Independence of Anti-Corruption Agency: Is It Important?

Laode M Syarif, Ph.D
KPK Commissioner
Trias-Politica

‘DREAM of Check and Balance’
WELCOME TO REALITY
The WEB of corruption of the Chief Justice of the Constitutional Court
AKIL MOCHTAR
-Life Sentence-
When You Prosecute SETYA ‘STRONG Man’ NOVANTO
- Speaker of the Parliament —
-12 Years in Jail-
INCLUDING HIS LAWYER + DOCTOR
Even the Man who SIGN the Money
-BURHANUDDIN ABDULLAH-
When you ask the Vice President (BOEDIONO) to Testify in Court
When You Investigate/Prosecute Police Generals
Fighting Corruption is Dangerous Business
Indonesian antigraft investigator flown to Singapore for treatment after acid attack

Physical Threat + Intimidation
KPK leadership under attack

Kharishar Kahfi and Marguerite Afra Sapiie
The Jakarta Post

BREAKING: Suspected bombs found at KPK leaders’ houses

Kharishar Kahfi
The Jakarta Post
“Jakarta Principles for Anti-Corruption Agencies”
26-27 November 2012
The ACAs shall be **INDEPENDENT** in carrying out its mission

The ACAs shall be **ACCOUNTABLE** and **TRANSPARENT** to balance its power and authorities (to maintain PUBLIC TRUST)

The ACAs shall be **PERMANENT** to continuously enforce and prevent corruption

The ACAs shall **DEVELOP IT’S INSTITUTIONAL CAPACITY** to enforce its anti-corruption mandate
Jakarta Principles ‘INGREDIENTS’

**Clear Mandate**
- Collaboration with other stakeholders, including international communities;

**Permanence**
- Established by proper and stable legal framework to ensure continuity;

**Leaderships of ACAs**
- The appointment shall through a process that ensure his/her a political stance neutrality, impartiality, integrity, and competence;
- The continuity of the ACAs head;
- Security of tenure protected by law;

**Adopt Ethical Conduct at the highest standards**

**Immunity**
- From civil and criminal proceedings for acts committed within the performance of their mandate;

**Autonomy and adequate resources:**
- Sufficient payment for qualified staffs;
- Have the power to recruit and dismiss their own staff in transparent procedures;
- Adequate and reliable resources;
- Financial Autonomy on management and control of its budget;

**Transparency and Accountability**
- Internal Accountability;
- External accountability mechanism and strictly adhere to rule of law;
- Public reporting;
- Public communication and engagement.
The IMPORTANCE of the Jakarta Principles

As a standard to COMPLY with the UNCAC

Reference to build effective Anti-Corruption Agency

A protection for Anti Corruption Agency
“Trias-Corruptica”

“Anti-Corruption Agency is Fighting the State?”
We THANK You