

STRENGTHENING GLOBAL GOVERNANCE MECHANISMS

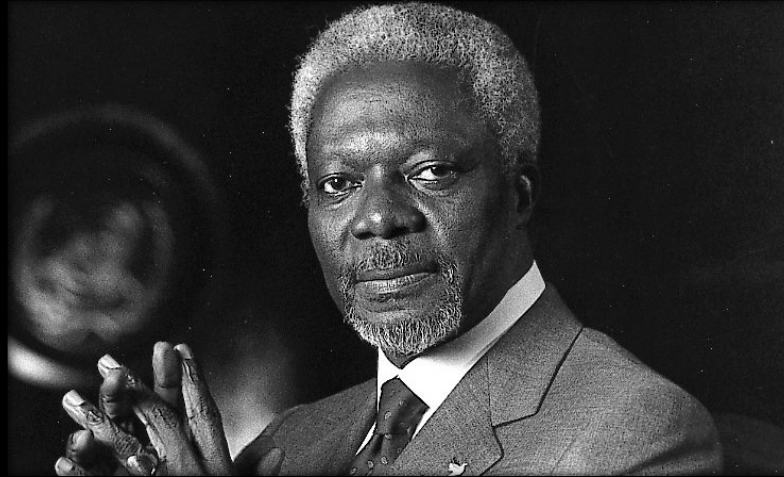
Challenges in Investigating and Prosecuting Multi- Jurisdictions Corruption



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*crime crosses all borders,
so must law enforcement.*

Kofi Annan

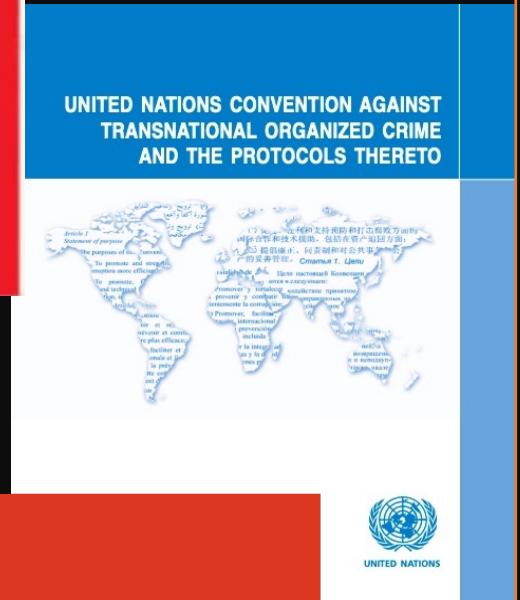
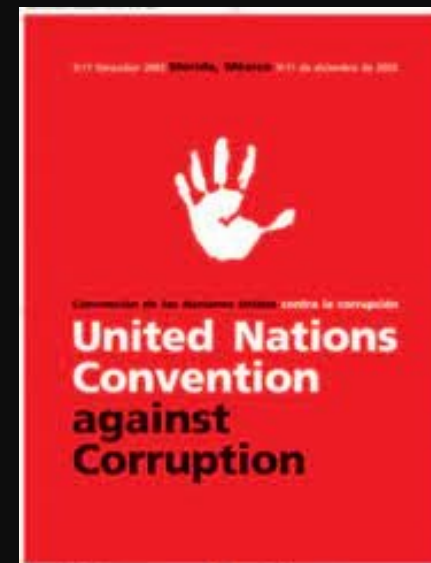


Corruption is MOSTLY
Organized Crime

*“If Corruptors and Criminals are
Organized, so MUST Law Enforcement
Officers and Anti-Corruption Activists”*

Legal Foundation for Global Anti-Corruption Governance

- Almost universally ratified by the States
- Successfully established foundation for International and Regional Cooperation to Prevent and Combat Corruption and Organized Crimes.
- **BUT STILL DIFFICULT to BRIDGE Meaningful Cooperation among States**, because corruption and money laundering are usually conducted by “POWERFUL INDIVIDUALS/ORGANIZATIONS”



How International Cooperation Works?



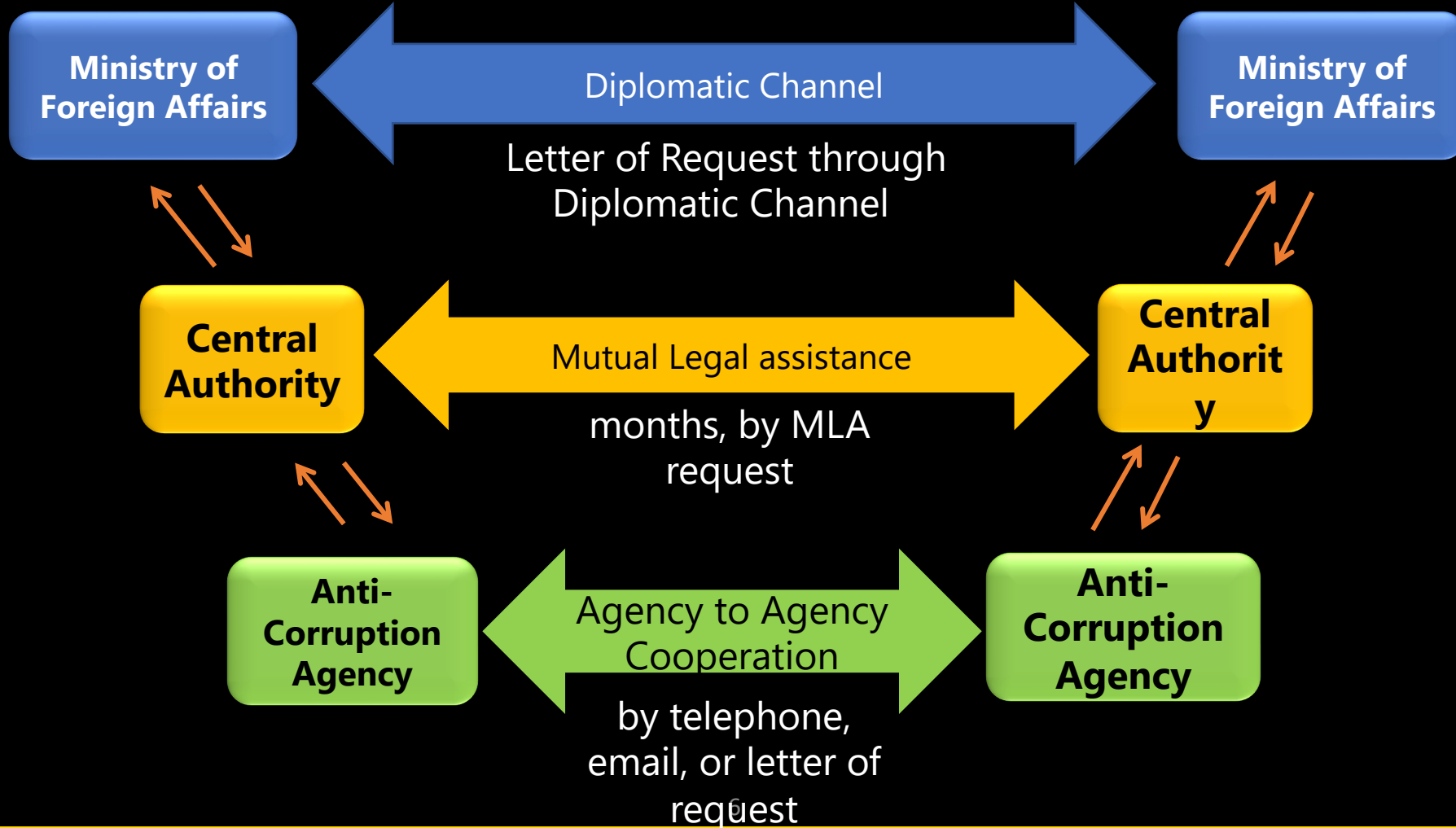
UNCAC Ch. IV

- ◇ Extradition (Art.44)
- ◇ Transfer of sentenced person (Art.45)
- ◇ Mutual Legal Assistance (Art.46)
- ◇ Transfer of Criminal Proceeding (Art.47)
- ◇ LEA cooperation & Joint Investigation (Art.48 & 49)

My KPK Experiences

- ◇ Agency to Agency Cooperation
- ◇ Mutual Legal Assistance
- ◇ Interpol Channel
- ◇ FIU Channel (Egmont Group)
- ◇ Immigration (Deportation)

Information Sharing Mechanisms





Nazaruddin Case

...2011...

Nazaruddin, Member of Parliament, Treasury of Ruling Political Party
named suspect related to the development project of SEA-Games athlete
village in South Sumatera

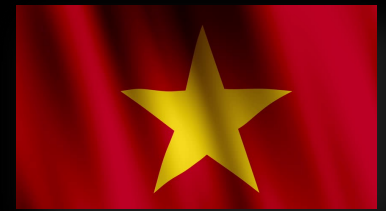
Nazaruddin Voyage



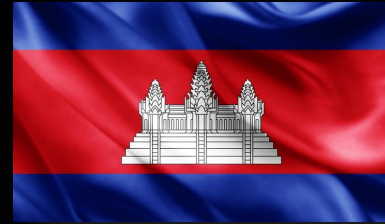
Indonesia



Singapore



Vietnam



Cambodia



Chartered Plane



Colombia



Nazaruddin Case Facts

- He was a treasury of Political Party
- **Named as suspect related to the development project of SEA-Games athlete village**
- He has been sentenced for **13 years in prison** for gratification and money laundering case
- **He established at least "38 companies" to laundered his corruption**
- KPK has confiscated his known assets (factory-plantation-buildings-land, etc)





e-KTP Case

...2014-2019...

Electronic Identity Card case involving “High Ranking Official”
(Speaker + Members of Parliament, Minister, Private Sectors)

e-KTP Case Suspect/Convict



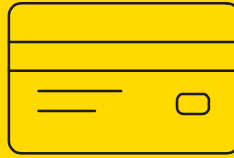
1. Setya Novanto, Speaker of the Parliament
2. Markus Nari (Member of Parliament)
3. Irman (Ministry of Home Affairs High Rank Official)
4. Sugiharto (Ministry of Home Affairs High Rank Official)
5. Andi Narogong (Private Sector)
6. Anang Sugiana Sudihardjo (Private Sector)
7. Irvanto Hendra Pambudi Cahyo (Private Sector)
8. Made Oka Masagung (Private Sector)



Setya Novanto
Former Speaker of House of Parliament



- ❖ Received bribes from corporations for the procurement of Electronic ID Card
- ❖ **Convicted for corruption and money laundering and punished for 15 years of imprisonment**



e-KTP Case Facts

- ◆ The Ministry of Home Affairs Official & Parliament collaboratively arranged the SCAI and pre-determined:
 - the tender participants,
 - the winner of the tender,
 - the technology used,
 - including how to HIDE the illegal Money in offshore account
- ◆ The State LOSS around USD 176 Million
- ◆ Multijurisdictional investigation (Indonesia-Singapore-US-India-Mauritius)



Multi-jurisdiction Investigation Challenges



- ◆ **Non-cooperative jurisdictions**
- ◆ Legal System Differences (civil vs. common law, dual criminality requirement, refusal of in absentia trial, etc.);
- ◆ **Process of MLA or diplomatic channel;**
- ◆ Lack of resources (cost, manpower, expertise etc.);
- ◆ **Rapid movement and sophisticated modus operandi facilitated by globalization and technology;**
- ◆ Language barrier among Law Enforcement Officers

Mutual Legal Assistance

The traditional mutual assistance regime	The “new, improved” mutual assistance regime
bilateral	multilateral
limited scope of offences	broad scope of offences
assistance limited to the service of summons	many possible forms of assistance
use of central authority	possibility of direct contacts between lower level authorities requesting and granting assistance
broad grounds for refusal	few grounds for refusal
requested State applies solely its own laws in granting assistance	procedures requested by the requesting State can be applied if these are not contrary to the laws of the requested State
bureaucratic	“good practice” standards followed; e.g. the possibility of consultation before possible refusal

In Reality: It takes time & ineffective to combat “fast-moving” corruption cases

Agency to Agency Cooperation

Pros	Cons
Fast and efficient	Only for intelligent purpose
Less-Bureaucratic	Evidence gathered can't be used in court proceeding
Both Speak in the 'law enforcement language'	



- ◆ Our Current Legal Framework is not designed to FIGHT Fast-Moving Corruption Cases
- ◆ There is an URGENT Need to INTRODUCE New Legal Framework to Fight “FAST-MOVING CRIMES”

WE MUST ORGANIZED and WORK TOGETHER



If Corruptors and Criminals are Organized, so MUST Law Enforcement Officers and Anti-Corruption Activists



○
“*Fighting Corruption is like being a Mother, You have No RIGHT to STOP and Giving Up is NOT an Option*”

(Heidi Mendoza)





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