

# Jurnal

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## ANTI-CORRUPTION SURVIVOR, ACADEMIC FREEDOM, AND THE CHALLENGES

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**Abstract:** The loss of the state due to corruption practices is genuinely harmful to the State. At the same time, control over corrupt practices has been carried out by the KPK, as well as other civil society such as anti-corruption academics, anti-corruption NGOs activists. So, that the community affected by corrupt practices fighting for their rights are increasingly being repressed by unscrupulous persons and mafias not responsible for weakening their work. Legal issues raised in this legal research are: (1). Legal protection of survivors of anti-corruption law and its relation to academic freedom; (2). Legal remedies related to the protection of anti-corruption survivors and their challenges. The results of the research argued that anti-corruption survivors, including the KPK employees, anti-corruption academics, anti-corruption NGOs, and anti-corruption civil society, are extraordinary people who put personal safety and security interests to oversee the disclosure of corruption cases that occur. This needs to be welcomed by the President and DPR's to protect and guarantee Security from physical, psychological, and even terror attacks through lawsuits and criminalization. Because there is a legal vacuum in the protection of anti-corruption survivors, the existing laws and bodies are less than optimal in protecting anti-corruption survivors.

**Keywords:** Anti-Corruption Survivors, Academic Freedom, Physical and Psychological Attacks

**Abstrak:** Kerugian negara terhadap praktik tindak pidana korupsi betul-betul merugikan Negara, menghambat terlaksananya pembangunan, serta berimplikasi terhadap pelanggaran HAM. Pada saat yang sama, kontrol atas praktik tindak pidana korupsi yang dilakukan oleh Komisi Pemberantasan Korupsi (KPK), maupun masyarakat sipil lainnya seperti akademisi anti-korupsi, aktivis Non-Governmental Organization (NGO) anti-korupsi, hingga masyarakat terdampak praktik korupsi yang memperjuangkan haknya, kian hari kian direpresi oleh oknum dan mafia tak bertanggung jawab untuk memperlemah kerja-kerja mereka. isu hukum yang diangkat dalam penelitian hukum ini adalah: (1). Perlindungan hukum terhadap penyintas hukum anti-korupsi dan keterkaitannya dengan kebebasan akademik; (2). Upaya hukum terkait perlindungan terhadap penyintas anti-korupsi dan tantangannya. Hasil penelitian adalah penyintas anti-korupsi baik pegawai KPK, akademisi anti-korupsi, NGO anti-korupsi, hingga masyarakat sipil anti-korupsi merupakan orang-orang luar biasa yang meletakkan kepentingan keselamatan dan keamanan pribadi untuk mengawal pengungkapan kasus korupsi yang terjadi. Hal tersebut perlu disambut bagi Pemerintah (Presiden) maupun legislatif (DPR) untuk melindungi dan menjamin keamanan dari serangan baik fisik, psikis, bahkan teror melalui gugatan hukum dan kriminalisir. Karena terjadi kekosongan hukum atas perlindungan penyintas anti-korupsi. Perundang-undangan serta badan yang ada kurang maksimal dalam perlindungan bagi penyintas anti-korupsi.

**Kata Kunci:** Penyintas Anti-Korupsi, Kebebasan Akademik, Serangan fisik dan psikis

### A. Introduction

This article examine what the relation between anti-corruption survivors and academic freedom, and the challenges, especially from threatens and attacks itself. We know that, Indonesia is the third largest democratic country in the world after India and the United

States of America.<sup>1</sup> It faces a very challenging complexity in the post-reformation era, especially concerning various types of corruption practices that are increasingly rampant. The corruption began from the central government to local government at the province or District/City. It was also done by members of *Dewan Perwakilan Rakyat*-DPR (House of Representative), regional House of Representatives at the Province or District/City, the law enforcers, and even the businessmen working together in committing corruption.

Whereas, we know that the state losses due to corruption practices harm the country, hampering the development, have an implication for human rights violation. In 2018, Indonesia Corruption Watch (ICW) recorded 454 corruption cases handled by law enforcers and 1.087 people from the various occupational background were suspected. The law enforcers revealed that the amount of state losses, bribe, illegal fees and money laundry was IDR 5,6 trillion, IDR.134,7 billions, Rp.6,7 billions, and Rp.91 billions respectively.<sup>2</sup> Using such significant funds in 2018, how many schools that can be renovated, bridges that can be built, hospitals that can fulfill the health rights of citizens. Also, how many other's citizens constitutional rights can be executed to overcome the poverty!

At the same time, the control of corrupt practices has been conducted by *Komisi Pemberantasan Korupsi*-KPK (Corruption Eradication Commission), or others civil society such as anti-corruption academics, anti-corruption of Non-Governmental Organization (NGO) activists, as well as the societies affected by corruption practices who fight for their rights. However, this control has been repressed by the certain individual or mafia to weaken their performances, from now on we call as anti-corruption survivors.

Various attacks were constantly on the staff of KPK's, the anti-corruption academics, the anti-corruption NGO activists, and civil society. The most viral was the acid attack on Novel Baswedan done by several unknown people on April 11, 2017. Novel was one of the investigators at the KPK who handled several high-profile cases, including the cases of alleged corruption related to electronic residential identification cards (e-KTP). He also managed the corruption cases of former Chief of Constitutional Court, (Akil Mochtar), the former Secretary-General of the supreme court (Nurhadi); the former Regent of Buol (Amran Batalipu); and athletes dormitory.<sup>3</sup> To date, the Joint Fact-Finding Team (TGPF), created by the Indonesian National Police (Polri), has not yet discover the the intellectual actor behind the attack. The tragedy is considered as the worst precedent against the staff of KPK's and a real symbol of the counter-attacks conducted by the mafia and corruptors against anti-corruption survivors.

In addition, the KPK leaders also experienced physical attacks, such as the attacks using a Molotov bomb addressed to KPK leader, Laode M. Syarif. Two bombs landed at Laode's house. One exploded and scorched some parts of the house wall, while the other failed to explode and was found by his driver on January 9, 2019.<sup>4</sup> Simultaneously, the KPK leader, Agus Rahardjo, was also attacked at his home in Perum Graha Indah, Jatimekar, Jatiasih,

<sup>1</sup> <https://nasional.tempo.co/read/369489/indonesia-negara-demokrasi-terbesar-ketiga-dunia>, accessed on 28 Agustus 2019

<sup>2</sup> ICW, Laporan Tren Penindakan Kasus Korupsi Tahun 2018, (Jakarta: ICW Press, 2018) 3-4

<sup>3</sup> <https://nasional.kompas.com/read/2019/07/18/10171221/tgpf-ungkap-hasil-penyelidikan-kasus-novel-baswedan>

[ini-6-rangkumannya?page=all](https://nasional.kompas.com/read/2019/07/18/10171221/tgpf-ungkap-hasil-penyelidikan-kasus-novel-baswedan), accessed on 29 Agustus 2019

<sup>4</sup> <https://www.cnnindonesia.com/nasional/20190110002906-20-359749/laode-kpk-ada-dua-bom-satu-meledak>,

accessed on 29 Agustus 2019

Bekasi; a black bag allegedly contained high-explosive homemade bomb.<sup>5</sup>

It is not only to the KPK, but the assault also seems to be addressed to the anti-corruption academics who are struggling to assist the KPK in uncovering the corruption cases. These cases have been handled by the experts to intensify the KPK's performance in eradicating corruption cases through expert testimony. They sued the experts of *Institut Pertanian Bogor-IPB* (Bogor Agricultural University) with a total value of 3.51 trillion rupiahs. This lawsuit is considered as a threat to academic freedom. The experts are Prof. Bambang Hero Saharjo and Dr Basuki Wasis, Bambang was sued by forest burner of *Perseroan Terbatas Jatim Jaya Perkasa-PT JJP* (JJP Factory), while Basuki was sued by Nur Alam who was accused as a corruptor and had been sentenced to 15 years in prison.<sup>6</sup> Both of Basuki Wasis and Prof. Bambang Hero have been meritorious of bearing their expert testimony to the cases of Nur Alam, and they were successful in accumulating the state losses due to the tragedy of forest and land fires. The case of Basuki Wasis and Prof. Bambang Hero is a precedent and a severe threat to academic freedom and its relation to fighting corruption.

The assaults both in the form of physical violence and terror of the lawsuits against anti-corruption activists are very common in Indonesia, such as the tragedy of Mathur Husairi (47). Mathur is the Director of the NGO Crisis Islam of Democration (CIDE), he was shot by an unknown assailant on Jalan Teuku Umar, Bangkalan, January 20, 2015. The shooting motive was unclear. However, the incident was linked to a corruption case that befell to the leader of DPRD Bangkalan, Fuad Amin Imron.<sup>7</sup> Mathur and other activists in Bangkalan are the civilians who fight for their rights from the corrupt dynastic practices, especially those that occurred in Bangkalan District.

Most recently, a lawsuit addressed simultaneously to the YLBHI chairman, Asfinawati, the speaker of KPK, Febri Diansyah, and the coordinator of ICW, Adnan Topan Husodo. They were reported by a student, Agung Zulianto, who called himself as a young guard of the KPK and the people of DKI Jakarta. They were reported for delivering the statement that caused a commotion and decreased the integrity of the KPK. The statement was quoted by several online media.<sup>8</sup> The students' suit which was presented during a demonstration in front of the *Gedung Merah Putih* demanded President Jokowi to remove the candidate of the KPK leader with the problematic track record, those who are the part of the coalition of anti-corruption civil society. They conveyed a contradictory statement by suing to disperse the union of KPK employees (WP KPK), and they could be categorized as "paid demonstrators", and their action weakened the work of corruption eradicating.<sup>9</sup>

<sup>5</sup><https://makassar.tribunnews.com/2019/01/09/kronologi-rumah-pimpinan-kpk-dapat-serangan-teror-bom-high-explosive-tergantung-di-pagar-rumah>, accessed on 29 Agustus 2019

<sup>6</sup><https://news.detik.com/berita/d-4251932/gugatan-rp-351-triliun-ke-dua-ahli-ipb-ancam-kebebasan-akademik>, accessed on 29 Agustus 2019

<sup>7</sup><https://regional.kompas.com/read/2015/02/03/18275041/Anggota.DPRD.dari.Gerindra.Diduga.Jadi.Otak.Penembakan.Aktivistis.LSM.di.Bangkalan>, accessed on 29 Agustus 2019

<sup>8</sup><https://nasional.kompas.com/read/2019/08/29/15552671/dilaporkan-ke-polisi-bersama-jubir-kpk-ketua-umum-ylbhi-bukan-hal-baru>, accessed on 30 Agustus 2019

<sup>9</sup><https://www.cnnindonesia.com/nasional/20190830174516-20-426197/massa-pendukung-pansel-capim-kpk-tak-tahu-isi-dan-tujuan>

Both physically and lawsuits assaults seem to be endless; these facts are a bad precedent experienced by anti-corruption fighters, those who want Indonesia to be free from the corruptors. How the legal mechanisms can accommodate the comprehensive protection both for KPK employees, anti-corruption academics, anti-corruption NGOs, and civil society who fight for their rights. Moreover, the commitment of legislation promoting the culture of non-repression and non-impunity to those who carry out the assaults should be formulated so that those anti-corruption fighters can be protected by the most basic of the human rights, namely the right to life, security, protection of torture practices, etc.

Examining the legal phenomenon occurred, the legal issues raised in this juristical research are: (1). Legal protection of the anti-corruption law fighters and its relation to academic freedom; (2). Legal measures related to the protection of anti-corruption fighters and their challenges.

## **B. Research Method**

Statute approach was used in this legal research to analyze the issue of anti-corruption survivors, academic freedom, and their challenge. An approach in legal research is a process to doctrinally discover legal regulations and legal principles to address the current legal issues. This approach is based on the legal regulations, both in the aspects of international and national law vertically and horizontally to study parallel or hierarchical rules of law.<sup>10</sup> The conceptual approach is made by conducting case analysis based on experts' doctrines and views as well as conceptual and theoretical views, to solve legal issues proposed by limited legislative approach.<sup>11</sup>

The field research to analyze and examine the compatibility between the protection of anti-corruption survivors and the challenges of academic freedom is a study of public international and human rights laws, in particular, those that are related to research approach of anti-corruption law, emphasized by the researcher was based on the international conventions. However, the international law study was not dependent because the discussion of this theme employed the criminal legal approach, particularly, corruption crimes act as a rules-based system. It also understood the function and authority of the KPK in sanction the perpetrators of the crimes. The multi-dimensional discourse would be conducted to achieve the comprehensive legal research.

The use of this research methodology aims to analyze the legal issues raised, and describe them in a relevant way both in the perspective of international law and the Indonesian legal system, in order to get answers to legal issues being raised. Because, the limitations of the rule of law as well as the concept of the law will have implications for the vulnerability of protection for anti-corruption survivors and its relation with academic freedom. The legal materials were obtained from the international legal conventions, national legislation, literature review, and several cases. This legal writing would be analyzed qualitatively using deductive logic, a conclusion drawn from the general to the specific.

## **C. Discussion**

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<sup>10</sup> Peter Mahmud Marzuki, *Penelitian hukum*, (Jakarta: Kencana Prenada Group, 2005) 96-101

<sup>11</sup> *Ibid*, 137-140.

## 1. ACAs and their legal protection

As anti-Corruption Agencies/ACAs, legal instruments, especially the international legal instruments, have accommodated the protection for the KPK employees. The legal conception could be found in the Jakarta Statement 2012, a meeting conducted by Anti-Corruption Agencies around the world under the United Nations Development Program (UNDP) and United Nations Office on Drugs and Crimes (UNODC) to promote and strengthen independence and effectiveness from anti-corruption agencies around the world. Recommendations to the states of anti-corruption agencies were made in the meeting, for example, Indonesia; the Corruption Eradication Commission should collaborate with others in eradicating corruption without being isolated, obtain the legal protections, and create certain legislation to ensure the sustainability of anti-corruption agencies. Also, it suggested the protection to the employees of anti-corruption agencies against criminalization and physical attacks conducted intentionally and systematically toward the works of corruption eradication.

Jakarta Statement 2012 was the explanation of Indonesia position that became one of the parties bindings in the **United Nations Convention Against Corruption (UNCAC)**. It had also **ratified** in **Law Number 7**, the Year **2006**, including the conventions, derived protocols, and other international agreements that were relevant to the Indonesia position as one of the parties. UNCAC ratification aimed to show to the International world the real action of Indonesia to present its competence and commitment in an effort of eradicating corruption for the International world.<sup>12</sup> The crucial point of international legal action was that ratification seemed to be necessary in creating a common standard in qualifying the types of crimes and the mechanism of handling corruption cases.<sup>13</sup>

Regarding the concept of corruption, if we look into the UNCAC explained that:<sup>14</sup> Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences when committed intentionally: The use of physical force, threats or intimidation or the promise, offering or giving of an undue advantage to induce false testimony or to interfere in the giving of testimony or the production of evidence in a proceeding concerning the commission of offences established in accordance with this Convention; The use of physical force, threats or intimidation to interfere with the exercise of official duties by a justice or law enforcement official concerning the commission of offences established in accordance with this Convention. Nothing in this subsection shall prejudice the right of States Parties to have legislation that protects other categories of the public official.

Based on the article, the matters that disrupted and obstructed the process of corruption eradication (obstruction of justice) has to be guaranteed by the state of the particular regulations. Consequently, the KPK employees should not repressed and sued; they should also be free from physical attacks or intimidations due to their works. In this context, the state had responsibilities to protect the works of corruption eradication. Besides, the main function of the protection for the KPK is to integrate the vision and function of corruption eradication as well as giving a reformist paradigm that corruption eradication focus has received enormous public attention. Strengthening the KPK is a symbol of legal

<sup>12</sup> ICW, *Kajian Implementasi Aturan Trading in Influence Dalam Hukum Nasional* (Jakarta: ICW Pres, 2015) 15

<sup>13</sup> Damos Dumoli Agusman *Hukum Perjanjian Internasional: Kajian Teori dan Praktik Indonesia* (2<sup>nd</sup> ed), (Bandung: Refika Aditama, 2016) 31-32

<sup>14</sup> See Article 25 UNCAC

reformation and expansion of corruption eradication, and other legal reasons of the President and the House of Representatives (DPR), as the decision-maker and policy maker.<sup>15</sup>

The interpretation of the protection and security of the KPK in the context of corruption eradication has been limited stipulated in the Financial Rights, Protocol Position, and Security Protection of the KPK Leader. that "Security protection, as referred to section (1) includes a. Escort action; b. Weaponry; and c. Protection for the family." This concept of protection is merely a protocol and applies for the KPK leaders only, like the protocols of the leader of other institutions.<sup>16</sup>

It does not protect and secure the performance and practices of corruption eradication which are far more dangerous and vulnerable to systematic attacks. This legal vacuum, based on the mandate of the UNCAC above, needs to be addressed by the Government and the House of Representatives (DPR) for future protection of KPK, not only for the leaders but for all KPK employees who observe their duties in eradicating corruption.

## 2. The Anti-Corruption Academics and NGOs, and the Threats to Academic Freedom

KPK collaborates with the academics in their works related to corruption eradication. Various KPK strategic studies on certain issues require the results of research conducted by anti-corruption academics, such as in the case of corruption related to natural resources and forest and land fires (Karhutla) occurred recently. The work of the KPK and anti-corruption academics began in 2005, via the Anti-Corruption Summit (ACS) 1 at Gadjah Mada University (UGM), Yogyakarta, in trying to create a code of ethics for anti-corruption expert witnesses. However, it has been stagnant and showed no progress. Finally in 2016, after various types of anti-corruption study centres have been established in Indonesia; the 2nd and 3rd ACS were held in 2018 at Hasanudin University, Makassar.<sup>17</sup> The formulation of the development of corruption eradication work has not only been campus-based but also have widespread to civil society-based.

The assaults towards anti-corruption academics is certainly a serious threat to academic freedom. Surabaya Principles on Academic Freedom (SPAF) 2017, can indeed be a reference conception concerning the importance of protecting anti-corruption academics, as outlined in five principles,<sup>18</sup> namely:

1. Academic freedom is fundamental freedom in the context of developing academic institution autonomy;
2. Academics, who conduct activities in the academic field, have full freedom in developing community service, education, research, and publishing their results based on the scientific principles;
3. Academics, who work as instructors in the field of education, have the freedom in their classroom to discuss courses by considering scientific expertise and respect for human

<sup>15</sup> Louis de Sousa, *Anti-corruption agencies: between empowerment and irrelevance*, (2010), (Crime Law Social Change 53): Springer Science + Business Media B.V, London) 10-11.

<sup>16</sup> See Article 18 (2) Government Regulation, No. 29/2006

<sup>17</sup> <https://acch.kpk.go.id/en/artikel/paper/konsolidasi-gerakan-antikorupsi-berbasis-akademisi-dan-kampus-di-indonesia>, accessed on 31 Agustus 2019

<sup>18</sup> Herlambang P. Wiratraman, *et.al*, *Kebebasan Akademik, Neo-Feodalisme dan Penindasan HAM* In this chapter of the book *Hak Asasi Manusia: Politik, Hukum, dan Agama di Indonesia*, (Jember: CHRM2,2018) 53-54

values;

4. Academics must be free from restriction and discipline to develop an academic culture that is responsible and promote scientific integrity for humanity;
5. Public authorities are obligated to respect, protect and ensure the measures to guarantee academic freedom.

As an autonomous party, anti-corruption academics, who have the scientific specifications required by the KPK to contribute using their expertise to assist the corruption eradication, should be protected. This is also implied in Article 18 of Law Number 11, the Year 2019, concerning the National System of Science and Technology, in which the Government guarantees scientific freedom and independence in conducting the *Tri Dharma* of Higher Education. However, the regulation is unclear because it does not regulate the concept of protection, the boundaries, and the implementation.

Whereas, conceptually, academic freedom as a part of freedom of expression<sup>19</sup> is an inherent right based on a good synergy relationship between the disciplines and research experiences. It also has freedom in the academic forum without being repress. In term of academic freedom and its relation to the spirit of anti-corruption, according to Johann Graf Labsdorff, anti-corruption academics are the fighters for the integrity values, which strengthen the control in multiple vulnerable sectors of corruption practices. Thus, it is necessary to encourage the overall protection of academic freedom by anti-corruption academics and to strengthen the capacity through the research conducted by anti-corruption academics, because it is the control power to overcome the corruption practices.<sup>20</sup>

The relationship between academic freedom and anti-corruption to anticipate the use of their power to insulate free inquiry from powerful interests that might be corrupt. Thus, academic freedom is able to make universities to carry out moral responsibilities in countering various forms of corrupt practices carried out by corrupt rulers, while at the same time anti-corruption agencies are in a vulnerable and threatened condition due to repressive practices due to the unity of corruptors and mafias in conducting a countervailing against corruption eradication efforts.<sup>21</sup>

NGOs also play a substantial role in increasing community participation, enhancing civil society education, working as a team in advocacy, lobbying the policymakers, and overseeing the corrupted governance. In addition, Civil society organizations, such as YLBHI, ICW, MCW, and other NGOs, are necessary to strengthen the democracy in Indonesia and to demolish the tyranny of authoritarian government.<sup>22</sup> That's why it is inevitable to protect those guarding anti-corruption issues both from physical assaults and the lawsuits, such as the one addressed to the NGOs.

### 3. Anti-Corruption Civil Society: Protection Measures

<sup>19</sup> Mohd.Hisham Mohd.Kamal, Human Rights Perspectives on Issues in the Implementation of Islamic Criminal Law In Malaysia, (2019), (PETITA, Vol.4, No.1) 69

<sup>20</sup> Johann Graf Labsdorff, *The Institutional Economics of Corruption and Reform: Theory, Evidence, and Policy*, Cambridge: Cambridge University Press, 2007) 27-28

<sup>21</sup> Akeel Bilgrami & Jonathan R.Cole (ed), *Who's Afraid of Academic Freedom* (2nd Edition), (New York: Columbia University Press, 2015) 62

<sup>22</sup> Hans Antlov, Derick W. Brinkerhoff, Elke Rapp, *Civil Society Capacity Building for Democratic Reform: Experience and Lessons from Indonesia*, (2010), (Voluntas 21:417-439 (Published by International Society for Third-Sector Research and The Johns Hopkins University) 419-420.



The role of anti-corruption civil society, as the frontline in preventing and eradicating the corruption crime acts, has been established in Law Number 31, the Year 1999 concerning the Eradication of Corruption Crime Act as follows:<sup>23</sup>

1. The society can participate in assisting the prevention and eradicating measures for corruption crime acts.
2. The society's role, as referred in section (1), is manifested in the form of:
  - a. The right to seek, obtain and provide information concerning the allegation that a criminal act of corruption has occurred;
  - b. The right to obtain services in seeking, obtaining and providing information, concerning the allegation that a criminal act of corruption has occurred, to the law enforcers dealing with the corruption cases;
  - c. The right to responsibly give advice and opinions to the law enforcers dealing with the corruption cases;
  - d. The right to obtain answers to the questions related to the reports submitted to the law enforcers within a maximum period of 30 days;
  - e. The right to obtain legal protection in the case of:
    - 1) Exercising their rights as referred to a, b and c;
    - 2) Requested to attend the process of investigation and the court hearings as witnesses, whistleblowers, or expert witnesses, following the provision of the applicable laws and regulations;
    - 3) The society, as referred to section (1), are entitled to the rights and responsibilities to prevent and eradicate corruption.
    - 4) The rights and responsibilities, as referred to section (2) and (3), are implemented by adhering to the principles of the provisions stipulated in the applicable laws and regulations, and by abiding the religious and other social norms.
    - 5) The provisions concerning the procedures of the community participation in preventing and eradicating the criminal acts of corruption, as referred to this article, shall be further regulated by Government Regulation.

The anti-corruption society is also included in the human resources sector that is eligible for the privileges and immunities guaranteed in the law, as seen in, Law Number 32, Year 2009, (Living Environment Act), stating "Everyone who fights for the right to a good and healthy environment cannot be prosecuted by criminal or civil lawsuits".<sup>24</sup> It's mean that academia with the expert testimony to the KPK, able to accumulate state losses due to the forest and land fire tragedy and of course other Anti-Corruption and Environmental Survivor shall be protected from serious threats both physically, psychologically, and countervailing measure by lawsuits against Corruptors and mafias to eradicate corruption

<sup>23</sup> See Art 41 The Eradication of Corruption Crime Act.

<sup>24</sup> See Art. 66 Living Environment Act

and its relation with academic freedom.<sup>25</sup>

Moreover, the KPK-RI portal has currently introduced the KPK Whistle Blower's System (KWS) platform. It provides online access for anti-corruption civil society to report corruption practices around them anonymously. This platform guarantees the security and confidentiality of civil society data. However, it does not rule out the possibility of the identity leaking due to the organized network of thugs and mafias that can be mobilized by corruptors and their cronies. They can easily repress the civil society who witnesses or have legal facts to reveal the modus operandi of various corruption committed by the officials, businessmen, and law enforcers.

In such circumstances, the position of civil society is indeed vulnerable. Whereas, the participation of civil society, both directly and indirectly are in line with the empowerment agenda. The civil society participates in supervising multiple corruption practices committed by both public officials and businessmen, and overseeing the policies with anti-corruption values. Therefore, the participation of anti-corruption civil society is very influential in preventing and eradicating crime acts of corruption and in overseeing the course of development transparently and accountably.<sup>26</sup>

Whistleblowers from the civil society have been guaranteed to the protection and security based on Article 5, Law Number 13, the Year 2006, concerning the protection of witnesses and victims. The protection and security include physical, psychological, the confidentiality of the information and data protection as well as a new residence. However, the serious threat and counter-attack of the corruptors employing the thugs and the mafia networks have contributed to the vulnerability position of anti-corruption civil society. The presence of *Lembaga Pelindungan Saksi dan Korban-LPSK* (The Bodies of Protection Witness and Victims) and its collaboration with the KPK are expected to be able to protect the public participation for their role in guarding the corruption practices. While, at the same time, it is hoped to protect the freedom and security in conveying the information and data concerning corruption practices conducted by public officials, businessmen, and law enforcers around us.

#### D. Conclusion

Finally, anti-corruption survivors, including the KPK employees, anti-corruption academics, NGOs and civil society are outstanding people who put aside their safety and security interests to oversee the revelation of corruption cases that have occurred and undermine this nation. This role should be welcomed, the Government (President) and the DPR must protect and guarantee their security from physical, psychological, and terror attacks of lawsuits and criminalization.

Moral support, legislation, and political commitment are necessary to thoroughly protect anti-corruption survivors against the physical, psychological, prosecution threats, and the counter-attacks of the corruptors. Due to the legal vacuum in the protection of anti-corruption survivors, the existing laws and bodies cannot play their role optimally in

<sup>25</sup> Satria Unggul W.P, Merdeka Dari Asap, (Surabaya: Harian Bhirawa, 2019) available at <https://translate.google.co.id/?hl=id#view=home&op=translate&sl=id&tl=en&text=gugatan%20hukum>, access 1st October 2019

<sup>26</sup> Serena Verdenicil & Dan Hough, People power and anti-corruption; demystifying citizen-centred approaches, (2015), (Crime Law Soc Change 64:23-35 (Published by Springer Science+Business Media Dordrecht)) 20-21

protecting anti-corruption survivors. Anti-corruption survivors should be able to be in the frontline in the efforts to prevent and eradicate corruption in Indonesia and make corruption as a common enemy to fight and eradicate to its roots.

The position of anti-corruption survivors is very important to maintain of the Indonesia eradication of corruption agenda. Because, legal protection isn't enough to anticipate attacks and threats against anti-corruption survivors, and its relation in efforts to emphasize the spirit of academic freedom, not only regulation, but also a special body to protect this matter, because the role of the LPSK is in fact ineffective in carrying out protective work for anti-corruption survivors.

Including, the strengthening of the KPK as the leading sector of anti-corruption institutions in Indonesia. The KPK which Anti-Corruption agencies with independently works, as well as deterministic towards academic freedom. Indonesia as one of the parties to the convention have a duties related with a mandate from UNCAC for eradication of corruption. As a result, there is a mutual awareness of all parties to protect and protect anti-corruption survivors from threats and attacks, both physical and psychological, which become obstacles in eradicating corruption in Indonesia.

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