the dominant elite networks, while many new media outlets have faltered under the pressures of market competition. As a result, genuine civil-society groups and investigative journalists are few in numbers at the local level. Where they do exist, they operate in political environments that are characterized by constraining mutual dependencies and a severe lack of resources and mobilization potential. Conditions may be slightly more favourable in the bigger and better developed towns and cities of Java, Sumatra, and Kalimantan, but in large parts of eastern Indonesia civil-society organizations and the local press are yet to develop into drivers of sustainable socio-political change at the grassroots.
And yet, local elites do get caught up in corruption charges every now and then. The two cases outlined in this article have illustrated how and why these cases unfold. They stand representative for broader patterns in local politics where the prosecution of corruption is driven primarily by local elites keen to get key rivals out of the way. What is significant here is that corruption allegations against local leaders are often tied directly to access to positions of executive power. Both Buhari Matta and Theddy Tengko, for instance, became victims in bitter struggles over lucrative bupati positions. The exposure of corruption can thus be seen as a peculiar side effect of the competitive nature of local democracy in contemporary Indonesia, where exploding costs for campaigning are driving candidates for public office into all sorts of illicit fundraising methods (Mietzner 2013; Ufen 2010). Local executive elections in particular are no longer simply a trigger for corrupt behaviour, but also a catalyst for the exposure of corruption. By deliberately seeking opportunities to weaken their rivals through costly and prolonged court proceedings, elites at the local level clearly do not act as uniform cartels (Slater 2004) or coherent groups of small-scale oligarchs (Winters 2013).

The tales of Matta and Tengko are also noteworthy for another reason, namely that both involved a bupati and his deputy. Although both Matta and Tengko were ultimately confronted by complex coalitions of national and local actors rather than single individuals, their main adversaries were actually their deputies who, in theory, should have been their partners in the running of local government. In reality, however, bupati and their deputies are often at loggerheads with each other very soon after their inauguration (Fajar, 7 July 2013). In mid 2013, Minister for Home Affairs Gamawan Fauzi claimed that more than 90% of all executive teams (governors, mayors, and bupati and their respective deputies) were deeply split (Republika 4-7-2013). While not all of these cases result in legal battles, it is not unreasonable to assume that the kinds of scenarios that unfolded in Kolaka and Aru are indeed repeated elsewhere in the country, especially in eastern Indonesia, where political landscapes are extremely fragmented (Tomsa 2014).

Jakarta-based critics of regional autonomy have taken statistics such as these as a pretext for trying to roll back some elements of decentralization, for example by moving the elections for local executives back to the local parliaments (Mietzner 2012). But rather than abolishing direct local elections less than a decade after they were introduced, it would be more prudent to reorganize the responsibilities of local executives (and, importantly, their deputies) and to provide new incentives for deputies to stay loyal to the bupati, mayors, and governors they teamed up with for an election. To be sure, disgruntled local elites can be a useful weapon against corrupt officials and one may argue that there is...
scope to make even better use of these sources by, for example, strengthening the protection for whistleblowers. In the long term, however, the prospects for fighting corruption at the local level are grim if this fight relies exclusively on local elites exposing the wrongdoings of political rivals.

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