

# **CODE OF CONDUCT OF THE CORRUPTION ERADICATION COMMISSION**

*Lie Putra Setiawan\**

Integrity is an important component for any institution in any country that is engaged in public service, including judicial bodies. The integrity of judicial bodies is one of the crucial issues, because the judiciary controls social values and norms. In this case, integrity has become a necessity, because integrity is a tool that harmonizes values and norms that are considered ideal and guided by the community.

As we know, laws and other regulations are only inanimate objects, where the strength and usefulness of a law will become reality if it is enforced by law enforcement officials who have good integrity.

The community can follow laws and regulations to regulate the relationship between them; however, people sometimes disagree about the meaning of the formulation of the law or how to apply it. This is why integrity is needed in the role of law enforcement officials, including judges, who are obliged to try cases properly, produce fair decisions and have positive impacts on society and the State.

Efforts to improve and maintain integrity have also been carried out by the Corruption Eradication Commission, Indonesia's anti-corruption agency, by adopting a code of conduct that applies to every commission employee, including commissioners, investigators and prosecutors. Like codes of conduct in general, this code of conduct must be obeyed, and there are sanctions for violators.

## **I. BASIS FOR THE APPLICATION OF THE CODE OF CONDUCT AT THE CORRUPTION ERADICATION COMMISSION**

A code of conduct is needed to direct the spirituality, motivation, attitudes and behaviour of all Commission employees, so that it becomes a shared commitment and responsibility in making it happen.

The Corruption Eradication Commission has formulated its basic values and code of conduct twice. The first time, it was enacted in 2006 with the Corruption Eradication Commission Regulation Number 05.P.KPK of 2006, concerning the Code of Conduct for Corruption Eradication Commission Employees, which includes seven personal basic values, namely: (1) integrity; (2) professionalism; (3) innovation; (4) transparency; (5) productivity; (6) religiosity; and (7) leadership.

Furthermore, with the background of changes in vision, mission, strategy and environmental dynamics, in 2013 the Corruption Eradication Commission changed the

---

\* Prosecutor, Corruption Eradication Commission (KPK), Indonesia.

personal core values to five, namely: (1) religiosity; (2) integrity; (3) justice; (4) professionalism; and (5) leadership.

Articles 37 A and B of Law Number 19 of 2019 concerning the Second Amendment to Law Number 30 of 2002 concerning the Corruption Eradication Commission, the Supervisory Board was formed to improve the performance of the Corruption Eradication Commission so that it is more effective and accountable in carrying out its duties and authorities.

Article 37 B paragraph (1) letter c Law Number 19 of 2019 stipulates that the Supervisory Board is tasked with compiling and establishing a code of conduct for Commissioners and Employees of the Corruption Eradication Commission, and that the code would take effect on 4 May 2020.

The Supervisory Board has issued three supervisory board regulations, namely:

- KPK Supervisory Board Regulation Number 01 of 2020 concerning the Code of Conduct of the Corruption Eradication Commission.
- KPK Supervisory Board Regulation Number 02 of 2020 concerning Enforcement of the Code of Conduct of the Corruption Eradication Commission.
- KPK Supervisory Board Regulation Number 03 of 2020 concerning Procedures for Examination and Trial of Code of Conduct for the Corruption Eradication Commission.

Furthermore, the Supervisory Board held a session to examine any suspected violations of the code of conduct by the commissioners and employees of the Corruption Eradication Commission as stipulated in Article 37 B paragraph (1) letter e of Law Number 19 of 2019.

## **II. ENFORCEMENT OF THE CODE OF CONDUCT OF THE CORRUPTION ERADICATION COMMISSION**

The Supervisory Board of the Corruption Eradication Commission has held several hearings involving Commission employees, in which one of the hearings has handed down a verdict with severe sanctions in the form of dishonourable discharge of one of the employees. The employee was proven to have received gratification which is considered as bribery that violates the code of conduct stipulated in Article 4, paragraph (1), letters g and h, as well as Article 4, paragraph (2), letter a, Regulation of the Supervisory Board Number 02 of 2020 concerning Enforcement of the Code of Conduct of the Corruption Eradication Commission. The employee's actions include giving a telephone contact number to a detainee, receiving a food parcel, borrowing IDR800.000 and receiving an amount of money from one of the Corruption Eradication Commission detainees in the amount of IDR300.000.

In addition, there was also a hearing conducted by the Corruption Eradication Commission's Supervisory Board against the Chairman, Firli Bahuri, regarding the personal use of a helicopter, which is considered as living a luxurious lifestyle and contrary to ethics.

The allegation against the Chairman for using the helicopter provoked negative responses from society, which lowered public confidence in his leadership and the leadership of the Corruption Eradication Commission as a whole. In the decision imposing punishment, the Chairman is said to have not shown exemplary values. Because of his actions, the Chairman was declared to have violated the code of conduct stipulated in Article 4, paragraph 1, letter n, and Article 8, paragraph 1, letter f, Regulation of the Supervisory Board Number 02 of 2020.

### **III. CODE OF CONDUCT OF THE CORRUPTION ERADICATION COMMISSION**

The five basic personal values of the Corruption Eradication Commission have been detailed in various forms of actions, namely:

#### **A. Integrity**

The elements of integrity include obedience to laws and regulations, consistency with the values of truth, anti-corruption, honesty, virtue, kindness, trustworthiness and good reputation, which is detailed in the form of actions:

- Behave and act honestly in carrying out duties in accordance with the facts and truth;
- Obey and carry out commission regulations and/or take an oath or promise as a Commission Person;
- Maintaining the image and dignity of the Commission in various forums, both formal and informal, at home and abroad;
- Having commitment and loyalty to the Commission and putting aside personal, group or group interests in carrying out their duties;
- Report if they know of an alleged violation of the code of conduct by the Commission's personnel;
- To report assets in accordance with statutory regulations and Commission regulations;
- Reject any gratuities deemed bribery, namely those related to position and contrary to duties and obligations, which have been given directly;
- Must report any gratuities deemed as bribery, namely those related to position and contrary to duties and obligations, received directly or indirectly in accordance with applicable regulations;
- Obligated to notify fellow Supervisory Board, fellow Commissioners, or superiors if there is a close relationship or family relationship or if intensively communicating with a party designated as a suspect or defendant by the Commission in accordance with the Commission's regulations;
- Must resign from assignment if the performance of the task is reasonably suspected of causing a conflict of interest in accordance with the Commission's regulations;
- It is prohibited to have direct or indirect contact with a suspect, defendant, convicted person, or other party connected with a corruption case where the Commission is known to have handled the case except in the context of carrying out their duties and with the knowledge of the leadership or direct superiors;
- Notifying fellow Supervisory Board members, fellow Commissioners, or superiors about meetings or communications that have been carried out or will be held with

other parties that are suspected of causing a conflict of interest with the implementation of the Commission's duties and functions;

- Must provide access to the Supervisory Board to all facilities and personal property used in the work and positions of Commission personnel (such as communication devices, computers and transportation) for the purpose of examining and enforcing serious violations of the code of conduct;
- Not abusing their position and/or authority, including abusing their influence as Commission personnel both in carrying out their duties and in their personal interests;
- Do not misuse Commission personnel identification, letter of assignment, or other proof of employment;
- Not receiving other income that creates a conflict of interest with the duties and functions of the Commission and is detrimental to the interests of the Commission;
- Not doing work or owning a business that provides services or trading businesses related to the duties and functions of the Commission and creates a conflict of interest;
- Do not receive payments, compensation in any form from other parties related to the performance of tasks except for transportation, daily allowances (pocket money, local transport, meal allowances), accommodation, food and drinks served in the context of meetings, training, seminars/workshops, partnerships and socialization that apply in general and in accordance with Commission regulations and as long as it is not funded by the Commission;
- It is prohibited to notify, lend, send or transfer, sell or trade, make use of all or part of the Commission's documents, data or information in electronic or non-electronic form for personal gain, to unauthorized parties, or allow this to happen unless with the approval of the direct superior or the Chairman of the Commission;
- Maintain the secrets entrusted to him or her, including the results of meetings which are declared confidential, up to a predetermined time limit or until the matter has been declared open to the public as long as it does not conflict with statutory regulations;
- It is prohibited to hide, modify, transfer, destroy records or documents belonging to the Commission except for the purpose of carrying out duties;
- It is prohibited to use documents, items, and facilities belonging to the Commission for matters outside the performance of their duties unless with the approval of their superiors;
- It is prohibited to use points or benefits from frequent flyer programmes, point rewards, or the like obtained from official travel in exchange for airplane tickets, goods and/or vouchers for personal gain;
- Do not include family or other parties who are not related to the implementation of duties when traveling on business unless there are humanitarian reasons and based on the permission of the direct superior and do not obstruct or override the implementation of duties and do not harm the Commission's finances;
- It is prohibited to enter places that are considered ethically and morally inappropriate in society, such as places of prostitution, gambling, and nightclubs, except for assignments.
- Be fully aware that all of his or her attitudes and actions are always inherent in his or her capacity as Commission personnel;
- Not showing a hedonistic lifestyle as a form of empathy for the community, especially for fellow Commission personnel;

- Use social media wisely and responsibly.

## **B. Synergy**

The elements of synergy include common thinking, cooperation, harmonization, partnership, collaboration, mutual productivity and synchronization, which is detailed in the form of actions:

- Willing to work together and build harmonious partnerships with all stakeholders to find and implement the best, useful and quality solutions;
- Sharing information, knowledge, and data to increase the effectiveness of corruption eradication, except for those that are confidential or must be kept confidential;
- It is prohibited to do actions that create a work atmosphere that is not conducive and harmonious;
- Do not spread false news and/or information that cannot be justified, which can cause hatred and/or enmity;
- Do not take any action that shows sectoral ego without reducing independence in carrying out tasks, both in the external and internal environment of the Commission;
- Willing to share solutions, information, and/or data according to the authority to solve problems in the implementation of tasks, except for those that are confidential or must be kept secret;
- Be cooperative with parties from other work units involved in carrying out tasks;
- Not denying commitment to joint decisions and their implementation.

## **C. Justice**

The elements of justice include respect for the principles of legal certainty, the presumption of innocence and equality before the law, as well as human rights, which is detailed in the form of actions:

- Recognizing equality and respecting the rights and obligations of every Commissioner;
- Fulfilling obligations and claiming rights in a balanced manner;
- Applying the principle of equality before the law;
- Not being discriminatory or showing partiality or harassment against differences in race, sex, religion, national origin, physical or mental ability, age, marital status, or socioeconomic status in carrying out duties;
- Do not act arbitrarily or bully and/or harass Commission personnel or other parties both inside and outside the work environment;
- Providing equal opportunities without discriminating against religion, ethnicity, physical ability or gender for career development and competence of Commission personnel;
- Superiors are assertive, rational and transparent in making decisions with objective, fair and impartial considerations;
- Provide access to information that is open to the public in accordance with statutory regulations.

## **D. Professionalism**

The elements of professionalism include skills/competencies in certain fields related to work, encouragement to improve competence, obedience to work according to rules and

standards, objectivity, independence, sincerity and measurement in work, responsibility, hard work, productivity and innovation, which is detailed in the form of actions:

- Work according to standard operating procedures;
- Refusing orders from superiors that are contrary to standard operating procedures and applicable legal norms;
- Respect differences of opinion and be open to constructive criticism and suggestions;
- Not influenced by personal or group interests as well as public and media pressure in carrying out the Commission's duties and functions;
- Prohibited from serving as supervisors, managers, directors, commissioners of a corporation, business entity, company, foundation, or cooperative, committee or member of a political party, or any other professional position while serving in the Commission;
- Prioritizing the implementation of tasks over personal or group interests;
- Completing tasks or jobs accountably and thoroughly;
- Dare to admit and take responsibility for mistakes;
- Responsible for the security of goods, documents, data and information belonging to the Commission under its control;
- Optimizing the competencies they have to complete a task or job;
- Does not prevent Commission personnel from carrying out innovations that support increased effectiveness and efficiency in the implementation of the Commission's duties;
- Able to adapt to changes for the better;
- Not responding to criticism and suggestions negatively and excessively;
- It is prohibited to issue statements to the public that can influence, impede or interfere with the Commission's case handling process;
- Not playing golf or other sports with parties that directly or indirectly have the potential to create a conflict of interest with the Commission;
- Carry out activities related to duties or positions with the permission or knowledge of superiors.

#### **E. Leadership**

The elements of leadership include service orientation, equality, exemplary conduct, pioneering, driving change, persuasion, initiative and the ability to guide the behaviour of a person or group of people, which is detailed in the form of actions:

- Show appreciation and cooperation with all state institutions and apparatus for the benefit of the nation and the State of the Republic of Indonesia;
- Superiors must provide opportunities for subordinates to perform worship when work meetings or official duties are in progress;
- Providing the best possible service in carrying out the duties and functions of the Commission;
- Mutual respect and respect for fellow Commission personnel in carrying out their duties and daily interactions;
- Objectively assessing the performance of Commission personnel based on clear and measurable criteria in accordance with Commission regulations;
- Show exemplary conduct in daily actions and behaviour;
- Guiding Commission personnel in carrying out their duties;

- Giving appreciation for the work and achievement of each individual and encouraging the Commission's personnel to improve their work performance;
- Do not act arbitrarily or unfairly or discriminatively against subordinates or fellow Commission personnel;
- Superiors must reprimand subordinates who are proven to have committed violations;
- Superiors must have the courage to make decisions in difficult situations and have the courage to face and accept the consequences;
- Be assertive in applying the principles, values and decisions that have been agreed upon;
- Be open to proposed improvements;
- Avoiding attitudes, behaviour or words made to seek popularity, praise or appreciation from anyone in the performance of the Commission's duties.

#### **IV. CONCLUSION**

Integrity is an important component for every institution that is engaged in public service, including for the Corruption Eradication Commission. To maintain its integrity, the Corruption Eradication Commission has adopted a code of conduct that applies to every commission employee, including its commissioners, investigators and prosecutors. The Board of Supervisors of the Corruption Eradication Commission has properly enforced the code of conduct as a realization of efforts to maintain the integrity of the Corruption Eradication Commission.