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Research Article

Corruption Eradication strategies and Indonesian Constitutional Law: Lessons Learned from International Practices

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Abstract: Anti-corruption became one of the top priorities in post-Suharto Indonesia, with democratization, market liberalization, and institutional anti-corruption frameworks pursued as a means to enhance transparency and accountability in the Indonesian public governance system. Despite several anti-corruption laws and the presence of the Corruption Eradication Commission (KPK), Indonesia still failed to overcome the menace of corruption. Indonesia was ranked 85tth out of 180 countries according to "Transparency International's Corruption Perception Index (CPI)" for 2019. Therefore, this study made an advance by using comparative analysis, inductive and deductive reasoning to explore the legal and social dynamics of European and Asian countries with the lowest level of corruption to infer some insights for Indonesia and other developing countries. Results revealed that there is a dire need for Indonesian legal authorities and government to either revise the powers of the KPK or constitutionally establish another more powerful institution with enough legal power to deal with corrupt people and/or legal entities and free from political influence. In addition, due to poor control and law order situation in developing countries, KPK should have special protection in carrying out its duties. Policy insights and future research directions are suggested.

Keywords: Anti-Corruption Laws and Strategies, Transparency International, Singapore, Switzerland, Indonesia, KPK.

1. Introduction

Constitutional lawmakers, law scholars, and legal experts all have unanimously considered corruption as a global setback that requires urgent attention [1]. The academic literature predominantly takes the view that corruption obstructs economic development [2]. In addition, "Corruption undermines government revenue and, therefore, limits the government's ability to invest in productivity-enhancing areas. It also distorts decision-making connected with public investment projects" [3]. This continues to challenge policymakers in devising anti-corruption strategies and laws to combat corruption, especially in an international and cross-cultural context [1].

The criminal act of corruption not only harms the state's finances but also violates the social and economic rights of the people [4]. The Corruption Perception Index (CPI) for 2019, released by "Transparency International (TI)" ranks Indonesia as 85th among 180 countries in total with 40 out of 100. This means that Indonesia is still left behind as compared to other ASEAN countries, such as Malaysia (ranked 51) and Singapore (ranked 4). In 1998, with the collapse of the authoritarian New Order of Soeharto "a regime that had become renowned for its crony capitalism and rampant corruption" twin reforms of market liberalization and democratization were adopted by the Government of Indonesia. As there was a common perception among people that transparency and accountability of any state are dependent upon these reforms which can further lead to the reduction of corruption [5]. In this connection as a critical measure to reduce corruption, the Indonesian government constitutionally established an anti-corruption institutional framework with new legislative measures and a robust body, "the Corruption Eradication Commission or Komisi Pemberantasan Korupsi (KPK) based on Act Number 10 of 2002 about Corruption Eradication Commission, established to improve the efficiency and effectiveness of efforts to eradicate corruption".

The KPK has been described as an independent anti-corruption agency in ' 'Indonesia's history [6]. Established under a lex specialist (Law 30/2002), "the KPK was mandated to implement the tasks of coordination and supervision of authorized anti-graft agencies; the examination, investigation, and prosecution of corrupt activities; the prevention of future corruption; and the monitoring of state officials and government programs" [5]. For the implementation of its mandates, numerous powers were granted to KPK. These powers include the provision of confidential data on financial transactions and other legal; matters by agencies and banks; forecasting and monitoring of assets without taking permission from court; to investigate the exclusive state bureaucrats without the prior agreement of the head; and "taking over corruption cases from prosecutors due to apparent

Unwillingness and the inability of the ordinary anti-

corruption agencies" [7]. Despite all these powers during the last two decades, KPK is still striving to eradicate corruption in Indonesia and has not been succeeded in improving the situation [8]. Previous research on this topic reported that In Indonesia apart from corruption among the government elects, corruption has eaten deep into the nukes of all parastatals, most especially public institutions, and seems difficult to flush out [6]. Thus, there arises a need for revised anti-corruption policy strategies to combat corruption in the entire Indonesian system [9]. In this connection, it is important to study the anti-corruption constitutional and criminal laws and regulations prevailing in other advanced countries to learn and devise a consolidated framework to achieve a corruption-free economy.

Responding to this contextual and literary need this study made an advance by examining the anti-corruption laws and policy strategies in Singapore and Switzerland to recommend and strengthen the anti-corruption constitutional amendments and policy strategies in Indonesia to achieve the goal of a corruption-free nation. Singapore is chosen because of its sound constitutional laws and strategies developed over the years, neighboring ASEAN country and according to CPI 2019, it is ranked 4rth among the least corrupt nations by scoring 85 out of 100. "Singapore's norms are fairly like Hong Kong and Japan, which are also among the least corrupt countries in the world. On the other side, Switzerland is among the least corrupt European countries, and like Singapore, it ranks 4 according to CPI 2019 with 85 scores. It follows the norms, which are fairly like Denmark, Finland, Sweden, Norway, New Zealand, and Australia, which are among the least corrupt countries in the world. The choice of these two nations for comparative analysis will generally help the scholars to infer policy insights for developing countries in general and Indonesia in specific. According to the authors of this study in in-depth literature, this research is unique in the choice of topic novelty and choice of method to significantly contribute to the body of knowledge. Conclusively, the main objectives of the current study are:

- To provide a theoretical overview of corruption from a Political, Economic, and Institutional Context.
- To review the prevailing corruption eradication laws, regulations, and strategies in advanced countries with the lowest perceived corruption levels.
- To review the corruption eradication strategies and laws in Indonesia.
- To provide the recommendations for the developing countries to eradicate corruption in the future.

2. Method

The research approach used is the method of normative juridical approach. Normative juridical research is literature research, that research on secondary data [10]. The Specification of study is analytical descriptive, the method used to describe an ongoing condition or condition whose purpose is to provide data about the object of research to explore and analyze the ideal constructs based on legislation [11]. The study used analytical and statistical material from Transparency International (TI). "TI is a German non-governmental organization founded in 1993 to take action and combat global corruption with civil societal anti-corruption measures and to prevent criminal activities arising from corruption. Transparency International (TI) cooperates with the private sector to help companies raise standards of practice in combating corruption". Corruption Perceptions Index (CPI) is among one of its most notable publications. The CPI ranks and scores territories/countries based on how the business executives and experts perceive the public sector of any country as corrupt.

Moreover, an attempt was made to identify the characteristics of the anti-corruption system of the domestic sample and models of European and ASEAN countries with the lowest perceived levels of corruption by using the method of comparative analysis, inductive and deductive reasoning. The analysis methods and synthesis highlighted the favorable factors for the formation of low levels of corruption in Switzerland and Singapore. In other words, in this study, the authors use the statute approach, conceptual approach, and comparative approach [12]. The data is obtained through the documentation/literature study and analyzed qualitatively. Then, the current study applied a comparative and deductive approach to conclude and give recommendations.

Along with Singapore being an ASEAN country, the international example of Switzerland has been selected for several reasons. Firstly, "it is a country bound by the European Union Convention on the fight against Corruption implemented in 1997". Secondly, despite this agreement, there is little regulatory activity at the EU level concerning ethics and integrity. "EU member states are free to introduce measures for combating corruption, including setting standards and offering protection for whistle-blowers. The European Public Administration Network (EUPAN) has engaged in a comprehensive dialogue within the EU on common administrative integrity standards in public administration and policies across the EU" [13]. Thirdly various EU countries have low levels of corruption, and, as a result, their experiences offer lessons for developing countries like Indonesia. Fourthly, the rationale for these choices is motivated by "the Transparency International Rankings", which suggest that both countries are ranked number 4 with a common score of 85. Therefore, lessons can be learned, and best practices can be borrowed from both countries, including legal and constitutional reforms.

3. Literature Review

Corruption is most often defined as the abuse or misuse of public office for private gain [14, 15]. A more comprehensive definition of corruption comes from TI, which sees it as the abuse of entrusted power for private gain [16, 17]. Khan defines corruption "as a behavioral deviation from the formal rules of conduct that govern public officeholders' actions" [18]. Further, "The act of doing something with an intent to give some advantage inconsistent with official duty and the rights of others; a fiduciary's or official's use of a station or office to procure some benefits either personally or for someone else, contrary to the rights of others is termed as corruption" [1].

The literature on corruption provides three paradigms to explain the nature of prevailing corruption in a specific relational context and under certain environmental circumstances. These are the cultural paradigm, economic paradigm, and neo-institutional paradigm [19]. The economic paradigm is based on the principal-agent model of corruption [20]. This theory suggests that three different parties are involved in any corruption transaction in the public sector: the principal, the agent, and a third party. The agent is supposed to look after the interests of the principal, but in reality, they both may be pursuing different goals [21]. This theory perceives corruption as a consequence of actions taken as a result of rational thinking based on a cost-benefit analysis. Therefore, the anti-corruption strategies based on this model have

emphasized public sector management issues that aim to change the incentive structure in the public sector [22, 23].

Another paradigm, the cultural paradigm, suggests that "individuals belonging to different societies and organizations can be pushed toward corruption by the nature of their internalized values and by social pressures" [19]. Whereas the economic paradigm approaches corruption as a risk versus reward and cost-benefit evaluation process, the cultural approach considers corruption based on moral values, rules, and societal norms. Della Porta and Vannucci [24] and Olaniyi [25], agree on the neo-institutional approach to analyzing corruption. This approach has been an influential and important paradigm in political science for the last three decades [26]. The neo-institutional paradigm entails the aspects of both the economic approach and cultural approach, which include economic incentives and moral barriers as well as the institutional framework to control corruption by regulating the effects of social interactions on the preferences of individuals.

3.1 Anti-Corruption Laws/Strategies in Singapore & Switzerland

3.1.1 Singapore

The absence of corruption in Singaporereveales the appropriateness of the anti-corruption policy adopted by the "People's Action Party (PAP) government" after it took office on 11th June 1959 [27]. On contrary, during colonial times. corruption was badly spread all over Singapore particularly after the Second World War [28]. The first and the foremost constitutionalized anti-corruption measures were the establishment of the "Investigation Bureau (CPIB)" in the early 1950s as the independent anti-corruption agency, which was the first of its kind in the world [29]. Despite this, corruption continued to be rife throughout public service sectors, law enforcement being the most corrupted one in Singapore [30]. "Such a deplorable condition was due to inadequate legislation, widespread corrupt practices, the inferior position of the poorly educated population in the eyes of the police and civil servants, low salaries of civil servants, and problems in recruiting officers for the anti-corruption agency from Singapore policy force on short secondment" [31]. The reduction of the opportunities for corruption and punishment for the corrupt behaviors was the main motive of the PCA and CPIB [32-34]. The top political leaders set themselves as role models for civil servants, divesting themselves of commercial ties, avoiding abusive behaviors towards their offices, displaying high work ethics, and demonstrating zero forbearance for corrupt behavior. By personal example, they created a fruitful soil for the atmosphere of honesty and integrity [35]. Accordingly, Singaporean civil servants' salaries are fairly high by Asian and ASEAN standards [35]. Adding to that, there is a strong body in Singapore dealing with corruption: "Corrupt Practices Investigation Bureau (CPIB)" to spearhead its anti-corruption strategy. Majorly, Singapore relies on two key laws to fight corruption:

- ***The Prevention of Corruption Act (PCA),*** "The primary legislation regulating corruption/ bribery in Singapore is the Prevention of Corruption Act, Chapter 241 of Singapore (the PCA), applied to both private sector bribery and bribery of public officials. Other bribery legislation includes the Penal Code, Chapter 224 of Singapore (the Penal Code), which contains provisions directed at public officials".
- ***Corruption, Drug Trafficking, and Other Serious Crimes (Confiscation of Benefits) Act (CDSA).*** "The Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act, Chapter 65A of Singapore (the CDTSA) is a related statute that provides for the confiscation of benefits derived from, inter alia, corruption offenses".

Together, both laws ensure that corruption remains a low-reward, high-risk activity. Upon the conclusion of investigations by the CPIB, all alleged corruption cases will be handed over to "the Attorney's General's Chambers (AGC)", the prosecutorial arm of "the Singapore Criminal Justice System", to obtain the Public Prosecutors' consent to proceed with Court proceedings. Thus, there is a systematic regulatory and judiciary system prevailing in Singapore due to which it has attained an ideal position as among the top corruption-free economies in the world.

3.1.2 Switzerland

The system of law enforcement in Switzerland is regarded as one of the most efficient in Europe, and the level of corruption in this country is considered one of the lowest [36]. "The Swiss Criminal Code distinguishes between active bribery, which can be committed by anyone who tries to corrupt a public official (Swiss Criminal Code, Article 322ter), and the acceptance of bribes, which can be committed only by said officials (Swiss Criminal Code, Article 322quater)" [37]. Switzerland has played an active role in developing international instruments and initiatives related to anti-corruption efforts [38]. Besides, Switzerland encourages developing and emerging countries that are fighting against corruption and its causes. Switzerland bilaterally and multilaterally promotes the initiatives and programs of anti-corruption efforts [37]. The anti-corruption efforts of Switzerland primarily include the following elements:

- Criminal liability for committing corruption-related crimes.
- Submission of public positions to competitive tenders.
- High legal and ethical demands made of public officials.
- Adequate financial security of public officials.

Further, in Switzerland, the legal mechanics of anti-corruption efforts are based on the following international, national, and cantonal legal acts.

- ***United Nations Convention against Corruption*** adopted by the General Assembly by its resolution 58/4 of the 31st October 2003 was ratified by Switzerland the same year. Article 20 of the Convention is of particular importance. According to Article 20, a public individual in case of a considerable increase in his or her revenue, must prove, following the applicable procedure, that the revenue was derived from lawful activities. In this regard, corruption shall be regarded as "a considerable increase in the public individual's revenue that goes beyond this public individual's lawful revenue that this public individual can justify reasonably".
- ***The Criminal Code of Switzerland*** of 1937, as in force of the 1st January 2017, provides criminal liability for committing corruption-related crimes cited in Articles 322ter - 322novies: bribery of a Swiss public individual (Art. 322ter), accepting a bribe14 (Art. 322quater), giving the advantage (Art. 322quinquies), accepting advantage (Art. 322sexies), bribery of a foreign ' 'state's public individual (Art. 322septies), bribery of private individuals (Art. 322octies), accepting a bribe15 (Art. 322novies). The basis and the terms of the liability are also elaborated and detailed in Article 322decies.

- ***The Federal Act against unfair competition*** of 19th December 1986, as in force of the 1st July 2016, provides liability for so-called private corruption. The above-mentioned act is dedicated to ensuring the freedom of enterprise and to creating a level playing field for operating a business in Switzerland and for 'Switzerland's integration in the European Economic Space.
- ***The Federal Act on arrest and imposing restitution on unlawfully procured objects of the value of politically exposed persons*** of the 18th December 2015, as in force of the 1st July 2016. Under Article 1, this legal act governs the arrest, confiscation, and restitution of property holdings of foreign politically exposed persons or their relatives that were supposedly procured due to corrupt practices, improper performance of ' one's official duties, or other criminal wrongdoings. The above-mentioned legal act is oriented to non-residents of Switzerland who are to be trying to hide and (or) legitimate their unlawful revenue within the territory of Switzerland.

Also, Switzerland is a signatory to four major international conventions to combat corruption (in chronological order):

- "The Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime of 8 November 1990, ratified by Switzerland on 31 May 2000".
- "The Organization for Economic Cooperation and Development (OECD) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions of 21 November 1997, ratified by Switzerland on 31 May 2000".
- "The Council of Europe Criminal Law Convention on Corruption of 27 January 1999 and its additional protocol of 15 May 2003, ratified by Switzerland on 31 March 2006 with several reservations, such as Section 12 (trading in influence), which is not to be punished under domestic la".
- "Switzerland ratified the United Nations Convention against Corruption of 31 October 2003 without reservations on 24 September 2009"

Adding to that, Switzerland is a party to several bilateral treaties containing anti-corruption provisions and has been a member of "the Group of States against Corruption" since 2006. Moreover, it is a representative of numerous administrative and judicial assistance treaties, that support the implementation of anti-corruption measures taken by other representative states. This reflects that to become a corruption-free nation there is the immense importance of a sound regulatory system with applicable laws and strategies.

3.2 Anti-Corruption Laws/Strategies in Indonesia

In Indonesia, the objectives of the state are set out in the fourth paragraph of the Preamble of the 1945 Constitution. The core understanding of the law, namely the nature of law, is a means to create a just ' 'society's rules. Corruption is an act that is not in accordance with the state ideology, Pancasila, and the 1945 Constitution [9]. Indonesia has been conducting the fight against corruption since 1988. In 2019, Indonesia still stands at the 85th rank of Transparency International which reflects the failure of the efforts to eradicate corruption in Indonesia. According to the World Economic Forum, "corruption is the most problematic factor for doing business in Indonesia" [39]. "As it is ranked 72nd among 190 countries for the ease of doing business and it requires 11.2 procedures and 23.1 days to start a business" [15]. Regardless of the endless efforts of the KPK to eradicated corruption, in Indonesia, it is still a critical matter based on various indicators (see Table 1).

Table1: Indonesia's Performance on Corruption Indicators.

Indicator	Indonesia's Performance
Corruption Perceptions Index	85th/180
Diversion of public funds	41st/137 (4.2/7.0)
Irregular payments and bribes	75th/137 (3.8/7.0)
Organized crime	101st/137 (4.2/7.0)
Reliability of police services	77th/137 (4.3/7.0)
Ethical behaviour of firms	42nd/137 (4.3/7.0)

Sources: Quah [27] and Transparency International [40]

"To date in Indonesia, the laws and regulations governing corruption include:

- The Law Number 3 of 1971 on Eradication of Corruption
- The MPR Decree Number XX/MPR/1998 on the Implementation of a Clean and Free of Corruption State
- The Law Number 28 of 1999 on State Administration that is Clean and Free of Corruption
- The Law Number 31 of 1999 on Limitation of Corruption Crimes
- The Government Regulation Number 71 of 2000 on the Procedures for the Implementation of Community Participation and the Awarding of Corruption in the Prevention and Eradication of Corruption
- The Law Number 20 of 2001 on Eradication of Corruption
- The Law Number 15 of 2002 on Money Laundering; and
- The Law Number 19 of 2019 on the Second Amendment to Law Number 30 of 2002 concerning the Corruption Eradication Commission."

Till 2019 the prevailing Law on Corruption Eradication prevails in Indonesia was Act Number 20 of 2001 regarding the amendment to the Act Number 31 of 1999 about the Eradication of Corruption. Later in 2019, there was an amendment in law number 30 of 2002, which redefined corruption and amended the tasks assigned to KPK. Article 1 point 1 of the Law Number 19 of 2019 on the Second Amendment to the Law Number 30 of 2002 on the Corruption Eradication Commission states that Corruption is a criminal offense as referred to in the law governing Eradication of Criminal Acts Corruption. In practice, the KPK faces obstacles as several corruption acts have not yet been regulated in the Law of Corruption Act [41]. The acts are not compliant with Law Number 31 of 1999 that has been amended by Law Number 20 of 2001 on the Eradication of Corruption, even though Indonesia has ratified the United Nations Convention against Corruption 2003 into Law Number 7 of 2006 on the Ratification of the United Nations Convention against Corruption 2003 [42]. Another obstacle is in the law enforcement on the criminal acts of corruption; the police have the duty as an investigator, thus limiting the powers of KPK to deal with the corruption of all sectors [43]. It is determined in the Criminal Procedure Code (KUHAP) in Article 1 paragraph (1). Thus, the

police have the right and authority to handle various corruption cases, and all rights are not reserved for KPK [44].

Furthermore, the existence of KPK also raises some parties who want weakening of institution and intervenes the institution in eradicating the crime of corruption in progress [27]. This is evidenced that "the KPK is continually open to resistance and attacks and is at its most vulnerable in the face of politically powerful and coordinated interests when high-level political support is lacking, and when the public, media, and civil society supports are weak or fragmented" [45]. This underlines the need for cohesive action among multiple reform-oriented elements, including "the government, political parties, parliament, law enforcement agencies, businesses, civil organizations, and broader society elements".

4. Findings and Discussion

Singapore achieved effective anti-corruption goals through an anti-corruption policy that has been in existence since the year 1959. Despite the policy, "there was a situation of the deplorable condition due to inadequate legislation, widespread corrupt practices, the inferior position of the poorly educated population in the eyes of the police and civil servants, low salaries of civil servants" [46]. The new government in the late 1950s set up a strategy to deal with corruption and emphasized the reduction of need as well as opportunities available for corruption. It was recorded that "top political leaders set themselves as role models for civil servants, divesting themselves of commercial ties, demonstrating high work ethics, avoiding any behavior that could be construed as an abuse of their office, and showing zero tolerance for corrupt behavior" [47]. In the year 1980, the policy of 1950 was modified such that new statements were introduced; this led to the investigation and prosecution of many leading bureaucrats, which was a massive sign to the Singaporean society of the fortitude to eliminate corruption. This event shows that there was nothing like "immunity" in the policy context [39].

The lessons to be learned from Singapore by Indonesia are mostly not in legislation but enforcement. From the year 1976 to the present day, Indonesia has laws against corruption that, if prudently enforced, can make Indonesia soar better like Singapore and even Malaysia in fighting corruption. The Political leaders of Singapore had a powerful political will to fight corruption. Thus, the approach of Singapore in its fight against corruption applies across the board, no distinction between "petty corruption" and "high-level corruption", no exception granted to anyone, and no "black areas" that the law cannot reach [35]. It was an example that led to the prosecution and conviction of Mr. Wee Toon Boon, a serving Minister of state, and a that corruption in Singapore is a "fact of life rather than a way of life" [48]. So, although corruption exists in Singapore but is not a norm the way it is in many other countries, including Indonesia. Increasing civil servant's salaries is a step that would show every citizen that government is not only willing but to fight corruption but is demonstrating a will to take away the grounds for justifying corruption in the public service.

Besides, there is a powerful system in Switzerland to deal with corrupt individuals and companies/legal entities. "The Swiss Criminal Code establishes the same penalties for individuals who actively bribe public officials and the public officials who accept a bribe". The penalties include the following:

- "Up to five years in jail"
- "Monetary penalty, calculated on a per diem basis, of up to 360 daily penalty units (a judge will determine the daily penalty, taking into account the financial strength of the individual, from CHF 10 to CHF 3,000 per day, and will multiply such amount by the number of days imposed)"
- "Up to five years of prohibition on exercising a profession"
- "Criminal forfeiture of objects and assets that were used, intended to be used, or produced as a result of the offense"
- "For the company/legal entity: Criminal fine of up to CHF5 million Criminal forfeiture of objects and assets that were used, intended to be used, or produced as a result of the offense"

Switzerland has not enacted any federal laws dealing with political contributions, thus leaving room for the cantons to regulate this issue. "If a crime of corruption is committed within a legal entity in the exercise of commercial activities and if such legal entity lacks adequate compliance procedures, the legal entity in question can, as a matter of Swiss law, become criminally liable irrespective of the criminal liability of any natural persons" [49]. Beyond that, Swiss authorities can be entitled to confiscate the proceeds connected with the act in question. Moreover, there is a well-defined legal system available in the Swiss code of law to deal with by the Swiss public officials. Jurisdiction to prosecute corruption is outlined in the Swiss Code of Criminal Procedure, particularly in Article 23, Letter j. According to this article, "the Federal Prosecutor's Office shall have jurisdiction to prosecute all acts of corruption committed by Swiss federal public officials or committed against the Swiss federal government. The same applies to other acts of private to public bribery" (Swiss Code of Criminal Procedure, Article 24 Paragraph 1). This further creates an environment of crime and punishment, which restrict the individuals and companies to participate in corrupt activities.

Furthermore, some of the factors that cause corruption include greed, necessity, the presence of opportunities in organizations, agencies, and society. Besides, the problem of disclosure of corruption cases that have occurred, and the neglect of legal actions, social sanctions that are not comparable, can make acts of corruption repeated [50]. The obstacles in law enforcement of corruption include structural, cultural, instrumental, and management obstacles. Efforts to tackle corruption, which is an international crime, cannot be done only with a set of national legal regulations but should also be carried out through cooperation with other countries, both bilateral and multilateral [51]. Based on this description, the eradication of corruption in Indonesia during the Covid-19 pandemic and the application of the new normal era should include reforming criminal law through reconstruction or reformulation of laws relating to sanctions imposed on perpetrators of criminal acts of corruption. Sanctions include efforts to restore state finances with accountability to the third (third) degree or what is known as the impoverishment of corruptors. Liability is carried out by convicting corruptors by continuing to work and without imprisonment or a death sentence. Perpetrators are required to restore state financial losses to the third offspring as an alternative to eradicating corruption that is a deterrent.

5. Recommendations

This study made an advance by adopting a comparative approach of a developing country context with developed nations who performed better in corruption eradication strategies and legislations. The following recommendations inferred from this research may help the law scholars, policymakers, and legal experts to reform and amend existing

legal frameworks in developing countries for the eradication of corruption:

- As learned from Singapore and Switzerland, a strong commitment by leaders of the government and nations is needed as a fundamental parameter.
- Constitutional amendments to empower and protect the existing institutions and their staff for a better fight against corruption.
- Financial security and a significant increase in salaries of the officials dealing with corruption eradication may benefit as a best practice learned.
- A thorough legal investigation of the existing anti-corruption institution to highlight the legal limitations faced by such institutions. Then constitutional amendments to be recommended to overcome these legal hurdles.
- A power media and social media campaign by the government to raise awareness among the public about corruption and reforms is recommended.
- All developing nations who wish to improve their performance and effectiveness against corruption should follow and network with international/global institutions working to eradicate corruption across the globe.
- A strong implementation framework and penal codes are recommended like Singapore and Switzerland to eradicate corruption in public and private institutions with a clear implementation road map.

6. Conclusion

The main conclusions from the comparison are that although vested interests are capable of reemerging and subverting anti-corruption measures in Indonesia, the ability to form the powerful institutions to resit such corrupt alliances is mandatory. As in Indonesia, not only the fruitful implementation of anti-corruption strategies is dependent on the vested interest of a few powerful groups but also they control the resultant actions and results as well. There is a chain of generating responses from the organizations of civil society, the media, the police department, and government leaders that play a significant role in weakening the overall anti-corruption system in Indonesia.

It is also evident from the discussion that although in Indonesia there exist specific anti-corruption laws that are also gone through time-to-time amendments but there is a lack of consistency in their applications. In addition, from the examples of Singapore and Switzerland, it is manifested to fight against corruption. They both have powerful bodies, i.e., PCA and CDSA in Singapore and the Swiss Criminal Code in Switzerland. The presence of these bodies ensures the implementation of the anti-corruption laws and strategies in both countries. Moreover, like Switzerland, there must be a well-defined jurisdiction system in Indonesia with pre-defined applicable penalties so that individuals and companies/legal entities think many times before indulging in corrupt deeds.

7. Implications

7.1 Theoretical Implications

Battling police corruption is one of the main challenges faced by Indonesia, along with other Asian countries. As stated already, the police department is the biggest hurdle in the implementation of anti-corruption strategies devised by KPK. Therefore, it is mandatory to first make the police department strong by providing them the good salaries and other necessary facilities so that they effectively perform their duties. Along with that, they must be accountable for their corrupt deeds to authorities and the corrupt police officers must be punished publically [52]. Besides, political will is very imperative to control corruption effectively therefore, Indonesian policymakers need to possess the capacity and political will to commence appropriate reforms to address the causes of police corruption [52].

7.2 Practical Implications

Although in Indonesia, KPK exists since 2003, it is working with limited power to deal with the more influential people and groups/ entities. Therefore, there is a dire need for Indonesian legal authorities and government to either revise the powers of the KPK or legally introduce some more powerful institutions with unlimited powers to deal with corrupt people. In addition, KPK should have special protection in carrying out its duties, one of which is given a clear legal certainty against the protection of the KPK. Article 32 paragraph (2) in the Act about KPK provides an opportunity in the KPK to weaken the KPK. In contrast, it should be right that the KPK is given the right of immunity in carrying out its duties, where this should be regulated in law. The immunity rights are largely a right of liberty over the legal jurisdiction granted to certain parties, which must be granted to KPK leadership, which should be regulated in Indonesian legislation.

8. Limitations and Future Research Indicators

Future studies are recommended in developing and developed nations to explore further and learn best practices, legal frameworks, constitutional reforms, and policy directions in this area.

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