



JAKSA AGUNG  
REPUBLIK INDONESIA

# **ATTORNEY GENERAL OFFICE'S REFORM AGENDA**

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Presented during Pre-CGI Meeting  
Jakarta, 19 January, 2005.

# The Attorney General Office's Reform Agenda<sup>1</sup>

**Abdul Rahman Saleh**  
Attorney General Republic of Indonesia

At the time I was sworn in as the new Attorney General by the President on 20 October 2004, I was aware that it would not be easy to fulfill the two main public expectations: cleaning the Attorney General's Office from the corruption which seriously hampered all efforts towards efficient law enforcement; bringing to justice the main corruptors which have stolen billions of government funds and shattered the image of the Republic.

In order to meet this justified public expectations, I have developed four plans of action which are to be implemented within first 100 days and beyond of the new Government: *First*, to intensify the investigation and prosecution of corruption cases throughout Indonesia; *Second*, to review all cases that have ended up in SP3 (the letter/order to stop investigation/prosecution) and expedite the enforcement of all cases that have attracted the public attention; *Third*, to promote internal reform within the Attorney General's Office (AGO) ; *Fourth*, to push forward the establishment of the Prosecutorial Commission as part of the efforts to develop an external control mechanism of the Attorney General's Office.

Let me briefly touch upon each of these Action Plans:

## **Investigating and prosecuting corruption cases in Indonesia**

The Attorney General's Office has conducted investigations of a total of 178 corruption cases across Indonesia. Our target is to make progress an investigation of 76 cases within the first 100 days of the new Government. Out of these, 62 cases are expected to be submitted before the courts. Out of these investigations, a total of 38 cases have been submitted before the court by 22 November 2004.

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<sup>1</sup> Presented during PRE-CGI Meeting on 19 January, 2005.

## **Reviewing corruption cases that have ended up in SP3 and expediting the enforcement of corruption cases that have drawn a high level of public attention**

Presently, five high-profile cases that had been suspended on the basis of an SP3 (the letter/order to stop investigation/prosecution) now being reviewed, including BLBI cases and a high profile technical assistance cooperation and State Oil Company (*Pertamina*) related cases.

## **Internal reform**

The idea to promote the internal reform of the Attorney General's Office is based on repeated public calls to establish an ethical, transparent, participatory and accountable public prosecution service.

The internal reform of the Attorney General's Office will be based on the findings and recommendations of the *Pricewaterhouse Coopers* Governance Audit – published on 30 April 2001, which calls for, among other things, the overhaul of the public prosecution service management system. The reform will also be based on the recommendations formulated during Law Summit III, such as improving the system for handling legal cases in a way that will improve public access, develop a transparent and accountable supervisory system, simplify the procedures for handling legal cases, develop a human resource management system that is transparent and encourages professionalism, develops a budgetary and financial management system and provides facilities and infrastructure, increases coordination and cooperation to ensure effective law enforcement, as well as formulates the concept for an Integrated Criminal Justice System. Other instruments that support an internal reform include Presidential Instruction (INPRES) No. 5/2004 concerning acceleration in combating corruption as well as the National Action Plan on Combating Corruption which is now being prepared for the government by BAPPENAS.

## **Pushing forward the establishment of the Prosecutorial Commission**

The public prosecution service, similar to the court system, is in a need of an external control mechanism which will supervise and enhance its performance. In accordance with Article 38 of the Law No. 16/2004, I have recommended to the President to establish a Prosecutorial Commission whose competences will include supervisory, disciplinary and policy

recommendations powers. The establishment of the Prosecutorial Commission will ensure an external supervision of the internal control mechanism, including the possibility of a plaintiff to challenge decision of internal control structures in front of the Commission.

The tasks of Prosecutorial Commission as follows: (1) to monitor & evaluate organizational conditions, the adequacy of the infrastructure and human resources within the AGO; (2) to supervise and evaluate the conduct of prosecutors in carrying out their jobs and/or outside their jobs; (3) to submit the recommendations based on monitoring, evaluation and supervision to be followed up by the Attorney General. In term of disciplinary supervision, the Commission performs as an oversight body over the internal supervision unit.

In order to ensure a fair selection of Commissioners, a Selection Committee will be established which will be responsible for the transparent, participative and accountable selection process of Commissioners. The Selection Committee will select independent experts, public figures and CSO members which will provide the necessary support for the establishment of an ethical and professional public prosecution service.

#### **Efforts to Implement Presidential Instruction Number 5/2004**

On December 9, 2004, President Susilo Bambang Yudhoyono issued Presidential Instruction Number 5/2004 concerning The Acceleration of Combating Corruption. There are several instructions which are relevant and directed to the Attorney General: (1) to develop performance target with clear performance/successful indicators for echelon one officers; (2) to optimize investigation and prosecution of corruption cases and to recover state assets; (3) to prevent and to impose sanctions for the abuse of power by prosecutors; (4) to enhance the cooperation and coordination with the National Police, State Audit Board (BPK), BPKP (Finance and Development Supervisory Board), PPATK (Indonesian Financial Transaction Report and Analysis Center/INTRAC) and other relevant enforcement institutions and agency which have a task to recover the state asset.

As instructed by the President, the performance indicators of the AGO's echelon one is being prepared to provide an objective judgment for the performance of the echelon one. The policy to include independent experts

to provide second opinions on corruption cases is a way to optimize investigation and prosecution cases in addition to defining number of corruption cases that will be targeted. Strengthening the internal supervision mechanism and establishing the external supervision mechanism is an efficient way to prevent and impose sanctions on prosecutors who engage in unethical or illegal behavior. Enhancing cooperation and coordination will be achieved through the establishment of *Forgakum* (anti-corruption forum of enforcement officers) as agreed in Law Summit III<sup>2</sup>. *Forgakum* consists of AGO, Police, ACC (Anti Corruption Commission), BPK, BPKP and PPATK. *Forgakum* will also be tasked to explore the areas of cooperation among those institutions with the aim of enhancing their capacity to combat Corruption in an efficient manner.

### **Promoting Transparency, Participation and Accountability within the Attorney General's Office**

In promoting these three principles of good governance, the Attorney General's Office is presently in the process of recruiting independent experts and members from Civil Society Organizations to take part in the reform efforts. Independent legal experts and CSO's are to be included in two task forces which are tasked with review of cases that have ended up in SP3, acceleration of the processing of the corruption cases respectively and to accelerate the implementation of internal reform agenda. Moreover, I also expect that the improved case management and internal oversight systems, which were agreed during Law Summit III, will further enhance transparency and public access.

### **Conclusions**

The AGO will continue to focus on its three main objectives: *First*, continuing internal reform, aimed at establishing an internal framework which will increase the performance, enhance the level of ethical behavior, prevent internal corruption and ensure efficient sanctioning of any unethical or illegal behavior; *Second*, bringing to justice the main corruptors which have stolen billions of government funds; *Third* to take it back the state assets that have been corrupted (assets recovery) including the assets that still remain abroad.

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<sup>2</sup> Law Summit III was held in Jakarta on April 16<sup>th</sup> 2004

It is not an easy task, but I will remain committed to establish an ethical, independent, impartial, strong and professional public prosecution service.

Jakarta 19 January 2005



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# **PUBLIC EXPECTATIONS**

- Cleaning the AGO from the corruption which seriously hampered all efforts towards efficient enforcement of law
- Bringing to justice the main corruptors which have stolen billions of government funds and shattered the image of the Republic

# **4 PLANS OF ACTION TO MEET PUBLIC EXPECTATION**

- To intensify the investigation and prosecution of corruption cases throughout Indonesia;
- To review all cases that have ended up in SP3 and expedite the enforcement of all cases that have attracted the public attention;
- To promote internal reform within the Attorney General's Office (AGO) ;
- To push forward the establishment of the Prosecutorial Commission as part of the efforts to develop an external control mechanism of the Attorney General's Office.

# **INVESTIGATING AND PROSECUTING CORRUPTION CASES IN INDONESIA**

- The Attorney General's Office has conducted investigations of a total of 178 cases across Indonesia
- Our target within the first 100 days of the new Government is to make progress:
  - 76 cases from investigation to prosecution.
  - 62 cases to be submitted before the courts.
- Out of these investigations, a total of 38 cases have been submitted before the court by 22 November 2004

# **REVIEWING CORRUPTION CASES THAT HAVE ENDED UP IN SP-3**

- Five high-profile cases that had been suspended on the basis of an SP3 (the letter/order to stop investigation/prosecution) are now being reviewed in the first 100 days, including BLBI cases and high profile technical assistance cooperation and a State Oil Company related cases (*Pertamina*).

# INTERNAL REFORM

To promote the internal reform of the Attorney General's Office is based on repeated public calls to establish an ethical, transparent, participatory and accountable public prosecution service

- Findings and recommendations of the *Pricewaterhouse Coopers' Governance Audit*
- Action plans of Law Summit III
- Presidential Instruction No. 5/2004 concerning an acceleration in combating corruption
- The National Action Plan in Combating Corruption

# **PUSHING FORWARD THE ESTABLISHMENT OF THE PROSECUTORIAL COMMISSION**

External control system and mechanism which will supervise and enhance the AGO's performance (oversight body over the internal supervision unit).

The tasks are:

- to monitor & evaluate organizational conditions, the adequacy of the infrastructure and human resources within the AGO;
- to supervise and evaluate the conduct of prosecutors in carrying out their jobs and/or outside their jobs;
- to submit the recommendations based on monitoring, evaluation and supervision to be followed up by the Attorney General.

# **EFFORTS TO IMPLEMENT PRESIDENTIAL INSTRUCTION NUMBER 5/2004**

several instructions directed to AG:

- to develop performance target with clear performance/successful indicators for echelon one officers;
- to optimize investigation and prosecution of corruption cases and to save the state funds;
- to prevent and to impose sanctions for the abuse of power by prosecutors;
- to enhance the cooperation and coordination with National Police, State Audit Board (BPK), BPKP (finance and development supervisory board) and PPATK (Indonesian Financial Transaction Report and Analysis Center/INTRAC)

# PLANS TO DO

- To prepare the performance indicators of AGO'S echelon one
- To include independent experts to provide second opinions on corruption cases to optimize investigation and prosecution
- To strengthen the internal supervision mechanism
- To promote the external supervision mechanism
- To establish *Forgakum* (anti-corruption forum of enforcement officers) which aims to enhance enforcement officers' capacity to combat Corruption in an efficient manner

# **PROMOTING TRANSPARENCY, PARTICIPATION AND ACCOUNTABILITY**

To recruit independent experts and members from Civil Society Organizations to take part in the reform efforts.

- Independent legal experts and CSO's are to be included in two task forces: (a) task force of corruption case handling; (b) task force for internal reform agenda
- The improvement of case management and internal oversight systems which enhance transparency and public access.
- To include independent experts, public figures, and CSO members to be a selection committee of Prosecutorial Commission