THE ROLE AND INFLUENCE OF NONGOVERNMENTAL ORGANISATIONS ON ANTI-CORRUPTION POLICY REFORM IN INDONESIA

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Declaration of Authorship

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Abstract

This thesis analyses the influence and role of Nongovernmental Organisations (NGOs) on anti-corruption reform in Indonesia. A mixed methods approach based on quantitative and qualitative methods was used for the research. Statistical regression analysis of NGO demands made in the media versus degree of policy alignment helped answer the question of the extent of NGO influence on anti-corruption reform and supporting factors (and actors) in this process. The qualitative methods helped to understand why and how NGO influence (or lack thereof) was achieved. A conceptual framework drawing from several relevant bodies of literature was used as basis for the analysis.

The statistical analysis showed that of all demands made by NGOs in the media over a period of four years, 17 percent were perceived to have resulted in policy influence. However, quite a significant proportion of NGO demands (38 percent) were not reflected in policy decisions and therefore likely represented demands that NGOs failed to achieve policy influence on. In the statistical regression analysis, a number of factors proved (positively) statistically significant for explaining NGO influence. The factors that were associated with perceptions of NGO influence were: a favourable public opinion to the NGO demand; high media coverage of issues linked to demands; demands related to protecting the authority of the KPK; and the support of allies with decision-making authority. Conversely, NGO demands that were not supported by these factors were more likely to fail to be translated into policy. The qualitative case study analysis also showed that demands that were focused on more technical policy issues and legislative content, as well as demands that required policy decisions implying fundamental reform of institutions such as the police or the Attorney General's Office (AGO) were less likely to be taken into account in policy decisions. The case studies and qualitative thematic analysis also helped explain the "why" and "how" of the statistical results by providing insights into the dynamics of NGO influence (or lack thereof) on Indonesian anti-corruption policy reform.

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List of Abbreviations and Glossary

Acronym	Full Name in Indonesian	Full name in English
ACF		Advocacy Coalitions Framework
AGO		Attorney General's Office
BPK	*Badan Pemeriksa Keuangan*	Supreme Audit Agency
BPKP	*Badan Pengawasan Keuangan Dan Pembangunan*	Development Finance Comptroller
	buaya	crocodile
CSO		Civil Society Organisation
	cicak	gecko
DPR	*Dewan Perwakilan Rakyat*	House of Representatives or Parliament
DPD	*Dewan Perwakilan Daerah*	Upper house of Representatives
IBC		Indonesia Budget Center
ICW		Indonesia Corruption Watch
ICAC		Independent Commission Against Corruption
IMF		International Monetary Fund
IPW		Indonesia Procurement Watch
Formappi	*Forum Masyarakat Peduli Parlemen Indonesia*	Indonesian Forum for Community Concern about Parliaments
KKN	*Korupsi, Kolusi dan Nepotisme*	Corruption, collusion and nepotism
KPK	*Komisi Pemberantasan Korupsi*	Corruption Eradication Commission
KPKN	*Komisi Pemeriksa Kekayaan Penyelenggara Negara*	Commission to Examine the Wealth of State Officials
KRHN	*Konsorsium Reformasi Hukum Nasional*	Consortium of National Legal Reform
LeIP	*Lembaga Kajian dan Advokasi untuk Independensi Peradilan*	Institute for Assessment and Advocacy for Independent Judiciary
LSI	*Lingkaran Survei Indonesia*	Indonesian Survey Circle
LSM	*Lembaga Swadaya Masyarakat*	Self-reliant community institution
MAKI	*Masyarakat Anti Korupsi*	Community Anti-Corruption
MaPPI	*Masyarakat Pemantau Peradilan,*	Indonesian Judicial Monitoring Society
MPR	*Majelis Permusyawaratan Rakyat*	People's Consultative Assembly
MTI	*Masyarakat Transparansi Indonesia*	Indonesian Society for Transparency
NGO		Nongovernmental Organisation

NU	*Nahdlatul Ulama*	
Ormas	*Organisasi kemasyarakatan*	Social organisation
PAN	*Partai Amanat Nasional*	National Mandate Party
PBB	*Partai Bintang Bulan*	Crescent Moon and Star Party
PCA		Political Claims Analysis
PD	*Partai Demokrat*	Democratic Party
PDI	*Partai Demokrasi Indonesia*	Indonesian Democracy Party
	perppu	Government regulation as a substitute to law
PKB	*Partai Kebangkitan Bangsa*	National Awakening Party
PKPI	*Partai Keadilan dan Persatuan Indonesia*	Indonesian Justice and Unity Party
PKS	*Partai Keadilan Sejahtera*	Prosperous Justice Party
PPP	*Indonesian Partai Persatuan Pembangunan*	United Development Party
PSHK	*Pusat Studi Hukum dan Kebijakan Indonesia*	Indonesian Centre for Law and Policy Studies
	Reformasi	Reform
US		United States
SEKNAS FITTRA	*Sekretariat Nasional Forum Indonesia Untuk Transparansi Anggaran*	The National Secretariat of the Indonesian Forum for Budget Transparency
SBY	*Susilo Bambang Yudhoyono*	
TII		Transparency International Indonesia
TGPTPK	*Tim Gabungan Pemberantasan Tindak Pidana Korupsi*	Joint Team for Corruption Eradication

Introduction

During the thirty-year regime of Soeharto, Indonesia was often associated with rampant corruption. There is indeed consensus in the academic literature that corruption in the New Order was endemic and pervasive, embedded in the entire political and economic system and perpetuated through a system of patronage (Uhlin 1997; Aspinall 2005; Schneier 2008; Aspinall and Fealy 2010; Crouch 2010; Hadiz and Robison 2013). While the regime allowed a controlled amount of dissenting voices, these grew stronger and more vocal when its economic foundations began to crumble with the economic crisis in 1997/1998. The discontent with the regime was mostly concentrated among the educated middle-class and channelled to a large extent through student organisations and to a lesser extent through Nongovernmental Organisations (NGOs). The discontent was targeted towards the political and economic system and the pervasiveness of *KKN*, an Indonesian acronym used to describe the regime's widespread practices of corruption (*Korupsi*), collusion (*Kolusi*), and nepotism (*Nepotisme*).[1] The calls for an end to *KKN* were also at the core of the student protests that contributed to end the Sohearto regime in 1998.

The democratisation process launched in 1999 - dubbed the *reformasi* (reform) period in Indonesian history - has opened up more spaces for Civil Society Organisations (CSOs) to engage and voice their concerns in the policy arena. As a result, the number of CSOs, and among them Nongovernmental Organisations (NGOs), has increased significantly as have the issues on which they engage.[2] This has been spurred in part by greater openness of the new democratic framework and by an increase in donor funding to NGOs, especially those working on governance issues. Increasing donor funding to promote "the demand-side of governance" follows an international trend (Malena, Forster and Singh 2004 p. 1; O'Neill, Foresti and Hudson 2007; Gaventa and Barrett 2010). The approach is based on the assumption that CSOs can play a key role in enhancing overall governance and public accountability in developing countries, by monitoring government

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[1] The term *KKN* was initially coined in the mid-1990s by the chair of the mass Islamic organisation Muhammadiyah. The slogan was then picked up by students as a central slogan in their protests for political reform and end to the Soheharto regime (Setiyono and McLeod 2010).

[2] NGOs are generally seen as a type of Civil Society Organisation (CSO) and "third sector" (beside the state and the market) not-for-profit organisations working primarily in developing countries (Lewis 2014 location 441 and 646). However, there is no agreement in the literature on the definition of NGOs. For example, while some authors consider that NGOs are more formal, professional and well-resourced organisations than other types of CSOs (Mercer 2002), others also regard smaller, informal organisations (often referred to as "grassroots organisations") as NGOs (Riddell and Robinson 1995; Edwards and Hulme 1995; Lewis 2014). However, within this diversity of conceptions, Salamon and Anheier (1997) have distilled five main features that they consider NGOs to have: they are formal organisations; they are private (as opposed to government institutions), they may generate profit, but they are "non-profit distributing"; they are "self-governing" and voluntary (1997 pp. 32-34). Lewis also distinguishes between service delivery NGOs versus NGOs that work on policy advocacy. He refers to advocacy as "calling for changes in policy that can address the root causes of problems" (2014 location 4392).

performance, demanding accountability and pressuring for change from "outside" and from "below" (Gaventa and Barrett 2010 pp. 43; 48). As a result, Indonesia has seen an increase of so-called "watchdog NGOs", which monitor government performance in - among other fields - environmental management, education, health, human rights, legislative performance, public spending, local governance and anti-corruption reform.

Setiyono and McLeod (2010) estimate that there are currently around 500 anti-corruption NGOs in Indonesia, with at least one in every district and province. Most of these have been created during the *reformasi* era and have their roots in the civil society-based movement that demanded an end to *KKN* and the Soeharto regime. Many of them were created by student activists who decided to continue their fight against corruption through formal organisational channels during *reformasi*. These various anti-corruption NGOs carry out a number of different activities linked to anti-corruption reform, including advocating for the establishment of a robust institutional and legal framework to combat corruption (Setiyono and McLeod 2010); contributing to legislative drafting on anti-corruption related laws; investigating and exposing corruption cases (Setiyono and McLeod 2010); conducting corruption research (Sorensen, Juwono and Timberman 2006); reviewing the selection process of law enforcement officials; and monitoring governmental and public sector performance (Schütte 2012). These anti-corruption NGOs have a visible and vocal presence in public life, often appearing in the media, organising public protests and theatrical displays outside government agencies, as well as resorting to more institutional means to present their demands. The visible presence of these NGOs suggests that they play an active role in the anti-corruption policy debate in Indonesia.

In the *reformasi* era, anti-corruption reform has become a key electoral concern of voters and a high-salience policy domain that the public cares deeply about. Hence, not only NGOs engage as non-state actors in the public debate on corruption, but also other types of civil society organisations, such as religious organisations, women's organisations, student organisations and trade unions as well as lay citizens. In response, anti-corruption reform has featured as a central pillar of the electoral and policy reform agenda of *reformasi*-era governments.

One of the key elements of the anti-corruption reform agenda during *reformasi* has been the creation of the Corruption Eradication Commission (*Komisi Pemberantasan Korupsi*, KPK), an independent central government agency created to investigate and prosecute corruption cases. However, despite attempts at advancing reform and an increase in the number of cases prosecuted, perceptions of corruption in Indonesia have only slightly improved since the Soeharto era.[3] Strong public discontent about government corruption remains[4], and the literature continues to describe corruption within the Indonesian state as "endemic" (Goodpaster 2002 p. 87; McLeod and MacIntyre 2007 p. 9; 17; Crouch 2010 p. 228; Butt 2011 p. 383), and as "being a core norm of Indonesia's political economy" (Sorensen, Juwono, and Timberman 2006 p. 9). Furthermore, anti-corruption reform remains one of the most contested and conflict-ridden reform efforts of the post–Soeharto period. While opinions differ as to the effectiveness of the KPK, the agency has prosecuted a number of high-ranking government officials, police generals, judges and legislators involved in corruption. This has led to strong opposition against the agency among individuals within the state whose vested interests are being threatened by it.

The idea for this research originated in 2007, when I was living and working in Indonesia.[5] Having a professional background in issues related to civil society engagement[6], I was surprised to see CSOs, and particularly NGOs, featuring so prominently in the press, particularly in relation to corruption issues. After these anecdotal observations, I began collecting all the newspaper articles I could find on CSOs and corruption issues (from the English language newspaper Jakarta Post) and began a more systematic analysis of press portrayal of CSOs. I collected a total of 400 newspaper articles on corruption covering 108 random days during the period August 2009 to May 2010. This meant that on average, there were 3.5 articles on state corruption per day. Of these, there was on average one article per day that in some way mentioned civil society in this context (either NGOs or NGO coalitions, civil society networks, universities, think tanks or students organisations). Of all the articles on corruption reviewed, around 30 percent mentioned civil society organisations in some way, either citing their opinions, demands or data. Of the CSOs

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[3] Transparency International's Corruption Perceptions Index increased from 1.9 out of 10 in 1995 – when it scored the lowest out of the 41 countries in the survey (http://www.transparency.org/files/content/tool/1995_CPI_EN.pdf) to 3.4 in 2014 (http://www.transparency.org/cpi2014/infographic/regional/asia-pacific. Viewed 29 January 2015).
[4] In Transparency International's Corruption Barometer 2013, 54 percent of respondents perceived levels of corruption to have increased a lot in the past two years (http://www.transparency.org/gcb2013/country/?country=indonesia. Viewed 25 August 2014).
[5] Between 2006 to 2011.
[6] I worked for four years (2002-2006) in the Participation and Civic Engagement Group in the Social Development Department of the World Bank.

referred to, NGOs were mentioned 85 percent of the time, and NGO coalitions and universities three percent respectively.[7] It was based on these initial observations that the idea for a PhD was born, with the intention of finding out – through more scientific means - whether this visible and vocal presence of NGOs in the media policy debate on anti-corruption reform translated into actual influence on policies.

Once I started preparing the major review proposal, I began considering the relevant academic literature to help define the precise contours of the research project. Since the literature on civil society is vast in Indonesia and generally divided by type of civil society organisation - e.g. faith-based organisations, trade unions, student movement, women's organisations and NGOs- I decided to focus mainly on post-reformasi anti-corruption NGOs, as they featured most prominently in the press and seemed to represent a less studied sector in the academic literature than the other ones. Also, while many types of Indonesian CSOs have been vocal in the post-reformasi anti-corruption movement, this thesis decided to limit the scope to the role of NGOs. An analysis of other types of CSOs would have required specific analysis of each type of organisation and reference to their respective literature, which would have broadened the analytical scope too much. However, particularly the case study on Cicak Buaya (in chapter six) shows how these various organisations engaged with NGOs in the NGO-spurred social movement against corruption.

There are several bodies of literature that are relevant and contain useful reference points for analysing the role and influence of NGOs in processes of policy change. These include: the NGO advocacy literature; the policy process literature; the political process strand of the social movement literature; and the more recent voice and accountability literature (reviewed in chapter one). However, the challenge is that these various bodies of literature tend not to refer to or build on each other, while separately I found that they do not provide a complete framework for explaining the role and influence of NGOs in processes of policy change. Section 1.2 in chapter one of this thesis therefore proposes a more coherent conceptual framework for analysing the influence of NGOs in processes of policy change related to anti-corruption reform, drawing on the four bodies of literature referred to above.

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[7] Think tanks and student organisations once each.

The overall research question that guided the thesis is whether NGOs have contributed to influence policy change in the context of Indonesian anti-corruption policy reform. The focus is on the influence of NGOs on policy outputs (influence of NGOs on legislative and non-legislative decisions and actions) in all stages of the policy cycle, albeit *not* the influence of NGOs on policy outcomes (e.g. in reducing corrupt practices). Building on the bodies of literature referred to above, the secondary research questions related to why and how NGOs have contributed to influence anti-corruption reform in Indonesia and under what circumstances they have failed to do so. The specific secondary questions were:

- Was NGO influence mediated by public opinion, decision-making allies, or both?
- Were NGOs able to influence policy change because of their technical expertise and knowledge on specific issues?
- What other factors and actors came into play when NGOs were perceived to have influenced policy change?
- What factors contribute to explain cases where NGOs did not have any influence on policy change?

Given that my research experience prior to the PhD had been mostly qualitative, the original research proposal included primarily qualitative methods to help answer the research questions. However, as the qualitative analysis advanced, the lack of a quantitative angle seemed to leave an analytical gap in the thesis. Indeed, while the qualitative analysis helped to answer the question of how NGOs achieve (or fail to achieve) influence over policy decisions, it did not answer the question of the extent of this influence and thus leaving unanswered a key aspect of the research question. The decision was thus made to attempt to quantify some of the qualitative dimensions gathered through the research, in order to fill this analytical gap.

The thesis therefore used both quantitative and qualitative methods to analyse the contributing influence of NGOs to anti-corruption policy reform in Indonesia. The statistical regression analysis has attempted to quantitatively assess to what extent the demands of NGOs have been reflected in policy decisions, to what extent NGOs were perceived to have influenced

that process, and what factors came into play and their respective weight in explaining NGO influence or lack thereof. While acknowledging its experimental character, potential limitations and caveats, this quantitative analysis nevertheless fills a methodological gap in the literature on the role of NGOs in policy reform. Indeed, most studies on this topic have to date been based on qualitative methodologies. The qualitative case studies in chapter six and thematic analysis in chapter seven then seek to explain the statistical results, analysing in more depth *how* and *why* the dynamics of NGO influence (or lack thereof) on anti-corruption policy reform were exercised in specific policy cases (the methodology used for the research is explained in chapter two).

The analysis is based on three primary data sources: a database of 806 newspaper articles on anti-corruption reform and NGOs in Indonesia, a survey of 14 national-level anti-corruption NGOs and 44 in-depth interviews with Indonesian key informants (anti-corruption NGOs and activists, journalists, academics, government officials and legislators). The newspaper articles cover the four-year period from January 2009 to December 2012, using both a randomised and purposive sampling frame. The methodological framework is described in more detail in chapter two.

Chapter one provides an overview of the relevant theoretical literature used for this thesis and proposes a conceptual framework to guide the analysis. Chapter two provides the methodological framework, while chapters three and four provide the background and context, with chapter three analysing the macro-political context for NGO engagement in anti-corruption reform (what the social movement literature refers to as political opportunity structures). Chapter seven then draws on this literature to understand the extent to which these political opportunity structures may have conditioned the spaces and opportunities for NGO engagement and influence on anti-corruption policy reform in Indonesia. Chapter four analyses the main milestones of anti-corruption reform in Indonesia during *reformasi* and how the academic literature perceives NGO influence on reforms adopted prior to the period analysed in this thesis.

Chapter five provides a summary of the statistical findings (both descriptive statistics and regression analysis) based on the political claims analysis of the newspaper analysis. Chapter six contains two qualitative case studies, analysing different examples of NGO engagement in anti-

corruption reform: what has been dubbed the "gecko against the crocodile case" *("Cicak Buaya")* and the case of the Corruption Court Law. Chapter seven uses qualitative thematic analysis structured around the conceptual framework proposed in chapter one to explain how and why NGOs succeeded in influencing some policy decisions while failing to influence others, by comparing the findings of the two case studies in addition to analysing the findings of the in-depth interviews in relation to other policy cases, broadening the period of analysis from 2009 to 2012.

The main results from the statistical analysis show that of the 173 demands made by NGOs in the media over a period of four years, 17 percent were perceived to have resulted in policy influence. However, quite a significant (and higher) proportion of NGO demands (38 percent) were not reflected in policy decisions and therefore likely represented demands that NGOs failed to achieve influence on. In the statistical regression analysis, a number of factors proved (positively) statistically significant for explaining NGO influence. The factors that were associated with perceptions of NGO influence were: a favourable public opinion to the NGO demand (identified as a necessary condition); high media coverage of issues linked to demands[8]; demands related to protecting the authority of the KPK; and the support of allies with decision and policy-making authority. Conversely, NGO demands that were not supported by these factors, were more likely to fail to be translated into policy. The qualitative case studies in chapter six and the thematic analysis in chapter seven explore in more depth how these different factors were linked and contributed to explain NGO influence or lack thereof in specific policy cases, using the conceptual framework proposed in chapter one.

The thesis has contributed to the literature on the role of NGOs in policy reform processes, by adopting a mixed approach of quantitative and qualitative methods that provides a multi-faceted perspective on the influence of NGOs on anti-corruption policy reform in Indonesia, not previously explored. It has also contributed to theoretical developments in the field, by proposing a new conceptual framework drawing on existing, but disparate bodies of literature for understanding the role and influence of NGOs in processes of policy change.

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[8] Also a necessary condition for influence except in one case where the demand had very visible public support.

Chapter One: Theoretical Framework for Analysing the Role and Influence of NGOs in Processes of Policy Change

Introduction

There are several bodies of literature that are relevant for analysing the role and influence of NGOs in processes of policy change. These include: the literature on policy processes; the political process strand of the social movement literature; the literature on civil society; the literature on NGO advocacy; and more recently the voice and accountability literature. While only the NGO advocacy literature refers specifically to NGOs, the policy process literature (which generally refers to interest groups), the social movement literature (which focuses on social movements) and the voice and accountability literature (which refers to civil society actors, including NGOs), by focusing on the role of non-state actors in policy processes (of which many play roles similar to NGOs) are all in part relevant for analysing the role of NGOs in processes of policy change. However, the challenge is that these various bodies of literature tend not to refer to or build on each other, while separately, they do not provide a complete framework for explaining the role and influence of NGOs in processes of policy change. Section 1.1 of this chapter will therefore provide an overview of these bodies of literature explaining why they are relevant to this thesis, identify the role and functions they attribute to Nongovernmental actors in processes of policy change and provide a critical analysis of their shortcomings if used on their own, for answering the research questions of this thesis. In section 1.2 of this chapter, a conceptual framework - which draws on and brings together the various bodies of literature through a review of its relevant concepts – will be proposed to explain how NGO influence on policy processes is exercised and how it can be assessed. While the assessment of NGO influence represents the last section of the conceptual framework proposed in section 1.2 because it chronologically relates to the outputs (or policy change) generated from NGO action, it will in the thesis be analysed prior to the other elements of the conceptual framework, which focus on the inputs of NGOs, contextual factors and how these help explain policy change or outputs. The first part of this conceptual framework will therefore guide the qualitative chapters of the thesis (chapters six and seven). The second part of the conceptual framework builds on recommendations drawn from the literature on how to assess

NGO influence on policy processes. It formed the basis for developing the methodological framework in chapter two and has guided the statistical analysis in chapter five.

1.1. Role of NGOs in Policy Change: Overview of Relevant Bodies of Literature

1.11 Policy Process Literature

The strongest theoretical foundations for understanding processes of policy change are found in the policy process literature (Grindle and Thomas 1989; Haas 1992; and Sabatier and Weible 2007). This body of literature is relevant to this thesis as it provides conceptual reference points for understanding where in the policy reform process NGOs can engage and what type of policy change they can potentially contribute to.

A variety of different models have been developed to explain the policy process. A distinction is often made between linear (or stages heuristic) models of policymaking (Kingdon 1995; Lasswell 1956; Jones 1970; Brewer and DeLeon 1983 in Sabatier 2007), versus models that view policymaking as a more fluid and iterative process (Lindblom 1954; Sabatier and Jenkins-Smith 1988; Grindle and Thomas 1989 and 1990). The policy process models also differ in their conceptualisation of policy change. The linear model views policy-making as a series of decisions that are made in sequential stages clearly separated from one another, starting with agenda-setting – or problem definition (the process through which some issues or problems gain the attention of policy-makers), policy formulation (exploration of policy alternatives), followed by decision-making (or policy adoption), policy implementation, and finally evaluation (Grindle and Thomas 1989; Parsons 1995). Often – but not always – the linear policy process is seen as consisting of rational policy-makers with authority for a particular policy area, who use technical (and value-neutral) information, weighing different policy options before making an optimal policy decision (Cochran, Mayer, Carr, Cayer; McKenzie and Peck 2003). In the linear model, policy change is seen as occurring at the decision-making stage, generally in the form of approval of a major piece of legislation representing a significant departure from existing policy (Sabatier 2007).

The linear model has been criticised for providing a too simplistic view of a process that in reality has less defined boundaries, is less rational and involves a greater variety of actors (Keeley and Scoones 2003; Brock, McGee and Gaventa 2004; Eyben 2008). Furthermore, the model's separation between different policy stages has been criticised as artificial, with the boundaries between design and implementation in reality being more blurred, as the latter often informs the former. Moreover, approved policies may not be implemented as planned or enforced. However, the linear model still holds considerable weight, especially for policy analysis (Parsons 1995) and in certain bodies of literature – such as the NGO advocacy and the political process strand of the social movement literature – as it provides analytical simplification to an otherwise complex process, and allows to break down the policy-making process into units of analysis that are more easily assessed empirically.

A number of models have been developed in response to the perceived shortcomings of the linear model, with different views of the nature and scope of policy change. These models differ from the linear model in that they do not view policies as a series of separate events or stages, but as a process, without a clear beginning or end. However, the models all have different views on how this process takes place, who participates in it and what characterises policy change. A central argument in the interactive model is that policies are not static, but in constant flux, as policy reform initiatives may be "altered or reversed at any stage in their life cycle by pressures and reactions from those who oppose them" (Grindle and Thomas 1990 p. 1166). The incrementalist model (Lindblom 1959) views policy-making as incremental rather than linear. In this view, policy change is conceptualised as a series of small changes to existing policies (Parsons 1995). Other models recognise both major[9] and minor policy change as co-existing: the Advocacy Coalitions Framework (ACF)[10] (Sabatier and Jenkins-Smith 1988; Sabatier and Weible 2007); the

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[9] Major (or non-incremental) policy change is described by True, Jones and Baumgartner as "significant departure from existing policies" (2007 p. 156) and by Kingdon as "sharp, substantial and sudden policy changes (1995 p. 82).

[10] The advocacy coalitions framework divides the policy process into policy sub-systems consisting of a variety of actors specialised in specific policy domains. Within each sub-system, actors participate in advocacy coalitions based on shared policy beliefs (Weible, Sabatier and McQueen 2009; Nohrstedt 2011). Policy changes can be major or minor and result from a change in policy beliefs. A shift in core policy beliefs will lead to major policy change, while shifts in secondary beliefs will lead to smaller policy changes.

multiple streams model (Kingdon 1995[11]); the punctuated equilibrium framework[12] (True, Jones and Baumgartner 2007), and the interactive model (Grindle and Thomas 1989 and 1990).[13]

The specific type of policy changes recognised in the literature will depend on the definition of public policy and the policy process model adhered to. Most models recognise policy adoption events such as legislative decisions or creation of an agency as policy change (Birkland 2001; Blomquist 2007). While this tends to be the exclusive focus of the linear model, other models also recognise non-action on a specific issue as policy change, including for example the delay or stalling of specific pieces of legislation (Dye 1984 in Birkland 2001). Some authors also view policy change as encompassing shifts in non-legislated decisions (e.g. regulations), actions (e.g. allocation or re-allocation of resources) or public statements that govern a particular issue area (Birkland 2001; Cochran et al. 2003). For authors who argue that public policies are reflected in values (Dye 1984 in Birkland 2001; Sabatier and Jenkins Smith 1988), beliefs or behaviour of public officials (Birkland 2001; Cochran et al. 2003), shifts in these dimensions are also seen as constituting policy change.

This thesis recognises that any attempt to define policy change is challenging due to its multi-faceted character and therefore risks falling into reductionism. However, to allow for the testing of this thesis' conceptual and methodological proposition developed in section 1.2 and in chapter two, the decision was made to adopt policy decisions (both legislative and non-legislative) as the unit of analysis for the statistical analysis in chapter five, while recognising that policy change can be both major and minor and can also include non-actions, stalling and delays. This thesis however distances itself from the linear's model view of policies as static, but adopts the interactive model's view of policies in constant flux, experiencing advances, stalling or reversal depending on the weight of forces for or against reform at different moments in time.

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[11] In Kingdon's "multiple streams" model, three streams - of problems, policies, and politics - co-exist to shape the agenda-setting stage of policy (with empirical basis in the US policy-making system). In Kingdon's model, an issue is highlighted in the policy agenda when the three separate streams of activity come together through a "policy window", which is a window of opportunity, allowing policy entrepreneurs to push their issues (1995 p. 166).

[12] In the punctuated equilibrium framework, policy change is generally seen as incremental, punctuated by short periods of major policy change (True, Jones and Baumgartner 2007).

[13] A central argument in the interactive model is that policies are constantly fluctuating, as policy reform initiatives may be "altered or reversed at any stage in its life cycle by pressures and reactions from those who oppose it" (Grindle and Thomas 1990 p. 1166). In the interactive model, major policy decisions are more common in times of crisis, while minor policy decisions tend to characterise periods of what they refer to "politics as usual" (Grindle and Thomas 1989 p. 231).

Models of the policy process also differ as to what actors are seen as participating in the process and what roles and functions they are attributed. Broadly, a distinction is made between models that emphasise the centrality of state actors versus those that view the policy process as consisting of a broader set of governmental and Nongovernmental actors (Grindle and Thomas 1989). The former are sometimes referred to as state-centred models, with some placing emphasis on governmental elites – legislators, members of the executive (Grindle and Thomas 1989), while others also focus on a broader range of state actors (Lipsky 1980).

The models that recognise both state and non-state actors interacting together in shaping public policies are sometimes referred to as society-centred models (see Grindle and Thomas 1989) and grow out of the pluralist tradition (Dahl 1971), which recognises a number of groups – both inside and outside of government – as competing for their interests in the policy arena. These models include the ACF, multiple streams and epistemic communities model.[14] In the pluralist models, policies are seen as resulting from the interaction and bargaining among a variety of groups, with policies reflecting their relative influence (Grindle and Thomas 1989; Theodoulou and Cahn 1995). By recognising and focusing on the role of NGOs in policy processes, this research will therefore be grounded in the pluralist conception of policy-making.

In pluralist models like multiple streams, epistemic communities and ACF[15], a variety of Nongovernmental actors are acknowledged as participating in the policy process, including researchers, journalists, interest groups[16], and in a few cases, NGOs and social movements. Najam (1999 in Lewis 2014 location 4470) identifies four main roles for NGOs in the policy process: service provision, advocacy, innovation and monitoring. The policy process literature broadens the functions identified by Najam to include: interest articulation (Almond, Powell, Strøm and Dalton 2003); issue promotion (Kingdon 1995); knowledge generation (Haas 1992; Kingdon

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[14] According to Haas, an epistemic community is a network of researchers and scientists with expertise knowledge in a particular issue-area who share a set of values and causal beliefs related to specific policy issues (Haas 1992).

[15] Models like the ACF and epistemic communities focus on policy networks as a unit of analysis, in which actors from within and outside the state collaborate because they need each other's resources (including skills and knowledge) to achieve their goals (Adam and Kriesi 2007). However, because of these models' focus on policy networks, they tend to overlook the specific roles of different type of actors within these.

[16] While definitions of what constitutes an interest group differ in the literature, a generic definition is Wilson's who define interest groups as "organisations, separate from government - though often in close partnership with it - which attempt to influence public policy" (Wilson 1990 p. 1). In practice, interest groups in the United States may also encompass organisations that are part of the state. In political systems like the American, private companies can also act as interest groups and provide an important source of financial support for election campaigns (Wilson 1990). Hence, while the definition and function of interest groups resembles that of advocacy NGOs, US-style interest groups may often play fundamentally different roles from NGOs operating in developing countries.

1995; Weible, Sabatier and McQueen 2009); policy formulation (Almond et al. 2003); different aspects of policy implementation; performance monitoring (Kingdon 1995) and information dissemination.

Interest groups, NGOs and social movements are generally attributed the function of interest articulation, which consists of articulating and channelling the interests of their members, "clients" or beneficiaries and presenting them as demands or claims to the state (Edwards and Hulme 1995; Almond et al. 2003). This mediating function between citizens, their special interests and the state - different from political parties and voting - is seen as key for simplifying their interaction and for bringing a more diverse set of perspectives into the policy process (Wilson 1990; Lindblom and Woodhouse 1993). While recognising the positive aspects of the mediation function of interest groups as an impetus for policies, the author of the multiple streams model (Kingdon) argues that interest groups can also act as a constraint to policies (1995). Kingdon indeed argues that interest groups in the American system have often exercised influence over policy-making by obstructing and stalling policies.

Knowledge generation is a function generally attributed to researchers, academics or policy consultants, but also apply for certain types of NGOs with technical expertise and capacity to conduct research. Knowledge generation is seen as playing a key role in the policy formulation stage, providing technical inputs for designing and choosing policy alternatives. Policy implementation can be performed by non-state actors such as NGOs when for example service delivery functions are outsourced to NGOs, where their small size, knowledge of local context and capacity to reach marginalised groups are perceived as a comparative advantage (Bebbington and Thiele 1993; Lewis 2014). Performance monitoring - the monitoring of policy implementation – is a function attributed to interest groups in the multiple streams model (Kingdon 1984; Sahariadis 2007) and may also be performed by NGOs (see section 1.12 on the voice and accountability literature). Information-dissemination is a function generally attributed to journalists and the media and takes place throughout the policy process, highlighting policy issues, informing about policy alternatives and decisions and disseminating information about policy implementation performance. NGOs can play a key role feeding the media with information with the aim of influencing the policy process (Malena et al. 2004).

Another type of actor identified in the policy process literature that may be relevant to the analysis of NGOs is that of policy entrepreneurs. Kingdon coined this concept to define people – both from within as well as outside the state – who are willing to invest their time and knowledge to promote issues and policies that they support (1984). Policy entrepreneurs can be driven by both altruistic motivations (e.g. the promotion of specific values and concern for specific problems) or self-interested ones (e.g. defending their bureaucratic authority and resources). In Kingdon's view, policy entrepreneurs engage in both problem definition and proposal formation (Sahariadis 2007). To promote the issues they are concerned about, they are often seen as dramatising a problem through the use of data and symbols to create public awareness and support for them. At the policy formulation stage, Kingdon views policy entrepreneurs as key in "softening up" the public as well as policy-makers to their ideas, by advocating and lobbying for their ideas and proposals (Kingdon 1995 p. 181). Policy entrepreneurs may also monitor and provide feedback on governmental performance (Kingdon 1984; Sahariadis 2007). NGOs can in many cases be viewed as policy entrepreneurs, as they often advocate for specific issues of concern to them and - in the case of watchdog NGOs - monitor government performance. In the case study analysis in chapter six, the thesis will explore to what extent and how the concept of policy entrepreneurs[17] helps to explain the role of NGOs in Indonesian anti-corruption policy reform.[18]

1.12 Civil Society-Based Literature

Pluralist models of the policy process (e.g. ACF, multiple streams, epistemic communities) provide an important theoretical basis for understanding the variety of factors that influence policy change and the role of non-state actors, such as interest groups and researchers – which may often perform functions similar to NGOs in developing countries – in those processes. However, being mainly based on analysis of the United States (US) - and in later formulations European countries – these theoretical models do not provide a specific lens for understanding the role of

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[17] While the ACF refers to policy entrepreneurs as individual leaders, this thesis also views organisations as policy entrepreneurs (Sabatier and Weible 2007).

[18] Policy brokerage is also seen as an important function in the ACF. This function is generally assigned to government officials, either appointed or elected. Policy brokers mediate between conflicting positions and translate them into policy solutions and have the ability to influence policy change (Sabatier 1988; Ingold 2011). The policy process literature has to date not explored the potential linkages between policy entrepreneurs and policy brokers. In the Indonesian case-studies in chapter six, the thesis will explore to what extent the concept of policy brokers is relevant to analysing the role and influence of NGOs in Indonesian anti-corruption reform and to what extent and how they relate to policy entrepreneurs such as NGOs.

Nongovernmental actors in developing countries – like for example social movements and NGOs – their potentially different roles in the policy process, and their contribution to policy change. One therefore needs to turn to other bodies of literature to complement these gaps: the NGO advocacy, voice and accountability and social movement literature.

NGOs are generally considered to belong to a sphere referred to as civil society. The NGO advocacy and voice and accountability literature - and to some extent the social movement literature - tend to make implicit assumptions about the concept and role of civil society and its role in policy processes. An analysis of the role and influence of NGOs on policy-making therefore needs to be contextualised with some references to the literature on civil society.

Civil society is a concept that has been used to denote a sphere that is both separate from the state and from the family. However, the extent of this separation, the type of organisations encompassed in the category of civil society and the role it plays continue to be subject to debate (Keane 1998; Burnell and Calvert 2004; White 2004; Whitehead 2004; Edwards 2011 and 2013). A broad separation can be made between conceptions that stem from the liberal or pluralist tradition of democracy and those that stem from the Marxist tradition.[19] The view of civil society in the liberal or pluralist model of democracy has its roots in De Tocqueville's writings in the 18th century (1835).[20] In his view, an active and vibrant civil society separate from the state is a central component of a healthy democracy, as participation in civil society teaches citizens the skills required to function in a democratic society (De Tocqueville in Eberly 2000). These ideas have more recently been taken up by contemporary "neo-tocquevillian" authors like Putnam (2000), who argue that participation in voluntary organisations[21] promotes social trust and skills (what he refers to as "social capital"[22]) that are useful to function in and sustain a democratic system (Deakin 2001). De Tocqueville also argued that civil society constitutes an important independent check

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[19] The definition of White is helpful in illustrating the view of civil society in the liberal or pluralist tradition (2004):

> Civil society is an intermediate associational realm between the state and family populated by organisations which are separate from the state, enjoy autonomy in relation to the state and are formed voluntarily by members of society to protect and extend their interests or values (White 2004 p. 10).

[20] Alexis de Tocqueville, *Democracy in America*, published in 1835.
[21] Edwards lists a range of different types of organisations (differing in purposes, size and levels of formality) as encompassed in the term civil society organisations, including "community or grassroots associations, social movements, labour unions, professional groups, advocacy and development NGOs, formally registered non-profits, social enterprises and many others" (2011 p. 13).
[22] For Putnam, social capital is "...connections among individuals, - social networks and the norms of reciprocity and trustworthiness that arise from them..." (Putnam 2000 p. 19).

on the state (Eberly 2000). Hence, most authors stemming from the liberal or pluralist school of democracy hold a normative view of civil society, which is seen as playing an intrinsically moral role (Schmitter 1993). Authors stemming from the Marxist tradition, however, tend to emphasise the socio-economic inequalities within civil society (Cohen and Arato 1994; Chandhoke 1995; Keane 1998; Chandhoke 2004; and Held 2006). They also tend to view the separation between the state and civil society as an artificial construct, arguing that their boundaries are often blurred in practice (White 2004).

For scholars stemming from the Tocquevillian tradition, civil society is seen as playing a key role in underpinning, strengthening and consolidating democratic systems. More recently, a strand of literature emerging in the 1990s has also focused on the key role of civil society in deepening and strengthening the quality of democracy (Fung and Wright 2001; Avritzer 2002; and Gaventa 2006). One dimension of this is the function of civil society in policymaking. Especially pluralist exponents of democracy argue that civil society participation in processes of policy formulation can help improve the quality of governance, by providing a wider variety of societal perspectives (than if the process was only restricted to politicians and policy-makers), thereby enriching the policy process (Brinkerhoff and Crosby 2002; White 2004 and Held 2006) and ensuring that policies better fit citizen interests (Jordan and Maloney 2007).

The Tocquevillian view of civil society tends to implicitly underpin much recent work on civil society, including the NGO advocacy and voice and accountability literature - and even much of the social movement literature - as well as most donor-funded democracy promotion programmes, where civil society is seen as a countervailing force to the state and an outside "watchdog" of state performance.[23] However, critics of the Tocquevillian view of civil society caution against assuming an automatic positive relationship between civil society and democracy, as civil society can also contain authoritarian and anti-democratic elements (O'Donnell, Schmitter and Whitehead 1986; White and Robinson 1998; White 2004).

The NGO advocacy literature and the voice and accountability literature are conceptually grounded in De Tocqueville's ideas of the benefits of associational life for democracy and argue

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[23]

that civil society organisations such as NGOs can play a role as independent checks and balances on government behaviour by acting as watchdogs of state performance. The NGO advocacy literature emerged in the 1990s and is a sub-set of the large body of literature on NGOs and their role in development processes.[24] The NGO advocacy literature grew out of the concern of NGOs – and pressure from their donors – to analyse the impact of NGOs' advocacy efforts (Chapman and Wameyo 2001; Davies 2001; Chapman 2002; Guthrie, Louie and Foster 2005; Reisman, Gienapp and Stachowiak 2007; Gienapp and Cohen 2011). While this literature tends to be more empirical than theoretical, it provides some insights into how to assess NGO impact on public policies (this is referred to in more detail in the following section 1.2 of this chapter).

The more recent voice and accountability literature grows out of the donor trend of the past fifteen years to promote the "demand-side of governance"[25] or "social accountability"[26] by strengthening the capacity of civil society organisations (CSOs) - including NGOs - in developing countries to demand accountability from the state (Malena et al. 2004; Gopal Jayal 2008; World Bank 2010). In the past decades, many donors have indeed moved past specific advocacy campaigns to focus on broader governance issues, with the underlying normative assumption that increased civil society engagement in developing countries can lead to better, more accountable and more transparent state governance. This emerging body of literature refers to a form of accountability mechanism that uses "voice rather than the vote" to monitor the state and influence policy (Peruzzotti and Smulowitz 2006 p.16). The approach usually refers to policy influence being exercised by non-state actors through demands for accountability of elected representatives and public officials via different forms of oversight (Ackerman 2004; Malena et al. 2004; Peruzzotti and Smulowitz 2006). Social accountability can be sought by a variety of non-state actors, including individual citizens, civil society groups, NGOs and social movements (Peruzzotti and Smulowitz 2006; Gopal Jayal 2008). The arenas or policy spaces where NGOs (and other civil society actors) can make their voice heard on specific policy issues are referred to by Cornwall

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[24] While the body of literature on NGOs is relevant for understanding how NGOs, function and operate and their role in development processes overall, this thesis has chosen to focus only on the sub-set of this literature that is directly relevant for this thesis, specifically the one that analyses the role and impact of NGOs in advocacy processes.

[25] These type of programmes are sometimes part of donor-funded democracy promotion programmes that view democratic consolidation as shaped by both "supply-side" reforms to strengthen state institutions and "bottom-up" processes to promote and strengthen the role of civil society (referred to as "demand side") (Malena et.al 2004 p. 1; Gaventa 2006 p. 15; Fox 2014 p. 10).

[26] Donors use different terms to label these approaches: the World Bank used social accountability before switching to the term "demand for good governance" in 2007. DFID and OECD countries generally refer to the term "voice and accountability" (Rocha Menocal and Sharma 2008).

as "popular spaces" (2004 p. 2). Civil society actors can in this view make use of existing policy spaces or create new ones to bring in new voices into the policy debate.

However, while donor programmes of social accountability often tend to view civil society engagement as a technical process related to development effectiveness, Tilly points out that when social actors begin to make claims on the state, the process becomes inherently political (Tilly and Tarrow 2007). This is also echoed by Fox in his meta review of social accountability evaluations (2014). However, this political dimension of social accountability processes is sometimes overlooked by donors.

Initial social accountability studies have been criticised for providing a too celebratory view of the positive effects of civil society action in improving state accountability and influencing the policy process and for often assuming an implicit and automatic linkage between these processes (Gaventa 2006). However, more recent work – spurred by pressure from donors for greater evidence of impact – seeks to unpack the concept of social accountability and analyse the actual – if any – impact of such initiatives on a variety of policy dimensions, including governmental performance and accountability, and the quality of public service delivery (O'Neill et al. 2007; Björkman and Svensson 2009; Gaventa and Barrett 2010; McGee and Gaventa 2010; Fox 2014).

The social movement literature is also in part relevant for the analysis of NGOs in processes of policy change. Social movements – of which NGOs sometimes are part of - are an expression of collective action, and the strategies they use to make their claims often involve different forms of protest (referred to as non-institutional means) (Della Porta & Dani 1999; Snow et.al 2007). One of the most important functions attributed to social movements in the policy-making process is contributing – through their protest action - to highlight policy problems for policy-makers and the public by framing issues for them, and thereby contributing to agenda-setting (Gamson and Wolfsfeld 1993; Burstein 1999). Social movements are generally seen as contributing to agenda-setting through the functions of interest articulation and issue promotion (Baumgartner and Jones 1993; Kingdon 1984).

While a significant part of the social movement literature focuses on why and how social movements are formed and function, a smaller part (the political process strand) focuses on the policy impact and influence of social movement protest (Burstein 1998; Giugni and Passy 1998; Burstein 1999; Giugni 2004; Amenta and Caren 2007). This literature is relevant for NGO influence on policy change as it provide theoretical reference points for analysing how non-state actors' influence on processes of policy change can be assessed (it is referred to in greater detail in section 1.2 of this chapter).

While the theoretical literature on social movements is based mainly on analysis of social movements in developed countries, a number of empirical analyses based on developing country cases have emerged more recently (Alonso, Costa and Maciel 2010; Coelho and Favaretto 2010; Gaventa and McGee 2010; Mohanty 2010; Osaghae 2010; Piper and Nadvi 2010; Thompson and Tapscott 2010). While part of the social movement literature may be relevant for analysing NGO influence on policy processes, there are also significant differences between NGOs and social movements, which may render some of the analysis on social movements inapplicable to NGOs. Indeed, while social movements' protest-oriented nature is part of their essence, these types of tactics may also be employed by advocacy NGOs - but seldom exclusively - as the latter tend to resort to both non-institutional strategies (different forms of protest) and institutional ones (e.g. lobbying, advocacy, research and technical assistance) to press for policy change (Snow, Soule and Kriesi 2007). Another dimension that may differentiate NGOs from social movements is their relationship to "clients" rather than members, which produces a different form accountability relationship (Edwards and Hulme 1995 p. 18).

The comparative analysis of the policy process, social movement, NGO advocacy and voice and accountability literature has enabled to explain their relevance, and also some of their limitations – if used on their own – for analysing the role of NGOs in processes of policy change. While some of the tactics of interest groups and social movements may be similar to those employed by NGOs – particularly advocacy NGOs – their goals, purpose, accountability relationships and contexts in which they operate, may often be fundamentally different. To study the specific contribution of advocacy NGOs to processes of policy change may therefore require a broader analytical lens than that used to study the role of traditional US-style interest groups and

social movements. The social movement, NGO advocacy and voice and accountability bodies of literature have also been criticised for overlooking the interconnectedness between the two spheres of civil society and the state. Moreover, these bodies of literature tend not to make reference to the policy process literature, which remains an important theoretical reference point for this research as it provides a more comprehensive view of the variety of actors and factors that influence the policy process.

1.2. Conceptual Framework for Explaining and Assessing NGO Influence on Policy Change

Recognising the weaknesses of these separate bodies of literature while building on each of their strengths, based on a review of the literature, this section brings together relevant concepts from it by proposing a conceptual framework more tailored to study the specific role of NGOs in policy processes. The framework assesses how, under what circumstances and through which entry points, the NGO functions described in the previous section can actually translate into influence on policy change and how this influence can be assessed. While the framework borrows from theories of which some do not focus on NGOs specifically (but advocacy coalitions, social movements or civil society organisations), they provide a broader set of relevant concepts (than the NGO literature alone) that can potentially also be used for analysing how policy influence is exercised by NGOs and how this influence can be assessed. Chapters five, six and seven will then assess the usefulness of this conceptual framework for analysing the Indonesian case.

Building on the existing literature, this framework proposes three possible paths through which NGOs can influence processes of policy change: political alliances, public opinion and knowledge. The framework proposes five main strategies (identified in the literature) for NGOs to seek policy influence (media, social mobilisation, legal action, collaboration and research/technical assistance), while drawing upon a number of resources (financial resources, "mobilisable troops" and information), to influence policy change across any of these influencing paths.[27] This process is in turn shaped by the political environment in which the interaction takes

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[27] Skilful leadership was also identified by the ACF as a resource for advocacy coalitions to gain policy influence. However, because leadership analysis would broaden the scope of the study too much, it was decided to leave this dimension out of the thesis.

place – what the social movement literature refers to as political opportunity structures - what the most recent ACF version (Sabatier and Weible 2007) refers to as coalition opportunity structures - and what this thesis refers to as contextual political opportunity structures. Section 1.25 then draws recommendations for ways to assess NGO influence on policy change.

The graph below summarises the main elements of the conceptual framework proposed:

Figure 1: Conceptual framework of NGO policy influencing paths
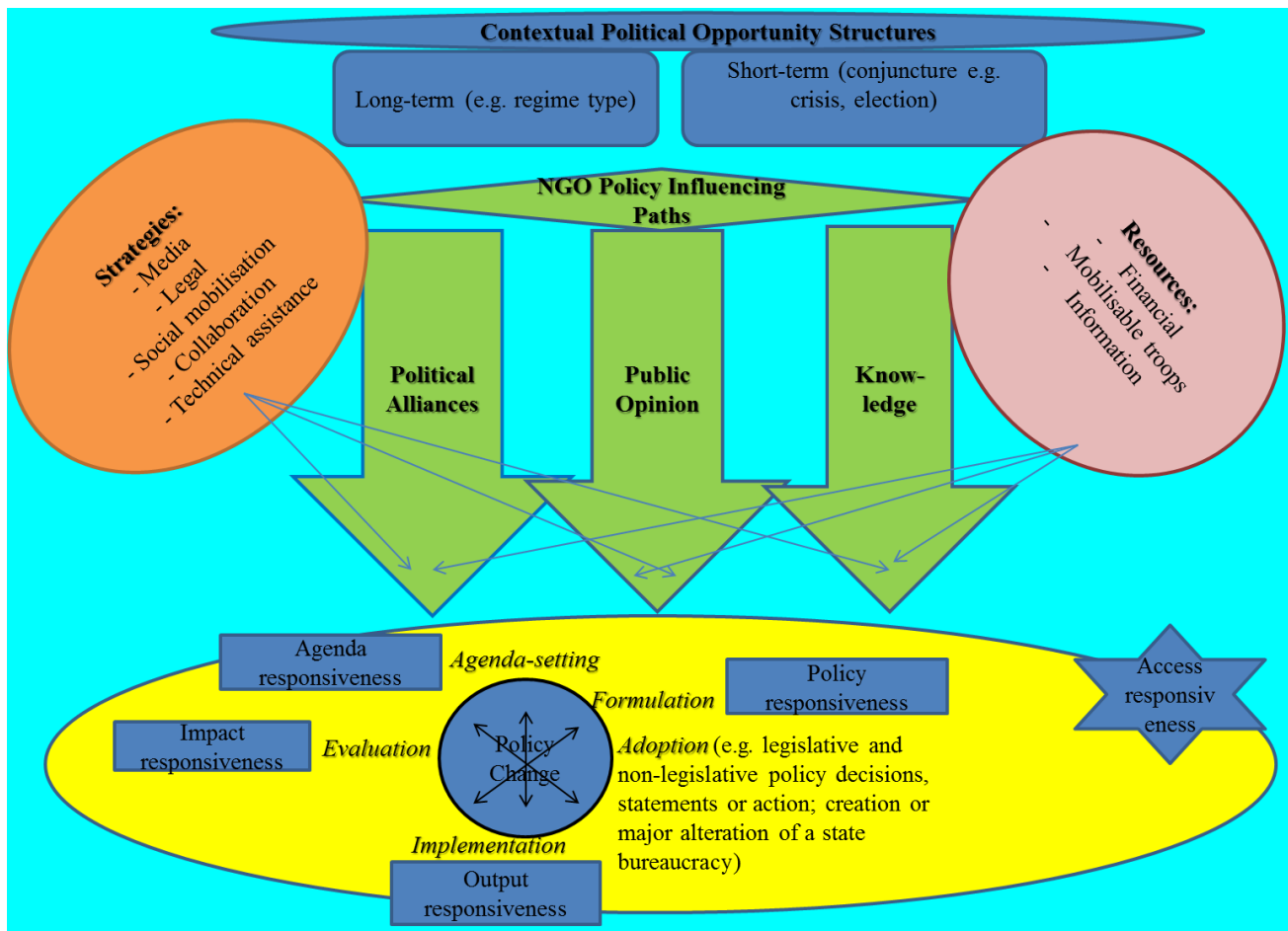
Based on a review of the relevant literature and its concepts, the section below describes in more detail the main elements of this conceptual framework.

1.21 Contextual Political Opportunity Structures

The first part of the conceptual framework relates to contextual political opportunity structures, a concept borrowed from the policy process and social movement literature. This thesis proposes to use the concept of contextual political opportunity structures to analyse how the political environment shapes opportunities for NGO influence on policy change. The time dimension is also introduced, differentiating between long-term political opportunity structures that tend to vary less frequently over time (e.g. regime type), versus more short-term and dynamic ones that vary according to the political conjuncture. [28]

Indeed, in all models of the policy process, the political environment within which policy change occurs is seen as an essential dimension for understanding why, how and when policy change takes place. The social movement concept of political opportunity structures helps to explain how Nongovernmental actors – with a social mobilisation purpose – are conditioned by the political environment in which they operate; how it impacts their formation; strategies to pursue policy change; and their influence on policy change (McAdam et al. 1996; Kriesi 2007; Tilly and Tarrow 2007; Tarrow 2011). Similarly, the voice and accountability literature tends to agree that the nature of the political system, context and culture in which civil society demands for social accountability are carried out will affect civil society's space for expressing voice and the impact of such actions (Paul 1992; Fox 2014).

The first element of the political environment – or political opportunity structures – believed to have a bearing on the participation of Nongovernmental actors, including NGOs, and the nature of their interaction with the state, is the type of political regime, which the ACF views as a static variable as it tends to be stable over time. Based on criticism of the lack of applicability of the original ACF to non-American types of political systems, the latest version of the ACF incorporates the concept of coalition opportunity structures, borrowing from the social movement literature (Weible and Sabatier 2007). Given that in many developing countries (including Indonesia), regime types are less stable than in an established democracy like the American, this

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[28] Regime type draws from the ACF's concept of coalition opportunity structures, while political conjuncture draws from the ACF's notion of changes in governing coalitions, while adding the dimension of crisis.

thesis does not view regime type as a static variable, as it can change over time - albeit less frequently than those related to political conjuncture. This thesis therefore refers to regime type as long-term political opportunity structures.

While there are a variety of different conceptualisations of long-term political opportunity structures in the social movement literature (Mc Adam et al. 1996; Kriesi 2007), a central argument is that the structure of the state determines movement access. The literature distinguishes between "open" and "closed" structures to describe political systems that are more open to the participation of non-state actors versus those that are more difficult for external actors to engage with (Kriesi 2007 p. 69). The degree of openness of a political system is seen as defined by two main elements: its degree of territorial centralisation and the functional separation of power. Greater territorial decentralisation and functional separation of power between the legislative, executive and judiciary arenas are expected to lead to more openness towards participation of non-state actors (Kriesi 2007; Weible, Sabatier and McQueen 2009). The ACF develops this further by adding the number of decision-making venues that any major policy proposal must go through and the accessibility of these to external actors (Sabatier and Weible 2007).

While long-term political opportunity structures linked to regime type will condition opportunities and spaces for social movement engagement in a given context, they do not help explain differing degrees of policy influence of some social movements versus others operating within the same political regime (Kriesi 2007). The policy mediation model in the policy process strand of the social movement literature therefore uses the concept of political alliances to explain social movement influence in particular situations (Kriesi et al. 1995; Giugni 2004; Tarrow 2011). The gain of political allies is seen as dependent on the political conjuncture with elements such as changes in governing coalitions, elections and crisis situations (what this thesis refers to as short-term political opportunity structures) conditioning the political alliance-building of social movements. In the social movement literature, the composition of governing coalitions may impact the feasibility of political alliances that non-state actors such as NGOs can form with state actors, either by facilitating or constraining them (Kriesi et al. 1995).

Kingdon (1984) in the multiple streams model coined the concept of focusing events, which was later developed by Birkland (2001), referring to situations that affect the political conjuncture – or what this thesis refers to as short-term political opportunity structures – such as for example elections or crisis. They argue that such events may affect the problem-definition and agenda-setting stage of policies by drawing attention to specific issues. Building on this, the ACF argues that focusing events can help trigger policy change through their effect on public opinion and by bringing new information into the policy process (Sabatier and Weible 2007 p. 204). However, these models are weaker at explaining how different policy actors take advantage of focusing events to affect the policy process. Similarly, Grindle and Thomas (1989) use the concept of policy spaces to define situations created by focusing events, which contribute to reconfigure relationships between actors, and open up opportunities for policy change. Building on these arguments, this thesis argues that if NGOs have the capacity to take advantage of focusing events or to trigger such events (e.g. through social mobilisation or other means), they could provide an entry point for NGOs to influence the policy process. This will be further explored in the case studies in chapter six.

Grindle and Thomas also argue that different types of short-term political opportunity structures can affect how issues get on the agenda of decision-makers and the degree of policy change introduced (1989). While Grindle and Thomas adopt a state-centred analysis of policy reform, their analysis of the role of focusing events such as crisis situations, and their impact on policy change, may be relevant for understanding when non-state actors are more likely to influence the policy process. Differentiating between crisis versus what they call "politics as usual" situations, they argue that in a crisis, issues more often tend to get on the agenda of policy-makers through pressure from outside the state (versus "politics as usual" situations where state actors tend to be agenda-setters). In times of crisis, they argue that stakes are higher for policy-makers, leading to greater concern for political stability and legitimacy. This in turn will lead them to more cautiously assess the political and economic consequences of reform choices for assessing their political viability. If NGOs have the capacity to create pressure on policy-makers, because governments' potential fear of political instability caused by opposition to reform during crisis situations, it could be hypothesised that such situations would provide more opportunities for

NGOs to create pressure for major policy change or alternatively more opportunity for delaying or stalling a policy initiative.

1.22 NGO Policy Influencing Paths: Political Alliances, Public Opinion and Knowledge

The policy process literature identifies a variety of factors that influence policy change, with each model assigning different weight to each of them. Broadly, these factors have been identified as: political environment (covered in the previous section on contextual political opportunity structures); public opinion; decision-making authority (ACF); bureaucratic and international factors (interactive model); and information and knowledge (ACF; epistemic). In the social movement literature, social movement impact on policies is generally seen as mediated by two main factors: either public opinion (Burstein 1998) or political alliances (Kriesi, Koopmans, Duyvendak and Giugni 1995; Giugni 2004; Tarrow 2011). Building on these various bodies of literature, this thesis proposes a conceptual framework structured around three main influencing paths identified for NGOs to potentially exercise influence over the policy process: political alliances; public opinion and knowledge.

The first influencing path identified in the literature for NGOs to potentially exercise influence over the policy process is through political alliances. A central argument in the political mediation school (within the political process strand of the social movement literature) is that non-state actors, such as social movements, can (only) exercise influence over policy change by forging alliances with political actors within the state with formal decision-making authority (Kriesi et al. 1995; Giugni 2004; Tarrow 2011). This type of alliance is seen as a political resource of the social movement (Kriesi et al. 1995; Amenta and Caren 2007). The political mediation theorists' view of external support from formal decision-makers as a necessary condition for social movements to achieve policy influence contrasts with the resource mobilisation proponents, who argue that social movements can achieve policy influence on their own (direct effect) (in Giugni, McAdam and Tilly 1999). Similarly, the ACF views advocacy coalitions' access to actors with "formal legal authority" over policy decisions (generally through membership of such actors) as an important coalition resource for influencing policy change (Sabatier and Weible 2007 p. 201).

The social movement literature identifies three main factors that will facilitate social movements' political alliances: a) the credibility of their claims; b) alignment between social movement and political actors' interests; and c) fears that social movement opposition may disrupt political stability (Amenta and Caren 2007). While these situations may be used by NGOs to gain allies, conversely, the more powerful the opponents with formal decision-making authority, the lesser likelihood of movement success (Giugni 2004). However, Giugni argues that the role of political alliances as facilitating movement success has been more studied than the role of political opponents in constraining social movement outcomes. This is therefore a dimension that will be further explored in this thesis (see chapters six and seven).

The second influencing path identified in the literature for NGOs to potentially exercise influence over the policy process is through public opinion. In the ACF, public opinion shifts are seen as an important exogenous factor (to the advocacy coalition) that can contribute to policy change (Sabatier and Weible 2007). The most recent articulation of the ACF views public opinion as a coalition resource, with advocacy coalitions aiming to garner public support for its views and proposals (Sabatier and Weible 2007 p. 203). In this model, internal shocks can also induce policy change, having the ability to "redistribute critical political resources", including public opinion (Sabatier and Weible 2007 p. 204). However, even in the revised version of the ACF, the dynamics through which public opinion can be affected and used by advocacy coalitions to influence policy change, and a better understanding of the specific circumstances under which this may occur, remains understudied. This is a theoretical gap that this thesis will seek to address, with a focus on NGOs instead of advocacy coalitions.

In the social movement literature, public opinion is seen as a key external variable for understanding the policy impact of social movements (Giugni 2004).[29] Two key arguments are

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[29] There diverging views on the influence of public opinion on public policies, generally stem from the model of democracy adhered to (Giugni et al. 1999). Authors with an elitist view of democracy regard public opinion as having no influence on public policy, considering the public insufficiently informed to understand its complexities (Jones and Jenkins-Smith note, 2009). while, pluralist proponents recognise the importance of public opinion as an explanatory variable in explaining policy change (Giugni et al 1999; Giugni and Passy 1998; Erikson, MacKuen, and Stimson 2002 in Jones and Jenkins-Smith 2009 and Burstein 2008). In the pluralist view of democracy, public opinion is seen as a fundamental dimension of democratic legitimacy, with the electorate (public) signalling its support (or lack thereof) to its elected representatives through either elections or public opinion polls between elections, thereby playing an important role in determining electoral outcomes (Burstein 1998). Because of the linkage between public opinion and democracy (and therefore anticipated or actual electoral outcomes), one could hypothesise that when policy decisions are made by directly elected political representatives, public opinion is more likely to play a role in determining policy change (Gamson 2007). This may point to the importance of using the type of policy decision-maker (and whether they are democratically or not) targeted by NGOs as a variable in understanding when and how NGO advocacy – when linked to public opinion - is more likely to influence policy-making.

presented. On one hand, social movements can help frame issues through their protest action, thereby raising awareness and potentially gaining public support for them (hence creating public opinion), especially in the agenda-setting stage of the policy process (Burstein 1999; Gamson 2007). Indeed, some research shows that the way issues or social problems are framed (framing referring to the "strategic interpretation of issues with the intent of mobilising people to act") will determine their impact on public opinion (Salmon and Christensen 2003; Jonhston and Noakes 2005 p. 5). In addition, Giugni (2004) argues that when public opinion is aligned with social movement demands (because of a pre-existing bias or because it was influenced by the protest action), public opinion can help movements reach their goals by creating pressure on policy-makers to be more responsive to their demands, either because of policy-makers' fears of political instability (what this thesis refers to as negative incentive) or because of their desire for re-election (what this thesis refers to as positive incentive). In this view, social movement influence is seen as mediated by public opinion (Burstein 1998; 1999).

However, the literature argues that social movement impact is only mediated by public opinion in relation to certain type of issues, particularly those of high salience (Burstein 1999) and those that are electorally sensitive (Giugni and Passy 1998).[30] Amenta and Caren argue, on the other hand, that social movements are less likely to have influence on public policies in a high salience policy domain, as there are likely to be other powerful non-state and state opponents working against the social movement (2007). However, their analysis does not take into account how public opinion may come into play in this process. Finally, Burstein (1998 and 1999) and Gamson (2007) argue that when public opinion and social movement demands are not aligned, public opinion will matter more than social movements to elected officials for fear of appearing non-responsive to constituents.

Giugni and Passy argue that social movements rarely – if ever – achieve influence on their own, arguing that their influence is always mediated, either by public opinion – in the case of electorally salient issues – or by political alliances (1998). However, they also argue that the joint effect of social movement protest, public opinion and political alliances is more effective in

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[30] Non-mediated (hence direct) influence of social movements on public policy is, according to Burstein (1999), more likely to occur in relation to low salience issues.

explaining social movement impact overall than the public opinion-mediated argument only – which they only view as valid for electorally sensitive issues (Giugni and Passy 1998).

The third influencing path identified in the literature for NGOs to potentially exercise influence over the policy process is through knowledge. In most models of the policy process, technical knowledge and the policy information generated from it are seen as important factors in explaining policy change. However, the weight assigned to technical knowledge, advice and information and how it interacts with the policy process will vary depending on the policy process model. While the policy process literature generally assigns the function of knowledge generation and technical advice to researchers, the voice and accountability literature views specialised advocacy NGOs as important players in establishing an evidence-base for their advocacy with policy-makers (Malena et. al 2004). This is also the case for most anti-corruption NGOs in Indonesia. Hence, this conceptual framework proposes to test whether the arguments presented in the policy process literature may potentially apply to NGOs that conduct research, have developed technical expertise in a specific domain and use data to influence the policy process in the Indonesian case.

In the linear model, technical knowledge and advice plays a key role in helping decision-makers take optimal policy decisions. In this model, technical information is seen as value-neutral and apolitical and policy-makers turn to researchers and academics to provide them with credible technical advice. Similarly, the interactive model argues that technical knowledge and advice plays a key role in policy change, especially in non-crisis situations ("politics as usual") (Grindle and Thomas 1989). Expert and technical knowledge generation also plays a central role in explaining policy change in the epistemic communities model. According to Haas (1992), epistemic community members such as researchers and scientists influence the policy process (agenda-setting and policy formulation) through the legitimacy gained from their technical knowledge and expertise. In this view, decision-makers are more likely to turn to technical advice from epistemic communities in situations of crisis or shocks (contrary to what Grindle and Thomas say). The epistemic communities model has been criticised on two main points: it does not explain how policy-makers can be persuaded to adopt specific knowledge and why different policy-makers react in different ways to the same policy evidence. Hence, questions have been raised as to what

extent technical knowledge can be seen as an independent variable in explaining policy change (Haas 1992). Similar to the epistemic communities model, the multiple streams model (Kingdon 1984) views researchers as playing an important role in defining policy options for policy-makers. However, while the multiple streams model explains why certain policy options are taken up by decision-makers (when the three "streams" of the model coincide), while others are not (Kingdon 1984), the epistemic communities is weaker on this point. Technical and scientific knowledge (a function of attributed to researchers) is also central to the ACF, as it is seen as playing an important role in modifying the beliefs of policy participants (Sabatier and Weible 2007).

1.23 NGO Resources

The latest version of the ACF, building on Sewell's (2005) typology of political resources, identifies resources that advocacy coalitions can use to affect policy change. Some of these (such as access to formal decision-making authority through political allies and public opinion) have in this conceptual framework been designated as NGO policy influencing paths (when the social movement literature also identified them as key for explaining policy influence of non-state actors). The remaining factors described by Sewell have in this conceptual framework been referred to as resources that can help NGOs can gain policy influence across any of the three influencing paths. These are financial resources, "mobilisable" troops and information (Sabatier and Weible 2007). While the focus of this thesis is not on policy networks or advocacy coalitions, the concept of resources can potentially be useful for analysing any type of actor attempting to influence the policy process. However, one of the gaps of the revised version of the ACF is its weakness in explaining how these resources can be used by different actors within advocacy coalitions and what the linkages are between the use of these resources and policy change (Sabatier and Weible 2007; Nohrstedt 2011). This thesis will attempt to make the linkages between these different elements more explicit, albeit not within the analysis of advocacy coalitions, but with focus on how a specific type of actor – NGOs – makes use of them to achieve policy influence (see chapters six and seven).

In the ACF, financial resources are considered a key political resource to exercise influence over the policy process. In the ACF, financial resources can be used to purchase other resources.

They can help advocacy coalitions launch media campaigns, fund research, and produce knowledge and information that can be used in the policy process (Sabatier and Weible 2007). It can be hypothesised that financial resources can be used in the same ways by NGOs to gain influence over the policy process.

Furthermore, the ACF views access to what Sabatier and Weible refer to as "mobilisable troops" (allies within the public) as another important resource for advocacy coalitions to gain influence over policy change (2007 p. 203). Sabatier and Weible argue that these types of allies are often used as a substitute for financial resources, as a way to demonstrate public support for the advocacy coalition's ideas and proposals. However, this resource is not fully explored in the ACF, a gap that will be covered in the thesis, by exploring whether and how the support of allies within civil society may provide support and legitimacy to NGO policy claims.

The third type of resource identified in the literature as important for NGOs to exercise influence over policy is information. In the voice and accountability literature, access to and use of information to generate an evidence-base for their claims to policy-makers is seen as essential for civil society actors to exercise policy influence. The capacity of civil society actors to access, analyse and use this information and bringing it into the public sphere (generally through the media) in order to generate public debate is viewed as key in this process (Malena et. al 2004).

Similarly, information is perceived by all models of the policy process as an important resource for policy participants to gain influence in the policy arena. As seen in the influencing path of knowledge, information is viewed by the linear and multiple streams models as a value-neutral and technical input into the policy process. However, other models of the policy process view the use of that information as highly political. Indeed, in the ACF, state and non-state actors in advocacy coalitions use information as a political resource to win battles against coalition opponents (Sabatier and Weible 2007). The latest ACF revision argues that information can be used for two main purposes: to convince decision-makers to support certain proposals and to help sway public opinion in favour or against policy proposals. Advocacy coalition members are often seen as using information (and if necessary – distorting it) in their favour to strengthen their argument (Sabatier and Weible 2007). Similarly, the epistemic communities model views

information as tied to normative beliefs and the control over information as an important dimension of power (Haas 1992).

The idea that information is politically neutral is also challenged in discourse theory, originating from Foucault's thinking on policy discourses as key in shaping the policy process. This line of thinking has been taken up by a range of contemporary authors, who analyse how different actors make use of (policy) spaces and discourses to influence the policy process (Cornwall 2002; Keeley and Scoones 2003; Brock, McGee and Gaventa 2004; Eyben 2008). Building on the thinking of Foucault, they argue that policy discourses reflect power relations in a policy space– whether claimed or invited. For them, the domination of certain players in a policy space will define what type of policy discourse dominates that arena. This in turn defines the boundaries of action of those participating in that policy space (including NGOs), as well as what counts as knowledge – and whose knowledge counts (Foucault 1975 and 1979 in Cornwall 2002).[31]

1.24 NGO Strategies

Smulowitz and Peruzzotti divide into three main categories the type of strategies that can be used by NGOs to influence the policy process: social mobilisation, legal strategies and mediatisation (2000 and 2006). Other authors within the voice and accountability literature also add collaboration with the state as another strategy (Avritzer 2000; Isunza 2003; Ackerman 2004; Malena et al. 2004; Goetz and Jenkins 2005 and Joshi 2008). This thesis also adds the strategy of research and technical assistance, as anti-corruption NGOs in Indonesia have increasingly taken on that role. This strategy is conceptually analysed as part of the policy influencing path of knowledge and the resource of information. Research and technical assistance is often done in conjunction with one of the other strategies, especially the media and collaboration strategies.

The social mobilisation of civil society actors in the voice and accountability literature is what the social movement literature refers to as protest. In both bodies of literature, civil society actors (including NGOs and social movements) use the strategy of social mobilisation to influence

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[31] While this thesis views discourse theory as an important addition to policy theory, it will only use discourse analysis as part of the methodology of Political Claims Analysis (see chapter two) to analyse NGO claims. The thesis will however not be theoretically grounded in discourse theory.

the policy process by drawing attention (of policy-makers and the public) to specific policy issues. Social mobilisation (especially when combined with media coverage) is viewed as enabling NGOs to exercise informal authority and influence by creating public pressure on government officials through public disapproval (or informal sanctions) on policy-makers. However, generating pressure for social accountability through social mobilisation usually requires public visibility and the media is seen as a key channel to achieve this goal (Peruzzotti and Smulowitz 2000).

In addition to social mobilisation, the media is viewed as an important strategy, to gain movement supporters and to achieve policy influence in the social movement literature (Gamson 1993; Giugni 2004; Walgrave and Mannssens 2005; Vliegenthart and Walgrave 2012). It is also seen as an important strategy for civil society organisations to gain influence over the policy process in the voice and accountability literature and (Ackerman 2004; Malena et al. 2004; Peruzzotti and Smulowitz 2006).[32] The way this relationship is conceptualised in the literature is analysed below.

The social movement literature focuses mainly on social movement and media interaction, particularly the rationale for and importance of media coverage for social movements, the strategies they use to obtain it as well as the factors that explain media coverage of social movement action (Gamson et.al. 1992; Gamson and Wolfsfeld 1993). For example, Gamson and Wolfsfeld argue that social movements need the media for three main purposes: "mobilisation" (to reach the public and potential supporters with their messages), "validation" (media recognition seen as a necessary condition for social movement recognition by political actors) and "scope enlargement" (to gain third party support through public sympathy for the movement and its cause) (1993 p. 116).[33] While social movements are considered as needing the media to gain public and political support, the media is also seen as needing social movements to create newsworthy events,

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[32] The relationship between media coverage and policy change is the focus of the agenda-setting literature which argues that issues covered in the media influences what issues enter the public agenda (the agenda-setting stage of the policy process) (Benton and Frasier 1991; McCombs and Shaw 1991; McLeod, Becker and Byrnes 1991; Protess and McCombs 1991). . Some research also indicates that media attention to a social problem significantly influences political leaders to respond to it (Baumgartner and Jones 1993).

[33] Habermas coined the concept of public sphere, which he defines as the collection of places and spaces where private individuals and civil society can express, exchange and form their opinions. In his view, the discourse in this public sphere is to a large extent influenced and shaped by the media (Habermas 1989; Susen 2011). Gamson broadens this concept (which he calls "public arena"), arguing that public discourses will vary depending on the forum in which it takes place (e.g. the mass media, parliaments, courts…). However, in his view, the mass media arena dominates the others, because most players perceive it as influential (Gamson 2007 pp. 242-243). Gamson therefore argues that for a social movement to be referred to in the media (or to have its discourse adopted by the media) is a mark of success in itself and increase the opportunities for a "ripple effect" (Gamson 2007 p. 243).

although Gamson and Wolfsfeld argue that the relationship is asymmetrical viewing social movements as needing the media more than vice versa as social movements are only one source – and generally a less favoured one compared to the state - of news creation for the media (1993).

Another part of this literature analyses how and the extent to which social movement claims and protest events are covered and framed in the media (Koopmans and Statham 1999). Koopmans argues that social movements get access to the media through discursive opportunities, which provide "windows of opportunities" for media coverage of social movement claims (2004 p. 379). He argues that such opportunities are related to "visibility" (the extent of media coverage of social movement claims), "legitimacy" (the extent to which other actors support these claims) and "resonance" (the number of supporters) of the movement's claim (2004 p. 367). Koopmans and Statham further integrate the concept of discursive opportunity structures with that of political opportunity structures, arguing that the combination of the two will determine social movement success in influencing policy (1999b). They argue that in situations where no discursive or political opportunity structures exist, social movements are unlikely to gain influence over policymaking. Where discursive opportunities exist, but political systems are closed, they argue that social movements may be able to exert some influence over the policy process, but are unlikely to gain influence on those issues that conflict with dominant interests (referred to as "pre-emption"). On the other hand, where discursive opportunities are closed, but political opportunities are open, social movement demands are likely to be "co-opted", with those movement actors that adhere to the prevailing rules of the game being accepted to participate on condition of not fundamentally challenging existing state interests. Social movements are seen as most likely to gain influence over issues and access to the policy process where both kind of opportunity structures are open (Koopmans and Statham 1999b pp. 247-248).

The relationship between CSOs and the media is also an important – empirical – focus in the voice and accountability literature, which views alliances between the media and CSOs as key for achieving policy influence (Peruzzotti and Smulowitz 2000 and 2006; Ackerman 2004 and 2005; Malena et al. 2004). As NGOs are a type of civil society organisation, this analysis is also relevant for NGOs. This literature argues that media coverage of CSO demands on the state can help non-state actors exercise informal authority over the policy process by exacting informal

sanctions as a source of pressure on policy-makers, by bringing cases of state misconduct into the public spotlight. For example, public exposure of state failures and poor performance in the media, can generate symbolic costs and impose reputational risks to the agencies or politicians suspected that may have damaging political consequences, and thereby force policy-makers to take corrective action (Smulowitz and Peruzzotti 2006; Joshi 2008). This is referred to as "popular space" where citizens capture "arenas" to make their voice heard on specific issues and thereby influence the policy process (Cornwall 2004 p. 2). Peruzzotti and Smulowitz argue that civil society demands on the state are more likely to generate policy influence when a media strategy is combined with social mobilisation and legal strategies (2006).

However, the theoretical linkages between social movements, media coverage and policy change remains a largely under-studied phenomenon in both the social movement and policy process literature (this is also voiced by Koopmans 2004 and Kriesi 2007) and the voice and accountability literature. And so is the public opinion dimension and how it interacts with the social movement or NGO-media relationship and how these in turn link to policy change. This thesis will seek to better explore and theorise about these various linkages based on the Indonesian case.

In addition to social mobilisation and media strategies, the voice and accountability literature argues that non-state actors can also use legal strategies to sanction the behaviour of public officials through channels of formal authority. This can for example involve filing a claim through the court system, presenting evidence to a corruption control agency or appealing to a public ombudsman (Malena et al. 2004). Some authors argue that informal (or vertical) sanctions by civil society may also trigger formal (or horizontal) sanctions that may otherwise not have been activated (Peruzzotti and Smulowitz 2006 p. 16). Peruzzotti and Smulowitz argue that the transformation of social demands into legal claims serves two purposes: 1) they contribute to legitimise civil society demands; and 2) they provide a legal channel to pressure the state into addressing the demands (2006 p. 20). The use of such legal strategies is generally not considered as a tactic in the social movement literature, and may differentiate advocacy NGOs from social movements.

The other type of strategy envisaged in the voice and accountability literature is collaboration. Indeed, some authors emphasise NGOs' use of less confrontational and more collaborative and more institutionalised strategies of participation in the policy process. Civil society organisations can participate through "invited spaces", which refers to policy spaces where the state has welcomed civil society actors to participate in activities normally reserved for the state, including policy monitoring functions (Cornwall 2004: 1). The state also sometimes creates policy spaces – which can be more or less institutionalised – for civil society-state collaboration of different forms (Isunza 2003; Malena et al. 2004; Goetz and Jenkins 2005; Joshi 2008). Ackerman (2004) refers to these as "co-governance" strategies, while Avritzer (2000) uses the term "participatory publics". Cornwall (2002) argues that these types of collaborative spaces have contributed to reconfigure the relationship and the boundaries between civil society and the state, so clearly separated in the Tocquevillian view.

1.25 Assessing NGO Influence on Policy Change

Authors from the social movement, NGO advocacy as well as the voice and accountability schools agree that measuring the impact, consequences or influence of civil society action brings up many conceptual, theoretical and methodological challenges. The impact of NGO action on public policies has in recent years become an important focus of attention as donor-funded NGO advocacy and voice and accountability programmes have received increasing pressure from donors to be evaluated in terms of their policy impact. There is also a relatively small part of the social movement literature that focuses on analysing the policy-related consequences of social movement action. This section reviews how the literature has proposed to assess the influence of Nongovernmental actors on policy change, providing the context and basis for developing the methodological framework of the thesis, described in more detail in chapter two.

The literature first defines the type of consequences (or impact) achieved by NGO action. The social movement and NGO advocacy literature differentiate between the impact achieved on the state (referred to as state-related or macro-level consequences of civil society action) versus the impact achieved on civil society actors themselves (referred to as civil society-related consequences: at the micro-level, the individual participants; at the meso level, the organisational

level) (Chapman and Wameyo 2001; Giugni 2004). Macro-level consequences are differentiated according to impact on *policy outputs*: a) policy-related consequences (Giugni 2004); versus *policy outcomes*: b) the type of political regime; c) democratic quality, with a focus on accountability and transparency of democratic governance (McGee and Gaventa 2010; Fox 2014); and d) effectiveness of public service delivery (Paul 1992; Joshi 2008; Fox 2014). The conceptual framework proposed in this section focuses on NGO influence on the first type of these macro-level consequences, what the social movement literature refers to as policy-related consequences (also referred to as policy outputs in this thesis in order to differentiate from policy outcomes).

Within the category of policy-related consequences, most authors recognise legislative changes as one type. Indeed, Giugni argues that most social movement impact studies have actually focused on the legislative effects of social movement action (2004). While a significant part of the policy process literature argues against limiting analysis to formal policy adoption events, the social movement literature has focused on legislative policy adoption for methodological reasons, being one of the most tangible and measurable dimensions of policy impact. However, the social movement literature also recognises other types of policy adoption events, such as creation or major alteration of a state bureaucracy, as potential consequences of social movement action. Furthermore, the social movement literature divides between long-term policy changes (referring to legislative changes) versus short-term policy changes, which may also include non-legislative policy decisions or actions (Amenta and Caren 2007). Social movement authors (Amenta and Young 1999b in Amenta and Caren 2007) that analyse the legislative effects of social movement action tend to break down the legislative process into the stages of the linear model's policy cycle referred to in section 1.1. This thesis will go beyond analysing only formal legislative policy adoption events, broadening the analysis to assessing policy-related consequences of NGO action, including both major and long-term as well as minor and short-term legislative and non-legislative decisions and actions in all stages of the policy cycle.

The social movement literature also places strong emphasis on the dimension of "acceptance" as an indicator of the extent to which the social movement is recognised as a legitimate actor in the state's eyes (Gamson 1990 p. 32). Building on this, one could argue that the dimension of acceptance provides an indication of the extent to which the social movement

has gained access to the state, and therefore an additional indicator for assessing its potential (although not necessarily actual) influence on policy.

Another analytical angle relates to the dimension of receptiveness of the state to social movement demands. An early social movement scholar (Schumaker 1975) provides a useful typology for describing the type of impact that can be achieved by social movements. He links the impact to the type of receptiveness the state demonstrates towards social movement claims:

- *Access responsiveness:* indicates the extent to which authorities are willing to hear the concerns of a group;
- *Agenda responsiveness*: if the demand is made into an issue and placed on the agenda of the political system.
- *Policy responsiveness:* if the proposal is passed into law or integrated into public policies.
- *Output responsiveness:* if efforts are made to ensure enforcement of this legislation.
- *Impact responsiveness:* when the underlying grievance is alleviated (Schumaker 1975 p. 494-495).

Possibly the greatest challenge of measuring NGO influence on policy change seems to be translating theory into methodology, and specifically assigning attribution or causal influence for policy change to a specific type of actor. In their review of social movement analyses of policy-related consequences, Amenta and Caren argue that the existing literature is not entirely satisfactory for this reason and because it tends not to acknowledge the full complexity of policy processes, especially the range of different actors and factors that interact in them (2007). Similar arguments are raised by Gaventa and Barrett in their review of voice and accountability programmes (2007) and Fox in his meta analysis of social accountability impact studies (2014). In the following part of this section, a brief overview will be provided of how the literature has dealt with the issue of attribution and which methods have been applied to assess this.

A significant part of the voice and accountability, NGO advocacy and social movement literature bypasses the measurement of attribution because of its methodological complexity and instead assumes that social movement or civil society action has led to policy change when

demands were aligned with the policy change desired, especially if both lie close in time (Amenta and Caren 2007). Some social movement studies use quantitative methods based on protest event analysis (analysis of newspaper coverage of social movement protests), time series analyses or cross-national or sub-national comparisons of social movements, mostly based on American or European examples (Gamson 1991 in Amenta and Caren 2007). Some more recent developing country case studies use qualitative thematic analysis to assess social movement demands and factors explaining movement success in cases of alignment between demands and policy decisions (Gaventa and McGee 2010; Thompson and Tapscott 2010). However, both types of studies suffer from similar assumptions flaws, including a lack of alternative explanations for policy change (the alignment between demands and policy change may be due to other factors than social movement or NGO action), which would help establish if the policy changes would have appeared in the way they did in the absence of a specific type of actor (Amenta and Caren 2007). Furthermore, these studies generally do not explain cases or situations where social movement demands were not aligned with the actual policy changes and what factors contributed to explain this lack of influence. Similar concerns are raised by Burstein and Linton in their meta-analysis of social movement consequences (2002). Moreover, the quantitative studies require the existence of large amounts of statistical data on social movements, which is not easily available, even in developed countries, and generally less so in developing countries (Amenta and Caren 2007). The policy process literature, on the other hand, enables to analyse the broad range of factors that affect processes of policy change, albeit not the influence of specific type of actors, especially those models that focus on policy networks. The impact studies in the voice and accountability literature have to a large extent focused on the impact of specific "demand-side" interventions on policy outcomes such as effectiveness of public service delivery through the method of randomised control trials (Fox 2014). These however tend not to focus on the specific inputs of NGOs, but on a wide range of social actors, including CSOs, communities and citizens.

Based on their analysis of methodological shortcomings, Amenta and Caren make some methodological recommendations to fill the gaps in the literature (2007). Using either qualitative or quantitative methods, they recommend a technique which juxtaposes the trajectory of the challengers' mobilisation to actual policy changes. In cases of no alignment (referring to situations where the issues linked to the NGO demand were not reflected in a subsequent policy or policy

decision), they argue that a lack of influence can probably be assumed. However, in cases of alignment (where the NGO demand was reflected in a subsequent policy decision), Amenta and Caren recommend the following methods to assess social movement influence: if a large sample size for a statistical regression analysis is not feasible, they recommend conducting a qualitative comparative analysis (QCA) of a small sample (N-comparisons). While they also acknowledge that the method is subject to the biases in opinion of different actors, they nevertheless recommend using Gamson's (1990 p. 36) method of examining the views of different participants and historical or contemporary observers to assess to what extent they perceive a positive or negative correlation between social movement action and policy change (Amenta and Caren 2007). As the sample size of claims of this research was large enough, statistical regression analysis was chosen as a method over QCA for this thesis, while incorporating Gamson's method of participant assessment of influence. Specifically how the above methodological recommendations have been incorporated into this thesis is explained in more detail in the methodological framework of the following chapter.

Conclusion

This chapter has reviewed the relevant parts of the theoretical (policy process, social movement and NGO literature) and methodological (social movement) literature for analysing the role and influence of NGOs in policy reform processes. Because the existing theoretical and methodological literature helps to partly explain the role and influence of NGOs in these processes, this chapter has extracted the relevant parts from the different bodies of literature to construct a more coherent framework for analysing this phenomenom. The remaining part of the thesis seeks to test this framework and its relevance for the Indonesian case. It is hoped that the analysis will therefore contribute to advance the literature on the growing role of civil society organisations – specifically NGOs – and their interaction with other actors such as the media in policy reform processes. This may be relevant for a number of other country contexts, especially in new democracies, where space has opened up for civil society organisations to engage and make their voice heard in the policy arena.

Chapter Two: Methodological Framework

Introduction

This thesis is based on a mixed methods approach using both quantitative and qualitative methods as basis for the research. The thesis has been structured around a central research question and a series of secondary research questions emanating from it. A series of hypotheses linked to the central and secondary research questions were also developed and empirically tested in the statistical chapter of the thesis (chapter five). Both the research questions and hypotheses were based on the findings and gaps identified in the various bodies of literature reviewed in chapter one and the conceptual framework derived from them (section 1.2 in chapter one).

2.1. Research Questions and Hypotheses

The central question that guided the research was:

> Have NGOs contributed to influence policy change in the context of Indonesian anti-corruption policy reform?

The secondary research questions that guided the research were:
- Why and how did NGOs influence policy change?
- Was NGO influence mediated by public opinion, decision-making allies, or both?
- Were NGOs able to influence policy change because of their technical expertise and knowledge on specific issues?
- What other factors and actors came into play when NGOs were perceived to have influenced policy change?
- What factors contribute to explain cases where NGOs did not have any influence on policy change?

The following research hypotheses were established and tested through the statistical analysis in chapter five. The table below shows how the hypotheses link to the research questions:

Figure 2: Research questions and hypotheses
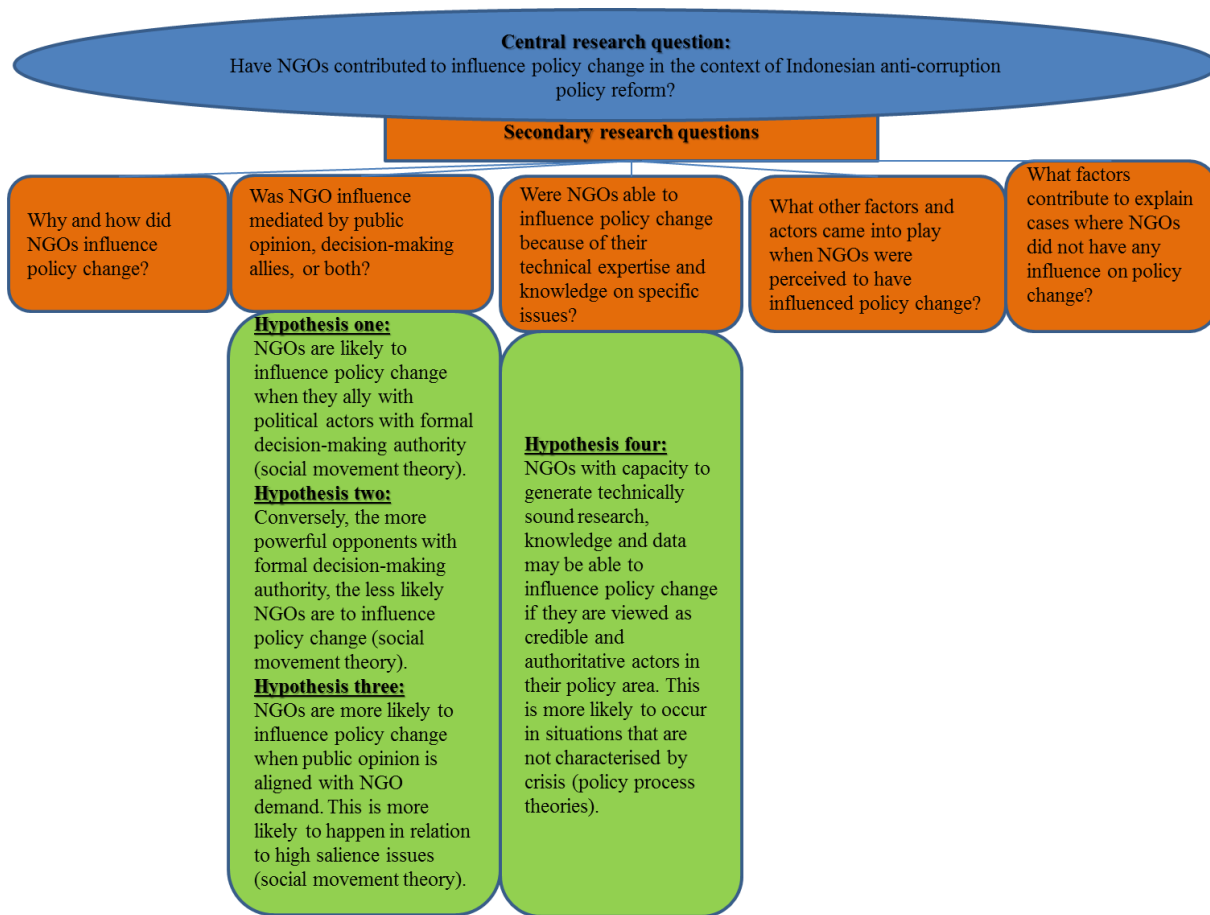
2.2. Focus, Scope and Time Frame

Policy reform related to the KPK was chosen as the specific focus of analysis for the selection of case studies. The KPK was chosen for the following reasons: a) because it constitutes one of the central pillars of the anti-corruption policy reform agenda in Indonesia during *reformasi*; b) because it has been an important focus of NGO demands; c) because several elements identified by the research as important variables in analysing NGO influence are present in the KPK case, such as a strong (favourable) public opinion, electoral importance and powerful opponents.

Moreover, the focus on the KPK was chosen to limit the scope of the research, as anti-corruption reform as a whole is too vast and contains a number of institutional reform measures and a variety of institutions which could not be adequately covered within the scope of this

research. Because the KPK until 2010 only operated at the national level, the focus of this research has therefore been national level (and not sub-national).

While acknowledging the importance of individual (micro-level) and organisational (meso-level) consequences of NGO advocacy, this thesis has chosen to limit the scope of this research to state-related (macro-level) consequences, and specifically policy-related changes (see section 1.25 in chapter one). Referring back to the conceptual discussion on policy change (section 1.11 in chapter one), this thesis will adopt a broad view of policy change, looking beyond legislative approval only, to focus on policy as the sum of various major and minor policy decisions, including legislative and non-legislative decisions, non-actions, as well as stalling and delays of policies. This will be the main focus of the primary data analysis, covering the period from 2009 until 2012 (chapters five, six and seven).

2.3. Value-Added of Research

The research will provide theoretical, methodological and empirical contributions to social movement and policy process research. Indeed, the category of NGOs is often overlooked in the theoretical policy process and social movement literature, while only a small part of the NGO literature focuses on policy change, albeit more from an empirical than a theoretical angle. The proposed research will fill those theoretical gaps by specifically analysing the influence of NGOs on policy change.

Also, the theoretical literature on social movements and policy processes is mainly based on analysis of the United States - and in later formulations European countries - and does not provide a specific lens for analysing the role of NGOs in processes of policy change in developing countries. This thesis will fill that gap with analysis of the Indonesian case. Third, the thesis borrows from four bodies of literature to understand how NGOs contribute to and influence processes of policy change. These bodies of literature have never been tied together before in a conceptual framework as the one proposed in this thesis.

The thesis contributes to methodological advances in the social movement field, expanding Political Claims Analysis by adding new variables and analytical dimensions to it (incorporating the social movement concept of allies and opponents to the claim, and adding the dimensions of public opinion, media coverage and policy alignment). Moreover, a statistical analysis of NGO demands versus policy alignment and perceptions of NGO influence has to date not been conducted in this way before. Finally, the role and influence of NGOs in anti-corruption reform in Indonesia has not yet been analysed from a theoretical angle, nor has anyone attempted to empirically assess the actual influence of NGOs on policy change in anti-corruption reform in this context.

2.4. Ethics

A certain number of ethical considerations had to be taken into account and have been addressed in the thesis. Given the sensitive nature of the topic of corruption in Indonesia, steps were taken to ensure that no information could be used by a third party against an informant and that informants felt comfortable to voice their opinions freely without fear of reprisal. This was done by ensuring anonymity to all informants. The guarantee of informant anonymity was explained to each informant prior to the interview. To ensure full anonymity to informants, their names and organisations have not been included in the thesis. The PhD was carried out while I was on leave of absence from the World Bank. Hence while I was officially a World Bank staff member while conducting the interviews, the thesis was conducted in my role as a PhD student at LSE and not as a World Bank staff member and the results of the interviews have only been used for the PhD thesis, and not in my work for the World Bank. Because the World Bank was interested in the thesis, they provided a free resource in the form of a translator for five of the survey interviews in exchange for sharing the thesis results once published. This will be done after completion of examination. My role as a PhD student (while being a World Bank staff member on leave of absence), was explained to the informant during the interview to ensure full transparency and to mitigate the risk of interview refusal, as some NGOs hold a critical stance towards the World Bank. Contacts of former colleagues were used as informal Indonesian gatekeepers to address the access difficulty of being a female, non-Indonesian, non-Bahasa speaking researcher. This was further mitigated by being accompanied by an Indonesian translator during the interviews. I paid the

gatekeeper to access lawmakers and the translators a research assistant fee. However, there is no denial that the access and communication exchange between me and informants would have been richer had I been Indonesian.

2.4. Mixed Methods

The thesis used both quantitative and qualitative research methods to analyse the contributing influence of NGOs to anti-corruption policy reform in Indonesia. The original research proposal included primarily qualitative methodologies to help answer the research question. However, as the qualitative analysis advanced, the lack of a quantitative angle seemed to leave an analytical gap in the thesis. Indeed, while the qualitative analysis helped to answer the question of how NGOs achieve (or fail to achieve) influence over policy decisions, it did not answer the question of the extent of this influence and the weight of other mediating or supporting factors, and thus leaving unanswered a key aspect of the research question. The decision was thus made to attempt to quantify some of the qualitative dimensions gathered through the research process in order to fill this analytical gap (Bryman 2012). What was not feasible, however, was to use a control group of policy decisions in which NGOs had not been involved. While the initial methodological choice had been purely qualitative, the mixed methods approach was ultimately chosen to enrich the analysis and to test the value-added of a quantitative focus on the topic of anti-corruption reform in Indonesia. The conclusion discusses in more depth the lessons learned and perceived results of the mixed methods approach for this thesis.

One of the methodological proposals made in the social movement literature (see section 1.25 in chapter one) was – in cases of small sample sizes - to do a Qualitative Comparative Analysis (QCA) of the policy cases observed to assess the influence of NGOs and other concurring factors and actors present in those situations, identifying necessary and sufficient conditions of influence (Amenta and Caren 2007). In this case, as the sample of NGO demands made in the media (a total of 173) was sufficiently large to conduct statistical regression analysis, this option was chosen for the quantitative part of this thesis (chapter five). The regression analysis allowed to identify what other factors were present (and necessary) for NGOs to achieve influence (and vice versa) and their relative weight, controlling for other factors.

Specifically, the statistical analysis aimed at (quantitatively) answering the main research question ("have NGOs contributed to influence policy reform in Indonesia?"). It did so using a descriptive statistical analysis to assess to what extent NGO demands made in the media - recorded over a period of four years - have been translated into policy decisions (or not) and perceptions of NGO influence on these policy decisions. The regression analysis then helped establish what other factors were significant for perceived NGO influence (and lack thereof). The qualitative case studies analysed in more depth *how* the influence of NGOs (or lack thereof) was exercised in specific policy cases. To sum up, the statistical methods helped answer the questions "did NGOs influence policy change or not, and to what extent?" and the qualitative analysis helped answer the questions "why and how was this influence (or lack thereof) exercised?". Chapter seven also uses qualitative thematic analysis to extract empirical and theoretical findings from the case studies and the in-depth interviews, based on the conceptual framework developed in chapter one. The quantitative and qualitative analysis were closely intertwined and were carried out through an iterative process, whereby a qualitative coding framework was first developed and applied, out of which a number of quantifiable variables were extracted. Once the statistical analysis had been done, the qualitative data analysis (using Political Claims Analysis and thematic content analysis) helped explain the "how" and "why" of the statistical results. Linking to the conceptual framework, the qualitative methods helped explain the first part of the framework (contextual political opportunity structures, NGO policy influencing paths, resources and strategies), while the quantitative methods helped explain the second part of the framework (policy change and NGO influence).

The graph below shows what methods were used for the different parts of the conceptual framework and the questions that guided each of these dimensions:

Figure 3: Research methods applied to conceptual framework of NGO policy influencing paths
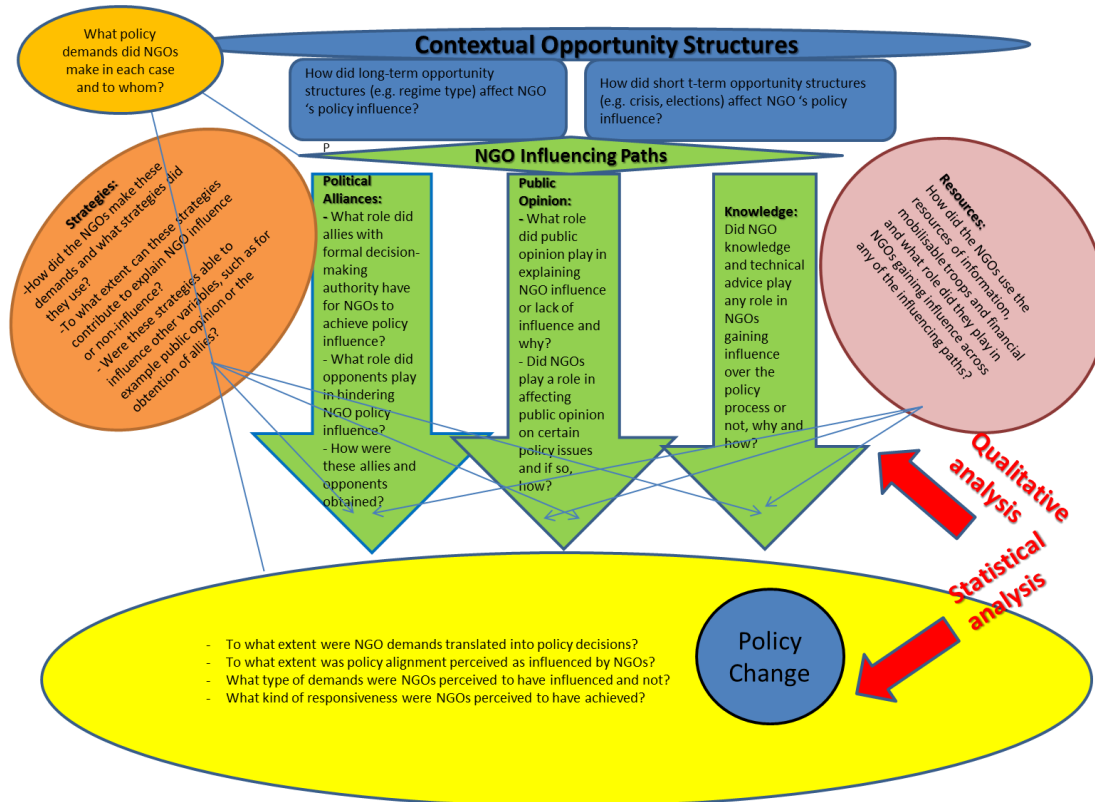
2.41 Qualitative Methods

Overview of data sources

The qualitative analysis was based on four data sources: newspaper articles on anti-corruption reform in Indonesia; a survey of 14 anti-corruption NGOs; 41 in-depth interviews with Indonesian key informants involved in anti-corruption reform; and a perception of influence questionnaire distributed to interview informants.

A total of 806 newspaper articles were used for the research: 393 for analysis of NGO demands[34]; 363 for analysis of policy alignment and an additional 50 for background information on anti-corruption reform and for the case studies. First, a total of 393 newspaper articles on Indonesian anti-corruption reform and NGOs were collected covering the four-year period from January 2009 to December 2012, using both a randomised and purposive sampling frame (for additional information on the sampling frame, refer to section 1.1 in appendix one). The newspaper articles were used as one of the data sources for the political claims analysis on which the case studies were based (see following section). The newspaper articles were also used as data source for the statistical analysis in chapter five. Another 363 newspaper articles were collected through purposive sampling to analyse policy alignment and an additional 50 articles which contained background information for the case studies in chapter six.

Records of legislative debates and official documents – generally a key source for policy research – could not be used for this thesis as they are not readily available to the public in Indonesia, despite the adoption of a Transparency and Access to Information Law in December 2007. In practice, official documents are surrounded by secrecy and complex retrieval procedures for the public. Numerous attempts (in 2012) to access parliamentary records of the legislative debate concerning the Corruption Court Law adopted in 2009 were made without any success. The research therefore had to exclusively rely on media articles and informant interviews to obtain information on the policy issues studied. This is a constraint facing all policy research in Indonesia.

Political claims analysis

The newspaper articles selected were analysed using the methodology referred to as Political Claims Analysis (PCA) developed by Koopmans and Statham (1999), which adds a discourse dimension to protest event analysis (a methodology widely used in social movement research). The analysis was carried out by coding all NGO demands (referred to as claims) related to anti-corruption reform in the newspaper articles, as well as the reactions to and interpretations of these

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[34] 63 of these newspaper articles were collected from the initial randomised data collection process (of 400 articles) described in paragraph six of the introduction, while 330 were collected subsequently through purposive sampling.

by other actors involved in the policy process. The thesis expanded on the PCA methodology by adding information on and coding the following additional variables (drawing from the conceptual framework proposed in chapter one): target of the claim and final decision-maker, allies (both within the state and civil society) and opponents to the claim, political opportunity structures, public opinion, media coverage, NGO strategies, type of demand and nature of policy change. The PCA was also based on the findings from the in-depth interviews, which were translated and transcribed into English and qualitatively and thematically content analysed to explore and better understand how different stakeholders in the anti-corruption policy reform process perceived and explained policy change and different influencing factors and actors. The data analysis software Qualitative Data Analysis (QDA) miner was used, which also allowed to transform the qualitative variables into quantitative ones (see section 2.42). The results from the PCA were thus used as basis for the statistical analysis in chapter five, the qualitative case studies (chapter six) and the qualitative chapter on empirical and theoretical contributions (chapter seven).

The coding framework for the PCA was developed both deductively - based on the bodies of literature identified in chapter one, the conceptual framework derived from them and the four hypotheses emanating out of it - as well as inductively - as the data analysis advanced and new potential theoretical dimensions emerged from it (to see the full codebook, refer to appendix six).

NGO survey

14 anti-corruption NGOs working on KPK reform at the national level were identified for the survey. The NGOs were sampled through a three-tier purposive process: 1) the literature review helped identify some NGOs working on anti-corruption reform at the national level; 2) the list of NGOs was expanded with the initial media content analysis, by identifying those NGOs making claims in the media; 3) snowballing sampling was then conducted with the NGOs identified through the first two processes. The final list of 14 anti-corruption NGOs were selected for participation in a survey conducted in March and April 2010. The survey was aimed at gathering

organisational information on the NGOs, their programmes and strategies.[35] (For additional information on the sampling process for NGOs, refer to section 1.12 in appendix one).

In-depth informant interviews[36]

A total of 41 semi-structured in-depth interviews were conducted with Indonesian key informants to get their perspectives on the reform process and its major milestones and the perceived role of NGOs. The majority of these took place in December 2012 and January 2013.[37] Of these, the largest category were from the state (46 percent), including two interviews with government officials, five interviews with KPK officials, two with AGO officials, one with (five) police informants, and nine with legislators from seven political parties.[38] Civil society informants represented 32 percent of the sample, including NGOs (10 informants from 8 different NGOs), two anti-corruption activists and one academic. Media informants represented 22 percent of the sample. These included nine informants from 6 different news outlets, including five editors and four reporters (from two English language newspapers, two Indonesian-language newspapers, one online news portal and one political affairs magazine). For an explanation of the sampling frame for selecting the interview informants as well as the full list of interview informants, refer to section 1.13 in appendix one.

Perception of influence questionnaire

Based on the method proposed by Gamson (1990) (see section 1.25 in chapter one) in order to asses policy stakeholders' perceptions of influence on policy change, a perception of influence questionnaire was elaborated based on the results of the newspaper analysis and distributed to the informants after each interview. The results were used as a complementary indicator of NGO influence to those perceptions of influence identified and coded in the newspaper articles, survey

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[35] While the survey produced some interesting data, the sample size was too small to generate statistically reliable conclusions. As the survey also included several open-ended questions, the data from the survey was ultimately used as part of the PCA and qualitative thematic analysis.
[36] For information on how access to informants was achieved, how language barriers were overcome and how the data was transcribed, refer to sections 1.3 in appendix one.
[37] However, three of these were conducted in December 2010, as part of the NGO survey, and one was conducted through a phone interview in June 2013.
[38] Legislators from seven out the nine political parties represented in the national parliament were interviewed. Legislators from the Golkar and Hanura parties could not be interviewed, despite several attempts, as they refused.

and informant interviews (see section 1.2 in appendix one for more information on the perception of influence questionnaire).[39]

Case studies

The case studies were selected as policy reform cases that illustrated situations which contained both elements of NGO influence as well as non-influence on specific policy decisions. They were aimed at illustrating why and how NGOs achieved or failed to achieve influence on policy change in specific policy cases, using the conceptual framework proposed in chapter one. The cases were selected based on the following criteria (explained in more detail in section 1.3 in appendix one): the cases with the highest number of NGO demands and the highest proportion of demands resulting in both perceived policy influence and non-influence. The case studies first provide an overview of policy events and NGO demands. They then explore the extent to which the three policy influencing paths of political allies, public opinion and knowledge help explain NGO influence or lack thereof in relation to different policy decisions linked to the policy case. The case studies also explore how NGOs used resources and strategies to gain influence across influencing paths and how contextual political opportunity structures shaped this process.

2.42 Statistical Regression Analysis

In order to assess the extent of influence of NGOs on policy decisions related to anti-corruption reform in Indonesia and the significance of co-existing other factors, a statistical analysis of all NGO demands made in the media during the period analysed (January 2009 to December 2012) was conducted. The NGO demands that had been qualitatively coded through the PCA were broken down into 32 quantifiable variables through the QDA Miner programme.

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[39] However, only ten out of 45 interview informants filled in the questionnaire, which is why the results were only used as a complement to other data sources on perceptions of NGO influence.

<u>Analysis of policy alignment</u>

The dimension of policy alignment was juxtaposed to the NGO policy demand to asses to what extent the NGO demand was reflected in a policy decision on the same issue. This thesis recognises that any attempt to define policy change is challenging due to its multi-faceted character and therefore risks of falling into reductionism. However, to allow for the testing of this thesis' conceptual and methodological proposition, the decision was made to focus on policy change as the sum of various major and minor policy decisions, including legislative and non-legislative decisions, as well as non-actions, stalling and delays of policies.

Alignment between an NGO demand and a policy decision was divided into a three- tier scale:[40]

- *Total alignment:* when the policy decision was totally aligned with the NGO demand.[41]
- *Partial alignment:* when only part of the NGO demand was aligned with the policy decision.
- *No alignment:* when there was no alignment between the NGO demand and the policy decision.

As official government sources were not systematically available for searching in order to identify the content of policy decisions, newspaper sources and the KPK case database were used to obtain information on the policy decision made in relation to the issue raised by the NGO.[42] As suggested by Amenta and Caren (2007) in chapter one, NGO demands which were not aligned with policy decisions, were in this thesis assumed to represent demands that NGOs failed to achieve influence on. Indeed, if an NGO made a claim on the state and no tangible policies (laws, regulations or policy statements) were subsequently adopted that reflected, incorporated or addressed this demand, it was assumed that the NGO had failed to achieve influence in relation to that demand, at least during the time period studied in the thesis. While the statistical analysis requires classification into specific categories, this thesis however recognises that this three-tier scale of

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[40] When an NGO demand was no longer translatable into a policy decision because the circumstances of the demand had changed, it was classified as non-applicable and was taken out of the demand sample.
[41] When a corruption case had been reported to the KPK by NGOs, and the KPK had followed up on it with investigation, then the policy alignment was classified as total, even though the case was still in process and no sentence had been handed down.
[42] The thesis recognises the shortcomings of relying only newspaper sources and the KPK database through online searching to verify if a policy decision had been made or not. Indeed, policy decisions may not always be reported by the media or recorded in the KPK database, which is a caveat to bear in mind.

alignment classification based on tracing on whether the demand appeared in a policy or not, may be reductionistic and may not capture all the nuances and dynamics involved in actual processes of policy change. Indeed, ideas converted into claims may manifest themselves in different forms or can be embedded in different policy issues that are not apparent at first hand through a tangible policy or policy decision. However, while recognising these shortcomings, this thesis believes that the analytical benefits drawn from the testing of a method not previously applied before in this way, while potentially reductionistic, justifies this conceptual and methodological choice.

<u>Establishment of dependent variable: perceptions of NGO influence</u>

There may or may not be a causal link between the NGO demand and a total or partial policy alignment and establishing causality may be difficult when a lot of other actors and factors come into play. This thesis has tried to address this methodological challenge by using the method proposed by Gamson (see section 1.25 in chapter one) for assessing social movement influence, examining the views of different stakeholders to assess to what extent they perceive a positive or negative correlation between NGO action and the aligned policy change (Gamson 1990 in Amenta and Caren 2007).

For the statistical analysis, a variable of perceived NGO influence was added to each demand. The NGO influence variable was extracted from three sources: the in-depth interviews, newspaper articles and the perception of influence questionnaire. During informant interviews, open-ended questions were made about perceptions of NGO influence on anti-corruption issues, the answers of which were then thematically content analysed. In addition, any reference to perception of NGO influence was extracted from the newspaper articles with the PCA. If an interview informant or a newspaper article had referred to a specific policy decision or policy case as having been influenced by NGOs, this perception was coded and made into a statistical variable of NGO influence. In addition, a perception of influence questionnaire was distributed to the interview informants, where a score was provided on perceived NGO influence on specific policy decisions. In the qualitative coding, the number of informants having this perception and the sector belonging of the informant were recorded, although for the statistical analysis, only one informant perception sufficed for the decision to be considered NGO-influenced.

While this thesis recognises the inherent bias and potential shortcomings of using perceptions for assessing NGO influence, it has tried to address these by interviewing a wide range of different type of stakeholders (NGOs, activists, journalists, government officials, legislators and academics). Methodologically the thesis tried to overcome the potential bias of perceptions by using two different methods: in-depth interviews and a perception of influence questionnaire. However, the thesis recognises that there is no firm way of confirming whether these perceptions accurately reflect reality. The purpose of this thesis is in part to test an innovative method of explaining and assessing NGO influence, and thereby to contribute to the body of literature on NGOs and policy reform, recognising that this method may contain some inherent weaknesses.

Once the NGO influence variable was created, a final classification of the sample was made according to a three-tier scale of influence:

- *NGO influence:* those aligned and partially aligned demands for which NGOs were perceived by interview informants to have had an influence (where they perceived a causal link between NGO demand and policy the decision).

- *Possible NGO influence:* the remaining aligned and partially aligned demands that entirely or partially accommodated the NGO demand, but which were not attributed to NGO influence by informants (where there was no causal link attribution) and which in part, totally or not at all may have been due to NGO action.

- *No NGO influence:* all non-aligned demands, which were those demands made by NGOs and not reflected in a policy decision.

The graph below summarises the policy alignment and NGO influence analysis graphically:

Figure 4: Policy alignment and NGO influence
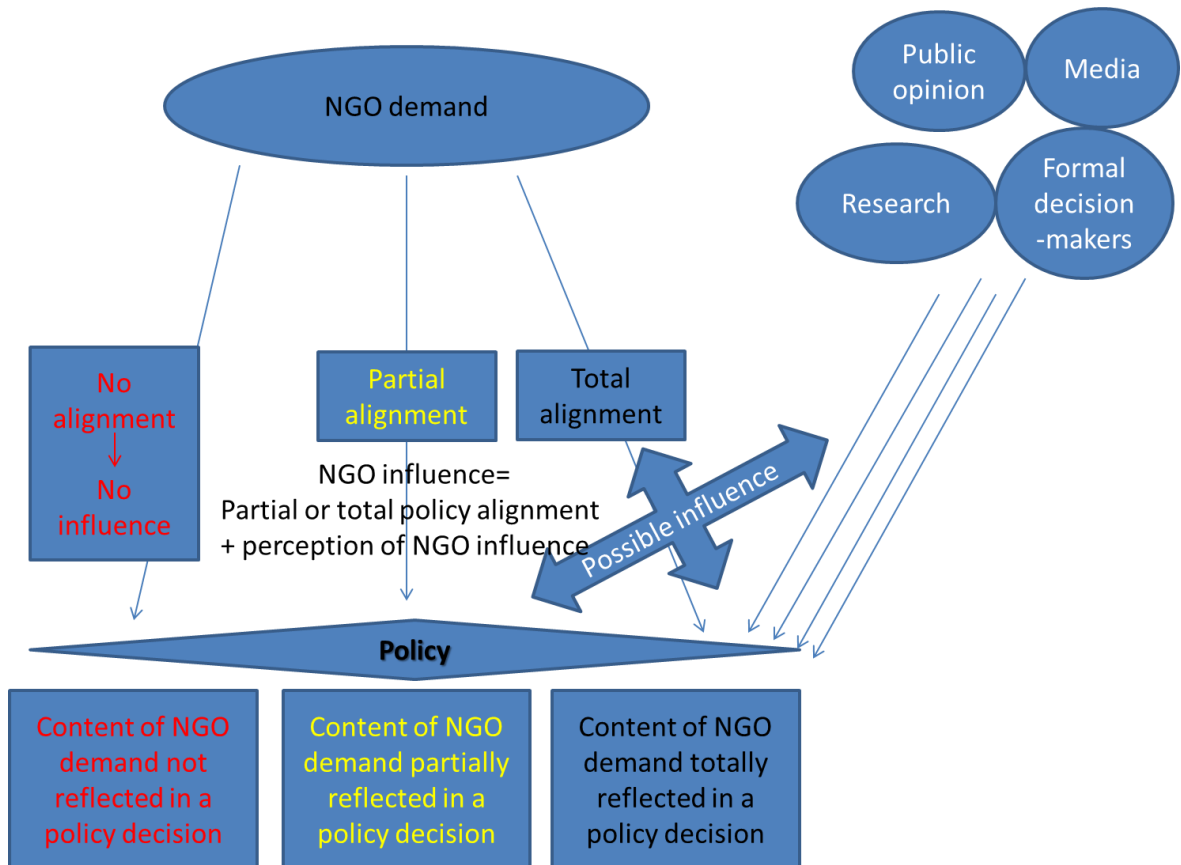
Other variables

Variables were then created to test each of the four hypotheses of the thesis. These variables were: public opinion, decision-making allies, opponents and demands made through research and technical advice. In addition, 28 other variables were extracted from the theory to test additional explanatory factors of influence. These included additional variables of public opinion (extent of media coverage; whether the demand had been made on social media; whether the policy decision was attributed to public opinion); type of decision-maker; additional types of allies (civil society allies; demand made by social movement; president as ally); type of opponents; NGO strategy (type of NGO strategy - legal, media, protest, cooperative, NGO strategy combination, NGO

campaign, demand backed by data); intensity of demand (number of times demand was made; and number of NGOs making the demand); type of policy demand (demand linked to saving the KPK, demand requiring a minor or major policy decision; demand related to corruption case or institutional and legal framework); political opportunity structures (crisis or elections); and stage of policy cycle (agenda-setting, policy adoption, policy formulation, and implementation). (Refer to section 1.4 in appendix one to see how the variables linked to the theory, how they were defined and constructed and what data sources were used).

Measuring NGO influence versus non-influence

Once the database of observations was established, descriptive statistics were done using the QDA Miner programme, based on the variables established. With the descriptive statistics function of the programme, the proportion of totally, partially and non-aligned demands was established. Of these, the totally and partially aligned demands that were linked to policy decisions perceived as NGO-influenced were separated into a specific category, and two other categories were created for demands that were either totally or partially aligned with the policy, but no causal link had been referred to, and another category for the demands which were not translated into any policy decision and which were assumed to represent lack of NGO influence. This calculation was the basis for establishing a quantitative measure of perceptions of NGO influence on policy decisions related to corruption reform.

Measuring co-existing factors

In order to assess which factors (variables) were present in the three potential scenarios (perception of NGO influence, possible NGO influence and no-NGO influence or in other words those factors that helped explain NGO influence versus non-influence), descriptive statistics were first carried out to estimate potential significant and non-significant factors for each category of demands. The descriptive statistics also helped established necessary and sufficient conditions for NGO influence. A univariate regression analysis was then carried out in the programme STATA to test the statistical significance of each of the 32 variables. A multinomial regression analysis was then carried out including those variables that had turned out significant in the univariate regression

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analysis, to test the statistical significance of these variables for each of the three categories of demands, when controlling for other factors. Variables with a P value below 0.1 were classified as statistically significant. For a more detailed description of the statistical analysis and analysis of potential caveats, refer to section 1.43 in appendix one.

While I have taken postgraduate courses in statistical methods, I had not previously applied these methods in my own research, my experience being mainly as a qualitative researcher. For the regression analysis, I took a course on STATA, and reread literature on statistical research methods. I developed the variables as well as the database in excel and identified which variables should be run together, based on the theory, the hypotheses and the results of the descriptive statistics. My husband Enrique Aldaz-Carroll, a STATA specialist, helped me run in STATA the regression specifications I gave him with the data I supplied. The data analysis was entirely conducted by me.

Chapter Three: Political Opportunity Structures
for Anti-Corruption Reform

Introduction

As seen in the literature review, the policy process, social movement and voice and accountability literature all agree that the political context will condition the participation in the policy process of non-state actors like NGOs and the influence they may have on it. Broadly, the literature argues that long-term political opportunity structures – or regime type – will condition how policy processes occur and what spaces are provided for non-state actors to participate in them. Short-term political opportunity structures – on the other hand, are affected by focusing events in the political conjuncture, such as crisis situations and elections, which may provide opportunities (or constraints) for NGO engagement, the actor alliances that NGOs can create in this process and potential NGO influence on the policy process. This chapter will therefore analyse the long-term and short-term political opportunity structures of Indonesia as the first element of the conceptual framework proposed in chapter one. How these political opportunity structures may impact on NGO influence on policy change in anti-corruption reform will be analysed in chapters six and seven.

Indonesia's political system has undergone a dramatic transformation in the last fifteen years and is still undergoing a process of democratic consolidation. A number of scholars agree that many of the reforms that have been passed in the last decade have to be understood in the context of the historical developments in Indonesia from the mid-20th century onwards. Indeed, Indonesia's historical and political legacy in many ways continues to have a bearing on current political opportunity structures – especially the nature of political decision-making – the characteristics of civil society, and state-civil society interaction (Nyman 2009; Bunte and Ufen 2009). The analysis of Indonesia's political context therefore requires a historical lens to understand how the historical transformation process has modified the conditions for how policy change takes places in contemporary Indonesia and what spaces have evolved for different non-state actors to take part in it.

This chapter will therefore provide a brief historical overview of the Soeharto regime, the factors and forces that contributed to its fall and an analysis of how different dimensions of long-term political opportunity structures have evolved over the past fifteen years in Indonesia. It will also provide an overview of how civil society was structured and operated during the Soeharto period. The chapter also includes a brief overview of how both long- and short-term contextual political opportunity structures have evolved since the transition to democracy in 1998 and the period following Soeharto's resignation (until today), which has been dubbed the "*reformasi*" (reform) period in Indonesian history.

3.1. Political Opportunity Structures during the Soeharto Regime

The thirty-year regime of President Soeharto (also referred to as the New Order[43]) lasted a significant part of Indonesia's 20th century, from the removal of President Sukarno in 1967 until Soeharto's resignation in May 1998. The Soeharto regime was based on a heavily centralised and hierarchical bureaucratic and military machinery under the authority of a president whom Aspinall describes as having "sultanistic" features (2005 p. 203). Power was exercised through a system that combined patronage[44] and repression (Uhlin 1997; Aspinall 2005; Crouch 2010; Aspinall and Fealy 2010). In Crouch's words, patronage was "the glue that held the system together" (Crouch 2010 p. 17). There is consensus in the literature that corruption in the New Order regime was embedded in the entire political system, throughout the bureaucracy, often extending down to the village-level, where the heavily centralised state machinery stretched (Uhlin 1997; Aspinall 2005; Crouch 2010; Aspinall and Fealy 2010; Hadiz and Robison 2013).

While the New Order regime was weak on political rights and freedoms, it drew its legitimacy from ensuring political stability and its capacity to promote economic development (*pembangunan*) (Uhlin 1997; Sato 2003), with the country experiencing sustained levels of economic growth until the crisis of 1997/1998 (Crouch 2010). The "floating mass" doctrine, introduced in 1971, encouraged citizens to focus on economic development instead of taking part

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[43] The new "New Order" authoritarian regime was established in 1965 after the military (led by then Major-General Soeharto) seized power through a military coup that overthrew Sukarno, the first president of Indonesia after independence (Uhlin 1997).
[44] Mackie describes patronage as a system based on a patron (who is wealthy) and client (who depends on economic and political favors) relationship. During Soeharto, economic and political patronage was bestowed in exchange for loyalty to the regime (2010).

in politics (Uhlin 1997 p. 55). The doctrine was combined with a weakening of political parties and prohibition of political party activity at the local level (Nyman 2009; Aspinall and Fealy 2010).[45] Social movements of sectors such as youth, farmers, teachers and workers were controlled through a corporatist system, via a state-controlled organisation, linked to the state party Golkar (Uhlin 1997; Sato 2003; Crouch 2010). However, civil society organisations like religious organisations and NGOs were allowed to operate if they adhered to the state ideology, embodied in the principles of *Pancasila*[46] (referred to as the five founding principles of Indonesia) (Sato 2003).

A range of different types of CSOs existed during the Soeharto regime. A large proportion of these are captured with Aspinall's broad categorisation of LSMs (*Lembaga Swadaya Masyarakat* or self-reliant community institution) versus *ormas (organisasi kemasyarakatan* or social organisation)[47] (2005). LSM was the name given to NGOs during the Soeharto era. *Ormas* were mass or membership-based and included both religious organisations as well as student organisations (Aspinall 2005). The religious *ormas* were membership-based, the largest ones being Muslim. The two largest Islamic organisations in the 1970s were *Nahdlatul Ulama* (NU)[48] and Muhammadiayh, which had a national presence down to the village level, with the largest – NU - claiming membership of 30-35 million people.[49] These organisations' broad membership base has provided them with significant reach and authority in Indonesia and they have come to play a key role in support of the anti-corruption movement during *reformasi* (see chapter six).

The NGO sector started to grow by the mid-1970s (Aspinall 2005). Aspinall divides NGOs during the Soeharto era into two broad categories: the largest group in the 1980s and 1990s were those working on community development, generally seen as "non-political", and focused mainly on service delivery to the poor. The other group was what Uhlin refers to as the "new generation

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[45] Only two officially recognised opposition political parties were allowed to operate - the Indonesian Democracy Party (*PDI*)[4545], and the United Development Party (*PPP*)[45]. However, a system of state intervention combined with self-censorship ensured that these two parties never fundamentally threatened the dominance of the Soeharto regime (Aspinall 2005; Aspinall and Fealy 2010).

[46] *Pancasila* was a nationalistic ideology established in the 1945 Constitution. The five founding principles of *Pancasila* are: "belief in one and only God; just and civilised humanity; the unity of Indonesia; democracy guided by the inner wisdom in the unanimity arising out of deliberations amongst representatives; and social justice" (Uhlin 1997 pp. 54-55).

[47] The law recognised two types of CSOs: foundations (*yayasan*), non-membership-based with a non-elected board; and associations (*perkempulan*), membership-based with democratically elected leaders.

[48] Islamic Scholars Association.

[49] The modernist organisation Muhammadiyah was estimated to have about 20–25 million followers towards the end of the New Order (Aspinall 2010 p. 121).

of pro-democracy and human rights NGOs" (1997 p. 87). They worked on potentially more political issues such as environmental protection, legal aid, women's or farmer's rights and were more critical of the regime than the development NGOs.[50] In the 1990s, increasing political space - referred to as *keterbukan* or openness - was provided for regime critics in response to increasing demands for political democratization from the growing middle class. This allowed the "new generation" of NGOs to increasingly adopt advocacy as a strategy (Honna 2013). Authors like Aspinall argue that a controlled amount of critical voices were allowed to operate during the New Order, as a façade to legitimise the regime both inside and outside Indonesia (2005). Advocacy NGOs also became another vehicle for student activists to channel their ideas into action as the political route was not available to them. Many of these joined NGOs as volunteers and later as professionals (Uhlin 1997; Aspinall 2005).[51] By the mid-1990s, these NGOs were often critical of the government and politically visible and often framed their demands in terms of "democratisation", although none pressed for actual regime change until the widespread protests erupted in 1998 (Aspinall 2005).

Student organisations provided an important source of opposition to the regime in the 1970s as disillusionment with the Soeharto regime grew. In Aspinall's view, the student movement became the channel through which the Indonesian middle class could express its discontent with the regime (2005). They demanded reform in areas such as corruption and development policy, but were severely repressed after revolts in 1974 and 1978. As a result, student activity was tightly controlled in the 1980s (Uhlin 1997; Aspinall 2005). However, middle class student activism re-emerged again in the 1990s, raising the issues of corruption and political leadership and came to play a key role in the fall of the Soeharto regime (Aspinall 2005). Aspinall argues that the social mobilisation against the Soeharto regime was led mainly by student organisations and not by NGOs (2005). In his view, the lack of a mass base of advocacy NGOs constrained their mobilisation capacity. Individual NGO activists did however participate in the student-led demonstrations against Sohearto in 1998 and were central in the "pro-democracy movement" described later in this section.

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[50] These included for example NGOs such as Indonesian Legal Aid Institute (*Lembaga Bantuan Hukum - LBH*) created in 1970 and which in 1980 became the Indonesian Legal Aid Foundation or (*Yayasan Lembaga Bantuan Hukum Indonesia – YLBHI*). Another one was WALHI, an environmental NGO network created in 1980.

[51] Aspinall attributes the growth and professionalisation of the advocacy NGO sector not only to the increase in foreign funding, but also to decades of economic growth that had created a more educated and pro-reform middle class (2005).

Many Indonesian scholars point out the ambiguity of the term civil society in the Indonesian New Order context. Indeed, the Tocquevillian notion of a civil society sphere independent from the state was difficult to apply in this context where many CSOs (for example religious organisations) depended financially on the state for their existence, or were co-opted by it (youth, farmers, workers) (Aspinall 2005).

Scholars tend to agree that the trigger for the fall of the Soeharto regime was the economic crisis of 1998, which caused a sharp increase in basic commodity and fuel prices. This unleashed student protests, demanding sweeping reforms. The demands included a reduction in basic commodity prices, reform in all spheres, the replacement of Soeharto and as a core demand, an end to *KKN* (the pervasive corrupt practices of the regime). While the economic crisis acted as the immediate trigger for the fall of the Soeharto regime, scholars identify a number of other factors that created the conditions for its downfall. These include fractures within the regime, splits within the military, a more vocal oppositional pro-democracy movement and popular protests. However, the emphasis varies among authors, depending on their theoretical reference points. The literature can broadly be divided into the "state-centred" views on the downfall of the New Order regime (Crouch 2010; Fukuoka 2013; Hadiz and Robison 2013) versus the "society-centred" ones (Antlöv 2005; Aspinall 2005; Bunte and Ufen 2009; Hadiwinato 2009; Nyman 2009; Aspinall 2013). In the state-centred view, splits within the regime and elite rivalries are seen as the most important explanatory factors behind the disintegration of the New Order regime, with the economic crisis acting as a trigger, unleashing student protests and urban riots, which "raised the cost of governing" for the regime, deepening cracks within the regime, which resulted in Soeharto's closest advisors asking him to resign (Aspinall 2005 p. 183). In this view, the transition was seen as pacted between hardliners and softliners of the regime well before the collapse. In the society-centred view, civil society forces and pressure from outside of the state – not perceived as strong enough to cause the downfall of the regime on their own until the economic crisis – are seen as the main factors explaining the downfall of the regime (Aspinall 2005; Nyman 2006; Bunte and Ufen 2009; Aspinall 2010; Aspinall 2010; Aspinall 2013).

The society-centred scholars describe the emergence of what is often referred to as a "pro-

democracy" movement, which gained strength during the 1990s, when the New Order regime embarked on a restricted path of political liberalisation (Aspinall 2005). This movement has been described as consisting of actors and organisations – mostly educated middle class from both within and outside of civil society – with often very different ideological strands united by a desire for greater democratisation. These critics had grown in number during the decades of economic growth and become increasingly disappointed with the system of patronage, corruption and repression promoted during the Soeharto regime. It included pro-democracy and human rights advocacy NGOs critical of the regime, student activists, certain elements of the press, the leadership of the country's two largest Muslim organisations (NU and Muhammadiayh), intellectual and political dissidents, and what Aspinall refers to as the "semi-opposition"[52] political parties *PDI* and *PPP* (Uhlin 1997). While a number of authors have emphasised the fragmentation of this movement during *reformasi* (Prasetyo, Priyono and Törnquist 2003; Hadiz and Robison 2013), the case studies in chapter six will demonstrate how this movement created a social capital base in the form of networks based on shared values and friendships between groups and individuals that have endured into *reformasi* and which have been activated during recent political crisis situations ("*Cicak Buaya* one and two" crises).

For the society-centred scholars, the current features, role and weaknesses of Indonesian civil society find their root causes in the state-society relations fostered during the New Order regime as well as its role in the transition to democracy. For the state-centred scholars, the domination of the former Soeharto elite in the negotiation of the transition and the administrations that followed, explain why many of the features of the New Order regime are still present to this day in the *reformasi* era.

3.2. Political Opportunity Structures during *Reformasi*

This section will provide a brief overview of *reformasi*-era administrations and the main political reforms introduced by them, as a political reference point for the later analysis of anti-corruption reforms introduced during this period. Overall, the transition to democracy and the passing of

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[52] "Semi-opposition" is a term that Aspinall (2010 p. 121) borrows from Linz (1973) to define a group that is not dominant, but participates in dominant power structures, without fundamentally challenging them.

reforms that have fundamentally altered the long-term contextual political opportunity structures of Indonesia have (in theory) provided the conditions for greater civil society (including NGO) participation and influence over the policy process. This section will seek to explain why.

Habibie had been Soeharto's vice president (from March 1998) and took over as transitional president after Soeharto's resignation in May 1998 (until November 1999). He has since then been followed by an indirectly elected president (Aburrahman Wahid or Gus Dur), Megawati Sukarnoputri (nominated after Gus Dur's impeachment) and a twice directly and democratically elected President Susilo Bambang Yudhoyono (SBY)[53] (who had been Chief of Staff for Social and Political Affairs during the last year of the Soeharto regime) who ended his term in October 2014. He has been replaced by Joko Widodo (popularly referred to as "Jokowi") who won the presidential elections in July 2014.

In June 1999, Indonesia had its first democratic general elections since 1955 with the former semi-opposition party to Soeharto – PDI-P – winning the largest share of votes, followed by Golkar – Soeharto's former electoral party converted to the principles of liberal democracy (Crouch 2010). In November 1999, the first presidential elections after the start of *reformasi* were held, with representatives of the People's Consultative Assembly - *Majelis Permusyawaratan Rakyat (MPR)*[54] - selecting a candidate. The candidate selected was Gus Dur, who had also been part of the semi-opposition to Soeharto, and was the leader of Indonesia's largest traditional Islamic organisation *Nahdlatul Ulama* (*NU*). However, after a series of political mistakes and corruption allegations, Gus Dur was impeached by parliament in July 2001 and replaced by his Vice-President Megawati Sukarnoputri (Aspinall 2010). In the elections of June 2004, PDI-P lost ground and Golkar replaced it as the largest party in the parliament. However, retired general SBY representing the newly formed Democrat party (*Partai Demokrat - PD*), won the presidential contest. In order to secure support from a majority opposition in parliament, SBY created a government coalition of eight political parties[55] (out of the 17 represented in parliament), with

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[53] Hereafter, I will refer to his acronym "SBY".
[54] The MPR is the legislative branch in Indonesia's political system.
[55] These included the Democratic Party, Golkar, *Indonesian Partai Persatuan Pembangunan* (*PPP) or United Development Party*, Crescent Moon and Star Party *or Partai Bintang Bulan* (PBB), *Partai Kebangkitan Bangsa (PKB)* or National Awakening Party, *Partai Amanat Nasional (PAN)* or National Mandate Party, *Partai Keadilan dan Persatuan Indonesia (PKP)* or Indonesian Justice and Unity Party, and *Partai Keadilan Sejahtera (PKS)* or Prosperous Justice Party.

Yusuf Kalla (leader of Golkar) as his vice-president. SBY was re-elected president in July 2009, thanks to the backing of four smaller parties.[56] A "rainbow" cabinet was assembled again with 34 members from the four parties that helped secure SBY's election, in addition to Golkar and his own PD party) (Tomsa 2010 p. 310). In July 2014, direct presidential elections were held for the third time since the transition to democracy in 1998 and the PDI-P candidate "Jokowi" won with 53 percent of the votes.[57]

Table 1: Indonesian presidents and terms during reformasi

President	Period	Form of appointment
Habibie	May 1998 – November 1999	Appointed
Abdurrahman Wahid (Gus Dur)	November 1999 – July 2001	Indirect democratic elections (by the MPR)
Megawati Sukarnoputri	October 2001 – October 2004	Appointed
Susilo Bambang Yudhono	October 2004 – October 2009	Direct popular elections
Susilo Bambang Yudhono	October 2009 – October 2014	Direct popular elections
Joko Widodo	October 2014 – October 2019	Direct popular elections

3.21 Overview of Main Political Reforms Introduced During reformasi

During the *reformasi* period, a number of political reforms have been passed to create the basis for a democratic system of government and to strengthen and consolidate democratic processes and procedures. The reforms have included both amendments to the 1945 Constitution and new laws. Although scholars are keen on emphasising the legacy left by the Soeharto regime on Indonesia's political culture, there is no denial that these reforms have contributed to fundamentally transform Indonesia's political system, turning Indonesia into what Hadiz and Robison call "a remarkably open system of electoral democracy" (2013 p. 35), which in theory provides the conditions for civil society (including NGO) participation in and influence on the policy process.

Most scholars agree that the most radical and structurally profound reforms were passed in

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[56] PAN, PPP, PKB and PKS.
[57] http://www.thejakartaglobe.com/news/jokowi-kalla-win-presidential-election-kpu-completes-tally. 20 July 2014. Viewed 1 September 2014.

1999 during the "crisis-ridden" Government of Habibie (May 1998 to October 1999) (Mc Leod and Intyre 2007; Crouch 2010; Anwar 2010; Aspinall and Fealy 2010). Crouch (2010) does not attribute these radical reforms to the reform-minded character of the appointed President Habibie who is described by Anwar as "an unlikely reformer" (2010 p. 99). Instead they are attributed to public pressure created by the crisis-ridden character of his administration, which continued to experience periods of protest and unrest by the remnants of the pro-democracy movement throughout 1999 (Anwar 2010; Crouch 2010).

Reforms during this period included the lifting of restrictions on basic freedoms, including on freedom of association, assembly and expression, with political parties being allowed to form freely, the press to function independently and civil society organisations to form and voice their opinions freely (Sato 2003; Anwar 2010). In 1999, new electoral laws were also introduced, which allowed for free general elections to be held in June 1999 (Anwar 2010). During Habibie, the government also initiated a process that would eventually lead Indonesia into a profound decentralisation process, reverting decades of highly centralised control over the country's regions (Hadiz 2010). The decentralisation reforms introduced three fundamental changes: the direct election of governors, district heads and mayors[58]; the devolution of responsibility of public service delivery to decentralised local governments; and authority for policy-making at the local level (Reilly 2007). As seen in chapter one, social movement scholars as well as the ACF consider that the greater the degree of territorial decentralisation, the more opportunities (in theory) for the participation and influence of non-state actors in the policy process (Kriesi 2007; Weible, Sabatier and McQueen 2009). However, these reforms suffered a setback in September 2014, when the outgoing parliament voted to withdraw direct elections of local authorities (mayors, district and sub-district governors), replacing them with indirect elections by regional legislative councils.[59] How this will impact opportunities for civil society participation in local policy processes remains to be seen.

While the reform pace was slower than during Habibie, important legislation was also passed during the Megawati period (new electoral laws that allowed for direct presidential

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[58] The first of which were held in 2005 (Aspinall and Fealy 2010).
[59] http://www.thejakartapost.com/news/2014/10/01/sby-bids-save-direct-elections.html

elections; revision of regional autonomy laws; laws on national defence, military and police; and the establishment of the Corruption Eradication Commission *KPK* and Corruption Court) (Crouch 2010). Another important area of reform has been the gradual demilitarisation of the political system: in 2002, the MPR decided to remove military representation in parliament, with the reform coming into effect in 2004 (Nyman 2006). However, analysts tend to describe Megawati as a reluctant reformer, and the laws passed despite of her (Crouch 2010). Despite presenting himself as a reformer, the political alliances formed by SBY to gain political support in parliament are believed to have had a bearing on his manoeuvring space for reform as he was cautious not to adopt measures that could antagonise his allies. Despite this, SBY implemented several reform measures, in particular in relation to professionalising and depoliticising the military and in investigating corruption cases (Crouch 2010). Indeed, the fight against corruption has been seen by some scholars as one of the "cornerstones" of SBY's first administration (Tomsa 2010 p. 320) (see chapter four).

Electoral reforms

During *reformasi*, important electoral reforms have been passed that have contributed to profoundly change the democratic nature of Indonesia's political system. After the ban on political parties was lifted by the Habibie administration in 1998, political parties proliferated. Aspinall refers to this period as one of "political euphoria" (2005 p. 233), with 148 political parties registered and 48 gaining approval to participate in the first free legislative elections of June 1999 (Reilly 2007). The burgeoning of political parties after the transition led to concerns about an excessive level of fragmentation and fears about decision-making bottlenecks and democratic effectiveness (Reilly 2007). To favour the emergence of a national party system with fewer, larger parties, reforms were made requiring political parties to demonstrate that they had a national support base (Reilly 2007).[60] Amendments to the electoral law have raised the threshold for seat eligibility in parliament from 2.5 percent of the national vote in 2009 to 3.5 percent in 2014.[61] This has led to a reduction in the number of parties contesting in the elections, decreasing from 48 in 1999 to 12 in 2014 and the number of parties represented in parliament from 21 in 1999 to 10 in

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[60] Requiring political parties to demonstrate that they had branches in two thirds of the provinces and two thirds of districts (Reilly 2007).
[61] http://carnegieendowment.org/2013/10/24/how-indonesia-s-2014-elections-will-work. Accessed 21 August 2014.

2014. Both Reilly (2007) and Tomsa (2010) describe Indonesia in the post *reformasi* period (until 2004) as having a "highly fragmented multi-party system" (Reilly 2007 p. 49; Tomsa 2010 p. 324). However, with the new electoral amendments and the reduction of the number of parties competing in the 2014 elections, this description may no longer be adequate. Indeed, before the national elections in 2014, Tomsa described Indonesia's party system as "stabilising around a discernible core of six parties", thus moving away – at least at the national level – from the excessive levels of fragmentation characterising the party system in the early years of *reformasi* (2014 p. 253).

Table 2: Parties allowed to contest and number of parties represented in parliament during reformasi

Year	Parties allowed to contest elections	Nr of parties represented in parliament
1999	48	21
2004	24	17
2009	38	9
2014	12	10

Source: Mietzner 2009; Fealy 2011; IFES 2014[62].

The political administrations from Gus Dur onwards have had a tendency to create what Aspinall refers to as "grand coalitions", bringing together a large number of political parties in a governing coalition (2010 p. 129). Indeed, Gus Dur's, Megawati's and SBY's two cabinets included all the major parties in parliament. The formation of these "grand coalitions" was seen as a strategy of presidents whose parties did not have political majority in parliament to secure support from the fragmented political party system. This strategy is believed to have contributed to perpetuate the practice of patronage (Aspinall 2010; Tomsa 2010) and has also led to concerns about a "cartelisation" of political parties (Slater 2004 in Aspinall 2010 p. 127 and McLeod and McIntyre 2007 p. 33). Indeed, in Aspinall's view, the formation of grand coalitions during *reformasi* is a legacy of the New Order regime, during which semi-opposition parties were encouraged to promote links with patrons within the regime in order to ensure their political survival (2010). Diamond argues that these "rainbow coalitions" – usually used in mature democracies in crisis situations such as war – has had implications for the quality of Indonesian democracy, undermining its "vigour" by effectively reducing the parliamentary opposition to the few parties left out of the

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[62]www.ifes.org/~/media/Files/Publications/White%20PaperReport/2014/2014_IFES_Presidential%20Election%20Indonesia%20FAQS_1.pdf.

coalition, and thereby weakening the checks and balance system provided by a strong opposition (2009 p. 338). He also argues that they have implications for policy-making, favouring "shallow incrementalism" to deep-seated reform for the sake of compromise and unity (Diamond 2009 p. 339). Chapter four will analyse what implications this may have had for anti-corruption reform in Indonesia. Another feature of the political party system in Indonesia is what Sherlock refers to as the "incoherence" of political parties created by the pursuit of individual goals of gaining control over material resources through patronage – rather than party – interests and common policy goals (2009 p. 342). Similar concerns are also echoed by McLeod (2005). This results in what Sherlock describes as "the fracture" between political parties' "executive and legislative wings" (2009 p. 342). In other words, he argues that the inclusion of a political party in the governing coalition may not necessarily provide the government with greater influence over parliamentary decision-making. Chapter six will analyse if this was the case in the Corruption Court Law.

<u>The executive</u>

During the tenure of President Megawati, important additional electoral reforms were passed. These reforms included constitutional amendments passed in 2002, which introduced direct presidential elections. The first of these were held in July 2004. In the legislative arena, the constitutional amendments of 2002, confers shared legislative power to both the legislature and the president, who has the right to propose bills to parliament, to refine bills (discussing them with parliament to reach an agreement), make government regulations in accordance with laws, and to pass government regulations as a substitute to laws *(perppu)* in emergency situations (requiring early ratification by the legislature) (McLeod and McIntyre 2007; Schneier 2008). Tomsa thus describes Indonesia's contemporary political system as combining a strong presidency (2010 p. 324) with an "increasingly consolidated multi-party system" (2014 p. 271). These are features that define the basis for legislative policy-making and have a bearing on how this process takes place in Indonesia. In chapters six and seven, the impact of legislative power-sharing on opportunities for NGO participation in and influence on the policy process, will be empirically analysed.

<u>The legislature and the legislative process</u>

Another major transformation of Indonesia's political system during *reformasi* is the increased powers bestowed upon the legislature. During the Soeharto era, Indonesia had an authoritarian presidential system, with few venues for contestation and with all branches of government strictly controlled by the executive. The legislature being a mere rubberstamp body to the president and the judiciary politically controlled, there was in practice no separation between the three branches of government (Webber 2005). The electoral reforms introduced starting in 1999, have now created a more legally pronounced separation of power between the three branches, which according to social movement theory as well as the ACF should provide favourable conditions for the participation of non-state actors. Under the new political system, Indonesia's legislative branch became the MPR, which in 2004 was reformed to a bicameral 695-member parliament, consisting of the lower house – the *Dewan Perwakilan Rakyat* (DPR), sometimes referred to as the House of Representatives, and which is the primary legislative body – and the upper house – the *Dewan Perwakilan Daerah* (DPD) (Ananta, Arifin and Suryadinata 2005).[63]

Despite the important electoral reforms passed to strengthen the role of the Indonesian legislature, most Indonesian scholars emphasise its continued limitations for effectively exercising the watchdog and legislative roles expected of legislatures in consolidated democracies (Schneier 2008; Tomsa 2010). Scholars attribute the weaknesses of the Indonesian legislature to two main factors: the legacy from the Soeharto era of a system based on patronage and corrupt practices and the weak capacity of legislators new to a democratic system. In addition to this, three central features of the political system and political culture of Indonesia are pointed out by scholars as contributing to define the nature of the legislative policy-making process in Indonesia, weighing heavily on how policies are shaped and decided and what spaces and opportunities are provided for non-state actors to engage in this process: the shared legislative power between the executive and the legislative, the fragmentation and cartelisation of political parties and the cultural practice of decision-making by consensus as (McLeod and McIntyre 2007; Tomsa 2010).

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[63] The DPR has 550 members, elected for a five- year term by proportional representation in multi-member constituencies and is divided into 11 committees. The DPD as the upper house and the second chamber has more limited legislative power, and consists of 130 regional representatives, elected by the twenty-six provincial parliaments and sixty-five appointed members from societal groups (McLeod and McIntyre 2007).

Most scholars agree on the significant capacity gaps of Indonesian legislators, although this is expected to improve with time as legislators gain more experience with their legislative function. The weak capacity of Indonesian lawmakers is seen as due to a lack of prior legislative experience - about half of DPR members and one fifth of DPD members elected in 2004 lacked prior legislative experience – (McLeod and MacIntyre 2007) resulting in the often poor quality of legislation (Schneier 2008).

Moreover, a major legacy from the Soeharto era – corrupt practices – continues to plague the legislature, with vote buying still considered widespread (Fiona 2014).[64] Indeed, the anti-corruption agency KPK – which only handles major corruption cases above US$ 110,000 – has since its establishment in 2004 prosecuted a total of 35 national legislators for major corruption. Aspinall describes national and regional legislatures as "arenas in which members of different parties collude to share spoils that derive from the state budget and from business lobbyists" (2010a p. 22). In addition, the tendency of parliament to dedicate attention to issues beyond its normal mandate has led to neglect of its core duties of legislation, which has contributed to the stalling and delay of a significant part of the legislation (McLeod and MacIntyre 2007; Tomsa 2010). The parliamentary watchdog Formappi stated in October 2011 that since being installed in October 2009, the former parliament had only passed 12 out of the 93 bills that were scheduled for deliberation.[65]

Moreover, McLeod and McIntyre (2007 p. 11) refer to the shared nature of legislative power in Indonesia as "ambiguous". According to the constitution[66], the DPR has the authority to make laws, although each bill is to be discussed with the president to reach a "joint agreement" (Schneier 2008). Schneier argues that this system makes it difficult to trace the process of legislative oversight. This is further compounded by the decentralisation process, which removes a large part of policy decisions to the regional and local levels.

Another feature of the legislative process in Indonesia - which according to most Indonesia scholars has a bearing on how policies are made and shaped - is the culture of *musyawarah and*

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[64] "Vote-buying rife in Indonesia despite anger at corruption", Agence France Presse/Jakarta Globe, 6 April 2014.
[65] http://www.thejakartapost.com/news/2011/10/09/legislators-worse-2011-formappi.html. Viewed 15 September 2014.
[66] Article 20A.

mujakat (deliberation/discussion and consensus) inherited from the pre-Soeharto era and reinforced during the Soeharto regime (Eklof 1999; Schneier 2008 p. 202). This practice favours compromise and consensus over majority decision-making (Sherlock 2009; Tomsa 2010) and facilitates patronage practices by reducing transparency and increasing the opaqueness of the decision-making process (Eklof 1999). The ACF model states that in pluralist models, norms of compromise are often moderate, while tending to be higher in corporatist systems. It also argues that in developing countries, compromise is weak and participation is restricted (Sabatier and Weible 2007). However, this does not seem to hold true for the Indonesian case where norms of compromise (embodied in the concept of *musyawarah and mujakat*) seem to be a political culture trait. As part of this parliamentary practice, formal voting rarely takes place, and decisions are "almost always unanimous", and informal meetings (often outside of the parliament building such as hotel conference rooms) are at the "core of the legislative process" (Schneier 2010 p. 202). Moreover, Schneier notes that policy-makers are often reluctant to discuss the deliberations that took place and describes the "abject unwillingness of ostensibly democratic political elites to discuss even the gist of their discussion after they re-enter the public sphere" (2008 p. 202). These various elements of informality and lack of openness and transparency of the Indonesian parliament leads Tomsa to describe its decision-making process as "opaque" (2010 p. 313). He argues that this opaqueness makes it difficult for outside observers to trace the legislative process that leads up to formal legislative adoption (Tomsa 2010).

An assessment on civil society in Indonesia conducted in 2006 concluded that legal provisions for the participation of civil society organisations in the legislative process remain limited and weak. While civil society participation in the legislative process is mentioned, it is referred to as voluntary and generally limited to consultations – without any obligation on the part of legislators to take on board the recommendations made (Ibrahim 2006). While some NGO informants acknowledged progress in the openness of the government to involve CSOs in the legislative process, they also complained that the parliament remained closed to outside participation and that they had to rely on so-called "whistleblower" informants (legislators sympathetic to NGOs) to access information about legislative deliberations.[67] In the case study on the Corruption Court Law in chapter six, the thesis will analyse in more detail how these features

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[67] Interviews with NGOs, Jakarta, 17 and 21 December 2012.

of the Indonesian political system and policy process have affected opportunities for policy influence of NGOs in the case of a specific law.

3.22 Characteristics of Indonesian Democracy

The reforms that were undertaken during the *reformasi* period have converted Indonesia into an electoral democracy. In 2006, Freedom House for the first time declared Indonesia to be 'free' (Aspinall and Fealy 2010) and Aspinall argues that "Indonesia is now credited with the most robust political rights and electoral competitiveness in the region" (2010 p. 192). Similarly Aspinall and Fealy argue that "Indonesia can now claim to be the most democratic nation in Southeast Asia" and describe Indonesia as a "flourishing democracy with a vibrant civil society and political life" (2010 p. 2). Moreover, Indonesia's democratic achievements are generally praised by the international community (Aspinall 2010a).

However, most scholars agree on a significant New Order legacy in today's Indonesia, characterised by Aspinall and Fealy as "strong and pervasive" (2010 p. 2). Indeed, the political administrations following the termination of the New Order regime have all included actors that were in one way or another associated with the New Order regime. [68] In both Aspinall's (2010 p. 22) and Mietzner's (2013 p. 42) view, the actors that oversaw the transition were either part of the previous regime or in semi-opposition to it, which defined the nature of the transition, and allowed a significant legacy from the Soeharto era, based on "patronage" and "patrimonial" relationships, to persist in Indonesia's contemporary political system to the detriment of democratic quality. Hadiz and Robison describe these collusive relationships of economic and political interests as "oligarchic power structures" (2013 p. 38). In their view, Indonesia's current oligarchy includes both old actors (associated with the New Order regime) and new political and economic actors that have adopted the patrimonial practices of the Sohearto regime, albeit within the confines of what Case refers to as a "procedural democracy" (guaranteeing political rights and electoral competitiveness) (2010 p. 201). Hence, Aspinall and Fealy summarise the democratic advances of Indonesia in a context of persistence of inherited patrimonial practices: "…for if the political

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[68] Habibie was Soeharto's Vice-President; Gus Dur was leader of NU, which had a complex relation of financial dependence with the regime; Megawati was part of the tolerated semi-opposition and her party was officially tolerated, despite it becoming more critical of the regime in the last years of the regime; SBY was a senior military officer , but with reputation as a reformer (Aspinall 2010).

transformation experienced by Indonesia since 1998 has been dramatic, the elements of continuity are just as visible" (2010 p. 3).

This patrimonial legacy has led scholars to describe Indonesia's current political system as a "patronage democracy" (van Klinken 2009 p. 149; Blunt, Turner and Lindroth 2012 p. 64), a "collusive" democracy (Aspinall 2010a p. 2) or a "patrimonial democracy" (Webber 2005 p. 2). In sum, Aspinall describes Indonesia as a "democratic success", but with "trade-offs in democratic quality" (2010a p. 20). Tomsa describes Indonesia as a "stable yet low-quality democracy" and as suffering from "democratic stagnation" (Tomsa 2010 p. 309-310). Similarly, Hadiz and Robison refer to Indonesia's current political system as a "predatory form of democracy" (2013 p. 39).

Despite the persisting patrimonial legacy, the advances in Indonesia's procedural democracy, including the introduction of direct elections - of the president, national and local legislators, governors, district heads and mayors; the demilitarisation of the political system; the extensive decentralisation process (until 2014) and the more pronounced separation of powers converts Indonesia – at least in theory – into what the social movement and policy process literature defines as an "open" political system. According to their analysis, such systems are more favourable to the participation and policy influence of non-state actors such as social movements and NGOs. The case studies in chapter six and the analysis in chapter seven will explore whether this assumption holds true in the in Indonesian case of anti-corruption reform and to what extent the other features of the Indonesian political system contribute to pose opportunities or constraints for NGO influence on the policy process.

3.23 Civil Society in Post-Soeharto Indonesia[69]

The literature tends to agree that *reformasi* has opened up more spaces for civil society to operate and make their voice heard in Indonesia, resulting in a significant growth of civil society, with an increase in new labour unions, ethnic and regional groups, and NGOs (Aspinall and Fealy 2010).

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[69] There is an extensive literature on religious organisations in Indonesia, particularly on Islamic organisations, and the student movement, which will not be referred to here. These organisations will only be referred to in relation to NGO claims on anti-corruption issues.

This development started immediately after the transition to democracy (Aspinall 2005 p. 233). Aspinall describes how demands that had been repressed during decades of authoritarian rule were finally allowed to be expressed, causing the flourishing of civil society protest (2005). However, authors like Nyman (2009), Hadiz and Robison (2013) and Case (2010) argue that civil society in today's Indonesia is a legacy of its emergence, role and constraints faced during the Soeharto era, which is why this era was provided as a contextual reference point for this section. The literature tends to agree that actors from the "pro-democracy" movement (which included, but was not restricted to civil society actors) did generally not integrate the formal institutions and spaces of power in the *reformasi* era. For the state-centric scholars, the pacted character of the transition allowed the old elite to integrate and take over the new spaces of power (Prasetyo et al. 2003 p. 15; McLeod and MacIntyre 2007; Crouch 2010) or for new actors to adopt the ingrained "predatory practices" that characterised Indonesia's political system during Soeharto, effectively shutting out those actors that did not accommodate into that power structure (Hadiz and Robison 2013 p. 35). Others emphasise the fragmentation of the movement and the lack of a common ideological platform, which prevented it from offering a viable political alternative during *reformasi* (Prasetyo et al. 2003).

Views differ as to whether contemporary Indonesian civil society should be seen as strong or a weak. Authors like Bunte and Ufen (2009), Case (2010), and Hadiz and Robison (2013) view Indonesian civil society in the *reformasi* era as weak and "emaciated" (Bunte and Ufen 2009 p. 12) and with "modest capacities" (Case 2010 p. 201). They also refer to civil society as fragmented (Case 2010) and without "ideological and organisational cohesion" (Hadiz and Robison 2013 p. 46). They attribute these characteristics to the legacy left from the Soeharto era, during which civil society was subject to a combination of repression (Aspinall and Fealy 2010), control (Case 2010), co-optation (Hadiz and Robison 2013) and self-restraint (Aspinall 2005). However, authors like Antlöv, Ibrahim and van Tuijl who focus mainly on local-level civil society hold a more positive view, seeing civil society in the *reformasi* era as "increasingly strong" (2005 p. 5)

Another set of arguments relate to civil society's relation to the state. Several authors point out the gap or distance between the political sphere and civil society, describing the Soeharto era and the role of civil society in the overthrow of the regime, as well as its marginalisation in the

transition negotiations as having left a legacy of "mutual suspicion" between civil society and the state, especially at the national level (Ibrahim 2006 p. 7; Schneier 2008; Bunte and Ufen 2009). This phenomenon is in part seen as self-inflicted – especially with regards to NGOs – who due to lack of trust in political parties – which they see as embodying oligarchic tendencies inherited from the Soeharto era – have adopted the strategy of external advocacy, rather than promoting change from inside the political arena.[70] Prasetyo et al (2003) as well as Priyono, Samadhi and Törnquist (2007) point out the emphasis of many NGOs to use pressure as a way to make their demands heard, generally adopting a dichotomous separation between the NGO sphere as belonging to a civil society external to the state. However, a number of authors, especially those analysing local civil society, describe situations of cooperation and dialogue between local administrations and civil society organisations (Antlöv, Brinkerhoff and Rapp 2010).

Another legacy from the Soeharto era that is often referred to in the literature is the description of *reformasi*-era civil society as a "floating mass" (Priyono et al. 2007 p. 87), without a "substantial social base", unconnected to the grassroots and representing mostly middle class and educated voices (Hadiz and Robison 2013 p. 46). However, such general statements may be more applicable to some NGOs and may not take into account the vast diversity of civil society organisations active in Indonesia, including for example mass-based religious organisations such as NU and Muhammadiyah, which have representative structures down to the village-level. What can be taken from these arguments, however, is that any analysis of Indonesian civil society needs to be grounded in a qualification of what elements of civil society are being referred to.

There are divergent opinions on the influence of civil society in the *reformasi*-era. Nyman views civil society as having a positive and significant influence (2009). Similarly, in Mietzner's view, Indonesian civil society has played a critical role in driving "the expansion of democratic reform" (2012 p. 219). Mietzner also argues that civil society voice and pressure during *reformasi* have prevented Indonesia from falling into a "democratic recession" by counteracting elite attempts to reverse reforms (2012 p. 217). Mietzner also argues – from a pluralist perspective – that an increase in the number and voice of Indonesian civil society organisations has contributed to the "dispersal" of power in Indonesia (2010 p. 412). Civil society, together with the government,

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[70] Interview with NGO, Jakarta, 15 August 2010.

parliament, courts and other law enforcement agencies are now seen as competing for influence in the policy sphere (Mietzner 2010). However, others adopt a more pessimistic stance. For those adopting a state-centred view, oligarchic power structures continue to dominate political and economic life and "incremental sniping at the margins by social movements and NGOs" is perceived as having limited effectiveness in fundamentally changing existing power structures (Hadiz and Robison 2013 p. 45). Moreover, even authors like Antlöv who tends to use a civil society-centric lens, argue that civil society has little "political impact upwards" (Antlöv et al. 2005 p. 10). Similar arguments are voiced by Davidson (2010).

This chapter has provided an overview of what the previous theoretical chapter and its conceptual framework referred to as long- and short-term contextual political opportunity structures. Social movement and policy process (ACF) theories establish a number of assumptions of how such features impact opportunities for participation in and influence of non-state actors (including NGOs) over the policy process. This analysis will on one hand provide a contextual reference point for the analysis of anti-corruption reforms described in the next chapter. Chapters five, six and seven will then analyse to what extent these contextual political opportunity structures have had a bearing on the actual participation and influence of NGOs over Indonesian anti-corruption policy reform, and the extent to which these theoretical assumptions hold true in this case.

Chapter Four: Anti-Corruption Reform in Indonesia during *Reformasi*

Introduction

Building on the ACF's assertion that the analysis of policy changes needs to cover a decade or more, this chapter will provide an overview of anti-corruption reform in Indonesia since the start of *reformasi* (1998). However, because of the lack of primary data available before 2009, the main policy changes experienced by the KPK between 2000 and 2009 will be analysed from a review of the existing literature to assess how NGO influence versus other factors were seen as contributing to key policy changes related to the KPK during that time. Because this chapter will be based on secondary literature, it can be seen as providing a contextual analysis for the primary data analysis in chapters five, six and seven, which will cover the period between 2009 and 2012.

As analysed in chapter three, public discontent with the pervasiveness of corruption (*KKN*) was at the core of the public protests that contributed to end the thirty year regime of Soeharto. Public protests against KKN continued during the first *reformasi* government, to ensure that the fight against corruption was placed at the core of the policy reform agenda. Anti-corruption policy reform has since then been a key electoral concern of voters and a high-profile policy domain throughout the *reformasi* period. In response, a number of reform measures to tackle corruption have been passed and implemented by all *reformasi* governments. This chapter will provide an overview of these reform measures and how they can be characterised in reference to the policy process literature on policy change, and in particular Grindle and Thomas' interactive model of policy reform, which recognises the fluctuating character of policies, as they can be "altered or reversed at any stage in their life cycle by pressures and reactions from those who oppose them" (Grindle and Thomas 1990 p. 1166). This chapter therefore focuses on the last component of the conceptual framework, which refers to policy change. This analysis will provide a contextual reference point for understanding when and where in the policy process NGOs have engaged and the nature of the policy reform measures that they have tried to influence (and which will be analysed in greater detail in chapters five, six and seven). Using Grindle and Thomas' conceptualisation of stakeholders for and against reform, the chapter will also introduce the role

of anti-corruption NGOs in this process (as pro-reformers) and analyse how the literature to date has perceived their role and influence in this reform process.

As calls to end KKN were at the core of the social protests that contributed to bring down the Soeharto regime, efforts to tackle entrenched corruption became a central electoral expectation of voters during *reformasi*. In response, a number of reform measures to tackle corruption were adopted and implemented starting in 1999. Anti-corruption reform during *reformasi* fit the characteristics of Grindle and Thomas' interactive model (1989 and 1990) with reform efforts characterised by advances (some of which – such as for example the creation of KPK and a number of legislative adoptions - are characterised as major policy changes) periodically counteracted, reversed, stalled or obstructed by opposing forces under the glare of the media spotlight and with strong elements of social mobilisation. Anti-corruption policy reform in Indonesia has thus become a contentious and high salience policy domain during *reformasi*.

During the first *reformasi* Government of Habibie, major policies were adopted that laid the legal basis for more forceful anti-corruption reform. These included the MPR Decree XI 1998 For Firm Measures Against Corruption, Law 28/1999 to establish the Commission to Examine the Wealth of State Officials (*Komisi Pemeriksa Kekayaan Penyelenggara Negara KPKPN*) and Law 31/1999 Eradication of Criminal Acts of Corruption (also referred to as the "anti-corruption law"), which among other things provides a definition of bribery, includes reversal of burden of proof (suspects declared guilty until proven innocent), provisions for easing the investigation and prosecution of corruption cases, harsher sentences for corruption crimes and the creation of a specific agency for combating corruption. The law also allows for public participation in the prevention and eradication of corruption, specifically for reporting and obtaining information on specific acts of corruption (Law 31/1999; ADB/OECD 2003)**.**

Tackling corruption involves the collaboration of traditional law enforcement agencies such as the police, the judiciary, and policy-making institutions such as the executive and the legislature. However, there was a strong public perception that these institutions were part of the KKN system during the New Order and allowed entrenched corruption practices to be perpetuated.

The following section will analyse how reform of these institutions has been attempted during *reformasi* and the remaining challenges they face for effective corruption eradication.

4.1. Traditional Law Enforcement Institutions: the Judiciary and the Police

The judiciary was seen by many as the institution most marred by the legacies of the Soeharto era, having been totally controlled by the executive (Webber 2005; McLeod and MacIntyre 2007). The reforms passed by the Habibie administration presented a radical departure from the past, by breaking the legacy of political control of the judiciary. Indeed, the 1998 decree stated the need for "strict separation between executive and judicial functions" (Crouch 2010). Law 15/1999 then established the legal basis for moving the judiciary from the control of the Justice Department in the executive to the Supreme Court, which was finalised in mid-2004.

Constitutional amendments in November 2001 established a Judicial Commission, which would be involved in assessing the performance of judges and nominating Supreme Court judges before presenting them to the legislature (during the New Order, they have been appointed directly by the president). Judicial Commission members were to be elected trough a committee nominated by the president of members of the legal profession (Crouch 2010). Other constitutional amendments established the legal basis for a Constitutional Court to ensure the constitutionality of laws through judicial reviews. The Constitutional Court was established in August 2003 (a few days before the legal deadline). In addition, several blueprints for judicial reform were produced between 2001 and 2003.

However, the early reforms to modernise Indonesia's judiciary system were strongly opposed by the Supreme Court (Davidson 2009). Indeed, since the Judicial Commission was established in 2005, it has maintained conflictive relations with the Supreme Court. Since 2005, the Judicial Commission has summoned nine Supreme Court justices for alleged ethics violations, although none of them answered the summons. In 2006, after the Judicial Commission revealed the names of the judges against whom complaints had been made, 31 of the 49 Supreme Court judges submitted a judicial review to the Constitutional Court – which granted the request – to drop the articles of the law that gave the Judicial Commission the power to investigate judges.

However, in 2011, a regulation was issued to counteract that decision, allowing the Judicial Commission to continue investigating those cases.[71]

Another key law enforcement institution in the fight against corruption is the Attorney General's Office (AGO), which has undergone reform since 2008 to modernise its public prosecution service through reforms to its organisational structure and an improvement of business processes and human resources (AGO 2012). However, critics point out the incomplete legal framework and the persistent weaknesses of the institutional and human capacities of the agency, which are seen as continuing to undermine its capacity to effectively investigate and prosecute corruption cases (Sorensen et al. 2006; McLeod and MacIntyre 2007; Davidson 2009).

Despite these important reforms of the judiciary in Indonesia, scholars tend to be critical of the judicial reform process, arguing that it has been too slow and not profound enough in breaking with the corrupt practices from the New Order, which are still described by many as "endemic" (McLeod and MacIntyre 2007 p. 9; 17; Davidson 2009; Crouch 2010 p. 228; Butt 2011 p. 383). Because of the endemic character of corrupt practices, the concept of "justice mafia" (*mafia peradilan*) is often used to describe the Indonesian justice system (Butt 2011 p. 383). For example, the involvement of the legislature in the selection of Supreme Court judges and its chief has been seen by some as having resulted in politicisation (and even rumours about bribery) (Crouch 2010). Moreover, Butt describes the common practice among prosecutors to drop cases or ordering lenient penalties in return for a bribe (2011). Critics also argue that the institutional and human resource capacities within the judiciary remain weak, and need strengthening to adequately perform the functions required within a modern political system, including fighting corruption (McLeod and MacIntyre 2007; Davidson 2009). Butt goes as far as stating that the judicial system "continues to suffer from a raft of significant problems that have brought the judicial system to the brink of complete dysfunction" (2007 p. 184). And a World Bank report from 2003 describes the "vested interests" against judicial reform as "too powerful" to allow for profound judicial reform to take place in Indonesia (p. 17). As a result, public trust in the judiciary remains low. In a survey conducted by Transparency International in 2013, 87 percent of

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[71] http://www.thejakartapost.com/news/2011/10/10/law-put-judges-external-oversight.html.

respondents perceived the judiciary to be extremely corrupt and 66 percent reported having a paid a bribe to the judiciary in the past twelve months.[72]

The police is another key agency in the fight against corruption as it is tasked with the investigation of suspected corruption cases. However, the institution also suffers from low levels of public trust, being perceived as the most corrupt law enforcement institution in the country. Indeed, 91 percent of respondents in Transparency International's 2013 Barometer perceived the police to be extremely corrupt, scoring worst among all law enforcement institutions. 75 percent of respondents reported having paid a bribe to the police in the past twelve months.[73] Similar practices as those found in the judiciary are reported in the police, often being "persuaded" to drop an investigation, lose important evidence or charge a suspect with a lesser offence in return for bribes (Butt 2011; Muradi 2014). McLeod (2005) and Muradi (2014) both argue that elements within the Indonesian police are involved in organised economic crime. In addition, the institution tasked with overseeing the police and investigating alleged police involvement in crime and abuses of power, the Police Commission, is widely perceived as ineffective, weak, under-resourced and staffed by retired police officers who are reticent to investigate their former colleagues (Fealy 2011).

4.2. The Corruption Eradication Commission (KPK)

The perceived weaknesses and lack of credibility of traditional law enforcement institutions in fighting corruption in Indonesia prompted early calls for the creation of an independent agency tasked with fighting corruption in the *reformasi* era (Sorensen *et al.* 2006). Hence, Law 31/1999 on Anti-Corruption required the formation within two years of an independent agency that would combine the functions of traditional law enforcement institutions, coordinating, supervising and carrying out investigation and prosecution of corruption cases. This created fierce resentment and opposition in the judiciary and the police – and even in the legislature- with corrupt law enforcement officials and legislators fearful of the potential negative consequences for them of an effective anti-corruption agency. The establishment of the agency required the passage of a new

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[72] Transparency International Corruption Barometer 2013 (http://www.transparency.org/gcb2013/country/?country=indonesia. Viewed 25 August 2014).
[73] Ibid.

law. Given the strong opposition by many vested interests to the creation of this new agency, the adoption of the law was significantly delayed. The Gus Dur Government only submitted the KPK Law to parliament towards the end of its term in June 2001, while the latter took more than 18 months to pass the law (in December 2002). The bill was signed into Law 30/2002 on the Corruption Eradication Commission (KPK) by the replacement President Megawati in January 2003, seventeen months after the expiry of the two-year deadline (Crouch 2010; Schütte 2012). As an interim measure, Gus Dur established an anti-corruption task force (the Joint Team for Corruption Eradication (*Tim Gabungan Pemberantasan Tindak Pidana Korupsi*, TGPTPK) – in May 2000. However, after a number of corruption suspects filed a lawsuit against the TGPTPK, the task force was disbanded in August 2001.

It was only at the end of 2003 that KPK had its first commissioners approved and could start operations (Schütte 2012). Crouch refers to this period as the "long gestation of the KPK" (Crouch 2010 p. 228), resulting from "a long and winding path of political bargaining" (Schütte 2012 p. 41). The KPK was created as an independent anti-corruption agency, reporting to both the legislature and the president, with an overarching mandate in prevention, investigation and prosecution of corruption cases (Schütte 2012). KPK is led by a collective leadership of five commissioners (one of them is chairperson, and the other four are vice-chairs), selected for a four-year term (Schütte 2012). The selection process involves both the legislature and the president and some members of civil society. A selection committee consisting of both government officials and civil society leaders is set up by the president and calls for applications, conducts candidate screening, and provides a shortlist of ten candidates to the president who then submits the list to the legislature. The legislature chooses five commissioners who are then sworn in by the president (Schütte 2011). While the KPK Law allows the KPK to hire its own investigators, in practice, KPK has depended on secondments from other law enforcement institutions such as the police, the Supreme Audit Agency (BPK), the Development Finance Comptroller (BPKP) and the Attorney General's Office (AGO).[74]

According to article 11 of the KPK Law, the KPK has the authority to investigate and prosecute cases that "involve law enforcement personnel or public officials, give rise to particular

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[74] http://www.thejakartapost.com/news/2012/10/04/28-police-investigators-now-permanent-kpk-employees.html. Viewed 26 August 2014.

public concerns, and/or involve losses to the state budget of at least Rp 1 billion" (approximately US$ 110,000) (Schütte 2012 p. 43). The law also states that KPK can take over cases from the police or AGO, when there is lack of progress or other problems. As part of its extensive powers, the KPK was also conferred the right to wiretap and record telephone conversations without court approval, ban travel overseas and freeze bank accounts and obtain information from financial institutions (Crouch 2010; Butt 2011). The Law also prohibits the KPK from dropping a case once it has progressed beyond initial investigations – a restriction aimed at preventing prosecutions from being dropped in return for bribes (Butt 2011). The KPK Law also established a special chamber at the district court of central Jakarta for prosecution of cases investigated by the KPK. The law prescribed a fixed ratio of three "ad hoc judges[75]" and two career judges for each case on trial, appeal and cassation level (Crouch 2010; Schütte 2012). The ad hoc judges would be selected through a process supervised by the Supreme Court. Establishing a majority of ad hoc judges on the panel was aimed at reducing opportunities for bribery as regular judges were often perceived as having a tendency to acquit cases or hand down lenient sentences and being prone to corruption. Ad hoc judges, recruited from outside of the judicial system, were perceived as less tainted by corruption (Butt 2011). In 2009, after months of intense public debate in which NGOs featured prominently and which was extensively covered by the media - a Corruption Court Law – was approved by parliament. The law stipulated the establishment of 33 regional corruption courts. The law also left the composition of the panel of judges to be decided by each court, which was one of the issues of most concern to NGOs as they feared that career judges would become majority on the panels (Butt 2012b). However, the extensive functions and authority of the KPK, combined with its independent status, conferred significant powers to the KPK, compared to other law enforcement agencies in Indonesia and others of its kind in other countries (Schütte 2012). This has created resentment among institutions such as the police and the AGO. During the interview, a police respondent for example stated:

> Rather than KPK will be the super power and super body, so at least we (police) have same authority, the same budget with KPK, so both of these organisations can make good cooperation. Not leaving the police authority behind. [76][77]

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[75] These tend to be legal experts – usually academics, legal practitioners and retired judges – employed to sit on as judges in Corruption Court trials (Butt 2011).
[76] Interview with Reform Team in the National Police, Jakarta, 16 January 2014.
[77] All quotations from interviews conducted in English were transcribed without correcting the English language to preserve their authenticity.

However, in quantitative terms, the number of cases indicted by the KPK compared with the case load of the police and the AGO is marginal. Indeed, the KPK prosecutes less than 5 percent of all corruption cases in Indonesia (Butt 2011 p. 46). Despite this, the KPK is perceived as more effective than the traditional law enforcement agencies in handling the cases it takes on. The NGO watchdog Indonesia Corruption Watch (ICW) reported that from 2005 to mid-2009, only 51 percent of the defendants indicted by general court career judges in the AGO were found guilty, while the other half were acquitted (Diansyah 2009 in Butt 2011). By comparison, until October 2011, 100 percent of the defendants indicted by KPK had been found guilty by the Anti-corruption Court (Butt 2011). In addition, the average sentence for those indicted by public prosecutors and found guilty by the general courts in the first semester of 2009 (69 guilty verdicts out of 222 defendants) was six months in jail. In contrast, the average sentence for those indicted by the KPK and found guilty by the Corruption Court (32 defendants, all guilty) was 58 months or close to five years (Schütte 2012 p. 44). [78] The Corruption Court's effectiveness until 2011 tends to be attributed to the composition of its judges panel of three ad hoc judges versus two career judges (Aspinall and van Klinken 2011; Butt 2011). However, in February 2011, the Jakarta Corruption Court handed down its first acquittal. Since then an ICW report from August 2013 listed a total of 89 acquittals since the establishment of regional corruption courts in 2010.[79] An ICW report from 2012 also criticises the regional courts for handing down lenient sentences, with most graft defendants only receiving between two to four years.[80] The integrity of some ad hoc judges has also been questioned since the creation of regional corruption courts. In 2012, two ad hoc judges were convicted in a corruption case and in 2013 an ad hoc judge was removed from duty due to an ethics breach in a corruption case.[81] The Supreme Court aimed to have 244 ad hoc judges for 33 lower and 30 high courts nationwide in 2014. However, the feasibility of reaching that goal was questioned as in August 2013, as only one of the 40 candidates for the fifth batch of ad hoc antigraft judges passed the selection test (as many as 18 out 40 candidates were deemed to have questionable integrity). Similarly, in 2012, only four out of 53 candidates passed the selection test.[82] This has

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[78] However, Schutte (2012) also points out that this could in part also be an indication of a difference in severity of the cases.
[79] http://www.thejakartapost.com/news/2013/08/31/fight-against-corruption-stalled-lack-judges.html. Viewed 26 August 2014.
[80] http://www.thejakartapost.com/news/2012/09/05/graft-watchdog-raises-red-flag-corruption-court-judges.html. Viewed 26 August 2014.
[81] http://www.thejakartapost.com/news/2013/07/04/provincial-graft-judge-sacked-over-dinner-with-friends.html. Viewed 26 August 2014.
[82] http://www.thejakartapost.com/news/2013/08/31/fight-against-corruption-stalled-lack-judges.html. Viewed 26 August 2014.

in practice meant that many regional corruption courts have had panels with a majority of career judges, which could contribute to explain their poor performance (Butt 2012b).

While prosecution of high-level officials was rare during the first three *reformasi* administrations[83] (there was a perception that by prioritising cases implicating lower and middle level-officials, the KPK favoured "easy" cases), it picked up under the first administration of SBY (Crouch 2010). In June 2009, the former Bank of Indonesia deputy governor – also the father-in-law of the president's son – was sentenced to four and a half years for corruption.[84] The same year, the KPK also started investigating a police official for the first time – Chief Detective Susno Duadji – for his alleged involvement in a corruption case (Butt 2011). And in September 2013, Police General Djoko Susilo– the first to be convicted in a corruption case - was sentenced to ten years in prison.[85] In total, until March 2014, the KPK has prosecuted 35 legislators, 12 ministers or heads of agencies, 10 judges, 4 ambassadors, 10 provincial governors and 35 mayors and regents and 95 people from the private sector. The largest category of prosecutions by the KPK since 2004 were civil servants/public officials (29 percent), followed by private sector business people (24 percent), followed by members of national and local parliaments (18 percent) (KPK 2014).[86]

Figure 5: Type of professions prosecuted by KPK 2004-2014
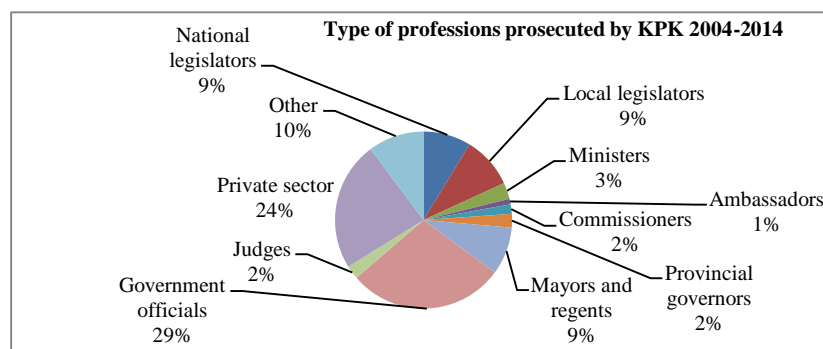
Despite its effectiveness in handling corruption cases, the KPK has some limitations. Its size, mandate and budget does not allow it to deal with corruption on a national scale. Despite increases in its budget, KPK's annual budget in 2013 was only 60 million US dollars (compared to 20 million

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[83] For example only two legislators and two ministers were prosecuted by KPK until 2008 (McLeod and MacIntyre 2007 p. 33).
[84] http://www.thejakartapost.com/news/2009/06/17/sby039s-inlaw-aulia-pohan-gets-45-years-corruption.html. Viewed 26 August 2014.
[85] http://www.thejakartaglobe.com/news/former-police-gen-djoko-susilo-sentenced-to-10-years. 3 September 2013. Viewed 26 August 2014.
[86] http://acch.kpk.go.id/statistik-penanganan-tindak-pidana-korupsi-berdasarkan-tahun. Viewed 31 March 2014.

in 2008) (KPK Annual Reports 2008 and 2013). This is still little compared to the 90 million US dollars in annual budget for a similar agency in Hong Kong (Independent Commission Against Corruption ICAC[87]) which only has a population of seven million compared to 247 million in Indonesia. This has in practice meant that the number of cases that can be handled by the KPK remains limited. Indeed, Butt notes that the KPK handled on average 20 cases per year in its first four years of operation (2004-2008). The number increased to 40 per year between 2008 to 2011. This compares to the 1715 cases handled by the AGO in 2010 (Butt 2012b). Also the KPK has depended heavily upon the police and AGO to second investigators and prosecutors to the KPK. Hence, in 2012, the police recalled twenty of its investigators in retaliation for the KPK's investigation into a case implicating Police General Djoko (referred to as the "simulator case"). While the KPK was able to increase its number of staff in 2013 (from 795 to 955), the number is still considered insufficient to fully carry out its mandate (KPK Annual Report 2013). In 2013, KPK had only 98 investigators, compared to 2000 for a similar agency in Malaysia (KPK Annual Report 2013).[88] As a comparison, the Commission in Hong Kong had 1335 staff in 2013 (ICAC Annual Report 2013 p. 25; KPK Annual Report 2013 p. 38). The budget of the KPK is also small compared to the police which in 2008 had an annual budget of 2.3 billion US dollars (Muradi 2014 p. 18) and the AGO which had an annual budget of 573 million US dollars in 2012.[89] Second, the KPK has been suffering from limited office space, with budget allocations for the construction of a new building repeatedly blocked by parliament (see chapter seven). However, in October 2012 the parliament finally approved the budget for the new KPK building, which is expected to be completed at the end of 2015 in order to accommodate the increase in staff (KPK Annual Report 2013).[90]

4.3. Advances in Reform Implementation

Since the start of *reformasi*, a number of major institutional reforms have thus been passed to intensify the fight against corruption. This includes the passage of tougher anti-corruption laws, greater transparency and an increase in the number of corruption cases successfully prosecuted

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[87] ICAC annual budget in 2008 (no more recent figures could be found on the ICAC budget).
[88] http://www.thejakartapost.com/news/2013/05/22/inquisitive-minds-new-investigators-kpk.html. Viewed 26 August 2014.
[89] http://www.thejakartaglobe.com/archive/indonesias-ago-is-not-most-corrupt-govt-institute-attorney-general-basrief-insists/23 July 2012. Viewed 26 August 2014.
[90] http://www.thejakartapost.com/news/2012/10/12/house-approves-new-building-kpk.html. Viewed 26 August 2013.

(including an increase in prosecution of high-level corruption cases). Accordingly, Transparency International's Corruption Perceptions Index notes a (slow) improvement of perceptions of corruption during the *reformasi* period, from a low of 1.7 in 1999 to 3.4 out of 10 in 2014 (on a scale of 1 as most corrupt and 10 as least corrupt). The World Bank's control of corruption indicator has also steadily improved, from -1.13 in 2002 to -0.68 in 2011 (on a scale from -2.5 to +2.5, 0 being the worldwide average).[91]

Figure 6: Corruption perceptions index
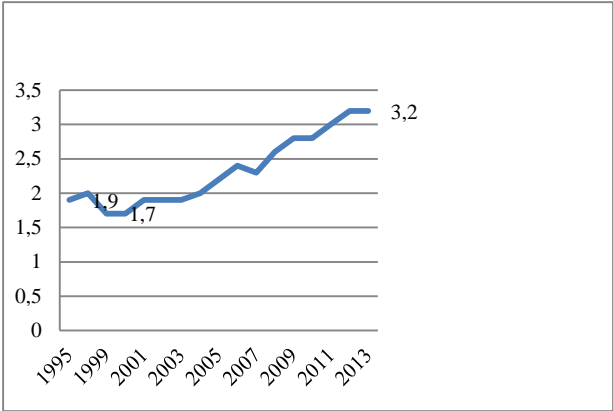
Source: Transparency International Corruption Perceptions Index (scale 0-10). 0 least corrupt, 10 most corrupt.

Figure 7: Control of corruption score
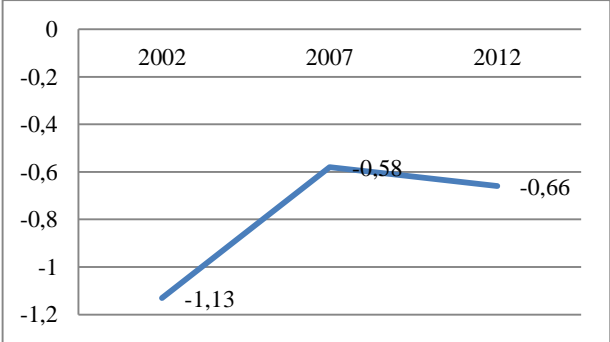
Source: World Bank Governance Indicators 2012[92]

However, Sorensen et.al argued that given the pervasiveness of corruption in Indonesia, it is too early to conclude that these developments are causing a significant reduction in the prevalence of

[91] http://info.worldbank.org/governance/wgi/index.aspx#home. Viewed 28 August 2014.
[92] http://info.worldbank.org/governance/wgi/index.aspx#reports. Viewed 16 September 2014.

corruption (2006). Also, the remaining weaknesses of Indonesia's judicial system have serious implications for its capacity to fight corruption. Hence, the contemporary academic literature on Indonesia continues to describe corruption as "endemic", despite more than fifteen years of institutional reform. In Crouch's words endemic corruption is seen as "the single most debilitating legacy of the New Order system of justice" (2010 p. 228). Similarly, Blunt et.al argue that "patronage remains systemic in Indonesia and that this is the defining feature of Indonesian democracy" (2012 p. 72). Sorensen et al. describe corruption as "pervasive", with "almost no sector of society" free from it, being "deeply embedded in the fabric of society and institutions." (2006 p. 9).

4.4. Contra- Versus Pro-Reformers

Scholars often depict Indonesia's anti-corruption reform as driven by pro-reformers, opposed by powerful anti-reformers (Mietzner 2012). This description fits what Grindle and Thomas refers to as stakeholders for and against reform (1989 and 1990). A large part of this conflict dynamic is centred on the KPK, which due to its extensive powers and effectiveness in fighting high-level corruption, has encountered resentment and stiff resistance among so-called contra-reformers whose vested interests are being threatened by the KPK's increasing effectiveness in prosecuting high-level corruption cases, often involving legislators and high-level policy makers (Sorensen et al. 2006; Sherlock 2009). The media tends to describe the police, the AGO, and the legislature as opponents to the KPK. In practice, however, these institutions all include individuals with a broad spectrum of interests – some less reform-minded than others. It is a fact, though, that during *reformasi*, a number of policy initiatives have been taken by individuals within these institutions to curtail the authority of the KPK.

In Crouch's view, a significant part of the "political and economic elite in the post-1998 period has been deeply involved in the corrupt practices encouraged during the Soeharto regime" (2010 p. 191). He describes how Soeharto's centralised network of corruption was partly dismantled during *reformasi*, but how "its fragmented remnants" (Crouch 2010 p. 191) have endured during the *reformasi* era in parts of the bureaucracy, in new and old political parties and in the newly formed regional and local governments (Hadiz and Robison 2013). Those

"corruptors" are depicted by the media and are seen by NGOs as the ones most fiercely opposed to anti-corruption reform.[93]

However, Mietzner also admits the difficult of pinpointing exactly who the contra-reformers are as they "are represented in all political parties, every state institution, and even in civil society" (2012 p. 211). Indeed, contra-reformers are found throughout most of the political spectrum. For example, a report by ICW found that 52 members of political parties from eight[94] out of the nine parties represented in parliament had been implicated in corruption cases in 2012.[95] While Golkar was the party with most legislators involved in corruption cases and that it was perceived as having initiated the revisions to the KPK Law in 2012, the party cannot be labelled contra-reform as it also contains pro-reform individuals (Aspinall 2010).

There is also an element of institutional resentment within the police and the AGO against the KPK, who envy the exceptional powers of the agency that is invading their turf, especially in relation to the use of wiretapping (which the KPK – but not the police - can use before a criminal case has been established) and prosecution.[96] This comment by a legislator is illustrative of the resentment towards KPK's prosecution authority:

> Why does KPK prioritise prosecution, which is the territory of the police, the prosecutors and conventional courts? The conventional law enforcement agencies should do the prosecution.[97]

While many of the "contra-reformers" are located within the judiciary, the police and the legislature, even *reformasi* era institutions such as the Constitutional Court, which until 2014 had widely been perceived as neutral, pro-reform and untainted by corruption, has had its image tarnished by the conviction of its former Chief Justice in a corruption scandal in 2013.[98]

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[93] http://www.thejakartapost.com/news/2012/12/29/political-corruption-boom.html. Viewed 26 August 2014.
[94] Including Golkar, Democratic Patrty, PDI-P, PAN, PKB, PKS, Gerindra and PPP.
[95] The party with the largest number of cases was Golkar (with 14 cases), followed by the Democratic Party (10 cases), PDI-P and PAN (with 8 cases each), Gerindra and PKB 4 each, and PKS and PPP 2 cases each. The only party that had not been implicated in a graft case in 2012 was Hanura ("Political Corruption to Boom", Jakarta Post, 29 December 2012).
[96] Interview with Police Reform Team, Jakarta, 16 January 2013; interview with AGO Reform Team, Jakarta, 14 January 2013; interview with legislator, Jakarta, 8 January 2013.
[97] Interview with legislator, Jakarta, 21 December 2012.
[98] "Ex-head of Indonesia's Constitutional Court jailed for life for graft", 30 June (http://uk.reuters.com/article/2014/06/30/uk-indonesia-corruption-idUKKBN0F51Z420140630. Viewed 21 August 2014).

Hence, Mietzner refers to a "significant anti-reformist segment in the Indonesian elite" (2012 p. 21). Simon Butt also argues that most anti-corruption reforms and institutions have faced resistance to change from individuals within the three branches of government (2012). Similarly Hadiz and Robison describe how "the continuing grip of oligarchy" on the Indonesian state contributes to create obstacles for effective anti-corruption reform (2013 p. 50). Mietzner also describes anti-corruption reform as a policy area in which "conservative elites have driven initiatives to reverse reforms" (2012 p. 211).

Butt argues that resistance to the KPK in the first years after its creation was largely played out in the Constitutional Court (2012a). Indeed, the KPK law has undergone judicial reviews filed with the Constitutional Court thirteen times and eleven of them were seen by Indonesia Corruption Watch as attempts to curtail the authority of the KPK by people whose interests were being threatened by the institution (legislators and people implicated in corruption cases) (Topan Husodo, Sunaryanto, Yuntho, Diansyah, Lais and Langkun 2011).[99] In addition, the investigation of corruption cases within the police and the conviction of high-level officials and legislators have caused increasing resentment against the KPK, which as a result has been subject to constant attacks aimed at weakening the agency (Butt 2011). In March 2009, the KPK Chairman was arrested for murder and a few months later, the police and the AGO framed two KPK commissioners falsely accusing them of bribery. This resulted in widespread public protests in favour of the KPK after the framing scheme had been revealed, and the reinstatement of the commissioners. This episode was referred to by NGOs and the media as the "gecko versus the crocodile case" (*Cicak Buaya*) and is one of the case studies analysed in chapter six. The situation resulted in the effective paralysis of the KPK for several months. A ruling from the Constitutional Court that same year mandated that a new law on the Corruption Court must be passed by December 2009, or the Court would lose its legal standing.[100] If this was to occur, the Corruption Court would have been dissolved and forced to hand over cases under its investigation to district courts.[101] The delay of parliament in passing the law (the law was passed in September 2009, only two months before the expiration of the deadline) and rumours about attempts to include revisions to curtail KPK's prosecution and wiretapping authority, were widely perceived by anti-

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[99] "Corruptors to Counterattack KPK", Tempo Interactive, 16 November 2006.
[100] "District courts lenient on graft defendants", Jakarta Post, 6 August 2009.
[101] "Government lumps House with another new bill on graft", Jakarta Post, 4 August 2009.

corruption activists and portrayed by the media as another attempt to weaken the KPK. The final version of the law approved by parliament was perceived by scholars, NGO activists and the media as "diluting" the authority of the Corruption Court (Butt 2011).[102] At the end of 2011 and again in 2012, lawmakers also initiated revisions to the KPK Law, which was perceived by the press and NGOs as yet another attempt aimed at weakening the powers of the KPK, by curtailing its prosecution and wiretapping authority. Around the same time, the police recalled twenty of its investigators from the KPK and attempted to arrest one in what was perceived as retaliation for the KPK's investigation into a corruption case involving a police general. Widespread public protests were unleashed asking the president to intervene, which he finally did. The investigators were reinstated to the KPK and the corruption case entirely handed over to the KPK after orders of the president. These events were referred to by NGOs and the media as "the gecko versus the crocodile two" case (*Cicak Buaya* two) and is referred to in more detail in chapter seven. The negative public backlash led to the parliament withdrawing – or at least postponing – its revisions to the KPK Law. Earlier in mid-2012, the parliament refused to disburse funds for the construction of KPKs' new building, also this seen as another attempt by legislators to create obstacles for the effective functioning of the KPK. After a massive public donation campaign in favour of the KPK, the parliament finally approved the disbursement in October 2012. However, another attempt at weakening KPK's anti-corruption drive was adopted by parliament in July 2014, a day before the presidential election. The amendment to the Law on Legislative Institutions requires the KPK to get approval from the president and the House's Honorary Council before summoning legislators for questioning over graft allegations.[103]

Resistance to anti-corruption reform has not only played out against the KPK. The early reforms to modernise Indonesia's judiciary system were also strongly opposed by the Supreme Court (Davidson 2009). The Supreme Court was also viewed by interview informants as having played a key role in pressuring for changing the composition of the panel of judges in favour of career judges in the revisions to the Corruption Court Law in 2009.

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[102] "Indonesia Dilutes Antigraft Court", 30 September, Wall Street Journal 2009.
[103] http://www.thejakartaglobe.com/news/revision-law-may-shield-corrupt-legislators. 15 July Viewed 26 August 2014.

Whether *reformasi*-era presidents have been reformists is subject to debate. Habibie, Gus Dur and Megawati are often described as unlikely or reluctant reformers (Anwar 2010; Crouch 2010). Scholars, the media and NGOs often portray SBY as having been ambiguous to anti-corruption reform, despite having made anti-corruption a central tenet of his electoral programme in both electoral campaigns (2004 and 2009). His second administration was heavily tainted by corruption scandals, with two Ministers and the Treasurer of the Democratic Party forced to resign because of implication in corruption cases, in addition to the conviction of the Chief Justice of the Constitutional Court. Despite this, as will be analysed in chapters six and seven, the president has also effectively acted as a policy broker between civil society demands and the state on a number of occasions in the past years, often driven by concerns about negative public opinion. Referring back to the analysis of contextual political opportunity structures, some analysts argue that the strategy of SBY to form "grand government coalitions", with among several others Soeharto's state party Golkar – who secured the vice-presidency in SBY's first mandate – brought in forces opposed to reform in the highest levels of government, effectively "blurring the line between Indonesia's authoritarian past and its democratic future" and providing them with the political clout to "sabotage reform from within" (Aspinall 2010 p. 129). And Diamond argues that "a grand, all-party coalition is the worst arrangement imaginable for re-launching a real war on corruption, because such a war would step on so many powerful toes".(2009 p. 340). Similarly, Sherlock argues that "in relation to corruption, there can be no argument that the rainbow coalition cabinet of 2004–2009 added to the difficulties encountered in eliminating corruption" (2009). Indeed, contra-reform measures attempted by the legislature in the past years (such as the revisions to the KPK Law) are perceived to have been introduced by Golkar, which still includes politicians from the Soeharto era, of which some are perceived as being against reform.[104] The presence of parties such as Golkar in the previous governing coalition is perceived to have limited the extent of SBY's reform drive, as it would have potentially upset his political allies (Sherlock 2009). However, as will be seen in the case study in chapter six, not just Golkar, but all parties in parliament – even the president's - except one (PKB) were portrayed by the media as initially supporting the revisions that would have stripped KPK of its prosecuting authority in the Corruption Court Law.[105] In order to secure parliamentary majority, Jokowi, the newly elected president has also formed a "grand

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[104] Interview with journalist, Jakarta, 22 December 2014; interview with legislator, Jakarta, 28 December 2012.
[105] "House, government in blame game on weakening of the KPK", Jakarta Post, September 11 2009.

coalition" government, with SBY's former Vice-President and Golkar politican Jusuf Kalla re-nominated to the same position. It remains to be seen if Jokowi's attempts at "streamlining" his cabinet to avoid the traditionally transactional nature of Indonesian politics will succeed and how these government features will impact on his effectiveness in pursuing his anti-corruption agenda.[106]

Despite the strong resistance to anti-corruption reform by individuals in the state and the private sector, there are also a number of pro-reformist actors in Indonesia, who are pushing forward the anti-corruption reform agenda. Reformists can be found in the government and despite high levels of corruption within the legislature, there are also a number of reform-minded legislators who are believed to be genuinely committed to anti-corruption reform. In their advocacy efforts, NGOs tend to use legislators perceived as pro-reformists to promote and lobby for their issues inside the parliament.[107] There are also pro-reformists within the police and the AGO, which have created reform teams (funded by international donors) to drive internal reform within these two institutions.

International institutions have also been perceived as important players in the anti-corruption reform process in Indonesia, providing another pressure for reform, especially at the beginning of *reformasi*. The World Bank and the International Monetary Fund (IMF) made judicial reform a condition for renewal of loan packages in the first year of the *reformasi* period (Crouch 2010) and Schütte attributes the enactment of the KPK Law in part due to this external pressure (2012).

Another important source of pressure for anti-corruption reform comes from the public. Since the calls for an end to *KKN* permeated the pro-democracy movement against Soeharto, anti-corruption reform has remained a high-salience issue with electoral relevance during the *reformasi* period (Sorensen et al. 2006; Crouch 2010; Schütte 2012). Indeed, opinion polls consistently show corruption as one of the highest ranking issues of concern to people after economic ones.[108] Polls

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106 http://www.thejakartapost.com/news/2014/08/20/jokowi-s-plan-restructured-cabinet-could-be-blocked.html. Viewed 26 August 2014.
107 Interview with NGO, Jakarta, 15 August 2010.
108 The International Republican Institute published its latest opinion poll in 2013. Corruption ranked highest after economic issues as area of concern (http://www.iri.org/news-events-press-center/news/iri-indonesia-poll-shows-concern-over-economy-and-corruption.Viewed 23 August 2014).

also consistently show the KPK as the most trusted law enforcement agency. A poll conducted by the newspaper Kompas in 2009 showed 57 percent of respondents were satisfied with KPK's performance compared with 22 percent for the police and 19 percent for the AGO. A survey conducted by LSI in October 2010 showed only the KPK ranking positively on a scale from -100 to +100, compared to the police, AGO and judiciary, who all ranked negatively (Schütte 2012). The KPK has thus for many (mostly middle-class) Indonesians symbolised the fight against corruption and embodied their hopes for a clean Indonesia. Hence, strong public support for the KPK has been a constant feature since its creation as has been social mobilisation in support of the institution when it has been perceived as attacked. Sorensen et al. thus describe corruption as a "potent political issue that can have major consequences for Indonesian politics" (2006 p. 14). Indeed, President Gus Dur was impeached in July 2001, in large part due to corruption allegations, and Crouch attributes Megawati's electoral loss in 2004 to perceptions of her administration's complicity in corruption (2010). SBY's electoral promises about anti-corruption measures as a central theme in his campaign in both 2004 and 2009, was also seen as a key factor in explaining his two electoral victories (Crouch 2010). Jokowi is also attributed his presidential victory thanks in large part due to his clean image and anti-corruption promises.[109]

Parts of the media also constitute a source for pressure for reform. Corruption issues tend to receive wide press coverage, including coverage of corruption scandals, of social mobilisation events in favour of the KPK as well as more technical policy issues related to corruption reform (Henderson and Kuncoro 2004; Schütte 2012).

Another source of pressure for anti-corruption reform has been civil society organisations, and in particular anti-corruption NGOs, often in collaboration with the media. Many of these NGOs have their roots in the civil society-based movement that demanded an end to KKN and the Soeharto regime. Setiyono and McLeod estimate that there are currently around a total of 500 anti-corruption NGOs in Indonesia, with at least one in every district and province (2010). Setiyono and McLeod argue that there are two types of anti-corruption NGOs in Indonesia: the older NGOs such as YLBHI that were created during the Soeharto era and that during *reformasi* became more engaged in corruption issues alongside other issues in their mandate; and the younger

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[109] http://www.dw.de/corruption-was-decisive-issue-in-indonesian-polls/a-17553816. 9 April 2014. Viewed 26 August 2014.

ones that were born out of the KKN movement around the time of the transition to *reformasi* - many created by student activists whom decided to establish NGOs to continue their fight against corruption through formal means. These NGOs were often established with the help of the older ones (such as YLBHI) to carry out specific mandates.[110][111] These reformasi-era NGOs include for example ICW (Indonesia Corruption Watch), focused on advocacy through the media[112] and specific corruption cases; MTI (*Masyarakat Transparansi Indonesia*, Indonesian Society for Transparency) promoting policy dialogue on anti-corruption issues; IPW (Indonesia Procurement Watch) working on corruption in procurement; IPW (Indonesia Police Watch) focused on police reform; Formappi (*Forum Masyarakat Peduli Parlemen Indonesia*, Indonesian Forum for Community Concern about parliaments) a parliamentary watchdog; LeIP (*Lembaga Kajian dan Advokasi untuk Independensi Peradilan*, Institute for Assessment and Advocacy for Independent Judiciary), KRHN (*Konsorsium Reformasi Hukum Nasional*, Consortium of National Legal Reform) and MaPPI (*Masyarakat Pemantau Peradilan, Indonesian* Judicial Monitoring Society), focused on legal and judicial reform); Transparency International Indonesia (TII), focused on research and corruption surveys; and PSHK (*Pusat Studi Hukum dan Kebijakan Indonesia*, Indonesian Centre for Law and Policies Studies) on legislative drafting. Setiyono and McLeod argue that the creation of these specialised NGOs have enabled almost every state institution to have an NGO "counterpart" that watches its performance and accountability (2010 p. 353).

These various anti-corruption NGOs carry out a number of different activities linked to anti-corruption reform, including pressing the government to establish a strong institutional and legal framework to combat corruption (Setiyono and McLeod 2010); contributing to anti-corruption legislative drafting; investigating and exposing corruption cases (Setiyono and McLeod

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[110] Local anti-corruption watchdogs supported by YLBHI in their creation include for example FPSB (*Forum Peduli Sumatera Barat*, the Concerned Forum of West Sumatra) in Padang, and BCW (Bali Corruption Watch) in Bali (McLeod and Setiyono 2010).

[111] Interview with Bambang Widjojanto, former director of YLBHI and Deputy KPK Chairman from 2011, Jakarta, 16 January 2013.

[112] An important reform carried out during the Habibie Government was in the area of media freedom. During Soeharto, a tight grip was held on the media which limited the number of print media options and led to self-censorship. The reforms in the media sector in the early *reformasi* period led to the creation of hundreds of new media outlets, debating ideas previously prohibited. Indonesian media is now described by Anwar as "one of the freest media in Asia" (2010 p. 204) and by Hadiz and Robison as "vibrant and often chaotic" (2013 p. 35). According to official government data, there were 1512 authorised radio stations in Indonesia in 2012 and 508 licensed television stations. The newspaper Jakarta Globe reported 1000 newspapers and magazines, of which two are in English language - the Jakarta Post and Jakarta Globe – and mainly targeted to foreign residents and policy-makers (InfoAsaid 2012 p. 20). The media in Indonesia remains closely tied to business and politics. Visi Media Asia and Media Group are two major players in Indonesian television and online news. Visi Media Asia, which includes news channels - TVOne, ANTV and the Vivanews online news portal - is part of the Bakrie Group owned by the chairman of Golkar. Media Group – which includes Metro TV news channel and Media Indonesia daily - is owned by Surya Paloh, founder and leader of the Nasional Demokrat (Nasdem) political party. The owner (Dahlan Iskan) of the Jawa Pos Group, Indonesia's largest newspaper publishing company, was Minister of State-Owned Enterprises from 2011 to 2014 .

2010); conducting research (Sorensen et al. 2006); and participating in selection of law enforcement officials (including the Corruption Eradication Commission KPK, Supreme Court justices, members of the Supreme Audit Agency and Constitutional Court judges); and monitoring governmental performance (including the KPK) (Schütte 2012).

Some NGOs use a more collaborative approach with the government aimed at building capacities for anti-corruption reform within the state (LeIP, Kemitraan, KRHN), while others use a more confrontational approach through media advocacy (ICW). However, four of the 14 NGOs surveyed for this research stated using both approaches. An important strategy of these NGOs has also been to form networks and alliances amongst themselves at both national and local levels in order to draw from each other's comparative advantage, pool resources and maximise their impact.[113] Foreign and international donors have played a key role in providing funding to these anti-corruption NGOs (Setiyono and McLeod 2010).

Most of the academic literature on anti-corruption reform in Indonesia agrees that CSOs, and among them NGOs, (although the terms are often used interchangeably in the literature[114]) are key players in the public debate on corruption in Indonesia (World Bank 2003; McLeod 2010). However, while the literature argues that NGOs have played a prominent role in pressing for anti-corruption reform, scholars also argue that it is challenging to attribute specific influence to NGOs as many other actors and factors come into play in the process (Setiyono and McLeod 2010 p. 355). Referring back to the conceptual framework of this thesis, part of the literature tends to implicitly explain NGO influence through the influencing path of public opinion. However, it also commonly bundles together NGO influence with public opinion pressure, without disentangling how they relate to each other. Indeed, while scholars attribute a number of specific reforms to public pressure, NGOs are often seen as one of many players contributing to create this pressure. The Global Integrity Scorecard for Indonesia 2011 for example concludes that "many popular policy decisions made in Indonesia are based on public pressure". However, it provides a score of only 50 out 100 on the indicator of "anti-corruption/good governance NGOs actively engage in the political and policymaking process", citing capacity issues and their often confrontational style

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[113] Interview with Rezki Sri Wibowo, Deputy Executive Director, NGO Transparency International Indonesia, Jakarta, 10 December 2010.
[114] Setiyono and McLeod (2010) consistently use the term CSO and NGO interchangeably.

as the major obstacles (2011). Particularly state-centric scholars like Crouch tend to overlook the specific role of NGOs in the adoption of specific reform measures, instead focusing more broadly on public opinion pressure as a source of influence, without analysing the potential linkages between public opinion and NGOs. In Grindle and Thomas' view, agenda-setting in crisis situations often occurs through pressure from outside. Indeed, Crouch attributes most of the anti-corruption reforms during the Habibie administration to public pressure and the government's desire to appease public discontent. The two laws on corruption eradication that were passed during his tenure are seen as Crouch as driven "entirely by electoral concerns", having been passed very close to the legislative and presidential elections respectively. However, in neither case does he make reference to the role NGOs might have played in this process. Schütte also attributes the passage of the two anti-corruption laws passed in 1999 to the government being "under pressure to regain credibility in the eyes of the public", without referring specifically to NGOs (2012 p. 41).

In reference to the constitutional amendments passed in 2001, authors like Setiyono and McLeod (2010 p. 356) on the other hand emphasize NGO influence through the knowledge path, arguing that NGOs played a key role "working closely with members of the commission to reshape the Constitution". They also describe the establishment by Gus Dur of the anti-corruption task force in May 2000 as the "first strategic success of NGOs" (2010 p. 356). They also describe NGOs as playing a "leading role" in the advocacy for the creation of the KPK and argue that parliament finally agreed to the KPK Law "under persistent strong pressure from civil society" (2010 p. 357). However, while anti-corruption NGOs provided support to the initial elaboration of the KPK Law, Schütte also argues that because the law was passed with such delay (in November 2002), the technical assistance (concluded by July 2001) had little influence on the final content of the law (2012).

Some authors argue that the influence of NGOs has been significant at the sub-national level, where NGOs have been seen as the driving force (generally through pressure) for public disclosure, investigation and resolution of corruption cases (Rinaldi, Purnomo and Damayanti 2007; Lindsey 2002; McLaughlin 2008) and at the community level by increasing citizen awareness about corruption (World Bank 2003). Davidson points out that pressure for

investigation of certain cases has been created by the combination of NGO activism and the press (2010).

However, Setyiono and Mc Leod point out that not all CSO efforts to influence anti-corruption reform have been successful. They recognise that despite intense advocacy efforts, CSO voices are often ignored by the bureaucracy and law enforcement agencies:

> Many cases of corruption that CSOs have brought to the attention of the authorities simply disappear under the radar screen without any resolution because law enforcement agencies fail to act (2010 p. 362).

And Crouch, using a state-centred lens, argues that exceptionally, prosecutions of public officials have been linked to NGO initiatives, but that most prosecutions at regional level can be attributed to political rivalries linked to electoral anticipation, rather than to NGO activity (2010). Schütte also points out that participation in policy spaces (e.g. legal drafting teams) does not necessarily ensure that NGOs' inputs are taken into account in the final adopted versions (2012). A number of authors also argue that the influence of NGOs has been limited (Schütte 2012), mainly because of the weak capacity of many of them to act as "competent anti-corruption watchdogs" (Sorensen et.al 2006: 65) or because of their own accountability flaws (World Bank 2003). Finally, Mietzner argues that while civil society scrutiny can help expose corrupt behaviour and judicial mismanagement, the entrenched corrupt practices and resistance to reform by vested interests are so embedded in the system that increased levels of civil society advocacy alone are unlikely to achieve fundamental change and to generate the kind of institutional reform needed to "address the root causes of the problem" (2012 p. 222).

Common to the limited literature that refers to NGOs' role in anti-corruption reform in Indonesia is that references to NGOs tend to be secondary to the main analysis of the policy reform itself and observations related to NGOs tend not to be backed up by robust empirical analysis and are more anecdotal than scientific. The other gap of this literature is its lack of theoretical grounding, being more descriptive than conceptual. Neither of the studies reviewed makes any reference to either of the bodies of literature described in chapter one. The next chapters of this thesis will aim at filling some of these gaps.

This chapter has thus focused on the last element of the conceptual framework providing an overview of the main milestones (or policy changes) of anti-corruption policy reform in Indonesia, analysed with references to the policy process literature reviewed in chapter one. This will provide reference points for analysing (in the following chapters) when and where in the policy reform process NGOs have engaged with the aim of exercising influence over it. The chapter has also provided an overview of how the academic literature to date has analysed NGO influence over this process. The following chapters will seek to fill the gaps of the existing literature, by empirically (both quantitatively through statistical analysis and qualitatively through two case studies and thematic analysis) analysing how NGOs have engaged in this policy reform process from 2009 to 2012, the claims they have made in relation to it (in the media), the extent to which their demands have been reflected in subsequent policy decisions, and stakeholder perceptions of NGO influence on these.

Chapter Five: Statistical Analysis of NGO Influence

Introduction

As explained in chapter four, Indonesian anti-corruption NGOs often make their policy demands (or claims) through the media and NGOs tend to feature prominently in media-covered policy debates on anti-corruption reform. As policy documents on legislative debates are difficult for both the public and researchers to access, this thesis has therefore focused on NGO demands on anti-corruption policy reform made in the media. This chapter analyses NGO demands made in the media between 2009 and 2012 and uses descriptive statistics to analyse what type of demands they made, by whom and to whom and in relation to what issues. The thesis then applies regression analysis to assess to what extent NGO demands on anti-corruption reform have been reflected in policy decisions, stakeholder perceptions of NGO influence on these, and what other factors mattered in this process. This chapter seeks to quantitatively answer the main research question of whether NGOs have contributed to influence policy change in the context of anti-corruption policy reform in Indonesia. It also seeks to answer the secondary research questions and test the hypotheses emanating out of them, which are based on the theoretical propositions and conceptual framework proposed in chapter one. Specifically, the regression analysis seeks to find out whether NGO influence was mediated by public opinion, decision-making allies or both; whether NGOs were able to influence policy change because of their technical expertise and knowledge; what other factors came into play in this process; and what factors contribute to explain the failure of NGOs to influence policy in some cases.

5.1. Descriptive Statistics[115]

5.11 NGO Demands

Each time a newspaper article quoted an NGO making a demand related to anti-corruption reform, it was coded in QDA Miner and then recorded as a variable. Hence, of the 393 articles analysed over a 4-year period, 188 articles (or 48 percent) contained 195 different types of demands. The large majority of these demands were made once (81 percent), while 19 percent were made more than once. The highest number of times the same demand was made was seven times and this happened in the case of two demands (approval of the Corruption Court Law in 2009 and demands for resolution to the fabricated case against KPK Chairmen Bibit and Chandra in the *Cicak Buaya* episode, both of which are analysed as case studies in chapter six).

While all NGO demands recorded referred to different aspects of anti-corruption reform, this thesis has differentiated between demands referring to specific corruption or ethics cases (what is referred to here with the generic term of corruption cases), representing less than half (45 percent) of demands made. The majority of demands (55 percent), however, referred to issues related to anti-corruption legislation and the institutional framework for anti-corruption (what this thesis refers to as institutional framework-related issues).[116] While both type of demands relate to different aspects of policy, as explained in chapter two, the focus of analysis of the case studies in chapter six and the thematic analysis in chapter seven will be on NGO demands related to legislation and the institutional framework for anti-corruption, which is why they have been conceptually differentiated into two different categories in this chapter (case-related demands versus what we call institutional framework-related demands). Some of the claims made by NGOs were only made through the media, while others were also made through formal legal channels.

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[115] For a descriptive analysis of the newspaper database, refer to section one in appendix one.

[116] Note that 12 of the institutional framework-related demands referred to the fabricated corruption case against two KPK commissioners during the Cicak Buaya episode, and nine demands referred to the conflict between the KPK and the police in handling a corruption case (the "simulator case" or what is sometimes referred to as "Cicak Buaya two"). Both of these cases can fit into both categories as they were linked to corruption cases (one of which turned out to be framed) while also reflecting broader policy issues of the relationship between two key law enforcement institutions: the police and the KPK. The decision was however made to classify them as institutional framework demands. If they had been classified as corruption cases, the majority of demands (54 percent) would be related to specific corruption cases and 44 percent would be related to the institutional framework for anti-corruption.

Out of the 195 demands made by NGOs, those that were linked to the same broad policy issue were clustered together into so-called policy cases (which were then used as basis for the selection of case studies). This helped to analyse what policy issues had been subject to the highest number of NGO demands (in other words which policy issues had been subject to the most intense NGO advocacy). NGO demands focused on 50 different corruption (45) or ethics (five) cases and 24[117] different types of institutional framework issues.

Out of the 24 different types of institutional framework-related issues, those subject to the most intense advocacy (highest number of demands) were the policy cases of *Cicak Buaya* one in 2009 (a total of 52 demands and 23 different types of demands) (case study in chapter six), followed by the Corruption Court Law the same year (a total of 22 demands and nine different types of demands) (case study in chapter six) and *Cicak Buaya* two in 2012 (a total of 22 demands and 13 different types of demands). (For a list of all institutional framework and corruption cases and the number of NGO demands in relation to each, refer to tables 20 and 21 in appendix two).

5.12 Target of NGO Claims

Of the 195 demands made in the media, the largest proportion were directed to the KPK (44 percent), followed by the president and the government (or institutions directly under their authority such as ministries or presidential task forces) (26 percent), followed by the parliament (16 percent). Eight demands were addressed to the police and seven to the AGO.[118] Hence, 86 percent of all demands were targeted to three main institutions: KPK (85 demands), the president or government (51) and the parliament (32).

However, the proportion of demands according to target differed in relation to case-related versus institutional framework-related demands. Indeed, 77 percent of case-related demands were targeted to the KPK (which handles the largest corruption cases), followed by parliament (nine percent), the president and the police (five percent respectively). Only three demands were addressed to the AGO despite being one of the three main law enforcement institutions handling

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[117] If the *Cicak Buaya* one and *Cicak Buaya* two cases are classified as institutional framework cases.
[118] The remaining demands were addressed to the Constitutional Court (3 demands), the KPK Selection Team (2 demands), the KIP, the Corruption Court, international donors, the Supreme Audit Agency or BPK and the Supreme Court (1 demand to each respectively).

corruption cases and the one handling the largest volume of corruption cases (see chapter four). In the interviews, NGO informants provided an explanation for this. Indeed, NGOs tend to direct their advocacy towards institutions that they consider more receptive to hearing their demands. NGOs trust the KPK and consider it an important ally in the fight against corruption. On the other hand, the AGO and the police are perceived by NGOs as less accountable institutions, less transparent, more corrupt and less reform-minded and thus less receptive to NGO demands.

For institutional framework-related demands, almost half (47 percent) of all demands were addressed to the president or the government. This was followed by the parliament (22 percent), and the KPK (17 percent). Five percent of demands were addressed to the AGO. This pattern makes sense, the government and the parliament being the main actors responsible for legislative and regulatory formulation and revision. Based on the theoretical literature review in chapter one, the regression analysis in section 5.2 of this chapter will test whether the target of the NGO claim (and therefore the type of decision-maker) mattered for NGOs to achieve policy influence, particularly whether NGOs were more likely to achieve policy influence when their demands were addressed to democratically elected policy-makers.

Figure 8: Target of institutional framework demands
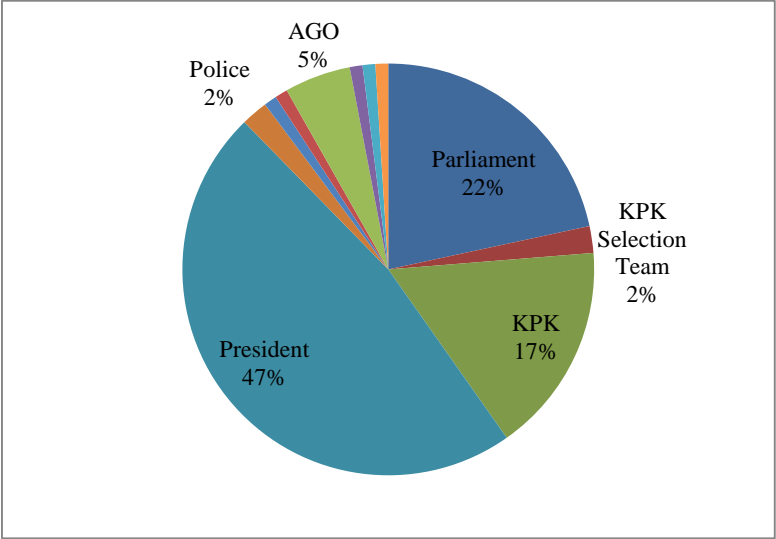
5.13 Claim-Making NGO Actors

A little more than half of all demands (52 percent) were made by one NGO only, while the other half (48 percent) were made by several NGOs, either as an informal group of NGOs (30 percent) or as an NGO coalition (18 percent). A total of 24 NGOs[119] and nine NGO coalitions were referred to as making all the demands. However, the case studies in chapter six and the thematic analysis in chapter seven revealed that these coalitions had been erroneously labelled by the press and in practice represented only two NGO coalitions (the Judicial Monitoring Coalition and the East Java Anti-Corruption Network) as well as the *cicak* social movement. The 24 NGOs were also members of the *cicak* social movement and five of the 24 NGOs were also part of the Judicial Monitoring Coalition. Hence these NGOs made their demands both as separate organisations and as part of NGO coalitions. Of the 101 demands made by one NGO only, the anti-corruption NGO Indonesia Corruption Watch made the majority of demands (58 demands or 57 percent of total demands), followed by the anti-corruption NGOs SEKNAS FITRA[120] (nine demands), MAKI[121] (six), Indonesia Budget Center (five), Transparency International Indonesia (five) and Indonesia Police Watch (three demands). (For the total list of NGOs referred to as making demands, refer to table 23 in appendix two). The prominent presence of Indonesia Corruption Watch can be explained by the fact that it is one of the largest anti-corruption NGOs in Indonesia and also the one that most intensely relies on the media as an advocacy strategy.[122]

5.14 Alignment Between Demands and Policy Decisions and Perceptions of NGO Influence

As explained in the methodological chapter, NGO demands were given a policy alignment scale, which corresponded to whether a demand was totally reflected in a subsequent policy decision, partially or not at all . However, 23 out of the 195 demands could not be given an alignment scale.[123] After these were taken out of the sample, there were 173 demands left that could be given

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[119] Out of these, seven were included in the NGO survey conducted for this thesis and five were included in the in-depth interviews (for a list, refer to section 1.3 in appendix one).
[120] *Sekretariat Nasional Forum Indonesia Untuk Transparansi Anggaran.*
[121] *Masyarakat Anti Korupsi.*
[122] Interview with NGO, Jakarta, 11 January 2013.
[123] Seven demands were classified as non-applicable (when the NGO demand was no longer translatable into a policy decision because the circumstances of the demand had changed). These had to be taken out of the sample. 16 additional demands could not be assigned an alignment scale as no information could be found on whether or not a policy decision had been taken in relation to the issue linked to the demand. These also had to be taken out of the sample.

an alignment scale. 45 of these 173 demands (or 26 percent) were totally aligned with policy decisions, 62 (or 36 percent) were partially aligned and 66 (or 38 percent) were not aligned. Hence, more than half (62 percent) of all NGO demands were thus either totally or partially aligned with policy decisions.

Figure 9: Alignment between NGO demands and policy decisions
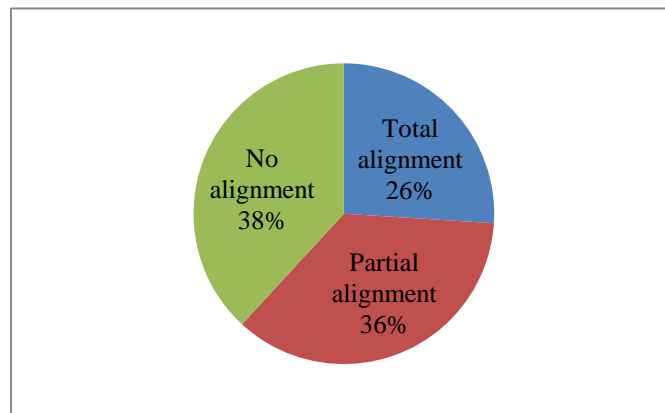
This chapter of the thesis will follow Amenta and Caren's (2007) suggestion (see chapter one) to consider those NGO demands that were not aligned with (and therefore not reflected in) any policy decisions (38 percent), as representing claims that NGOs probably failed to achieve policy influence on, at least within the time period studied here (refer to section 2.42 in chapter two for caveats to this argument). As part of the secondary research questions, this thesis will analyse (first through a statistical analysis and in chapters six and seven through a qualitative analysis) the patterns of factors and actors involved in non-aligned policy decisions to better understand when and under what circumstances, NGOs failed to see their demands translated into policy decisions in the context of Indonesian anti-corruption reform.

For those demands that were aligned (26 percent) or partially aligned (36 percent) with policy decisions, the alignment may have been due in part or entirely to NGO influence, but there might not necessarily be a causal link. Indeed, as the theoretical literature established in chapter one, policy decisions are influenced by a number of different factors and actors and attributing exact causality poses a number of methodological challenges discussed in chapter two. As discussed in chapter two, this thesis has decided to base NGO influence on partial and total policy

alignment between NGO demands and policy decisions and stakeholder perceptions of NGO influence on this alignment (acknowledging the methodological caveats discussed in chapter two).

The results showed that the policy changes related to specific policy cases to which NGOs attributed the highest influence ratings were in descending order *Cicak Buaya* two (two out of a maximum score of two), *Cicak Buaya* one (1.9) and the retention of the prosecuting powers of the KPK in the Corruption Court Law (1.8). The first two of these also correspond to the cases that were identified in the media analysis as having had the largest number of NGO demands. (For a full list of perception of influence scores per case, refer to section table 25 in appendix two).

When these various sources of perceptions of NGO influence were added, 27 percent of totally and partially aligned decisions (29 out of 107 demands) or 17 percent of the whole sample of demands, were perceived as linked to policy decisions influenced by NGOs. A little more than half (51 percent) of totally aligned policy decisions (23 out of 45) were perceived by interview informants (13 out of 45) to have been influenced by NGOs and this was the case for ten percent (or six out of 62) of partially aligned policy decisions. In the in-depth interviews, informants (both NGO and non-NGO) attributed a number of specific policy decisions to NGO influence. Indeed, 13 out of 45 (29 percent) interview informants identified NGOs (as one of the actors) having influenced specific policy decisions related to anti-corruption reform. However, only one considered that NGOs had achieved influence on their own.[124] The other 12 informants considered that NGO influence had either been achieved together with the media (seven informants) or in combination with public opinion pressure (11 informants) or a combination of the three (eight informants). Hence, interview informants identified the influencing path of public opinion and the media strategy as the main routes through which NGOs gained influence over policy change.

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[124] The NGO LeIP regarding the content of the Corruption Court Law.

Figure 10: Percentage of NGO demands perceived as resulting in policy influence
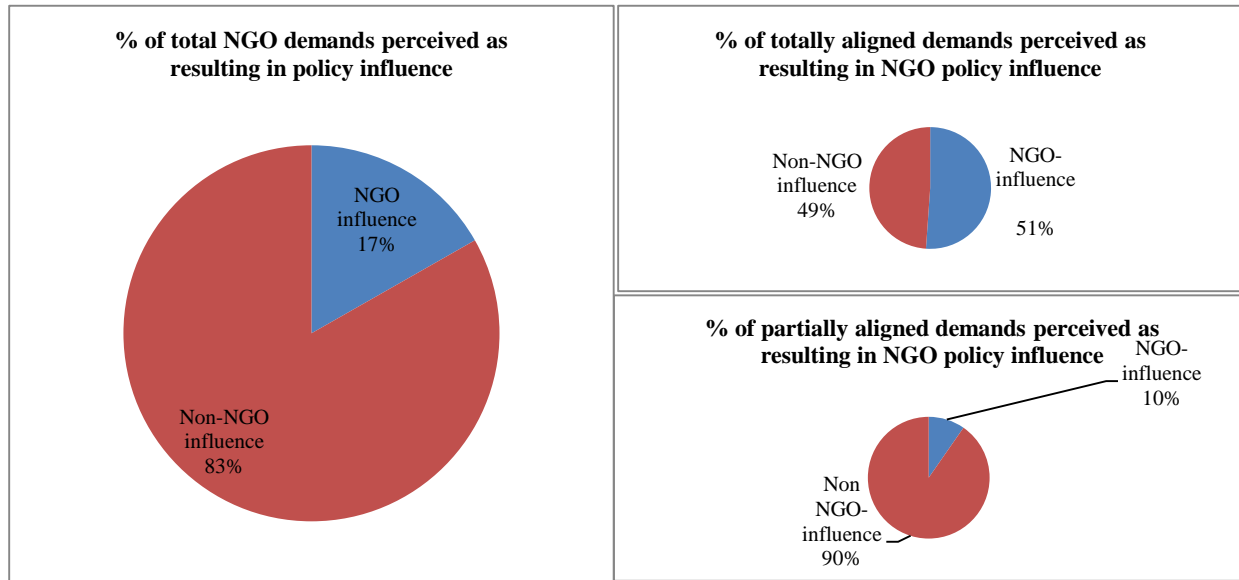
There was a greater perception of NGO influence on demands related to the institutional framework for anti-corruption policy reform versus specific corruption cases. 24 percent of totally and partially aligned institutional framework-related demands were perceived as resulting in NGO policy influence by 11 out of 45 interview informants in the open-ended interviews, while this was the case for only 10 percent of demands related to corruption cases (by six out of 45 interview informants).

When dividing up the sample of 173 demands according to NGO influence versus non-influence, a third category of demands was left: those totally or partially aligned policy demands that were not explicitly perceived as attributed to NGO influence. These demands may in part have been due to NGO influence despite the fact that no informant identified a causal link or they may have been totally or partially aligned with policy decisions due to other factors not at all linked to NGO action. 45 percent of the remaining totally and partially aligned demands were classified in this category.

Figure 11: Perceptions of NGO influence on total sample of demands
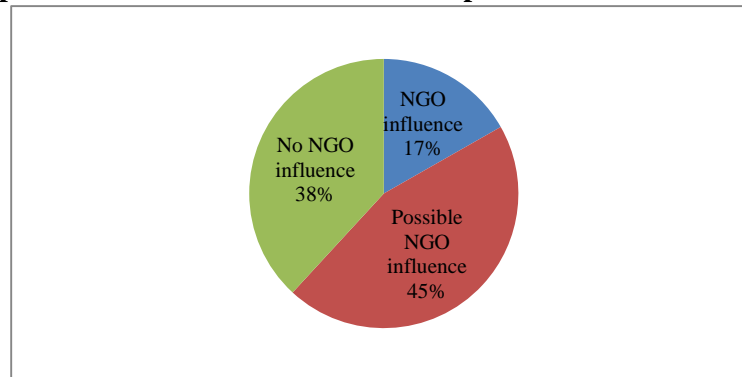
5.2. Regression Analysis

To help answer the research questions and test the hypotheses, a descriptive statistical analysis was first carried out to test potential variables that co-existed in the three case scenarios of NGO influence, potential influence, and non-NGO influence.[125] The variables were the ones derived from the theory, the research questions and the four hypotheses established in chapter two: public opinion, decision-making allies, powerful opponents and technical expertise of NGOs. Additional variables derived from both the theory and the data extracted from the qualitative content analysis were also added to measure public opinion through the intensity of media coverage and use of social media. Additional variables were also created to analyse what the conceptual framework refers to as "mobilisable troops", which are specifically referred to here as NGO allies, other civil society allies and social movement allies. Additional variables were also established to measure: the type of opponents; intensity of NGO demand; NGO strategy; type of demand, and political opportunity structures. For the variables that proved statistically significant in the univariate regression analysis, a multinomial regression analysis was then carried out to determine which of these factors were significant or not significant for explaining NGO influence (and lack thereof), controlling for all others factors.

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[125] While the calculation was done for these three categories, only the results for NGO influence and non-influence were included in the thesis, as the category of potential influence did not yield significant results and may have added confusion to the reader.

5.21 Testing of Hypotheses

Hypothesis one was established as**:** NGOs are likely to influence policy change when they ally with political actors. For the statistical analysis, a demand was categorised as having a decision-making ally if it was echoed in the newspaper sample by at least one actor with formal decision-making power (president, ministers, legislators) or advisors to such people. The descriptive statistics show that 19 out of 29 (66 percent) of NGO-influenced decisions had decision-making allies echoing their demand. However, only five percent of non-NGO influence demands had decision-making allies backing their demand. When running the univariate regression analysis, having decision-making allies was statistically significant for NGO influence (with a significance score of 0.00 and an RRR probability of 5.53).[126] Having decision-making allies backing the NGO demand also holds true when controlling for other factors in the multinomial regression (significance score of 0.019 and an RRR probability of 7.85).

These results confirm hypothesis one based on the social movement theorists that argue that social movement influence tends to be mediated by decision-making allies (in other words that social movements – and in this case NGOs - achieve policy influence when they are backed by allies with formal decision-making authority supporting their demand) and vice-versa. In the qualitative analysis, the explanatory factors for why (alignment of interests, fear of social disruption or other factors) decision-making allies may have supported NGO demands (or not) will be explored. However, the existence of decision-making allies was not a necessary (or sufficient) condition for NGO influence. Indeed, NGOs were perceived to have influenced policy decisions even in situations where they did not have decision-making allies. The qualitative analysis will also explore why this was the case and what other factors may have been more decisive in those situations.

Hypothesis two was established as: the more powerful opponents with formal decision-making authority, the less likely NGOs are to influence policy change. To test this hypothesis, a variable of opponents was created to test whether NGO demands that had opponents with decision-making authority were more likely to fail to be translated into policy decisions. Two variables

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[126] It was also statistically significant (but less) for cases of potential NGO influence (significance score of 0.005 and an RRR probability of 2.07).

were established to test this hypothesis. The first was a variable referring to any type of opposition to the NGO demand from a state agency, including the parliament, the president, the police, the AGO, the bureaucracy or political parties. An NGO demand was classified as having opponents if any of these actors were being referred to in the newspapers as opposing the demand or an assumption was made of opposition because the demand implied threats to the power of specific state institutions or actors. Therefore, a very large proportion of demands had opponents (96 percent) and the proportion was large in all influence categories. The univariate regression analysis confirms these results with having opponents to the NGO demand not being statistically significant for NGO influence or lack thereof. Other variables were thus established, to measure whether the type of opponents mattered for NGOs failing to achieve influence over policy decisions. The first variable tested whether demands opposed by democratically elected actors (president or parliament) versus those opposed by non-elected actors (KPK, AGO and police) mattered for lack of NGO influence. The univariate regression proved positively significant with a significance score of 0.008 and an RRR score of 3.77. However, the significance was lost in the multinomial regression. Another variable was also created to test whether having the police or AGO opposing the NGO demand mattered for lack of NGO influence. However, this variable proved insignificant in the univariate regression analysis. Hence, hypothesis three was supported by the univariate regression, but not by the multinomial regression when controlling for other factors. In other words, having powerful opponents opposing the NGO demand did not statistically matter for lack of NGO influence when controlling for other factors. The qualitative case studies and thematic analysis in chapters six and seven will explore why this may have been the case.

The third hypothesis related to whether public opinion may have mattered for NGOs to be perceived as having influenced certain policy decisions, and established that: NGOs are more likely to influence policy change when public opinion is aligned with NGO demands. This is more likely to happen in relation to high salience issues. The public opinion indicator used was based on a three-tier scale: public opinion favourable to the NGO demand, indifferent or against. Public opinion was rated as favourable to the NGO demand if: a) the demand had been made on social media; or b) the demand was echoed by at least two types of non-NGO civil society allies (e.g. students and religious leaders); or the decision was attributed to public opinion by the media; or

had high or very high media coverage[127] of NGOs in relation to issue (either expressing demands or opinions). Public opinion was considered indifferent if there had been low or medium media coverage of NGO demands. Public opinion was considered against a demand if there was any reference to an explicit opposition to the demand by the public.

Of the total sample of NGO demands, 65 percent were backed by a favourable public opinion. Of the aligned demands, 71 percent had a favourable public opinion, whereas 29 percent had an indifferent public opinion. 29 percent of totally aligned demands were also attributed to public opinion pressure (either in media articles or by interview informants).[128] The proportion of non-aligned demands that had a favourable public opinion was lower than for aligned and partially aligned demands, but remained high (half of the sample).

All 29 NGO demands which were perceived as resulting in policy influence had a favourable public opinion, making public opinion a necessary condition for NGO influence in the case of this sample. A little less than half (48 percent) of the 29 demands attributed to NGO influence were also attributed to public opinion pressure. The weight of public opinion as one of the explanatory factors for NGO influence seems to vary depending on the type of decision-maker, although this could not be established statistically. Indeed, ten out of 14 demands resulting in policy decisions perceived as influenced by NGOs directed to the president and half (four out of eight) of demands directed to the parliament were also attributed to public opinion pressure. None of the six demands directed to the KPK to which which NGO-influenced policy decisions were attributed were also attributed to public opinion pressure. In the univariate regression, public opinion was a necessary condition for NGO influence and statistically significant for potential influence cases (with a significance value of 0.089 and a probability RRR of 1.78). Because public opinion was a composite variable, the multinomial regression results on this indicator could not be interpreted. Media coverage was instead used as a more precise indicator of public opinion in the multinomial regression analysis.

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[127] For information on how the media coverage variable was constructed, refer to section 4.1. in appendix one
[128] The proportion of partially aligned demands that had a favourable public opinion was similar to aligned demands (76 percent).

With public opinion as a necessary condition for NGO influence, the implications for NGOs are that they are unlikely to achieve influence over policy decisions without a favourable public opinion backing their demand. This would confirm hypothesis three and social movement theorists that view public opinion as a mediating factor for social movement influence, in this case making the theory applicable to NGOs. The explanatory factors for the high proportion of demands simultaneously perceived as attributed to NGO influence and public opinion pressure will be analysed in the qualitative analysis.

Media coverage of NGO demands was one of the variables used to measure public opinion on an issue. Hence, 91 percent of demands with favourable public opinion had either very high (82 percent) or high media coverage (eight percent) and 59 out 60 of demands with no public opinion had either low (88 percent) or medium media coverage. To assess the weight of media coverage for explaining NGO influence, a separate variable for media coverage was also created. The media coverage variable was divided into a four-tier scale: low, medium, high or very high (for additional information on how this variable was constructed, refer to section 1.41 in appendix one). 28 out 29 NGO influence demands had either very high (86 percent or 25 demands) or high (three demands) media coverage, whereas only one had medium coverage and none had low coverage (Coins for KPK case, which instead had a very high supporting public opinion and a high number of civil society allies). Hence high or very high media coverage was a necessary condition for NGO influence unless the demand had a very visible public support (for example in the form of a large number of civil society allies as in the case of the Coins for KPK campaign). This was confirmed in the univariate regression analysis, which showed media coverage to be statistically significant for NGO influence (with a significance value of 0.081 and a probability RRR of 2.49). High or very high media coverage was also statistically significant when controlling for other factors in the multinomial regression analysis (with a significance value of 0.035 and a probability RRR of 11.4).

In the qualitative analysis, the thesis will analyse how NGOs played an important role in generating media coverage for their demands as a conscious strategy to achieve their policy goals, both through proactive actions such as press conferences and media statements, as well as through the creation of newsworthy events.

Democratically elected policy-makers seemed more likely to yield to NGO demands if they were backed by high media coverage, although this assertion could not be statistically established. Indeed, very high media coverage was present in all (14) partially and totally aligned demands resulting in perceived NGO-influenced decisions addressed to the president, thus making it a necessary condition for demands addressed to him in the case of this sample. Very high media coverage was also present in seven out of eight demands addressed to the parliament for which NGOs were perceived to have had policy influence. This could probably be related to the correlation between high media coverage and public opinion, either because high media coverage is perceived as an indicator of public opinion or because of fears that high media coverage will create public opinion on an issue. These results would confirm the permeability of elected institutions to pressure created by high media coverage, although the assertion could not be made through the regression analysis.

Ten of the 173 NGO demands were reported in the newspapers as having been echoed on social media (Facebook or Twitter).[129] These ten demands were totally aligned with NGO demands and were all perceived to have been influenced by NGOs, making social media a sufficient condition for NGO influence (in the case of this sample). Seven out of these ten demands were made to the president, two were made to the parliament and one to the KPK. Social media is increasingly perceived by Indonesian policy-makers as an indicator of public opinion.[130] Hence, these results are in line with the previous findings on the necessity of public opinion for NGOs to achieve policy influence. This would also confirm the previous observations that the president may be more permeable to the public opinion pressure created through social media than other institutions in Indonesia.

Hypothesis four related to the importance of perceived technical expertise and credibility of NGOs for achieving policy influence and established that: NGOs with capacity to generate technically sound research, knowledge and data may be able to influence policy change if they are viewed as credible and authoritative actors in their policy area. This is more likely to occur in

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[129] It is possible that more demands than this were echoed on social media, but I limited the sources to newspaper reference to social media.
[130] "Taking it to the Internet: People Power 2.0", Jakarta Post 30 November 2012.

situations that are not characterised by crisis. Two variables were created to test this hypothesis. A technical advice variable was established for NGO demands made through the technical advice strategy (if the demand had involved a corruption case report, a research report or a draft law or regulation elaborated by the NGO). Another variable on data was established for those demands that were backed by data. The descriptive statistics revealed that 27 percent of the total sample of demands were made through the technical advice strategy and 28 percent of total demands were backed by data. However, none of the demands resulting in perceived NGO-influenced policy decisions were made through the technical advice strategy and only 17 percent were backed by data. On the other hand, 21 percent of non-influenced demands were made through the technical advice strategy and 36 percent were backed by data. In both the univariate and multinomial regressions, the technical advice variable proved to be negatively statistically significant for NGO influence. In other words, those demands made through the technical assistance strategy had more likelihood of resulting in a lack of NGO influence (and vice-versa). Hence, hypothesis four was rejected, although the factors explaining this are not revealed through the statistical analysis, but will be explored in the qualitative analysis in chapters six and seven.

5.22 Testing Additional Variables in Conceptual Framework

The hypotheses were linked to the influencing paths of the conceptual framework and were tested in the previous section. In addition to those, other variables were extracted from the conceptual framework, to test for the significance of (short-term) political opportunity structures, NGO resources and strategies for explaining NGO influence (or lack thereof). In the resource category, the significance of what the ACF refers to as "mobilisable troops" was tested for. The resource of information was tested through hypothesis four. Financial resources could not be adequately quantified and were therefore not run in the statistical analysis, but will be analysed in the qualitative analysis in chapters six and seven. The five NGO strategies listed in the conceptual framework (social mobilisation, legal, media, collaboration and research/technical assistance) were also tested for as well as a number of additional variables extracted from the literature review: intensity of NGO demand, whether the demand was done in the context of an NGO campaign, type of decision-maker, type of policy demand and the policy cycle stage. The results are explained in the following sections.

Two variables were created to test for the significance of short-term political opportunity structures in the form of focusing events such as elections and crisis. The first variable assessed if the NGO demand had been made during an election year and the second one assessed if the demand had been made during a period of crisis. 35 percent of all demands were made during an election year (2009). 38 percent of demands resulting in perceived NGO-influenced policy decisions were made during an election year, which was almost the same proportion as for non-NGO influence (39 percent). The election variable proved to be statistically insignificant in the univariate regression analysis.

A crisis period was characterised as a period of social unrest and high levels of social mobilisation (*Cicak Buaya* one and two episodes). 38 percent of all demands were made during a crisis period. 62 percent of NGO influence demands were made during a crisis period, while only 36 percent of non-influence demands were made during a crisis period. When running the univariate regression analysis, the crisis variable proved to be significant (2.86) for NGO influence. However, it was not significant when controlling for other factors in the multinomial regression analysis.

"Mobilisable troops"

The concept of allies was expanded beyond policy decision-makers to analyse the significance of other types of allies – within civil society – (what the ACF refers to as "mobilisable troops") for explaining NGO influence: three variables were established to test for different type of allies: NGO allies (number of NGOs making the demand); social movement allies and civil society allies.

The variable of NGO allies measured the number of NGOs making the demand and whether this had an impact on perceived NGO influence. While a little less than half of all demands were made by several NGOs, as much as 76 percent of demands on which NGOs were perceived to have had an influence were made by several NGOs, either as a coalition (28 percent)

or as an informal group of NGOs (48 percent). The reverse pattern was observed for non-influence demands. Indeed, a much lower proportion (48 percent) of non-aligned demands were made by several NGOs compared to the NGO influence sample, while the majority (52 percent) were made by one NGO only). Hence, the demand being made by several NGOs was positively statistically significant in the univariate regression analysis, but lost its significance when accounting for other factors in the multinomial regression.

Another variable of civil society allies was also created. A demand was categorised as having a civil society ally if the demand was echoed in the newspaper sample by at least one non-NGO actor within civil society (such as for example a social movement, a religious organisation or of one of their leaders, students or academics). The results showed that 59 percent of demands which NGOs were perceived to have influenced had civil society allies, while this was the case for only 15 percent of non-influence demands. For the demands resulting in perceived NGO-influenced policy decisions, a larger proportion of those addressed to the president had civil society allies. Indeed, 59 percent of those addressed to the president had civil society allies, this was the case for 23 percent of those addressed to the parliament, while only for 17 percent of those addressed to the KPK. The univariate regression analysis confirmed these results, with civil society allies being statistically significant for NGO influence (with a significance score of 0.00 and an RRR probability score of 3.72).[131] However, the significance was lost when controlling for other factors in the multinomial regression analysis. The significance of civil society allies for NGO influence in the univariate regression analysis may be explained by the fact that the more people echoing a demand may be equated with a strong public opinion for that demand. This will be explored in more detail in the qualitative chapters (six and seven).

Another variable was created to test whether the NGO demand having been echoed by a social movement mattered for NGO influence on policy decisions. 13 out of 173 demands were made by a social movement. However as much as 31 percent of NGO influence demands were made by a social movement, compared with only three percent of non-influence demands. The univariate regression analysis shows that a demand being made by a social movement was

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[131] Having civil society allies is not statistically significant for potential NGO influence.

statistically significant with a signifance score of 0.001 and an RRR score of 14.4. However, the significance was lost when controlling for other factors in the multinomial regression.

NGO strategies

Variables were also created to test to what extent the type of strategies used by NGOs to make demands mattered for pereceived NGOs influence. NGO strategies were classified into six categories: technical advice (already covered though hypothesis four); protest; media; legal; international, and cooperative strategies. The large majority of demands were made using one type of strategy (90 percent), whereas 10 percent used a combination of different strategies. The strategy most frequently used was by far the media strategy (61 percent), followed far back by research/technical assistance (16 percent), social mobilisation (13 percent), cooperative and legal strategies (five percent each) and international strategy (one percent).

When running the univariate regression analysis, two strategies proved to be positively statistically significant for NGO influence: the protest strategy (with a significance score of 0.000 and an RRR score 9.33) and the media strategy (with a significance score of 0.081 and an RRR score 2.49 RRR). However, when controlling for other factors in the multinomial regression analysis, neither of these proved significant. The technical advice and knowledge strategy proved to be negatively statistically significant (with a significance score of 0.000 and an RRR score of 1.19). The legal and cooperative strategy proved to be statistically insignificant for NGO influence in the univariate regression analysis.

Intensity of NGO demand

A variable of NGO demand intensity was created to measure the number of times a demand was made by NGOs in the media. A low intensity demand was made only once, a medium intensity demand was made twice or three times, a high intensity demand was made four times or more. The results of the descriptive statistics showed that there was a higher proportion of NGO influence demands that had been made twice or more (45 percent) than NGO non-influence demands.

Conversely, only 15 percent of non-aligned demands had been made twice or more. This is confirmed by the univariate regression analysis which shows NGO demand intensity to be statistically significant for NGO influence (with a significance score of 0.003 and a probability RRR of 3.23). However, the variable lost its significance when controlling for other factors in the multinomial regression analysis.

NGO campaign

A variable was also created for those demands made in the context of an NGO campaign (whether spontaneous or planned). 76 percent of demands resulting in perceived NGO-influenced policy decisions were part of an NGO campaign, while only 33 percent of non-influenced demands were part of an NGO campaign. The demand intensity was highly correlated with the NGO campaign variable. Indeed, 89 percent of high intensity demands (made four times or more) were made as part of an NGO campaign. These findings were confirmed by the univariate regression analysis which showed that a demand being part of an NGO campaign was statistically significant for NGO influence (with a significance score of 0.000 and an RRR probability score of 6.28). However, it lost its significance when controlling for other factors in the multinomial regression analysis.

Type of decision-maker

Variables were also created to assess to what extent the type of decision-maker mattered for NGO influence. Several variables were created: one tested for whether the decision-maker was democratically elected (president or parliament) and two separate variables were created to test for whether either of the two mattered on their own. Of the 29 demands that NGOs were perceived to have influenced, 48 percent were targeted to the president, 28 percent to the parliament, 21 to the KPK and one demand to the KPK selection team. Hence, 76 percent of NGO-influenced decisions were taken by democratically elected institutions, which would suggest that these institutions may be more permeable to NGO influence. Conversely, the largest category of non-NGO influenced demands were targeted to the KPK (43 percent), while 46 percent were targeted to democratically elected institutions (23 percent to the president and 23 percent to the parliament; three demands were targeted to the police and two to the AGO). Two of these variables proved significant in the

univariate regression: president as decision-maker (with a significance score of 0.015 and an RRR score of 3.17); and democratically elected institutions (parliament or president) as decision-maker makers (with a significance score of 0.008 and an RRR score of 3.77). Situations where only the parliament was a decision-maker proved statistically insignificant for NGO influence (significance score of 0.611). However the two variables that were significant in the univariate regression lost their significance in the multinomial regression. Hence, the type of decision-maker (or target of demand) did not matter for NGOs to achieve policy influence, when accounting for other factors in the multinomial regression analysis.

As will be seen in the qualitative analysis in chapters six and seven, what may be able to explain the results for democratically elected institutions in the univariate regression analysis is the frequent association of NGO demands with public opinion pressure. These results may also be related to the perception of KPK as less permeable to NGO influence than the president and the parliament.

Type of policy demand

Variables were also created to assess if the type of policy demand (and related policy decision) mattered for NGO influence or not. Three variables were created: the first referred to demands related to maintaining the authority of the KPK; the second classified policy demands into whether the related policy decision was considered minor or major. The classification of minor versus major policy decisions draws upon those policy process theories that recognise both minor and major policy change as co-existing (c.f. punctuated equilibrium framework, advocacy coalitions framework and the interactive model, see chapter one) and which view minor policy change as small changes to existing policies, while major policy changes are characterised as a significant departure from these (True, Jones and Baumgartner 2007).[132]

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[132] Building on these assumptions, this thesis classified the demands made by NGOs and their related policy decisions in the Indonesian context as minor if it required a short-term action, the creation or dissolution of temporary committee, a sentence on a corruption case, budget approval, allocation or disbursement, delaying or speeding up legislation. A policy decision was classified as major if it referred to the approval or revision of a law, decree or regulation, creation or restructuring of new agency, recruitment or firing of top leadership positions in state agency and institutional reform. The third variable was a string variable and classified demands according to whether they referred to a specific corruption case or other policy reform issues.

The "save KPK" variable related to demands aimed at preserving the authority and integrity of the KPK. 62 percent of demands resulting in perceived NGO-influenced policy decisions were related to saving the KPK, while this was valid for only 11 percent of non-influence demands. When running the univariate regression analysis, the "save KPK" variable proved to have a very high significance score (14.4 RRR). The variable remained highly significant when controlling for other factors in the multinomial regression analysis (RRR score of 13.8).

The large majority (69 percent) of policy demands required a minor policy decision. (explained in methodological chapter) 76 percent of demands resulting in perceived NGO-influenced policy decisions involved minor policy decisions. However, the proportion was also high for non-NGO influence demands (61 percent). Hence, this variable was statistically insignificant in the univariate regression analysis.

Policy stage

Variables were also created to test for NGO influence in different stages of the policy cycle (based on the linear model's disaggregation into policy stages: agenda-setting, policy adoption, policy formulation and implementation). None of stages proved significant for NGO influence in the univariate regression analysis. However, agenda-setting proved significant in the multinomial regression, when controlling for other factors.

The purpose of this chapter was to present the results of the statistical analysis and use the regression results to test the hypotheses established in chapter two. Summarising the above results, when the statistically significant univariate variables were run in a multinomial regression analysis, public opinion was a necessary condition for NGO influence, and three variables proved to be remain positively significant: the existence of decision-making allies, high media coverage, demands related to maintaining the authority of the KPK ("saving KPK"), in the agenda-setting stage of the policy cycle. The research and technical advice variable was negatively significant.

The following table summarises the factors that were necessary and sufficient for NGOs to achieve policy influence:

Table 3: Necessary and sufficient factors for NGO influence

Variable	Sufficient or necessary conditions
Public opinion	Necessary
Media coverage	Necessary (in all cases except one)
Demand made on social media	Sufficient

All the other variables proved insignificant when controlling for other factors in the multinomial regression. These results confirm hypotheses one (decision-making allies) and three (public opinion). It would reject hypothesis two (powerful opponents) and four (research and technical advice). Linking back to the influencing paths of the conceptual framework, it means that in the case of Indonesian anti-corruption reform, NGOs have exercised influence over policy change through the influencing paths of political allies and public opinion. While a favourable public opinion to the NGO demand was a necessary condition for NGOs to exercise influence (hence influence was always mediated by public opinion), the support of political allies was a statistically significant condition for NGO influence, but not a necessary condition. In other words, NGOs were generally (but not always) able to exercise policy influence if they had the support of political allies. The statistical analysis also adds the dimensions of high media coverage, the type of policy demand, and the stage of the policy cycle as significant supporting factors for NGOs to exercise policy influence. (For a detailed table Summary of univariate and multinomial regression analysis see table 26 in appendix two).

Table 4: Summary of univariate and multivariate regression analysis

Variable	Significance	P Value	RRR
Save KPK (type of demand)	Positively significant	0.000	16.1
Media coverage	Positively significant	0.032	12.64
Agenda-setting (stage of policy cycle)	Positively significant	0.008	11.86
Decision-making allies	Positively significant	0.015	7.96
Technical advice	Negatively significant	0.000	6.94e
Civil society allies	Not significant		
Major/minor policy decision	Not significant		
NGO/NGOs	Not significant		
Protest	Not significant		
President as target	Not significant		

The remaining part of the thesis will qualitatively analyse and explain the "why" and "how" dimensions of these statistical results in specific policy cases. The following chapters will also systematically discuss, balance, complement and compare the statistical findings of this chapter with the results of the qualitative analysis, bringing the numbers to life, and discussing their relevance, comparing their consistency and bring out their complementarity with the qualitative findings.

Chapter Six: Case Studies

Introduction

This chapter includes two qualitative case studies of policy cases in the context of Indonesian anti-corruption policy reform. The cases were selected based on the following criteria (explained in more detail in section 1.3 in appendix one): the cases with the highest number of NGO demands and the highest proportion of demands resulting in both perceived policy influence and non-influence. Hence, they were selected because they were perceived by interview informants as illustrating cases where NGOs exercised significant influence over the policy process, while simultaneously failing to achieve influence on a number of their demands. The case studies' combination of success and failure provide them with a multi-dimensional character which allows for a rich set of of analytical angles. However, the case studies analyse two different phenomena: the Cicak Buaya case explains how the framing of two KPK Commissioners led to the creation of an NGO-created social movement for anti-corruption, while the case of the Corruption Court Law analyses how NGOs tried to influence the adoption and content of a new anti-corruption-related law. While the newspaper analysis covers the period of January 2009 to December 2012, the period of analysis of the case studies is restricted to 2009 during a partly overlapping period: the debate on the Corruption Court bill coincided with the beginning of the *Cicak Buaya* crisis (the time period overlap was July to end of September 2009). How the two events were linked and how the Cicak Buaya crisis may have helped NGO achieve policy influence in the case of the Corruption Court Law will be analysed in section 6.2 of this chapter.

The case studies will use the conceptual framework proposed in chapter one to explain how NGO influence was exercised and why influence was gained over some policy decisions, while not over others, and what other factors and actors came into play in this process. By doing this, the cases will also seek to illustrate and explain some of the findings of the statistical analysis. The case studies use political claims analysis and qualitative thematic analysis based on data from the newspaper articles and the in-depth interviews, to analyse the claims made by NGOs in the media (and the strategies used in this process), the resources used and the reaction to NGO claims by other actors. The case studies explore the three main policy influencing paths of the conceptual

framework (public opinion, political allies, and the role of knowledge) as well as the resources and strategies used in this process and what role they played for enabling or hindering NGO influence over the policy process. Three additional dimensions that emerged as significant from the statistical analysis were also added to the analysis: type of decision-makers, of policy demands and the role of the media. The structure of each case study does not chronologically follow the conceptual framework proposed in section 1.2 in chapter one, as NGO strategies and resources were used across the various influencing paths. The analysis of strategies and resources was therefore interspersed throughout the case study to reflect this cross-dimensionality.

6.1. Case Study One: *Cicak Buaya*

6.11 Selection of Case Study

Based on the criteria presented in section 2.41 of chapter two, *Cicak Buaya* one was the case which most interview informants attributed NGO influence to (14 informants out of 45). The case also received the second highest perception of influence score (1.9 on a range from zero to two) for NGO influence after *Cicak Buaya* two. However, it was also the case that yielded the highest score for perceived lack of NGO influence (together with the case of the Corruption Court Law). The case study analysis will explore the factors that contributed to these different perceptions of NGO success and failure in the *Cicak Buaya* case.

6.12 Background and Overview of Events[133]

Mietzner describes 2009 as being a year during which there was "a strong push from conservative elites to weaken Indonesia's anti-corruption drive" (2012 p. 213-214). Similar concerns were voiced by the media and anti-corruption NGOs. Indeed, in 2009 a number of concurring developments could be interpreted as attempts to weaken Indonesia's anti-corruption reform efforts. These attempts were to a large extent targeted towards the KPK, having been the most forceful institution in combating corruption in Indonesia. One of these was the historical episode

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[133] The events described in the following section have been reconstructed based on thematic content analysis of newspaper articles from that period, as well as subsequent academic journal articles, complemented by key informant interviews with involved stakeholders.

subsequently termed *Cicak Buaya*, the "gecko versus the crocodile" case, a metaphor used to describe the KPK's ("gecko") battle against the police ("crocodile"). The *Cicak Buaya* episode, which was triggered by the arrest of two KPK commissioners on fabricated charges of bribery, sparked a national outcry and the birth of a social movement against corruption in support of the KPK. The short-term political opportunity structures characterising this period was an election year, although the elections had taken place before the full-blown conflict broke out. However, the *Cicak Buaya* episode effectively triggered a focusing event in the form of a national crisis, with intense social mobilisation throughout the country, pressuring the president to take action to solve the stand-off between the KPK and the police.

The *Cicak Buaya* episode involved a complex series of events revolving around a framing scheme of the KPK. The *Cicak Buaya* episode lasted from May 2009 until October 2010 (when the AGO issued its deponeering decision) with intense social mobilisation taking place between mid-September to early December 2009. Until 2009, the KPK had not targeted the police in the investigation of corruption cases. However, in March 2009, for the first time, a senior police official's (National Police Chief Detective Susno Duadji) phone was wiretapped as part of the KPK investigation of a corruption case (the government's 6.7-trillion-rupiah - US$524 million - bailout of Bank Century).[134] The wiretaps revealed Susno in a conversation soliciting bribes.[135][136] The wiretapping is believed to have left a grudge in the police (in particular Susno), who over the subsequent months made a range of accusations against KPK officials. In July 2009, the political news magazine Tempo published an article based on an interview with Susno referring to a gecko ("*cicak*" in Indonesian) symbolising the KPK, fighting a crocodile ("*buaya*"), representing the police. The accusations ended in KPK Deputy Chairman Chandra Hamzah and KPK Commissioner Bibit Rianto being declared suspects in an abuse of power and bribery case, their subsequent suspension in mid-September 2009[137] and arrest in October 2009. This process (often referred to by NGO activists and the media as "the criminalisation process of the KPK"), was seen by NGOs, activists, journalists and many prominent public figures, as a blatant attempt to

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[134] "KPK case: Conspiracy and impunity?", Jakarta Post, 2 November 2009.

[135] The bribery scheme was allegedly not put in motion and Susno subsequently claimed that he had intentionally let KPK wiretap him by staging the conversation in order to mock the KPK (http://www.insideindonesia.org/weekly-articles/snatching-victory April 2010; "The Susno Saga: Oscillating Between Villain and Hero", Jakarta Globe, 1 May 2013). Viewed 1 September 2014.

[136] "Lawyers report Susno to police inspectorate", Jakarta Post, 29 September 2009.

[137] A week after after Bibit and Chandra were declared suspects by the police on 15 September 2009, the president suspended them from their duties at the KPK ("Indonesian president issues decree on anti-graft body", BBC Monitoring International Reports, 23 September 2009; "KPK deputies back to work on Tuesday", Jakarta Post, 8 December 2009).

undermine the KPK by actors feeling threatened by the institution's increasing effectiveness in fighting corruption.[138] The events triggered a strong reaction among anti-corruption NGOs, which initiated a support campaign for the KPK, that ultimately spread to massive social mobilisation in support of the KPK across the country on a scale not witnessed since the student riots that culminated in the removal of Soeharto from power in 1998. On 15 October 2009, Bibit and Chandra then submitted a judicial review to the Constitutional Court questioning the legality of their suspension (Butt 2011). On November 2, 2009, the president established an investigation team named Team of Eight (*Tim Delapan*) to look into the bribery allegations against the two suspended KPK officials.[139] The team was established the day before the Constitutional Court played tapes of wiretapped phone conversations revealing that the accusations against Bibit and Chandra had been part of a conspiracy to undermine the KPK through an attempt to frame them. Three key players were mentioned in the tapes: National Police Chief Detective Susno Duadji, the Deputy Attorney General and a businessman - Anggodo Widjojo, brother of corruption suspect Anggoro.[140] After the tape recordings were aired on national television, events unfolded quickly. On November 5, National Police Chief Detective Susno resigned from his position as did the Deputy AGO.[141] [142] On November 17, the Team of Eight presented its recommendations to the president. These included a halt to the prosecutions of the two commissioners, punishment of officials implicated in the framing scheme - including Susno - the arrest of Anggodo and thorough reform of the police and the AGO. A week later, in response to the Team of Eight's findings, President SBY addressed the nation in a televised speech in which he ordered the case to be settled out of court and urged for reforms within the police and AGO.[143] On 25 November, the Constitutional Court ruled in favour of the two commissioners, declaring their suspension unconstitutional and ordering their reinstatement to the KPK.[144] On December 1st 2009, the AGO issued a decree to halt the prosecution[145], and on December 4, the president issued a decree to reinstate the two commissioners to the KPK after almost three months of suspension.[146] In

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[138] "Calls mount for Bambang, Susno Duadji to resign", Jakarta Post, 31 October 2009.
[139] "From stability to chaos in Indonesia", Asia News Online, 26 November, 2009.
[140] "From stability to chaos in Indonesia", Asia News Online, 26 November 2009.
[141] On 14 November 2009, bribery charges were filed against Anggodo for attempting to bribe Bibit and Chandra to halt KPK's investigation into his brother Anggoro's company.
[142] http://www.thejakartapost.com/news/2009/11/05/deputy-attorney-general-police-detective-chief-resign-kpk-scandal-escalates.html. Viewed 30 August 2014.
[143] "From stability to chaos in Indonesia", Asia News Online, 26 November 2009.
[144] "KPK deputies keep their jobs unless found guilty", Jakarta Post, 25 November 2009.
[145] "Editorial: Upholding fairness", Jakarta Post, 21 April 2010.
[146] "KPK deputies back to work on Tuesday", Jakarta Post, 8 December 2009.

December, the president also established a "Judicial Mafia Eradication Taskforce" to curb corrupt practices within the judiciary.[147] However, three months later, Anggodo[148] (who was in trial for the case) filed a pre-trial lawsuit to a lower court against the AGO's decision to halt the case. The court ruled in favour of Anggodo, ordering the prosecutors to bring the case to trial.[149] This verdict was upheld by the Jakarta High Court in June 2010, ordering the AGO to continue pursuing the case. Despite the decision of the Jakarta High Court, four months later, on 30 October 2010, the AGO issued a "deponeering"[150] decision to drop the Bibit and Chandra case – citing reasons of public interest - after orders from the president.[151]

6.13 NGO Claims and Perceptions of Influence

Of the 74 cases recorded in the PCA, the *Cicak Buaya* case was the one which NGOs made the highest number of demands on (a total of 52 demands, which represents 19 percent of total demands made by NGOs during the four-year period analysed). NGO demands for *Cicak Buaya* were divided into 23 different types of demands, of which 14 referred to quick actions related to solving the KPK crisis and nine demands for more long-term anti-corruption reform of the AGO and the police. Demands for "saving the KPK" and "solving the KPK crisis" were made throughout the *Cicak Buaya* campaign.[152] The NGOs' and *cicak* movement's demands for the release of Bibit and Chandra were not voiced until after the framing scheme had been revealed. This was one of the two specific demands that was made the most number of times (seven) of the total sample of articles (together with demands to parliament to approve the Corruption Court Law). When KPK commissioners Bibit and Chandra were arrested by the police and rumours began circulating about the wiretapped tapes revealing the framing scheme, NGO and *cicak* demands started focusing on the establishment of an independent investigation team. Different demands for the government to impose sanctions on the AGO and the police and those involved in the framing scheme, intensified immediately after the revelation of the tapes and constituted the

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[147] http://www.thejakartaglobe.com/archive/uncertain-future-for-indonesias-mafia-eradication-task-force. 30 December 2011. Viewed 1 September 2014.

[148] In September 2010, the Corruption Court sentenced Anggodo to four years imprisonment after finding him guilty of attempting to bribe Bibit and Chandra ("Bibit, Chandra case closed, experts say", Jakarta Post, 2 September 2010).

[149] "Court ruling will undermine KPK: Taskforce", Jakarta Post, 21 April 2010.

[150] Deponeering is according to Indonesian legislation, a legal action whereby the AGO can halt a case for the sake of national stability ('Deponeering' KPK deputies is the correct decision: Dems", Jakarta Post, 26 October 2010).

[151] "Editorial: KPK leadership vacuum", Jakarta Post, 2 November 2010.

[152] The media content analysis recorded at least three demands for saving the KPK and four demands for solving the KPK crisis.

most voiced NGO demand category during the *Cicak Buaya* episode (voiced fifteen times). They were often made as part of the demands for the president to follow the recommendations of the Team of Eight – which also included demands for in-depth reform of the AGO and police (made four times each). (For the full list of demands made during *Cicak Buaya*, refer to table 30 in appendix three).

There was a strong perception among a range of different types of informants that NGO influence had been strong in the *Cicak Buaya* case and that it contained a number of victories for NGOs, of which the most significant was the release of the two KPK commissioners and their reinstatement to the KPK. Indeed, *Cicak Buaya* was the case which most interview informants (including NGOs, journalists, legislators and KPK officials) attributed NGO influence to (14 informants).[153] And the case received the second highest perception of influence score (1.9) for NGO influence after *Cicak Buaya* two. Based on the PCA, if analysing specific demand alignment with policy decisions, of the 13 totally and partially aligned demands, almost half (six) were perceived to have been influenced by NGOs. Of the 14 demands that required a minor and non-legislative policy action, almost half were perceived to have resulted in NGO-influenced policy decisions. These included the resignation of Chief Police Detective Susno, the creation of the Team of Eight to investigate the Bibit and Chandra case, and the dropping of the case against the two KPK commissioners. However, not all demands made by NGOs in *Cicak Buaya* were responded to. Of the five policy cases with the highest number of demands of the sample, the *Cicak Buaya* case was also the one with the lowest proportion of demands perceived to have resulted in perceived NGO-influenced policy decisions (27 percent). The *Cicak Buaya* case also had the highest proportion of non-aligned demands (40 percent) compared to the other cases, hence demands that NGOs failed to achieve influence on. Also, of the NGO demands that required major long-term reform of the police and the AGO, more than half resulted in non-aligned decisions and none of the nine demands resulted in perceived NGO-influenced decisions. NGO demands for dismissal or resignation of the top leaders of the police and the AGO were not responded to either, although the deputy AGO was forced to resign.

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[153] These included 7 NGO informants, 3 journalists, 2 KPK officials, 1 legislator and 1 activist.

The mixed perceptions of NGO influence of partial success and partial failure in *Cicak Buaya* was confirmed in the interviews. Even though the AGO's deponeering decision led to dropping the case against the two KPK commissioners and thereby temporarily solving the KPK crisis, two years after the crisis, few of the stakeholders involved were ultimately satisfied with that policy decision. A number of NGOs, KPK and journalist informants perceived that the decision was a political compromise, led first and foremost by public opinion concerns, tainting the credibility of the KPK, by never declaring the two commissioners innocent. Indeed, the deponeering decision was the option least favoured by NGOs.[154] A legislator echoed these concerns, arguing that it was a decision mainly aimed at allowing the president "not to lose face".[155] [156] A presidential advisor and Team of Eight member however justified the deponeering decision as the only legal option available to the AGO to drop the case as it had already been opened.[157] However, the AGO and the police were not satisfied with the decision either. AGO staff considered the decision forced upon them by the president and would have preferred to let the case follow its legal course, as some (AGO, police, legislator) considered there was enough evidence against the two commissioners.[158] Another legislator argued that if there was not, the commissioners could have been officially declared innocent and the police could have closed the case.[159] And ultimately, the demands for replacing the top leadership of the two institutions implicated in the framing were not heard. The demands for in-depth reform of the police and AGO were partially addressed through the creation of a Judicial Mafia Eradication Taskforce, which was however perceived as lacking enforcement authority and was disbanded two years later.[160] Hence, four years on, the AGO and the police continue to be perceived as highly corrupt law enforcement institutions (see TII survey results in section 4.1 in chapter four).

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[154] Interviews with NGO informants, Jakarta, 20 December 2012 and 10 January 2013; with journalists, Jakarta, 8 and 11 January 2013; with Deputy KPK Chairman, Jakarta, 16 January 2013.
[155] "Losing face" is an Asian cultural concept, which refers to the dignity, reputation and honour of a person being socially affected.
[156] Interview with legislator, 17 June, 2013.
[157] Interview with government official, Jakarta, 27 December 2012
[158] Interview with Police Reform Team, Jakarta, 16 January 2013; interview with AGO Reform Team, Jakarta, 14 January 2013; interview with legislator, Jakarta, 8 January 2013.
[159] Resorting to a legal instrument called SP3 that the police can use to declare insufficient ground for pursuing a case.
[160] As a Jakarta Post article described "The task force has no enforcement authority, with its functions limited to advising, monitoring and evaluating reform and supervision measures by all law enforcement institutions" ("Judicial Mafia Task Force: The unsung crusader", Jakarta Post, 29 December 2011).

6.14 NGO Strategies

NGOs used a variety of strategies during the *Cicak Buaya* episode, although the media strategy and social mobilisation dominated. 59 percent of demands were made through the media strategy, 31 percent through social mobilisation, two demands through the legal route and one to the international community asking for their intervention. For the demands resulting in perceived NGO-influenced policy decisions, five out of six were made through protest and an equal proportion through the media strategy. Four out of six of those demands used a combination of different strategies. On the other hand, only one out of nine non-influenced demands were made through a combination of strategies, and only two out of nine used protest as a strategy. This section will describe how one of the central strategies used by NGOs to gain influence over the policy process in the *Cicak Buaya* case (social mobilisation through the creation of a social movement) was implemented and how this was process was linked to public opinion and the obtention of allies.

A key strategy for NGOs during the *Cicak Buaya* episode was the creation of a social movement in support of the KPK (named the *cicak* social movement). The purpose of the movement was on one hand to harness upon latent public sentiment in favour of the KPK as a way to mobilise the mass public to support the institution. This large movement was then to be used as a source of pressure on policy-makers (AGO, police) perceived as attempting to undermine and weaken the KPK or those perceived as standing by without intervening while this was taking place (government, president).[161] The *cicak* movement used what they called a popular campaign strategy, which included a variety of protest actions, including music events and art displays with anti-corruption messages, all built around the symbol of the *cicak* versus the *buaya*. However, while the launch of the so-called "*cicak* social movement" was planned and organised by NGO activists and centred around a number of mediatised protest events, the movement later expanded and triggered spontaneous shows of support for the KPK in different parts of the country and by a number of different groups. Hence, while NGOs were key players as organisers and participants in the *cicak* social movement, the success of the movement lay in its broad reach to a wide range

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[161] Interview with anti-corruption activists, Jakarta, 20 December and 10 January 2013.

of groups outside of the NGO community (middle class citizens, students, youth, prominent public figures) and its ability to harness upon public frustration against perceived threats to the KPK's anti-corruption drive through what social movement scholars refer to as an effective "injustice frame" (a "diagnostic frame" that offers an interpretation of a problem or set of events which identifies victims and perpetrators) (Benford and Snow 2000 p. 615).

NGO voices expressing concerns about efforts to weaken the KPK began to be heard in the media after the arrest of KPK Chairman Antasari in May 2009.[162] Another parallel development that led to concerns within the NGO community of efforts to weaken the KPK, was the delay of parliament in discussing and passing the Corruption Court Law, for which deadline had been set for December 2009. The parliament's delay in passing the law was seen by NGOs and activists as a deliberate attempt to "weaken the fight against corruption in a strategy to disable the KPK."[163]

However, the trigger for the creation of the *cicak* movement seems to have been National Police Chief Detective Susno Duadji's comments on the gecko fighting the crocodile in Tempo Magazine in July 2009. In Susno's words: "A gecko should not attack a crocodile. A gecko attacks a crocodile? The crocodile won't be angry but only be disappointed in that, apparently, the gecko is still stupid." (Tempo Magazine, 6 July 2009).[164] NGOs and the media immediately picked up on these statements, interpreting the metaphor as KPK being the less powerful gecko attempting to fight the more powerful police (the crocodile).[165] Susno's statements were perceived by NGO activists as not only an expression of the perceived arrogance of the police against the KPK, but also a confirmation of the fear that had been brewing among the NGO community for months, that efforts were being made by actors within both the parliament and the police, to weaken the authority of the KPK. Several anti-corruption activists met the same evening as the Tempo magazine article was published on 6 July 2009.[166] During that meeting, the activist friends agreed that something needed to be done to stop what was being perceived as efforts to undermine the

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[162] "KPK urged to continue fighting against graft", Jakarta Post, 5 May 2009.
[163] ICW quoted in "House urged to speed up deliberation of graft bill", Jakarta Post, 20 May 2009.
[164] "Former leaders condemn efforts to weaken KPK", Jakarta Post, 13 July 2009.
[165] Ibid.
[166] These included NGO activists from the anti-corruption NGOs PSHK, ICW and LBH Jakarta, as well as two anti-corruption activists without an organizational affiliation.

KPK on the part of the police and other actors threatened by the KPK. It was during that meeting that the need to form a social movement in support of the KPK was born, in order to build a broader support base against what was perceived as the powerful enemies of the KPK. The NGO activists built on the allegory coined by Susno, by extending the concept of "*cicak*" not just to describe the KPK, but KPK supporters more broadly.[167] Without realising it, Susno had by using this allegorical statement, provided an effective "injustice frame" that NGOs could use to build a broader movement in support of the KPK (Benford and Snow 2000 p. 615).

A few days later, rumours began circulating about a police plan to arrest several KPK officials. This sparked a greater sense of urgency within the activist community, several of whom met up again on 9 July 2009 to strategise about next steps.[168] The participants agreed that in order to mobilise the broader public – and especially the youth - beyond the relatively few anti-corruption activists with roots in the NGO community, a different strategy was needed from the more conventional NGO advocacy strategy (described as "NGO press releases, press statements and press conferences to journalists through NGO coalitions") and which was not perceived to be effective enough on its own to undermine the powerful vested interests actively working against the KPK.[169] The activists were concerned that the discourse of the conventional NGO strategy was too complex for the broader public to understand, that it had been too forceful in the past and were worried that it would not attract many followers, at least for a sustained period of time, and that the strategy could potentially backfire if the public was put off by it.[170]

The popular campaign approach that was adopted by the *cicak* movement was planned and implemented by a core group of *cicak* movement organisers (which included both NGOs and anti-corruption activists without a specific organisational affiliation) and was aimed at increasing public awareness and public support for the KPK. Hence, building on, shaping and expanding public opinion in favour of the KPK was a central goal for NGOs in the *Cicak Buaya* case. The popular campaign was planned with short notice in reaction to perceived threats presented to the

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[167] Interview with anti-corruption activist Jakarta, 10 January 2013.
[168] Interview with NGOs and activists, Jakarta, 17 December 2012 and 10 January 2013.
[169] Interviews with anti-corruption activists and journalist, Jakarta, 20 and 22 December 2012.
[170] Interview with anti-corruption activist, Jakarta, 10 January 2013.

KPK. It involved two large structured peace demonstrations, music concerts, a set of painting events and anti-corruption murals.

The activists agreed to launch the "*cicak* movement" with a concert in July 2009. The activists drew on their friendship base from the music community, which on short notice agreed to perform at the concert. The concert thus included popular Indonesian music bands with a history of activism and a large following among the youth population (Slank, Efek Rumah Kaca, KGB, Tika and the Dissidents, and singer Indra Bakti).[171] However, the activists realised that in order for the movement to have political clout, it also needed to include well-respected public figures. The launching event therefore also included leaders from both the NGO community, civil society more broadly, and even former KPK officials, which were invited to make statements during the event. Declarations during the first *cicak* event centred around the KPK injustice frame, including, messages using a war rhetoric, focusing on threats against the KPK and the need for the president to "save the KPK" from those "trying to put a stop to the war on corruption".[172]

The second large peace demonstration organised by the Jakarta-based core group of *cicak* organisers was held on 8 November 2009, a few days after the framing scheme of the two KPK commissioners had been revealed in tapes played by the Constitutional Court. Both events involved music concerts and anti-corruption declarations by public figures. The rally was organised as part of "black ribbon week" during which thousands of people publicly demonstrated their support to the KPK by wearing black clothing or a black ribbon to symbolise "their mourning for the death of truth and justice".[173] Gamson and Modigliani refer to framing devices as the metaphors, catchphrases and visual images that can be used to promote public discourse on specific issues (1989 p. 3). In the case of *Cicak Buaya,* NGOs made heavy use of such framing devices for promoting both what Klandermans refers to as "consensus mobilisation" (making the public believe in the rightness of a cause) and "action mobilisation" (encouraging the public to take action in favour of that cause) in support of the KPK (1984 p. 586).

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[171] Interview with anti-corruption activist, Jakarta, 20 December 2012
[172] "Former leaders condemn efforts to weaken KPK", Jakarta Post, 13 July 2009.
[173] http://globalvoicesonline.org/2009/11/03/indonesia-criminalizing-the-graft-fighters. Viewed 9 September 2014.

In addition, the core group of *cicak* organisers succeeded in getting the support of a group of visual artists sympathetic with the cause, who painted thirteen large murals with anti-corruption messages, and which were placed in strategic locations around Jakarta. The locations were selected to ensure that the pillars would be visible to both legislators and the general public.[174] On 3 November 2009, on the same day that television had aired the tapes revealing the framing scheme against the KPK, the *cicak* organisers asked a number of independent music bands to record a song entitled "KPK in my heart", which became a popular ringtone.[175]

For the *cicak* core group of organisers, it was important for the *cicak* movement to create its own identity. Even though most of the campaign organisers were from NGOs, especially the few non-NGO affiliated activists did not want the movement to be associated with the traditional anti-corruption NGOs, as they were worried it would limit the reach of what they wanted to become a "popular movement, including ordinary citizens".[176] However, despite their wish to remain anonymous, NGOs remained fairly visible actors in the *cicak* movement. Indeed, in the five articles making reference to the *cicak* movement, NGOs were mentioned in all but one.[177] Also, at the beginning, the media depicted the *cicak* movement as created by NGOs, although this NGO affiliation later became less prominent in the press as the movement spread to ordinary people.

Organisers agreed on a multi-faceted strategy, allowing NGOs to continue pursuing their conventional approach, while also carrying out a popular campaign that would have a broader reach and appeal among the public. Hence, NGOs were key players in the *cicak* movement, not only as organisers, but also as participants to the protest events.[178] The non-NGO affiliated *cicak* organisers saw the role and resources of NGOs as important for the movement. Each participating NGOs' own network was a valuable resource to reach out to new groups to be included in the movement in order to provide large crowds for the protest events. Movement participants' links to networks for mobilising new movement participants is what Klandermans and Oegema refer to

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[174] "Love Indonesia, love KPK? Say it with murals**",** Jakarta Post, 26 October 2009.
[175] Interview with anti-corruption activist, Jakarta, 10 January 2013.
[176] Interview with anti-corruption activists, Jakarta, 20 December 2012 and 10 January 2013.
[177] "Former leaders condemn efforts to weaken KPK", Jakarta Post, 13 July 2009.
[178] Indeed, of the 9 protest events for *Cicak Buaya*, NGOs were mentioned by the press in eight of them (and the ninth one referred to anti-corruption activists which often implicitly includes NGOs).

as "recruitment networks" (1987 p. 520). Hence, the *cicak*s drew on ICW's network with labour organisations and LBH Jakarta's network with labour and student organisations to increase the number of participants to the protest rallies.[179] The division of labour among NGOs was an important strategy to enable the fast organisation of the protest events in a short amount of time.[180]

While Jakarta-based events were part of the popular campaign strategy orchestrated, planned and supervised mostly by NGOs, as media coverage of the event increased, spontaneous spin-offs movements and initiatives – not spearheaded or connected to NGOs - spread to other parts of Indonesia, effectively spurring a spontaneous protest movement across the country. Indeed, during the period from July to November 2009, the PCA recorded a total of twelve protest events aimed at supporting the KPK in different parts of Indonesia[181] (for a complete list of protest events during *Cicak Buaya*, refer to table 31 in appendix three).

The Jakarta-based *cicak* activist organisers described how the geographical spread of protests was in part enabled by Jakarta-based NGOs like Indonesia Corruption Watch (ICW)'s anti-corruption NGO networks at the local level, which helped to mobilise NGOs for the regional demonstrations.[182] However, the Jakarta-based NGOs also recognised that the geographical spread of the movement reached beyond formal NGO structures and spread to ordinary people through a varied set of spontaneous protest actions, in large part spurred by the mediatised popular campaign strategy and its effective "injustice frame" which encouraged solidarity with the embattled KPK.[183] Spontaneous *Cicak Buaya* protest actions outside of Jakarta also adopted this "injustice frame" into new framing devices, including for example the composition of a *Cicak Buaya* rap song in Javanese by rapper Mohamad Marzuki (who was launched into fame as a result).[184][185] The *cicak* movement also found strong support among the teaching and student communities, with schools organising a variety of protest actions, many of which were done without support from the *cicak* organisers.[186] These included a school organising a competition to dress the crocodile in Central Java and another where school students organised an anti-corruption game with the faces of

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[179] Interview with anti-corruption activist, Jakarta, 10 January 2013.
[180] Interview with anti-corruption activist, Jakarta, 10 January 2013.
[181] Two of these protests went under the name "*cicak* movement" as described by media reports.
[182] Interview with anti-corruption activist, Jakarta, 10 January 2013.
[183] Interview with anti-corruption activist, Jakarta, 10 January 2013.
[184] http://www.youtube.com/watch?v=V-KyFfgvjUY. The clip had received 281,878 hits as of 10 September 2014.
[185] Interview with anti-corruption activist, Jakarta, 10 January 2013.
[186] Interview with anti-corruption activist, Jakarta, 20 December 2012

Anggodo and Susno as targets.[187] People also adopted the *Cicak Buaya* "injustice frame" for the second large rally organised by the *cicak* core group on 8 November, at Bundaran Hotel Indonesia, for which people brought crocodile dolls representing the police and burnt them or a poster of Chinese businessman (referred to as *cukong*) dressed in a police uniform parodying Susno (Jakarta Post 2009; Alhumami 2012).[188] Similarly, banners carried by protesters during the "black ribbon rally" on 8 November included messages like: "exterminate *buaya*s from the government; *cicak*s do not fear the *buaya*s; *cicak*s unit to sweep corruption; *cicak* versus *buaya*=anti corruption versus vested interest."[189] The NGO campaign to shape public opinion in favour of the KPK and the two embattled commissioners was key in expanding a support base for the KPK. However, it was not until the constitutional court played the tapes revealing the framing scheme, that public opinion is perceived to have massively shifted in favour of the two commissioners.[190]

Support for the KPK also spread on social media sites, which was another indication of the spread of the movement and support for the KPK among ordinary citizens (hence the expansion of public opinion). A number of Facebook accounts were created to support the two suspended (and later arrested) KPK commissioners Bibit and Chandra.[191] The largest of these was created by a student – Usman - without any connection to the NGO community. His Facebook account in support of Bibit and Chandra was reported to have gained more than one million followers in less than a week.[192] As a result, the *cicak* organisers invited Usman to join the large peace event on 8 November in Jakarta.[193] He reached to fame as a national hero when the press picked up his name and published a photo of him and his banner "Facebookers save KPK" on the front page when reporting on the 8 November demonstrations.[194] These spontaneous *cicak* initiatives provided an additional source of pressure on policy-makers as social media is increasingly seen by Indonesian politicians as a way to gauge public opinion.[195]

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[187] Interview with anti-corruption activists, Jakarta, 20 December 2012 and 10 January 2013.

[188] "Thousands of people rally for '*cicak*', 9 November.

[189] http://web.archive.org/web/20110315013902/www.transparency.org/regional_pages/asia_pacific/about/south_east_asia/indonesia. Viewed 9 September 2014.

[190] Interview with anti-corruption activists, Jakarta, 10 January 2013; interview with journalist, Jakarta, 11 January 2013.

[191] A total number of eight spontaneous Facebook accounts (created by individuals not affiliated with NGOs) in support of Bibit and Chandra were found when searching the internet in September 2013.

[192] "Public support KPK deputy chairmen", Jakarta Post, 31 October 2009; "Thousands of people rally for '*cicak*', Jakarta Post, 9 November 2009; Interview with anti-corruption activists, Jakarta, 20 December 2012 and 10 January 2013.

[193] Interview with anti-corruption activist, Jakarta, 10 January 2013.

[194] "Thousands of people rally for '*cicak*', Jakarta Post, 9 November 2009.

[195] "In KPK saga, the growing power of social media", Jakarta Post, 10 October 2012; http://www.insideindonesia.org/current-edition/tweeting-about-politics, October 2012. Viewed 9 September 2014.

Figure 12: Protest rally in Jakarta, "Thousands of people rally for cicak", Jakarta Post, 9 November 2009.

While three protest events were recorded in July, only one was held in August, September and October respectively, as many six protests were recorded in six different cities in Indonesia in the one-month period between 1 to 23 November (see table 31 in appendix three for a list of protest events). The diversity of participants to the protests also increased after the arrest of the two KPK commissioners, witnessing to the expansion of public support for the KPK. Indeed, while the protest events until their arrest had mainly included Jakarta-based NGO activists and their network of friends (music and visual arts community, academics and political observers), the protests from the end of October to end of November 2009 were reported to include high school and university students, religious leaders (from NU – the largest Islamic organisation in Indonesia - and an interfaith council), lawyers, legislators, a former parliament speaker, former and current KPK officials and other high profile public figures and anti-corruption activists.[196] [197] (For more information on the different types of civil society allies of the *cicak* movement, refer to section 3.1 in appendix three) This massive show of public support, including both ordinary citizens as well as well-respected public figures, no doubt helped legitimise the *cicak* movement's claims (see Giugni and Passy 1998) and provided an effective source of pressure on the president.

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[196] Such as for example human rights lawyer Todung Mulya Lubis, LBH founder and presidential advisor Adnan Nasution and academic Imam Prasodjo
[197] "Calls mount for Bambang, Susno Duadji to resign", Jakarta Post, 31 October 2009; "Public chants revolution, marches for the KPK", Jakarta Post, 3 November 2009. ; "NGOs, students urge SBY to save KPK", Jakarta Post, 3 November 2009; "Death sentence urged for corrupt officials", Jakarta Post, 23 November 2009.

The number of protesters also increased: while only 500 had been estimated to participate in the first peace demonstration in July[198], the *cicak* organisers estimated "maybe 10,000, more than 3,000"[199] (the media estimated 5,000) at the second *cicak* demonstration on 8 November, after the framing scheme had been revealed by the Constitutional Court.[200] The media also reported how a protest event asking the president to follow the recommendations of Team of Eight, gathered thousands of signatures in just a few hours. And the media also reported how the Facebook account in support of the two KPK commissioners reached one million members in only nine days (from 29 October to 6 November 2009).[201] The geographical diversity of protesters also increased as the media reported the large 8 November demonstration to include "demonstrators from around Indonesia".[202] And on 2 November, black ribbon protest rallies in support of the KPK were reported by the press as having taken place in five large cities around Indonesia (Yogyakarta, Bogor, Medan, Surakarta and Mataram).[203]

The strong protest dimension (both the number of protests and the number of people participating) in the *Cicak Buaya* case undoubtedly contributed to create a perception of strong public opinion in favour of the KPK and a burgeoning national crisis. Hence, in this case, NGOs – through their organised protest events, which in turn unleashed spontaneous ones - triggered a focusing event (a crisis), which contributed to create pressure on the government to solve the *Cicak* versus *Buaya* situation.

6.15 Financial Resources

The NGOs and the *cicak* movement during the *Cicak Buaya* episode relied more on non-material than financial resources. Indeed, one *cicak* organiser described how they succeeded in raising a total of US$ 10,000 for the campaign, none of it from foreign donors. The fundraising strategy was based on the *cicak* organisers' contact networks within the business and show business sectors: "the ones we know support anti-corruption."[204] The money raised provided resources for

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[198] "Former leaders condemn efforts to weaken KPK", Jakarta Post, 13 July 2009.
[199] Interview with anti-corruption activist, Jakarta, 10 January 2013.
[200] "Thousands of people rally for '*cicak*', Jakarta Post, 9 November, 2009.
[201] Ibid.
[202] "Protesters Rally for Indonesia's Anti-Graft Unit", Time, 9 November 2009.
[203] "Public chants revolution, marches for the KPK", Jakarta Post, 3 November 2009.
[204] Interview with anti-corruption activist, Jakarta, 10 January 2013.

producing promotional t-shirts, fly artists and activists to Jakarta for the two main protest events, and to buy lunches for participants. The resources that mattered more than the financial capital was however the social capital and what Goodwin, Jasper and Polletta refer to as "affective bonds"[205] (2007 p. 418) (the close friendships among the organisers and their wide contact networks within both civil and political society) which enabled the *cicak* organisers to mobilise the actors needed for the events, who contributed their time, skills or numbers to the organised events and to the movement. These included for example the popular artist Indira Bakti, who acted as master of ceremonies for one of the main events, the music band Slank - which sang for free at the protest concert - the murals painted by visual artists, the public figures who held speeches, and the participation of student organisations and labour unions in the protest events.

6.16 The Policy Influencing Path of Public Opinion

Giugni and Passy's view of social movement influence being mediated by public opinion (1998) was confirmed by the statistical analysis in chapter five. The findings also hold true in the qualitative analysis of the *Cicak Buaya* case. Indeed, the public opinion path of influence played a key role in the *Cicak Buaya* case and was closely linked to perceptions of NGO influence and to the obtention of political allies. Indeed, the six demands resulting in perceived NGO-influenced policy decisions had a favourable public opinion, confirming the results for the total sample as a necessary (but not sufficient) condition for NGO influence. Five of the demands resulting in perceived NGO-influenced policy decisions in *Cicak Buaya* were also perceived to have been attributed to public opinion.[206] *Cicak Buaya* was also the case where public opinion was attributed the highest rating compared to other cases in the perceptions of influence questionnaire (two out of two). Public opinion in *Cicak Buaya* policy decisions was actually attributed higher influence than NGOs in the perception of influence questionnaire. In the media content analysis, *Cicak Buaya* was also the case with the largest number of totally aligned demands that were attributed to public pressure influence by the media (in the PCA). Indeed ten out of the 13 aligned demands made by NGOs in the *Cicak Buaya* case were attributed to public pressure. *Cicak Buaya* was also

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[205] Goodwin et al. refer to as "affective bonds" the affective emotions such as love, hate, respect and trust, as commitments toward people that spur participation in social movements (2007 p. 418).
[206] NGO influence decisions also attributed to public opinion: solve Bibit and Chandra case or drop charges; resignation of Susno; set up independent team; save KPK; solve KPK crisis.

the case to which public opinion was attributed the highest influence compared to all other cases by interview informants. 15 out of 45 informants attributed policy decisions related to *Cicak Buya* to public opinion pressure. Hence, NGO influence seems closely linked with public opinion pressure in the *Cicak Buaya* case. The following analysis will explain why this may have been the case, describing how NGOs played a key role in attracting and shaping public opinion in favour of the KPK in the *Cicak Buaya* case.

Public opinion was at the center of the *Cicak Buaya* case as it revolved around the existence of the KPK, which was already a high-salience public opinion issue before the full-blown conflict broke out. NGOs used the existing favourable public opinion for the KPK as a springboard on which to create a mass mobilisation in support of the institution. The use of an effective "injustice frame" constructed around easily understandable symbols that evoked emotions of solidarity with the gecko attacked by the powerful crocodile combined with a war discourse and the adoption of this discourse by the media, was key for mobilising the masses both in street protests and on the internet, which in turn created pressure on the president to act.

The *cicak* event organisers realised that the way the issues in the campaign were framed would be decisive in attracting the broader public to the *cicak* movement, extending beyond the NGO community.[207] For that to happen, they realised that the discourse needed to be different from the more conventional NGO discourse which had until then been mainly targeted to policy-makers and framed in a technical language, out of reach for most Indonesians. The framing of issues in *Cicak Buaya* was very closely tied to social class. The riots of 1998, which contributed to the downfall of Soeharto, had to a large extent been rooted in the educated middle class: students, professionals and NGO activists. During *reformasi*, calls for anti-corruption reform had mainly come from NGO activists. However, the *cicak* movement organisers realised that the expansion of the movement to a broader public also had to imply a broadening to the lower-middle classes and that the discourse needed to be simplified in order to be understood and embraced by that new social class. [208]

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[207] Interview with anti-corruption activist, Jakarta, 10 January 2013.
[208] Ibid.

The *cicak* organisers converted *cicak* into an acronym for the slogan: "***Cinta Indonesia, cinta kpk***", which means "Love Indonesia, Love KPK".[209] [210] The slogan was purposely written to pull on people's nationalist strings, equating love for KPK with love for Indonesia. As a Jakarta Post journalist described this powerful metaphor:

> The *cicak* acronym alone – *Cinta Indonesia Cinta KPK* has given a new cause for nationalism – the right one. If you love Indonesia, support the people in the forefront fighting our dreadful, disastrous legacy… The *cicak* term interestingly brings our "nationalism" into the spotlight. As usual, each new patriotic cause loudly demands what it takes to show you love your country.[211]

Susno's allegorical statement of the *cicak* fighting the *buaya* as an imagery of David and Goliath in the Tempo interview proved a powerful image for attracting a broader public. The statement had thus inadvertently provided a powerful "injustice frame" for NGOs to help spark a broader social movement in support of the KPK. As the Jakarta Post wrote:

> Dear Police Chief Bambang, thank you for your apology, but none needed – at all. We actually thank your subordinate who coined the phrase "gecko versus crocodile" – we love it! We look forward to sporting the image of the *cicak* and the *buaya* on our t-shirts, hats, bags and bumpers. So thank you Mr Policeman for the *cicak*![212]

The NGO group of *cicak* organisers thus played an important role in building on Susno's metaphor of the *cicak* fighting the *buaya* and converting it into an acronym (*CICAK*) for a powerful slogan that was easily absorbed into the imagery of the Indonesian public (*Cinta Indonesia, Cinta KPK*), creating a common enemy to fight (the *buaya*) to defend the gecko (KPK) under attack. As one journalist commented:

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[209] The symbol of the *cicak* movement became a drawing of a small gecko (in red) next to a large crocodile (in black) with the slogan which was made into posters and reproduced in several newspaper articles: "Saya *cicak* berani lawan *buaya*: "I am a gecko and I dear oppose the crocodile", and with the invented acronym of *CICAK* spelled out like Cinta Indonesia Cinta KPK.
[210] "Former KPK chiefs condemn efforts to weaken corruption watchdog", Jakarta Post, 12 July 2009.
[211] "Thanks for the '*cicak*', General!", Jakarta Post, 4 November 2009.
[212] "Thanks for the '*cicak*', General!", Jakarta Post, 4 November 2009.

Cicak symbol provided a name to a nameless movement. I think the symbol was very powerful… It symbolises this David and Goliath kind of struggle. I don't think if Tempo hadn't run this story with the headline 'How Can a *gecko* Fight an crocodile?' I think we would just be lost in this endless debate without any real tangible symbol that everyone can relate to.[213]

Figure 13: Cicak Buaya slogan: "I am a gecko, brave opponent to the crocodile"

To reach the lower-middle classes, the campaign organisers produced and distributed t-shirts to street vendors in eye-catching red and green with the *cicak* symbol and the simple, easily understandable slogan "Please stop corruption."[214] The murals were also an attempt to catch public attention and build awareness among the lower-middle classes. They contained vivid images, building not only on the gecko versus crocodile symbols, but a variety of easily absorbed messages around the anti-corruption theme evoked by it: contrasting small versus large[215], weak versus strong, powerless versus powerful.[216]

Figure 14: Anti-corruption murals in Jakarta, October 2009

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[213] Interview with journalist, Jakarta, 22 December 2012.
[214] Interview with anti-corruption activist, Jakarta, 10 January 2013.
[215] "Want to eradicate corruption?" (a small man asks the question to a large man in traditional Indonesian hat).
[216] "Love Indonesia, love KPK? Say it with murals", Jakarta Post, 26 October 2009.

Colors also played an important role as framing devices during the *Cicak Buaya* campaign. Black and white were used to juxtapose good versus evil. For example, for a *cicak* movement march in support of the KPK, all protesters came wearing white t-shirts for what they called the "Anti-Corruption White Solidarity" event. Color also played an important role during the "Black Ribbon Week", where people were asked to wear black ribbons in solidarity with the KPK. This symbolism played with the yellow ribbon symbol, a symbol used during *reformasi* to show solidarity and sympathy for the victims of the 1998 riots.[217]

Finally, an important element of the NGO discourse on *Cicak Buaya* was the war rhetoric adopted to describe the conflict between the KPK and the police. This discourse was also widely adopted by the media. Quotes such as this were commonly heard and quoted in the media: "Yudhoyono's commitment to the war on the corrupt judiciary will be questioned by the public unless Bambang (Police Chief) and Hendarman (AGO) are fired."[218] The war discourse also included references to *cicak* allies in the battle to support the KPK against it enemies.[219] The physical visibility of the murals to ordinary Jakarta residents, the promotional items (t-shirts, hats and posters) combined with extensive media coverage of events and a focus on a simple war rhetoric edged the symbolism of good (KPK) versus evil (corruptors, the police embodied in the figure of Susno, Anggodo) into ordinary citizen's mindsets, spurring them to spontaneously adopt them for various protest events and effectively spreading the movement (and its symbols) across the country, creating what Shibutani refers to as "behavorial contagion" (1966 p. 95) or what Tilly and Tarrow refer to as "diffusion" (2007 p. 30).

This case has thus explored how NGO action and public opinion were linked by showing how NGOs built on an existing favourable public opinion and what Powlick and Katz (1998 p. 33) refers to as a "latent public opinion" for the KPK, and through a savvy symbolic injustice framing and ample media coverage (which adopted the NGO frames and discourse) succeeded in tilting this latent public opinion into what they refer to as an "activated public opinion" , spurring people out on the streets to protest in favour of the KPK and embracing other protest actions in solidarity

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[217] http://en.wikipedia.org/wiki/Yellow_ribbon. Viewed 9 September 2014.
[218] Transparency International's President Teten Masduki in "Yudhoyono urged to sack Bambang and Hendarman", Jakarta Post, 21 November 2009.
[219] Interview with anti-corruption activists, Jakarta, 20 December 2009 and 10 January 2013.

with the institution. This is what social movement scholar Klandermans refers to as moving from "consensus mobilisation" (believing in the rightness of a cause) to "action mobilisation" (taking action in favour of that cause) (1984 p. 586). Hence, while Giugni describes a passive relationship between public opinion and social movement influence where social movements can "free-ride" on the former, this case study has made visible the dynamic character of this two-way relationship, in a situation where public opinion can be shaped and influenced by NGO action.

The strong public opinion support for the KPK and in favour of the *cicak* movement undoubtedly contributed to create pressure on the government to act to resolve the apparent crisis situation. The following section will analyse the important role played by the media in this process.

6.17 The Role of the Media

The media was an important target of the *cicak* campaign, played a key role and represented an important resource for NGOs to exercise policy influence in the *Cicak Buaya* case. The *cicak* organisers realised that the media (both television and newspapers) was key for the success of the campaign: to provide (public) recognition to the *cicak* movement (what Gamson and Wolfsfeld refer to as "validation"); to publicise it and the issues it was promoting to a broad public across Indonesia; and to raise public awareness and mobilise people for the *cicak* movement's cause (what Gamson and Wolfsfeld refer to as "mobilisation" – to reach constituencies with a public discourse); and to obtain public support for the *cicak* movement's objectives (defense and support for the embattled KPK) (the process of obtaining third party support for social movement claims is referred to as "scope enlargement") (1993 p. 116).[220] In other words, the media was seen as key by NGO organisers to create, shape and sustain public opinion in support of the KPK, and also to create an additional source of pressure on policy-makers. As one of the *cicak* organisers described: "We think we have to be very close to the newspapers, the media. Our *cicak* target was always for the media, not for the people. Because if for the people, it would limit to people in Jakarta."[221]

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[220] Interview with anti-corruption activist, Jakarta, 10 January 2013.
[221] Ibid.

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The *cicak* organisers achieved their goal in terms of media coverage. The *Cicak Buaya* episode was by far the most covered of all issues (both policy reform and specific corruption cases) in the PCA, with a total of 65 newspaper articles referring to NGOs (17 percent of the newspaper database on NGOs and KPK). Newspaper coverage on *Cicak Buaya* went from July 2008 to August 2010. The months with the highest number of articles were November 2009 (14 articles), July, September and December (nine articles respectively). The below graph shows how the media coverage peaks during *Cicak Buaya* followed both key policy events (decisions and statements) and provided ample coverage of the *cicak* movement's social mobilisation protest events that followed these.

Figure 15: Media coverage peaks and policy events
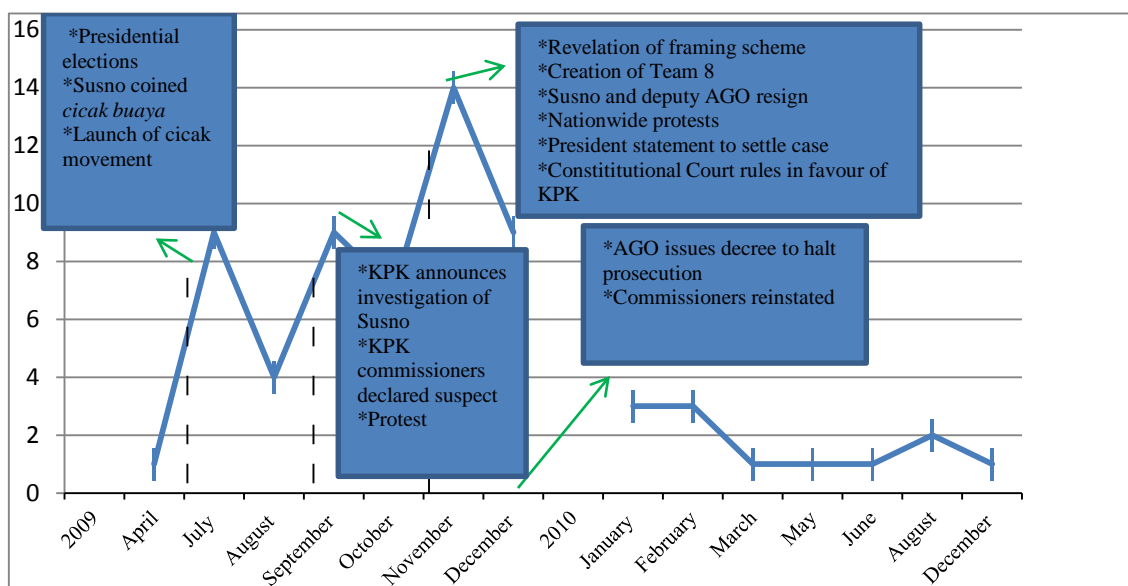
There were several reasons why the media covered the *Cicak Buaya* events so extensively. Initially, the close friendship between the *cicak* activist organisers and some journalists (among others in two large Bahasa-language newspapers Kompas and Tempo) as well as the *cicak* NGO organisers and their organisations' long-established relations with press and television (TV) journalists, helped get media attention for the launching event of the *cicak* movement in July 2009. Also, a journalist from the Indonesian language newspaper Kompas[222] was assigned to cover the

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[222] The Indonesian language newspaper with the largest distribution and readership,d escribed by *Indonesia: Media and Telecoms Landscape Guide 2012* as "the most influential daily newspaper" in Indonesia (p. 24).

KPK during the *Cicak Buaya* episode. He was a personal friend of one of the *cicak* organisers and several ICW activists from the university days, and had participated (with them) in the protests that overthrew Soeharto in 1998. He thus also shared the same values as the *cicak* organisers.[223] Similar to the other *cicak* organisers, the journalist was certain of the innocence of the two KPK commissioners early on and considered it a responsibility as a journalist to convince the public of their innocence and of the importance of the *cicak* movement in support of the KPK. [224] Hence, from the beginning, he took KPK's side and explained how he saw himself as part of the *cicak* movement.[225] The *cicak* NGO organisers' hope was also that their organisations' close working relationship with mainstream media outlets like Kompas, Tempo and Metro TV and their coverage of *Cicak Buaya* events, would lead to a boomerang effect by sparking the interest of other media outlets.[226]

Hence, the intense media coverage of *Cicak Buaya* was on one hand facilitated by the personal networks of NGO activists with specific journalists personally committed to the anti-corruption cause, which helped cover the initial events of the *cicak* movement. However, as public opinion in favour of the KPK increased and the movement spread spontaneously across the country, newsworthy events were created which also caught the attention of more mainstream media networks.

The media also played an important role in the framing of messages during *Cicak Buaya* and have contributed to establish the *Cicak Buaya* metaphor as part of the mainstream political imagery of Indonesia. Gamson and Modigliani refers to media package as the discourse adopted by the media in relation to certain issues, and refer to framing devices as the metaphors, catchphrases and visual images that constitute this package (1989 p. 3). The media package on the *Cicak Buaya* episode effectively adopted the NGO-promoted framing devices, with the depictions of good (*cicak*) versus evil (*buaya*), building on the war metaphor and encouraging appeals to solidarity in the face of a common enemy (the police), what Goodwin, Jasper and Polletta refer to as "affective bonds" (2007 p. 418). This media package or discourse is likely to

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[223] Interview with anti-corruption activist, Jakarta, 10 January 2013.
[224] In the interview, he explains that what convinced him of Bibit's innocence was going to his house (Bibit had been a fomer police general) house and seeing how humble his lifestyle was.
[225] Interview with journalist, Jakarta, 11 January 2013.
[226] Interview with anti-corruption activist, Jakarta, 10 January 2013.

have played a key role in gaining and retaining public opinion and mobilise public support for the KPK across social classes and geographical boundaries.

The media discourse around the *Cicak Buaya* case was often depicted as a battle between two camps: on one hand those who supported the KPK against those trying to weaken it or undermine it. The newspaper articles also tended to use a war rhetoric to describe the situation, referring to the embattled institution (referred to five times) or using words belonging to the war repertoire (e.g. battle, enemy, attack, counter-attack, besiege, crusade, target, heroes). In response to this, the supporters of KPK are described as wanting to "support" and even "save" the KPK against these attacks. The media content analysis showed that 60 percent of newspaper articles on *Cicak Buaya* referred to attempts to undermine, weaken or cripple the KPK.[227] The institutions identified as wanting to do this were mainly the police, followed by the AGO and lastly the parliament (for media discourse quotes on *Cicak Buaya*, refer to table 32 in appendix three). Hence, one of NGOs' main achievements in the *Cicak Buaya* case was the media's adoption of their discourse.

6.18 The Policy Influencing Path of Knowledge

While the media discourse on *Cicak Buaya* was framed in simple terms around the battle for saving the KPK, there was a void in the media of technical policy discourse. This was also reflected in the type of policy demands that were made by NGOs in the media as the large majority (73 percent) focused on short-term policy actions. None of the demands referred to policy options or policy content, as opposed to the media discourse on the Corruption Court Law which was framed in legal technical terms and was to a large extent focused on the policy options proposed in the bill (see case study two section 6.2). The discussion about what legal instrument to use to drop the case against Bibit and Chandra was done directly between the Team of Eight and the president in a closed-door meeting (after consulting with key players within the state such as the Chief Justice of the Supreme Court, the Constitutional Court, the Minister of Justice, Minister of Human Rights)

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[227] The references to attempts to "undermine the KPK" were made in 20 articles; attempts to "weaken the KPK" were made in 18 articles.

and the president, without involvement of *cicak* movement NGOs. These discussions were not picked up by the media

The influencing path of knowledge and technical advice thus did not play any role in the *Cicak Buaya* case (confirming the results of the statistical analysis). Indeed, NGO demands were reactive to immediate threats to the KPK and stated in generic terms, with the majority (14 out of 23) focused on quick short-term actions to solve the KPK crisis. Even those nine demands that were focused on long-term reform of the police and AGO and the imposition of sanctions on those institutions for their framing attempts of the KPK Commisioners, were formulated in generic terms, void of technical discourse. Hence, while the *cicak* movement framed several key policy demands, the technical policy discussion involving evidence in the Bibit and Chandra case and policy options for their release, took place in other spaces.

Moreover, none of the NGO demands in the *Cicak Buaya* case were done through the technical advice strategy and none were backed by data. The avoidance of technical discourse in the *Cicak Buaya* case was a conscious strategy on the part of NGOs, for whom the main aim was to create mass public opinion pressure for "saving the KPK", which required a simple injustice frame. Hence, in the *Cicak Buaya* case, NGOs played a prominent role as social movement organisers, campaign and protest organisers and in framing catchphrases to attract public opinion and media attention, rather than in producing and transmitting technical information to policy-makers. This was also reflected in the media discourse on *Cicak Buaya*, which was focused on the *cicak* movement, its demands and its different protest events – and only to a lesser extent the policy issues of the case.

6.19 The Policy Influencing Path of Political Allies

The statistical results in chapter five supported the stance of social movement theorists such as Kriesi et al. (1995) and Giugni (1999) that argue that social movements need allies with political and decision-making authority to achieve policy influence. The influencing path of power through securing decision-making allies also helped to partially explain NGO influence in the *Cicak Buaya* case. Indeed, half of NGO demands were also echoed by decision-making allies and this was the

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case for five out of the six demands resulting in perceived NGO-influenced policy decisions. In contrast, only one out of nine non-aligned decisions had decision-making allies. NGO influence was in part enabled thanks to decision-making allies such as the president, who played a key mediating role between the police, the AGO and the KPK, ultimately intervening to order that the case against the two framed KPK Commissioners be dropped. The Team of Eight also played a key role as policy brokers, supporting NGO demands, and conveying the "mood" of public opinion to the president and for proposing policy options to drop the case against Bibit and Chandra (with the deponeering option finally adopted). This section analyses how NGOs secured decision-making allies in the *Cicak Buaya* case, what role they played in supporting NGO demands, and how the obtention of these allies was linked to the influencing path of public opinion.

After the revelation of the framing scheme by the Constitutional Court, support to the *cicak* movement also expanded to actors with political decision-making authority or actors with influence over such players, such as presidential advisors. Hence, while many of the *cicak*s had their roots in civil society, the wide support of the movement among state officials, legislators and even the private sector (after the revelation of the tapes), made it difficult to call the *cicak* movement a pure civil society movement from that moment onwards. Hence, the movement effectively blurred the lines between the state and civil society.[228]

A group of people that was key in supporting the demands of the *cicak* NGOs was the Team of Eight, which was established by the president after the release of the tapes revealing the framing scheme, and the creation of which was seen as a direct result of the public pressure orchestrated by NGOs. The Team of Eight included among others former anti-corruption NGO activists and presidential advisors Denny Indrayana[229] and Adnan Nasution[230], and human rights lawyer and anti-corruption activist Todung Mulya Lubis.[231] While several members of the team had NGO backgrounds, as part of the president-appointed team, they had to maintain a neutral stance and could therefore not be seen as supporters of the *cicak* movement. However, despite this, some of them made statements in line with the *cicak* movement's demands before they were

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[228] Interview with anti-corruption activist, Jakarta, 20 December 2012.
[229] Indrayan is a lawyer by training, an academic and long-time anti-corruption NGO activist. He founded the *Anti-Corruption* Study Center (*PUKAT*) at Gadjah Mada University and the NGO coalition Indonesian Court Monitoring Coalition.
[230] Nasution is a lawyer by training and founder of the NGO LBH.
[231] The other members of the team were academics, a former police chief and member of the Human Rights Commission and a police lawyer.

officially nominated to be part of the Team of Eight.[232] As a result, they were not perceived as neutral by all players.[233]

The president also played a key role during the *Cicak Buaya* episode. Indeed, 82 percent of demands were addressed to him and the six perceived NGO-influenced policy decisions were taken by him. While he was the one who ultimately ended the stalemate between the police and the KPK through his order to the AGO to settle the case against the two KPK commissioners out of court, the media's depiction of the president's role in the *Cicak Buaya* episode was often critical, depicting his stance as indecisive and ambiguous throughout the whole crisis.

The president made a total of three statements and three televised speeches during the *Cicak Buaya* episode.[234] An analysis of these statements and speeches indeed showed a mixed discourse, at times raising concerns about the far-reaching powers of the KPK (statements in July and October 2009)[235] interspersed with strong statements of support to the institution (statements in September and November 2009).[236] During the critical period from mid-July until mid-September, when the police was investigating the two KPK commissioners, there was also a notable lack of statements on the part of the president, despite mounting concerns among anti-graft activists that the KPK was being attacked by the police and the AGO.[237] When the president suspended the two KPK commissioners from their duties (after issuing a regulation-in-lieu-of-law to allow him to directly select their replacements, and then issuing a decree for the establishment of a team to shortlist candidates for interim leadership posts at the KPK)[238], the press quoted academics and anti-graft activists critical of this move that they perceived as endangering KPK's independence.[239]

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[232] However, Nasution was quoted in the press as echoing the concerns of the *cicak* movement and demands for a suspension of Susno – which was also one of the Team of Eight's recommendations - one month before the creation of the presidential team ("Calls mount for Susno's suspension, interrogation", Jakarta Post, 28 September 2009).

[233] For example, one of the legislators that had supported various demands of the *cicak* movement, admitted in the interview that she considered Team of Eight to be "so biased (phone interview with legislator, 17 June 2013.

[234] Either as direct quotes or of opinions made of these statements or actions.13 newspaper articles on *Cicak Buaya* refer to statements or actions made by the president.

[235] At the beginning of the *Cicak Buaya* episode, the president's made a statement that hinted at concerns over the growing power of the KPK, when he was quoted as saying to a journalist: "KPK is now an extraordinary powerholder, it is only accountable to Allah." ("Gecko vs crocodile': 2009, Jakarta Post 24 November 2009.

[236] On 16 September, the day after Bibit and Chandra were declared suspects by the police, the president broke his silence, renewing his support to the KPK: "Eradicating graft remains the government's priority. In the past five years we have taken the most aggressive graft eradication measures in Indonesia's history, and I will prioritize the fight against graft over the next five years" ("SBY throws support behind besieged antigraft body", Jakarta Post, 17 September 2009).

[237] Indeed, no presidential statements or interview quotes were recorded in the media content analysis during that time.

[238] The nomination of KPK commissioners is normally done through an independent selection team with a final selection and endorsement by the parliament, without involvement of the president.

[239] "Indonesia's Embattled Antigraft Body Accepts Appointment of Temporary Leaders", Jakarta Post, 24 September 2009; "Team 5 should be dismissed: NGO alliance", Jakarta Post, 30 September.

The police arrest of Bibit and Chandra sparked public protests, unleashing rumours of tapes revealing a framing scheme against the KPK, in which the president - among other actors - was mentioned.[240] The day after the arrest, the president thus made a televised statement, in which he asked the tapes to be opened, their content explained and a thorough investigation conducted. He also stated his support to the KPK: "I'll be the first to oppose any move to phase out the KPK". However, in the statement, he also questioned whether wiretapping was legal: "Is wiretapping in line with the law? Imagine if people can buy bugging devices and wiretapping as they please. There'd be sea of wiretaps, all of it against the law."[241] This statement was interpreted by some journalists as echoing his statement a few months earlier on the KPK growing too powerful. Nationwide protests followed two days after, on the same day that the president established the Team of Eight to investigate the Bibit and Chandra case. The day after, the Constitutional Court aired the tapes uncovering the framing scheme. Two days later, the president addressed the nation through a televised speech in which he used a strong anti-corruption discourse: "I say to the people of Indonesia, who feel like they have become victims of this mafia in the past, or perhaps even now are a victim, to report this. Let's make our system clean."[242]

The Team of Eight presented their findings ten days after the speech and a week after, the president made another speech responding to their report, in which he argued that it would be better if the Bibit-Chandra case would be settled out of court, but did not call for the case to be dropped. He also said there was a need for reforms within the Indonesian National Police, the Attorney General's office and the KPK. The statement was criticised by several media outlets as confusing.[243] However, a week after the president's speech, the AGO issued a decree to halt the prosecution against Bibit and Chandra.[244] The decision was then overturned by a Jakarta district court and ended with the final deponeering decision (to drop the case) issued by the AGO on 30 October 30 2010, after orders from the president.

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[240] "From stability to chaos in Indonesia", Asia News Online, 26 November 2009.
[241] "SBY urges publication of tapes, decries wiretaps", Jakarta Post, 31 October 2009.
[242] "Indonesia fights corruption with people power", BBC, 6 November 2009.
[243] "From stability to chaos in Indonesia", Asia News Online, 26 November 2009; "Waiting for a more assertive SBY", Jakarta Post, 29 November 2009; "Decree awaiting president's signature", Jakarta Post, 3 November 2009.
[244] "Decree awaiting president's signature", Jakarta Post, 3 November 2009.

The combination of the vocal and visible display of public protest (both physical and virtual) initially orchestrated by NGOs – which grew stronger and expanded beyond NGOs when the media aired the framing scheme on national TV – combined with extensive and intensive media coverage, allegedly created effective pressure on the president to take action to solve the crisis. The policy decisions taken by the president could be interpreted as reflecting the weight of public opinion, allowing for quick public opinion wins without upsetting the core power structures of the police and the AGO. Hence, public opinion seems to have played a key role for NGOs to secure decision-making allies such as the president for "quick win" decisions such as the creation of the Team of Eight, the order to drop the case against the two commissioners, and the creation of the Judicial Mafia Eradication Task force. However, public opinion was not a sufficient condition for NGO influence when it came to NGO demands for sanctions to the police and AGO and more deep-seated reform of these two institutions (as eight out of nine non-aligned demands were also backed by a favourable public opinion). The temporary appeasement of public opinion through the "quick win" decisions allowed the president not to take on the more challenging demands for sanctions to the leadership and more in-depth reform of the police and the AGO, which would have aroused staunched opposition within these two institutions and a possible escalation of the conflict.

While the *cicak* movement had a high number of allies, it also had powerful opponents. The newspaper articles mostly described the police[245] and the AGO[246] as the institutions wanting to weaken the KPK. However, the parliament and president were also mentioned by the media as opponents to the KPK during the *Cicak Buaya* episode[247], as was the Supreme Audit Agency (BPK), the South Jakarta District Court[248] and "corruptors". Some of these opponents (such as allegedly the police and the AGO) were the instigators of the fabricated case against the KPK. Others (such as South Jakarta District court) went against the policy decision to halt the case against the two KPK commissioners, ordering the case to proceed.[249]

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[245] Mentioned thirty times
[246] Mentioned thirteen times.
[247] Mentioned five times each.
[248] Each mentioned once.
[249] "KPK in jeopardy again as court rules in favour of Anggodo", Jakarta Post, 20 September 2010.

The case study also revealed that access to formal authority in the *Cicak Buaya* case was achieved in close interplay with the informal authority gained by the *cicak* movement's alliance with the media, which effectively created what Cornwall refers to as "popular space" where citizens captured the public arena through social mobilisation and protest, amplified by the media. However, while this popular space achieved some intermediary policy gains (e.g. the creation of the Team of Eight), their main achievements and thus policy influence (the reinstatement of the two commissioners and the preservation of the KPK) were not achieved until a window of opportunity was opened in the formal policy space: the revelation of the framing scheme in the tapes played by the Constitutional Court.

6.20 "Mobilisable Troops"

NGO demands were not only echoed by decision-making allies, but also a range of other allies, both within civil society and the state, which provided an important additional resource for NGOs to exercise pressure for policy influence. The high number of both civil society and decision-making allies can be attributed to a number of factors. One of the main objectives of the *cicak* organisers was to mobilise a larger and more diverse movement in support of the KPK, beyond their limited circle of NGO activists. Existing social capital in the form of personal relationships and contact networks of the core group of "*cicak* organisers" played a key role as a spring board from which to build a broader support base. Indeed, the PCA showed that 68 percent of NGO demands were echoed by civil society allies (other than NGOs). Five out of the six demands resulting in perceived NGO-influenced policy decisions also had civil society allies echoing the demand. For each of these five demands, there were a high number of allies (more than three types of different actors). Three out of the six demands were made by the *cicak* social movement. Three out of six demands were also made through social media. In contrast, only four out of nine non-aligned decisions had civil society allies and only three out of nine non-aligned demands had a high number of allies.

The initial *cicak* events relied on the participation of public figures with close value affinity and friendship ("affective bonds") with the *cicak* NGO organisers and a strong belief and trust in the KPK. These included for example other NGO activists from the anti-corruption movement,

such as TII Secretary General and anti-corruption activist Teten Masduki, Former KPK chairman and deputy, political observers, academics, NGO activists, musicians and a few local residents.

One of the strengths of the *cicak* campaign was its capacity to expand its support base beyond these initial supporters to attract a high number of allies, both in civil society (many of them well-respected public figures with informal clout and credibility), the broader public and political decision-makers. The popular campaign strategy, and the savvy packaging of simple, key messages centred around the injustice frame of "saving the KPK" from the crocodile (police), succeeded in securing the support not only of the usual middle class activists, but also students and ordinary citizens across the country. The movement and its NGO activists built on an existing favourable public opinion of the KPK, seizing the opportunity provided by the allegory coined by the Police Chief Detective Susno and packaging into a powerful slogan which pulled on nationalist strings and fuelled public anger. They also built on the existing social capital of a simmering anti-corruption movement - a legacy of the *reformasi* transition - and drawing on affective bonds, calling on their network of friends and allies for support from journalists, legislators, presidential advisors, musicians, visual artists, student organisations, labour organisations, religious leaders and former KPK officials. Years of close collaboration and close alliance between NGOs and journalists during the *reformasi* years also proved to be a key resource for NGOs during the *Cicak Buaya* episode.

As the popular campaign strategy was implemented and promotional events aimed at increasing public awareness of the KPK situation increased, media coverage of the *cicak* movement increased and news about the movement spread, the number of supporters increased among the general public (teachers, high school and university students, street vendors, office workers). However, the trigger points for the expansion of the movement into a mass movement seems to have been the arrest of the two KPK commissioners on 29 October 2009 and the subsequent revelation by the Constitutional Court of the framing scheme against the KPK on 3 November, both of which were widely covered by the media (both TV and newspapers).[250] Indeed the number of spontaneous initiatives in support of the KPK increased exponentially from then on. The one million Facebook account in support of Bibit and Chandra was created the same afternoon

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[250] Interviews with anti-corruption activists, Jakarta, 20 December 2012 and 10 January 2013; interview with journalist, Jakarta, 11 January 2013.

that the two commissioners were arrested on 29 October, which then spurred the creation of a number of additional Facebook accounts in early November 2009.[251] The number of protest events also increased significantly during that period as did the number of protests, testifying to the increase in "mobilisable troops" in favour of the *cicak* movement's cause.

Conclusion

Qualitatively comparing influencing factors between NGO influence demands and non-influence demands, the *Cicak Buaya* case confirms and illustrates some of the statistical findings of the whole sample of demands in chapter five, but not all. The case study has showed that NGOs did not achieve influence on their own, but with support of a number of different actors and supporting factors that together shaped the policy process. This chapter links these findings to the conceptual framework proposed in chapter one, by exploring how the three policy influencing paths of public opinion, political alliances and knowledge helped explain NGO influence (or lack thereof).

Supporting the findings of the statistical analysis, the policy influencing paths of public opinion and decision-making allies played a key role for NGOs to exercise influence in the *Cicak Buaya* case. The case study also revealed the close linkages between these two influencing paths. On the other hand, the influencing path of knowledge did not prove relevant in this case, where NGOs exercised influence as public opinion shapers and social mobilisers and less as technical policy experts. The analysis also revealed how the combination of the social mobilisation and media strategy and the resource of allies (mobilisable troops) played an important supporting role for NGOs to exercise policy influence. The analysis also revealed an additional resource that played a key role for mobilising supporters and obtaining media coverage: social capital in the form of affective bonds created through long-standing friendships. The existence of a favourable public opinion and intense media coverage seems to have mattered in combination with the other factors, but seemed decisive only for those demands that focused on "saving the KPK"[252] and could be responded to through a minor policy action, while allowing for quick public opinion wins

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[251] "Case against KPK deputies legit, says police chief", Jakarta Post, 31 October 2009.
[252] When looking at the type of demands where NGOs were perceived to have had influence, a pattern emerges. 36 percent of demands related to saving KPK. Indeed, 4 out of 6 NGO influence demands involved minor policy decisions and 5 out of 6 demands related to preserving the authority of the KPK ("saving the KPK). However, for the nine demands that NGOs failed to influence, the opposite holds true. 6 out of 9 involved major policy decisions and only 2 out of 9 related to saving the KPK.

(e.g. creation of Team of Eight). Indeed, the other NGO demands for more major and long-term policy reforms of the police and the AGO were not accommodated or only partially, despite being backed by a strong public opinion.[253] Hence, in the *Cicak Buaya* case, NGOs achieved access and agenda responsiveness and some policy responsiveness (if the concept is extended to policy decisions), although not for a significant part of their demands. Short-term political opportunity structures were not perceived by interview informants to have influenced the *Cicak Buaya* case, as the elections had already taken place after the full-blown conflict broke out. However, the *Cicak Buaya* case demonstrated the capacity of NGOs to affect short-term political opportunity structures by triggering a focusing event in the form of a national crisis, characterised by massive social mobilisation across the country, which was initially orchestrated and led by the NGOs. Given the decisive role of both decision-making allies and a favourable public opinion and the interplay between both factors for explaining NGO influence in the *Cicak Buaya* case, social movement theory – which views these as two unconnected processes - may need expansion to accommodate these findings. The below graph shows graphically what elements of the conceptual framework were relevant for analysing the *Cicak Buaya* case and which additional conceptual dimensions were added through the empirical analysis:

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[253] Indeed, 8 out of the 9 demands that NGOs failed to influence had a favourable public opinion.

Figure 16: NGO policy influencing paths in the *Cicak Buaya* case

Long-term :
- Democracy and direct election of President and Parliament;
- presidential system

Contextual Political Opportunity Structures

Short-term: crisis

NGO demands (short-term):
Save KPK
Solve KPK crisis
Solve Bibit & Chandra case and release them
Creation of Team 8
Resignation or firing of Police Chief and AGO

NGO demands (long-term):
In-depth reform of Police & AGO
Place Police under jurisdiction of Home Ministry
Assessment of Police performance
Revise Police Law

Strategies:
- **Media**
- **Social mobilisation**
  - Legal
  - Collaboration
  - Technical assistance

Resources:
Mobilisable troops
Social capital
Media coverage
Discourse & framing
Issue saliency
Authority (formal and informal)
Financial
Information

NGO Influencing Paths

Knowledge

Non-aligned (non-influence) demands (that did not result in policy decisions):
- In-depth reform of Police & AGO
- Place Police under jurisdiction of Home Ministry
- Assessment of Police performance
- Revise Police Law
- Resignation or firing of Police Chief and AGO

Political Alliances:
Team of 8

Pressure

Public Opinion

President

Other influencing factors and actors:
- Team of 8
- Constitutional Court

Agenda responsiveness

Agenda-setting

Access responsiveness

Formulation

Impact responsiveness

Evaluation

Adoption: **Perceived NGO-influenced aligned policy decisions:**
- Resignation of Susno
- Creation of Team 8
- Resolution of Bibit & Chandra case (deponeering)
- Creation of Judicial Mafia Eradication Taskforce

Policy responsiveness

Implementation

Output responsiveness

6.2. Case Study Two: the Corruption Court Law

6.21 Selection of Case Study

The Corruption Court Law was selected as the second case study as, similar to *Cicak Buaya*, it was perceived as simultaneously reflecting NGO influence on policy change – mostly related to the process of the law - while also illustrating NGO failure to influence key policy issues in the law. Indeed, the Corruption Court Law was the case that yielded the highest score for non-NGO influence, despite an intense NGO advocacy campaign. It was also the case that scored the lowest on NGO influence in the perception of influence questionnaire (score of 1.7). However, three out of seven demands made by NGOs were perceived to have resulted in aligned policy decisions as a result of NGO pressure and seven out of 14 informants attributed NGO influence to the case. Using the conceptual framework of NGO policy influencing paths, resources and strategies proposed in chapter one, this case study will therefore analyse the factors, processes and dynamics that explain why NGOs may have succeeded in achieving influence on some policy decisions related to the Corruption Court Law, while they failed to achieve influence on others.[254]

6.22 Background and Overview of Events

In December 2006, the Constitutional Court issued a ruling that the Corruption Court had violated the constitution because it was established under the erroneous law (the KPK Law instead of the Law on Judicial Powers[255]). The Constitutional Court ordered that a new law on the Corruption Court must be passed before December 2008.[256] This deadline was not met and an extension was provided until 30 September 2009, the end of the parliamentary term, or the court would have lost its legal basis.[257] However, the draft bill was not submitted by the government to parliament until two years later, in September 2008. The parliamentary deliberations for the bill took place at the

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[254] As described in section 3.21 in chapter three, parliamentary deliberations in Indonesia are reported to lack public transparency, both in terms of their disclosure to the public as well as the disclosure of written records of deliberations. Despite several attempts to obtain the reports of the law's legislative deliberations from the parliament's information centre, these could not be accessed. The information in this case study has therefore been assembled from media reports and informant interviews of stakeholders (both NGOs, legislators, government officials and journalists) involved in the legislative process.
[255] Law 4/2004.
[256] "SBY pledges special decree to uphold graft court", Jakarta Post, 31 March 2009.
[257] "House given white towels by anti-graft NGOs", Jakarta Post, 20 June 2009; "New bill will `weaken eradication efforts', Jakarta Post, 5 August 2009.

very end of the parliamentary session, between April and September 2009, and after a protracted process - which included intensive NGO lobbying and media coverage in the final months before the deadline - the law was finally approved by parliament one day before the end of the parliamentary term on 29 September 2009.

The delay of the parliament in passing the law was perceived by NGOs and anti-graft activists (and depicted in the media) as a deliberate attempt on the part of parliament (and even the government) to undermine the KPK. As an NGO informant was quoted as saying in the Jakarta Post: "If the House fails to pass the bill this term, it will only show that they are weakening efforts to eradicate corruption."[258]

Because the government's draft of the bill was considered by anti-graft NGOs to have flaws, a number of NGOs decided to draft an alternative law under the umbrella of an NGO coalition *Pemantau Peradilan* (Judicial Monitoring Coalition), which included seven anti-graft NGOs, including ICW (leader of the coalition), KRHN, MaPPI, LeIP, PSHK, LBH Jakarta and ILRC. The drafting of the alternative law was financed by foreign donors.[259] The NGO campaign for the Corruption Court Law was thus planned, as opposed to the spontaneous character of the *Cicak Buaya* campaign. The draft bill was written by the Ministry of Law and Human Rights in 2006 and submitted to the parliament in November 2008[260] and then debated in the second half of 2009 in a parliamentary committee whose meetings were not open to the public. All parties in parliament voted to pass the bill on 29 September 2009, one day before the end of the parliamentary term.[261] The debate on the Corruption Court bill coincided with two major political events in Indonesia: the beginning of the *Cicak Buaya* crisis (the time period overlap was July to end of September 2009) and parliamentary and presidential elections (8 July and 9 April 2009 respectively).

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[258] ICW activist quoted in "DPR Denies Stalling on Graft Court", Jakarta Post, 30 August 2009.
[259] Including USAID.
[260] "ICW worries House will taint Corruption Court Bill", Jakarta Post, 21 August 2009.
[261] "Indonesia Dilutes Antigraft Court", Wall Stree Journal, 30 September 2009.

<u>Process of legislative drafting</u>

A year after the Constitutional Court ruled that a new law for the Corruption Court needed to be drafted, no step had been taken by either the government or the parliament to initiate that process. The NGO coalition therefore requested financing from foreign donors to take matters into their own hands and draft an alternative draft law. Romli Atmasasmita, an academic and ex-General Director in the Ministry of Law, was nominated to be on the steering committee of the NGO team. The NGO team included several high-profile anti-corruption activists that came to play a key role in the *Cicak Buaya* episode, such as for example Teten Masduki (Secretary General of Transparency International Indonesia) and Bambang Widjojanto (later nominated to Deputy KPK Chairman). A few months later, the government appointed its own legal drafting team for the bill (which was officially led by the Minister of Law and Human Rigths) and nominated Romli as the Chairman.[262] Romli was therefore a key bridging figure between the NGO team and the government team.[263] It took about a year for the NGO team to finalise their draft, which was submitted to parliament (through advocacy and lobbying with legislators), in July 2009.

<u>Main policy issues</u>

Initially, there were two main policy issues in the bill that were of most concern to NGOs: the composition of the panel of judges and the decentralisation of the Corruption Court. Subsequently, two additional policy issues were introduced into the debate: the prosecution authority of the KPK and its right to wiretap.

While the Jakarta-based Corruption Court had been effective in convicting 100 percent of cases tried, its capacity to handle a large volume of corruption cases was limited. Indeed, until 2010, the Jakarta-based Corruption Court handled only five percent of all corruption cases in the country, leaving the rest to be tried by the regular court system (Butt 2011 p. 46). All stakeholders therefore conceded that there was a need to increase the capacity of the Corruption Court by decentralising it to other parts of Indonesia. There was disagreement, however, as to which level

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[262] Interview with NGO, Jakarta, 27 December 2012.
[263] Interview with NGO, Jakarta, 17 December 2012.

the corruption courts should be decentralised to. Some of the anti-corruption NGOs (like LeIP, who led the drafting of the alternative law) supported the establishment of five or six regional corruption courts. Their argument was on one hand that a fewer number of courts would make it easier to recruit good quality ad hoc judges, and on the other, that a certain geographical distance of the courts to the cases, would reduce opportunities for corruption in influencing the outcome of cases. Provincial or district courts, on the other hand, would be difficult to monitor, would be more difficult to hire high quality ad hoc judges for[264] and would be more corruption-prone due to their proximity to the provincial or district governments.[265] However, the NGOs in the coalition did not reach consensus on this position until quite late in the deliberation process. Initially, some of the NGOs (like ICW) had pushed for the creation of provincial courts, with the argument that the more corruption courts in the country, the greater capacity for bringing the anti-corruption drive to scale, not anticipating the difficulty that it would create to find high quality ad hoc judges for so many courts. The differing stances within the NGO coalition may have contributed to confuse the policy debate in the media and the coalition's negotiation capacity with the parliament and government. According to the NGO informants on the alternative drafting team, the government draft sent to the president (before being sent to parliament) ignored the NGOs' demand for five regional courts and proposed two alternatives: the creation of corruption courts in every province (33) or corruption courts in every district (433). However, the president apparently rejected the presentation of alternatives, requesting one final proposal. The government's drafting team allegedly included the proposal of 33 provincial courts. However, when the draft was sent to parliament, the two alternatives went up for re-discussion, with the final version of the approved law including the provincial-level courts.[266] However, there were a number of legislators that had pushed for the creation of district-level corruption courts, arguing that it would enable the KPK to handle more corruption cases and reduce hurdles like transportation costs, which may be a cost deterrent to try cases at provincial courts.[267] This was apparently also the position of the AGO and the police, which were strongly opposed to five regional courts, based on the argument that transportation costs of suspects to a regional capital would render the trial of corruption cases

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[264] The difficulty in recruiting ad hoc judges stem from several factors: the low salary of ad hoc judges and lack of other civil servant benefits, their lack of job security, their lack of physical security while conducting their job and the poor public perception and trust in judges in Indonesia (Interview with NGO, Jakarta, 20 December 2012).
[265] Interview with NGO, Jakarta, 17 December 2012.
[266] Interview with NGO, Jakarta, 20 December 2012.
[267] Interview with legislator, Jakarta, 21 December 2012.

prohibitively expensive and would render it difficult to bring suspects to court.[268] However, the provincial option ultimately won most followers as all players in favour of this option realised that the cost implications of creating more than 400 corruption courts at district level would be too high.[269] The main presenter of this argument was the Supreme Court (responsible for recruiting the judges), after consultation with the Ministry of Finance.[270] Budgetary arguments were thus perceived by actors on all sides as being overriding in this case. After intense NGO lobbying and deliberations within the parliament, the final version of the law included a compromise: the creation of 33 provincial courts.

Under the KPK Law, the composition of the panel of judges for corruption cases to be tried by the Corruption Court was three ad hoc judges and two career judges. The panel composition had been set this way as ad hoc judges had a track record of being less corrupt than career judges (see section 4.2 in chapter four). Anti-graft NGOs in large part attributed the 100 percent conviction rate of the Corruption Court to this composition. During the deliberations of the bill, some legislators wanted to change the composition in favour of career judges, something that anti-graft NGOs were fiercely opposed to, arguing that it would reduce the effectiveness of the corruption courts and increase opportunities for corruption. After intense lobbying and media advocacy on the part of NGOs, the final version of the law authorises the chiefs of provincial courts to decide upon the composition of judicial panels (which should have up to three judges) without specifying a required majority of ad hoc judges.[271] Because of the difficulty of recruiting ad hoc judges (see section 4.2 in chapter four[272]), many provincial courts have effectively ended up with more career judges than ad hoc judges.[273] One of the NGO informants viewed the parliament's decision to leave the decision up the head of each court, as a way to "wash their hands off the decision", driven by a desire not to be labelled as "pro-corruption".[274] However, one NGO informant also said that one of the arguments for choosing this option was that the composition of the panel may need to vary according to case.[275] During the deliberation of the law, several

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[268] Interview with NGO, Jakarta, 20 December 2012.
[269] Interviews with NGOs, Jakarta, 17, 18 and 20 December 2012; phone interview with former legislator 17 June 2013; interview with former chairman of legal drafting team, Jakarta, 26 December 2012.
[270] Interview with former chairman of legal drafting team, Jakarta, 26 December 2012.
[271] Interview with NGO, Jakarta, 20 December 2012.
[272] The lack of ad hoc judges is due to the low salaries compared to private sector lawyers, they don't get any civil servant benefits such as cars or housing allowance. There is also a lack of security to protect ad hoc judges (Interview with NGO, Jakarta, 20 December 2012).
[273] Interview with NGO, Jakarta, 20 December 2012.
[274] Ibid.
[275] Interview with NGO, Jakarta, 27 December 2012.

informants hinted to the influence of the Supreme Court on the issue of composition of the judicial panel. The Supreme Court had allegedly argued that, because the Law on Judicial Authority[276] specifies that the authority to appoint judges falls upon the chief of the district court, the same system should apply in the case of corruption courts.[277] The argument of the AGO was also that it would be difficult to find enough good quality *ad hoc* judges (a concern that turned out to be justified) (see chapter four).[278] However, one NGO informant perceived the decision of parliament to be based on concerns about the good track record of *ad hoc* judges in convicting corruption suspects.[279]

One of the policy issues that the media reported as being up for debate during the deliberations of the Corruption Court bill was the revocation of KPK's prosecution authority, something that NGOs were fiercely opposed to, and was seen as another attempt at undermining the KPK on the part of some legislators. While the media depicted this as an issue for debate in the Corruption Court Law, the NGOs and academics interviewed insisted that this was never an issue in the Corruption Court Law, but in the Anti-Corruption Law, discussed simultaneously.[280] The reports on the revocation of KPK's prosecution authority started surfacing in early September 2009. Apparently, the way the issue was presented in the bill was describing only the prosecutors from the AGO - foregoing the mention of KPK prosecutors - in practice allowing only the AGO to have their corruption cases heard at the Corruption Court.[281] The issue of KPK's prosecution authority was brought up around the same time as the *Cicak Buaya* saga started developing, as KPK announced its investigation into Susno's role in the Bank Century case[282] and around the same time that the KPK initiated investigations into a vote buying scandal of the Central Bank Governor, implicating 39 lawmakers. These investigations allegedly planted a grudge among legislators against the KPK – similar to that held by the police against the KPK in the *Cicak Buaya* case. Indeed, a legislator often referred to as an ally by NGOs, revealed in the interview that the prosecution issue came up in a closed door meeting between Susno and legislators (in September 2009).[283] In the interviews with legislators, their argument for revoking the prosecution authority

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[276] Law 48/2009.
[277] Interview with former chairman of legal drafting team, Jakarta, 26 December 2012.
[278] Interview with AGO, Jakarta, 17 January 2013.
[279] Interview with NGO, Jakarta, 18 December 2012.
[280] Interview with former chairman of legal drafting team, Jakarta, 26 December 2012; Interview with NGOs, Jakarta, 17 and 20 December 2012.
[281] Interview with journalist, Jakarta, 22 December 2012.
[282] 9 September 2009.
[283] Phone interview with former legislator, 17 June 2013.

of the KPK focused on the perceived excessive powers of the KPK (in prevention, investigation as well as prosecution) and the need to divide functions more equitably with other law enforcement institutions. As one legislator was quoted as saying:

> KPK should not have all the three powers to investigate, prosecute and sentence, this is not really healthy for the democratic sense… Another issue is for KPK to focus on prevention, not prosecution. Why prioritise prosecution, which is the territory of the police, the prosecutors and the courts - the conventional law enforcement agencies? They should do the prosecution, not the prevention.[284]

According to this legislator, the revocation of KPK's prosecution authority never came to feature in any drafts of the law, but remained at the idea stage, although it was picked up as a key theme in the media discourse. However, according to one of the NGOs, the idea to revoke KPK's prosecution powers stemmed from a meeting between the Attorney General and the parliament: "The Attorney General lobbied a few times to make the prosecution right exclusive to the AGO."[285]

The final policy outcome was however that KPK's prosecution authority was not revoked, as the Corruption Court Law was passed on time without including any such clause in its final version, and the Anti Corruption Law has so far not been subject to revisions. However, as will be seen in chapter seven, another attempt to revoke KPK's prosecution authority was initiated in December 2012, when legislators proposed revisions to the KPK Law.

Another issue that was discussed in the debate on the Corruption Court Law was KPK's wiretapping authority. Some legislators were reported as wanting to revoke KPK's wiretapping authority and this was apparently included in some draft versions of the bill. However, the final version of the law preserved KPK's wiretapping authority. In the revisions to the KPK Law proposed in 2012, the issue of KPK's wiretapping authority was once again questioned by legislators (see chapter seven).

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[284] Interview with legislator, Jakarta, 21 December 2013.
[285] Interview with NGO, Jakarta, 11 January 2013.

6.23 NGO Claims, Perceptions of Influence and Actors

<u>NGO claims</u>

The Corruption Court Law was the second policy reform case on which NGOs made the most number of demands after *Cicak Buaya* one, together with *Cicak Buaya* two. NGOs made a total of 22 demands on the Corruption Court Law in the form of nine different types of demands. However, six out of those demands were made to the president to issue a regulation-in-lieu-of-law (*perppu*) if the law was not adopted, which was ultimately not necessary as the law was finally adopted by parliament.[286]

NGOs conducted an intense lobbying campaign around the Corruption Court Law, which focused on one hand on getting parliament to approve the law before the deadline, and on the other hand, lobbying for specific policy issues in the law. These included ensuring that KPK's wiretapping and prosecution authority would be preserved, that the previous law's panel composition favouring ad hoc judges would be preserved and that corruption courts would be decentralised to the regional level (and not the provincial or district level), effectively creating five corruption courts in five regions. Thus, in contrast to the *Cicak Buaya* campaign, a significant part of the NGO campaign for the Corruption Court Law was planned and centred around technical policy issues.

However, of the 22 demands made by NGOs in the media, the vast majority (16) referred to the process of legislative approval (approval of law, speed up approval, delay approval, issue *perppu* instead of law), while only six demands referred to the policy content of the law. Hence, while the composition of the panel of judges and the level of decentralisation of the Corruption Court was an important issue for NGOs (as reflected in the interviews), those NGO demands were given less emphasis in the media. The policy issues of the bill were indeed discussed by NGOs at greater length in lobbying sessions with legislators. As will be seen in section 6.24, the related

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[286] After these demands were taken out of the calculation, a total of 15 demands and seven different types of demands remained.

policy issues were nevertheless widely covered by the media. (For a list of NGO claims made in relation to the Corruption Court Law, refer to table 33 in section 3.2 in appendix three).

Perceptions of NGO influence

Three out of seven NGO demands on the Corruption Court Law were perceived as having resulted in NGO-influenced policy decisions, while the remaining four were not aligned with NGO demands. Of the demands resulting in perceived NGO-influenced policy decisions, two related to the process of the law (approval of law, creating stronger legal basis for anti-corruption by passing the law), while one referred to the content of the law (maintaining KPK's prosecution authority). Of the non-influenced demands, two were related to the process of the law, while two were related to the content. Some of the NGO demands stood in contradiction to each other. Indeed, while the most frequent process demand made by NGOs during that period was the approval of the law, NGO demands to delay the approval or end bill deliberations were also heard. This was due to the fact that, as parliamentary deliberations advanced, NGOs perceived the bill's content as being watered down, with some NGOs changing stance, preferring the bill to be delayed rather than seeing the approval of a weak law.

Of seven demands, five were made only once, while one demand was made three times and one was made seven times. Of the three perceived NGO-influenced policy decisions, two were made once, while one was made seven times, which was the highest number of times a demand was made of all cases in the sample (together with *Cicak Buaya*). Of the non-influence demands, three were made once and one was made three times. The demand to parliament to pass the law was made seven times in the media, which may have added to the perceived pressure on legislators to pass the law. On the other hand, the policy aspects of the law that NGOs were not able to influence - both the composition of judges panel and the decentralisation of courts were made one and three times respectively. The demand to retain the KPK's prosecution authority was only made once although the policy decision to retain it was perceived as influenced by NGOs . The number of times a demand was made in the media can therefore not contribute to explain NGO influence in the case of the Corruption Court Law.

While three central NGO demands were translated into policy decisions, NGOs perceived their advocacy campaign for the law as partially successful, partially a failure. After its approval, ICW was indeed quoted as saying in the press that the Corruption Court Law would "dampen the spirit of corruption eradication."[287] Indeed, while the law was approved by parliament a day before the deadline and that it retained KPK's prosecution authority, it was perceived to be weak in its policy content, especially the final decision on the composition of the panel of judges, as well as the creation of provincial courts, which were the two most important issues to NGOs. NGOs' perception was that the issue of composition of judges was finally solved by leaving it up the local courts to decide as a way for legislators to avoid public criticism.[288] Despite this, when asked what percentage of the NGO draft bill was included in the final law, two of the coalition NGOs said that it was around 90 percent (although the ten remaining percent covered the issues of most importance to NGOs).[289] The media coverage on the final law approved by parliament was also lukewarm: the Wall Street Journal wrote: "Indonesia's parliament passed a bill Tuesday that dilutes the powers of the Corruption Court, a move critics called a step backwards for the graft-plagued nation's efforts to weed out corruption."[290]

The NGO coalition for the Corruption Court Law had a clear division of labour among members. While NGOs like KRHN and LeIP were involved in the technical drafting process, TII, ICW, PSHK and LBH Jakarta were involved in the lobbying process with legislators, while ICW focused on the media campaign.[291] A total of eight NGOs participated in the coalition, several of which were also the founders of the *cicak* movement (PSHK, ICW, TII and in addition ILRC, MAPPI, LeIP, KRHN and LBH Jakarta). As a result, three out of the seven demands most voiced in the media were made by the NGO coalition. An additional three demands were made by several NGOs

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[287] "Indonesia Corruption Watch Expects Another Bad Year for Battling Graft", Jakarta Globe, 18 January 2010.
[288] Interview with NGO, Jakarta, 20 December 2012.
[289] Interviews with NGOs, Jakarta, 17 and 20 December 2012.
[290] "Indonesia Dilutes Antigraft Court", Wall Street Journal, 30 September 2009.
[291] Interview with NGO, Jakarta, 20 December 2012.

as an informal group and only one demand was made by a sole NGO. The three demands resulting in perceived NGO-influenced policy decisions were made by several NGOs (out of which one was made by the NGO coalition), while three out of four non-influenced demands were also made by several NGOs, out of which two were made by the NGO coalition. Hence, the number of NGOs or the existence of a formal NGO coalition does not seem to have mattered for NGOs to achieve influence in the case of the Corruption Court Law.

Despite the fact that only one NGO coalition was responsible for the technical assistance on the bill, the English-language press frequently misrepresented the name of this coalition, weakening its "branding". Indeed, the actual name of the coalition (Judicial Monitoring Coalition) was not referred to at all in the articles analysed. Instead, the coalition was referred to under three other different names ("Save the anti-graft movement", "KPK Helper Coalition", and "Coalition to Save Corruption Eradication Efforts").[292]

In the press articles on the Corruption Court Law, there were a total of 35 references to NGOs. These referred to a total of six different NGOs, of which all but one were members of the NGO coalition (except Formappi). Most of the references made were to ICW (19 references). This follows the pattern in the *Cicak Buaya* case where ICW also featured most prominently among the NGOs in the press, which can be explained by the fact that it is the anti-corruption NGO that mostly relies on media advocacy as a strategy.[293] However, in the Corruption Court Law case, another NGO also featured often: KRHN (referred to seven times), which led the legal drafting of the alternative Corruption Court Law on the NGO side. KRHN did not feature as making demands in the media, but provided opinion on the technical and policy content of the law.

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[292] "PD supports Corruption Court bill", Jakarta Post, 28 August 2009; "Anticorruption coalition prepares for all possibilities", Jakarta Post, 1 September 2009; "House urged to speed up deliberation of graft bill", Jakarta Post, 20 May 2009.
[293] Interview with NGO, Jakarta, 17 December 2012.

Table 5: Number of references to NGOs in the press

Name of NGO	Nr of references	Reference
ICW	19	9 demands
KRHN	7	opinions
TII	4	opinions
PSHK	2	opinions
LBH Jakarta	1	opinion
ILRC	1	opinion
Formappi	1	opinion
Total	**35**	

There was a more restricted number of NGOs referred to in the Corruption Court Law case compared to the *Cicak Buaya* case (in which double the number of NGOs were referred to). This can probably be explained by the smaller-scale of the social mobilisation in the case of the Corruption Court Law and the more technical nature of the policy discussion, which limited the discussion to those NGOs well-versed in legal drafting and legal issues.

6.24 NGO strategies

The media strategy was the one most used during the advocacy campaign for the Corruption Court Law (five demands), followed by research/technical assistance and social mobilisation (two demands respectively). The legal strategy was also used once. Of the three demands resulting in perceived NGO-influenced policy decisions, one was made through social mobilisation and two through the media strategy. For the four non-influenced demands, two used a combination of strategies (research/technical assistance and media, and another one adding the social mobilisation strategy). Hence, none of the demands made using the research and technical assistance strategies resulted in aligned policy decisions. No demand was made through the *cicak* movement and no demand was made through social media. While the media strategy was used as a central strategy in the Corruption Court Law (similar to the *Cicak Buaya* case), the massive social mobilisation strategy through a social movement was not used in this case, favouring instead small-scale NGO-centred protest events and research and technical assistance.

<u>Technical assistance strategy</u>

The technical assistance strategy, and the resource of policy information played a central role in the NGO advocacy campaign on the Corruption Court Law. Indeed, the NGO strategies recorded in the PCA do not reflect the actual time and effort put in by NGOs on the Corruption Court Law. Indeed, even though only two demands were made through the research/technical assistance strategy, this strategy was an important element of the NGO coalition's lobbying strategy with the parliament on the technical policy issues of the bill - mainly the composition of the panel of judges and the decentralisation of corruption courts. The research and technical assistance strategy had three elements to it: research on the main policy issues in the bill; drafting of an alternative Corruption Court Law; and advocacy and lobbying on the policy content of this alternative draft law. The drafting of the NGO version of the Corruption Court Law took about a year and culminated in July 2009, when it was submitted to parliament. Then followed an intense advocacy and lobbying process by NGOs with legislators. As described by the NGOs, they identified the positions of legislators, targeting those sympathetic to NGO demands and lobbied them on the policy issues of most importance to NGOs.[294] The NGOs followed the legislators in their closed-door meetings on the deliberations of the bill, which were held outside of the parliament in different hotels. There, NGOs also held separate lobbying meetings with each of the parties represented in parliament.[295]

<u>Use of protest</u>

Only four and relatively small-scale protest events (mainly consisting of NGO activists from the coalition) were recorded in the case of the Corruption Court Law, as opposed to the *Cicak Buaya* case, which had a total of 12 protest events, of which at least five were large-scale events with a diverse and numerous crowd of participants. Hence, the scale and intensity of social mobilisation in the *Cicak Buaya* case was greater than compared to the Corruption Court Law. Hence, protest does not seem to have been a significant factor in NGOs achieving influence in the case of the Corruption Court Law, to the same extent as in *Cicak Buaya*.

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[294] Interview with NGO, Jakarta, 21 December 2012.
[295] Interview with NGO, Jakarta, 11 January 2013.

For the anti-corruption NGOs, the social mobilisation aspect was however an important cornerstone of their advocacy strategy for the *adoption* of the Corruption Court Law. The NGO informants described how the NGO coalition staged protests on a weekly basis, first outside the president's office (to finalise the draft bill and pass it to the parliament for approval). Later – once the draft had been handed over to parliament, the protests moved outside the parliament building.[296] Hence, the demonstrations were mainly aimed at creating pressure on the president and the parliament to pass the law, and less if at all, on the policy content of the law, which was discussed in closed-door lobbying sessions with specific legislators or disseminated through the media campaign.

The protest events, while small in scale, used symbolic framing devices to attract public attention. At one protest event, demonstrators gave flowers to KPK staff to symbolise the court's 100 percent conviction record.[297] At another protest event, NGOs held up a box filled with rat poison (in Indonesia, rats are used as a symbol for corruption).[298] And at another, NGOs held up a giant cotton bud asking the president to "listen to the people".[299] Another protest event consisted of a theatrical event where people dressed up as animals, asking for stronger action against corruption.[300] All these protest events were covered by the media, but were not able to spur large-scale social mobilisation as in the case of *Cicak Buaya*. These four protest events were concentrated in Jakarta and were much smaller in scale. They were described as including only a dozen anti-graft NGOs, as opposed to *Cicak Buaya*, which had included hundreds (and towards the end thousands) of participants, with a more diverse crowd (including students, teachers, and the general public). One NGO informant viewed this as a result of the challenges involved in engaging the public on legislative issues overall.[301] Another factor might have been the public's distraction with the simultaneous *Cicak Buaya* case. (For a list of protest events in relation to the Corruption Court Law, refer to table 34 in section 3.2 in appendix three).

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[296] Interview with NGO, Jakarta, 11 January 2013.
[297] "House urged to speed up deliberation of graft bill", Jakarta Post, 20 May 2009.
[298] "PD supports Corruption Court bill", Jakarta Post, 28 August 2009.
[299] "Indonesia May Pass Disputed Anti-Corruption Bill Today", Jakarta Globe, 29 September 2009.
[300] "Even animals want an end to corruption", Jakarta Post, 14 September 2009.
[301] Interview with NGO, Jakarta, 18 December 2012.

Despite the donor resources to draft an alternative Corruption Court Law and the advocacy campaign to lobby for specific policy issues, one NGO informant also admitted that the campaign for the Corruption Court Law was not as effectively implemented as it could have, with most of the energy and time of NGOs diverted to "saving the KPK" from outside attacks during the simultaneous *Cicak Buaya* crisis[302]. The pressure exercised on the parliament to pass the law was thus not caused by the numbers or variety of participants in the protest events, but by other factors, which will be explored in section 6.27.

6.25 The Role of the Media

The media strategy was a central part of the NGO coalition's strategy for the Corruption Court Law and media coverage represented an important resource for NGOs during the campaign. The media strategy included conventional NGO strategies such as press conferences and comments to journalists. A few protest events were also staged to create newsworthy events for the media. The NGOs also used the media in a savvy way, by introducing questions on the commitment of the president for the adoption of the Corruption Court Law in the presidential debate on one of Indonesia's major TV channels (Trans TV).[303]

The media campaign strategy was concentrated in the two months leading up to the deadline for approval of the law (30 September 2009), (with seven articles with NGO references in August and 11 in September, compared to zero in June and July). The media campaign was both aimed at putting pressure on the parliament for passing the law before the deadline, as well as informing the public about the key policy issues in the law advocated by NGOs. The media strategy was part of the two-fold NGO advocacy strategy, which consisted of lobbying legislators they knew were likely to be sympathetic to the coalition's proposal, while also disseminating the information to the public through the media with the hope of tilting the position of unsympathetic legislators on the specific policy issues advocated by NGOs through media pressure.[304]

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[302] Interview with NGO, Jakarta, 21 December 2012.
[303] Interviews with NGOs, Jakarta, 27 December 2012 and 11 January 2013.
[304] Interview with NGO, Jakarta, 17 December 2012.

The media strategy of the NGO coalition was successful in terms of getting ample media coverage. Indeed, the Corruption Court Law was the third case (after *Cicak* Buya one and Corruption in the legislature) with the widest newspaper coverage. There were a total of 33 newspaper articles on NGOs and the Corruption Court Law. However, the newspaper coverage was still significantly lower than for *Cicak Buaya*, with less than half the coverage.

The month that had the highest newspaper coverage on the Corruption Court Law and NGOs was September (11 articles). September was also the month with the highest number of peak days (four), concentrated on the day before, and after the legislative approval of the law by parliament (29 September 2009).

Table 6: Press references to the Corruption Court Law and NGOs by month

Month	Nr of newspaper articles with NGO references	Peak dates	Nr of articles on peak date
April	1		
May	3		
June	0		
July	3		
August	13	4 August	2
		5 August	2
September	11	11 September	2
		28 September	
		29 September	2
		30 September	2
			3
October	2	9 October	2
Total	**33**		

Technical policy information played an important role in the NGO advocacy campaign on the Corruption Court Law as technical policy issues in the law represented a central element of NGO demands. This was also reflected in the media discourse on the law. Indeed, the policy content of the law was covered slightly more (with 24 references) than the process of the law (22 references), although NGOs were perceived to have had greater influence on the process dimension (the

parliament passing the law before the deadline). Hence, in contrast with the *Cicak Buaya* case, NGO data and research on policy issues of the Corruption Court Law was frequently cited in the media. Indeed, of the 35 articles featuring NGOs on the Corruption Court Law, 11 made reference to NGO data and research on the policy issues in the law, while none of the 65 articles on *Cicak Buaya* one made this type of reference.

Also, the content aspects of the law that NGOs were perceived to have been able to influence the least (the composition of judges panel and the decentralisation of corruption courts), were covered equally or more than the prosecution and wiretapping revocation, which NGOs were perceived to have influenced. Indeed, of the policy issues covered by the media, the composition of the panel of judges, the decentralisation of courts and the prosecution authority of the KPK received almost equal coverage (14 versus 13 and 13 references respectively), while KPK's wiretapping authority was covered to a lesser extent (seven references). Media coverage did therefore not seem to have been significant factor for explaining NGO influence or lack thereof in the case of the Corruption Court Law.

Table 7: Press coverage of specific issues in the Corruption Court Law

Specific issues related to Corruption Court Law covered by article	Nr of articles
Composition of judges panel	14
Prosecution authority	13
Regional versus local courts	13
Wiretapping	7

The media discourse on the Corruption Court Law was technically versed and difficult for the broader public to understand. This may have contributed to the difficulty of creating broader public support for the more technical issues of the law, such as the composition of the panel of judges and the decentralisation of corruption courts. Indeed, these demands were not embraced by the burgeoning *cicak* movement and no mass demonstrations on these issues were organised as in the case of *Cicak Buaya*. This explicit lack of public opinion pressure may have been a contributing factor for these issues not to figure in the last version of the law. Indeed, as a legislator

was quoted as saying: "I was not being pressured, I was not feeling pressure at that time. We never talk about what NGOs say."[305]

The media package (or discourse) on the Corruption Court Law had a dual character. While the technical policy issues in the law were framed in complex technical terms, the discourse related to the adoption of the law was couched in more simplistic terms, centred around a similar injustice frame as in *Cicak Buaya*, with references to the weakening of the KPK and the war vocabulary.[306] However, the weakening and war discourse was not used to the same extent as in *Cicak Buaya*. While half of the articles on to the Corruption Court Law made reference to attempts to weaken or undermine the KPK, there were far fewer references to war. Only four out of 41 articles referred to war, one to combat and one to the embattled KPK.

Anti-graft NGOs made an effort to use symbolic and metaphorical framing devices in the advocacy campaign (e.g. white towels, rat poison, handing over flowers, animals supporting anti-corruption and a giant cotton bud). However, as opposed to *Cicak Buaya*, there was no overall slogan or catchphrase that brought these symbols together. The references made to NGOs in the press were mainly about the technical content aspects of the law.

The actors that were being most voiced in the media discourse on the Corruption Court Law were NGOs and legislators. NGOs and legislators were cited an almost equal amount of times. The political party that was heard most frequently was Golkar, which was depicted by the press as being for revoking the prosecution and wiretapping authority of the KPK.

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[305] Interview with legislator, Jakarta, 21 December 2012.
[306] For example, the Jakarta Post wrote "major factions have proposed major changes to the bill endangering the on-going war on corruption" in "Closing House rushes bills, falls short of target", Jakarta Post, 29 September 2009.

Table 8: Number of references to actors featured in media discourse on Corruption Court Law

Voice	Nr of references
NGOs	26
Legislators:	25
Golkar	12
PDIP	4
PKS	4
PKB	3
PAN	2
Think tank/academic	3
Minister	3
President	1
KPK	1
AGO	1
Supreme Court	1

The Anti Corruption Law

While parliament was in the final process of deliberating the Corruption Court Law (August 2009), the government simultaneously submitted revisions to the Anti Corruption Law. Legislators argued that the bills' relation to each other required them to be synchronised. However, this contributed to further stall the deliberations of the Corruption Court Law.[307] Anti-graft NGOs interpreted this as another attempt at delaying deliberations on the Corruption Court Law. ICW was quoted as saying: "That bill and the Corruption Court bill have no direct link, so for legislators to say they can't pass the one without deliberating the other is hogwash."[308]

The submission of revisions to the Anti-Corruption Law added an element of confusion to the media coverage on the Corruption Court Law. Indeed, nine of the 40 articles on the Corruption Court Law also referred to the Anti-Corruption Law. Five out of these nine articles actually confused the names of the two laws, using them interchangeably to refer to the other and mixing up the policy issues in the two laws. For example, some newspaper articles linked the issue of minimal sentences for corruption to the Corruption Court Law[309], whereas this was actually a clause in the Anti-Corruption Law. Also, three NGO informants[310] stated that the revocation of

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[307] "ICW warns new bill will weaken corruption eradication", Jakarta Post, 4 August.
[308] "New bill will `weaken eradication efforts'", Jakarta Post, 5 August 2009.
[309] "ICW submits draft corruption court bill", Jakarta Post, 9 July.
[310] Interviews with NGOs, Jakarta, 17, 18 and 20 December 2009.

KPK's prosecution authority was never an issue in the Corruption Court Law, but part of the Anti-Corruption Law, which may indicate that the controversy created in the media on this issue may have been confused by the media, by mixing up the content of those two bills. The other dimension that may have contributed to explain this confusion, was that the media reported that the failure to pass the Corruption Court Law (which was a realistic possibility given that it was only approved a day before the deadline) would have resulted in the dissolution of the Corruption Court, requiring handing over all its cases to district courts, which would effectively have resulted in the KPK losing its prosecution authority.[311] The Anti Corruption Law contained issues potentially sensitive to public opinion such as the abolition of capital punishment for corruption convicts and was finally pulled by the government for redrafting.[312]

6.26 Financial Resources

Financial resources played a key role for the NGO coalition's research, technical assistance and lobbying activities on the Corruption Court Law. Indeed, the coalition received foreign funding which enabled it to conduct background research, draft the law, publish an academic background paper on the law and the alternative draft law in a hard copy book versions. The funding for the coalition was channelled through the Indonesian NGO Kemitraan, which at the time had Bambang Widjojanto as staff, whom a year later (in November 2010) was to be nominated as Deputy Chairman to KPK. However, non-financial resources in the form of free media coverage also played an important role in the advocacy process, albeit not to the same extent as in *Cicak Buaya.* Despite the financial donor resources to the NGO campaign on the Corruption Court Law, the time and human resources invested by the NGO coalition on research, drafting, advocacy and lobbying, one NGO informant also admitted that the campaign was not as effectively implemented as it could have, with most of the energy and time of NGOs diverted to "saving the KPK" from outside attacks during the simultaneous *Cicak Buaya* crisis. [313]

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[311] "District courts lenient on graft defendants", Jakarta Post, 6 August 2009.
[312] Interview with NGO, Jakarta, 20 December 2012.
[313] Interview with NGO, Jakarta, 21 December 2012.

6.27 The Policy Influencing Path of Political Allies

Social movement theory arguing that social movement influence is mediated by decision-making allies also holds true and was a necessary condition for NGO influence in the case of the Corruption Court Law. Indeed, all NGO influence demands were echoed in the media by decision-making allies. On the other hand, of the four demands that NGOs failed to influence, none had decision-making allies. The three demands that NGOs were perceived to have influenced (all addressed to the parliament) all had the president as an ally, preceding the policy decisions with political statements echoing NGO demands and intervening in favour of the KPK. Two key types of actors acted as decision-making allies to NGO demands: the president and legislators. Indeed, the three NGO-influenced policy decisions (all addressed to the parliament) were supported by the president, preceding the policy decisions with political statements echoing NGO demands in support of the KPK. An increasing number of legislators also echoed NGO demands, although this shift in support did not take place until a few days before the approval of the law by parliament.

In relation to the approval of the law, the president issued at least three official statements pledging for the parliament to adopt the law or he would otherwise issue a presidential decree to save the Corruption Court. The president thus played an active role in pressing for the adoption of the law in support of the Corruption Court and the KPK. The president never made an official statement about maintaining the prosecution authority of the KPK, but the press reported that his party had initially been in favour of stripping KPK of its prosecuting powers, although they changed their stance a few weeks before the approval of the law after orders from the president. The president-appointed Law and Human Rights Minister Andy Matalatta was also reported to have convened a meeting with legislators on 28 September 2009 - the day before the approval of the law by parliament - to urge lawmakers to retain KPK's prosecution authority in the Corruption Court law, advising that any changes to KPK's prosecution authority had to be done in relation to the KPK law.[314]

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[314] "Indonesia Dilutes Antigraft Court", Wall Street Journal, 30 September 2009.

Other actors with formal decision-making authority that echoed NGO demands in the media were the parliament speaker and the DPD speaker (who urged speeding up the legislative approval). The need for approval of the law was also voiced by the Chief of the Constitutional Court and a think tank. The demands for issuing a presidential decree should the law fail to be passed were also voiced by the DPD speaker, the chief of the Constitutional Court and the PDIP political party. The demand for retention of KPK's prosecution power was echoed by the Minister of Law and Human Rights, by two minority political parties in parliament (PKB and PBR[315]), a PKS legislator and an academic. The support to NGO demands of specific legislators was also confirmed in the interviews. Indeed, the NGOs perceived that there were in particular two legislators (from PKB and PKS) that supported their policy positions on the policy content of the law from the very beginning of the lobbying process. NGOs therefore asked these legislators to lobby for their position in the closed-door parliamentary debates.[316] The NGOs recounted how these legislators sent text messages back to the NGOs after each meeting to provide them with updates from the meeting, referring to them as "informants".[317] However, despite the support of these legislators, the NGOs' demands on the policy issues of court decentralisation and judicial panels, were not accommodated.

A number of factors help explain how allies were gained in the case of the Corruption Court Law and what factors contribute to explain the support for the NGO coalition's demands. The president's support for passing the law before the deadline and retaining KPK's prosecution authority was perceived by informants to have been influenced by perceived public opinion pressure, created on one hand because of electoral pressure (KPK being firmly supported by public opinion and by voters), the burgeoning *Cicak Buaya* crisis, the negative national media coverage and the international media coverage of the issue. Indeed, one NGO described how articles on the Corruption Court Law were published in the international media, prompting the president to act: "SBY saw that, and he immediately gave an instruction to the Minister Andy Matalatta that the law needed to be passed."[318] The informant also described how the president used the televised presidential debate where NGOs succeeded in introducing questions about the approval of the law,

[315] *Partai Bintang Reformasi* or Reform Star Party.
[316] Interview with NGO, Jakarta, 27 December 2009.
[317] Interview with NGO, Jakarta, 11 January 2013.
[318] Interview with NGO, Jakarta, 11 January 2013.

as a way to gain public popularity: "SBY proudly said: 'I will fight for the Corruption Court Law'". The same NGO informant summarised the president's position in the following way: "it was about the president branding his image."[319]

An actor who was perceived to have played an important role in convincing the president of the importance of the law's approval was presidential Advisor Denny Indrayana (who also played a key role in the *Cicak Buaya* case*,* nominated to the Team of Eight). An NGO informant described how Indrayana submitted a policy brief to the president about "the importance of the adoption of the law and the societal and international reputation risks that could ensue if the law was not passed before the deadline – public discontent being one of them." The policy brief also included international newspaper articles which showed that the issue had reached the international media, which was perceived as having triggered the president to order the immediate adoption of the law and the removal of the prosecution issue. [320]

The obtention of these decision-making allies was perceived as strongly linked to the issue of public opinion and conjunctural political opportunity structures, with focusing events such as parliamentary and presidential elections and the *Cicak Buaya* crisis creating electoral pressure for visible support to the KPK and anticipation of negative public opinion – and hence potentially damaging reputational costs acting as an important incentive for support. Hence the theory of NGOs needing decision-making allies for getting their demands passed also holds true and was a necessary condition in the case of the Corruption Court Law.

Hence NGOs exercised informal authority through what Peruzzotti and Smulowitz refer to as informal sanctions by exercising pressure through the media with threats of public opinion backlash in the event of non-approval of the law (2006). This enabled NGOs to gain access to formal authority through the obtention of decision-making allies fearful of an electoral loss. Electoral expectation is therefore a dimension that needs to be added to three factors identified by Amenta and Caren as potentially facilitating social movements' - and in this case NGOs' - political alliances (2007).[321]

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[319] Ibid.
[320] Ibid.
[321] Which were: 1) credibility of movement claims; b) interest alignment; and c) fears of social disruption.

Opponents

The delay in the approval of the Corruption Court Law was seen by NGOs as a revenge on the part of legislators who felt threatened by the KPK's crackdown on corruption within the legislature. As an NGO informant was quoted as saying in the interviews:

> In my point of view, that will be dangerous for all politicians, all the people can feel danger with the Corruption Court Law, because it has a 100 percent conviction rate. That's the reason they delayed the passing of the law.[322]

The introduction of the clause to revoke KPK's prosecution authority was made late in the deliberation process of the bill. However, it was difficult to clearly identify actor positions on this issue as no political party represented in parliament nor the government publicly admitted to intending to revoke KPK's prosecution authority through the Corruption Court Law. Media coverage on this issue was based on unofficial statements of legislators and rumours. For example, the same legislator that supported NGO demands was quoted in the press as saying that the proposal to revoke the KPK's prosecuting power was made during a "lobbying session between the parliament and government" on 7 September 2009.[323] However, it appears that the attempt may have been linked to the emerging *Cicak Buaya* case. Indeed, in the interview, the legislator argued that the issue of revocation of KPK's prosecution authority had initially been raised in a closed-door meeting between legislators in Commission three (responsible for anti-corruption laws) and Susno, after the KPK had announced that it would start investigating his role in the Bank Century case.[324] However, this linkage was not picked up the media, which stated that the revocation of KPK's prosecution authority was "initiated by a number of legislators and facilitated by the committee chairman of the party PAN."[325] Another report said that: "Eight major party factions (out of the parliament's two), including Golkar and PDI-P" had supported the revocation of the wiretapping authority of the KPK.[326] However, no party actually admitted taking the

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[322] Interview with NGO, Jakarta, 17 December 2012.
[323] "House in deadlock over corruption prosecution". Jakarta Post, 9 September; "House, government set to bust-up KPK's teeth", Jakarta Post, 9 September 2009.
[324] Ibid; "Timeline of KPK fiasco", Jakarta Post, 2 November 2009.
[325] "House, government in blame game on weakening of the KPK", Jakarta Post, 11 September 2009.
[326] "Closing House rushes bills, falls short of target", Jakarta Post, 29 September 2009.

initiative (or even supporting this proposal), but instead passed the blame on to the government. Only two parties were reported to have been against the revocation from the beginning: the PKS and PBR.[327] The same article stated that the *Demokrat* Party (the president's party) had initially supported the removal of KPK's prosecution authority, but changed their position ten days before the approval of the law, after the president had ordered them to. The PKB legislator perceived as an NGO ally also strongly voiced her opinion against the revocation, although this was reported as not reflecting the overall party line, until a few days before the approval of the law when news reports stated that the PKB had finally adopted the position against the removal of KPK's prosecution power.[328] This probably occurred after the *Demokrat* Party changed their party line (as the PKB is one of the minority parties in the government coalition). After the government intervention by Minister Matalatta, all parties shifted their position in favour of keeping KPK's prosecution authority. As revealed in the interviews, this shift in position did not necessarily mean that legislators supported KPK's prosecution and wiretapping authority. They simply decided to drop the attempts within the Corruption Court Law. However, as will be seen, they reinitiated attempts at revoking this authority through revisions to the KPK Law in 2012. Finally, the Corruption Court Law (which did not revoke KPK's prosecuting authority) was approved unanimously by all ten factions in parliament.[329]

There were conflicting reports on the government's position on the issue of KPK's prosecution authority. A Golkar politician was quoted as saying in the press that "it was a government's draft that had sparked controversy as it contained a stipulation that the authority to prosecute only lies in the hand of prosecutors under the jurisdiction of the AGO." [330] The perception of anti-graft NGOs was also that the government supported this position: "ICW and anticorruption groups claim that both the parliament and the government intend to weaken the KPK by revoking its right to prosecute."[331] However, a PKB legislator was reported as saying that "the government firmly rejected the idea of revoking KPK's prosecution authority."[332] The position of the government was reported to have shifted two weeks later, right before the adoption

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[327] Ibid.
[328] "House `to pass Corruption Court bill in a week'", Jakarta Post, 24 September 2009.
[329] "Indonesia Passes 'Ambiguous' Anti-Corruption Court Bill", Jakarta Globe, 30 September 2009.
[330] "House, government in blame game on weakening of the KPK", Jakarta Post, 11 September 2009.
[331] "House `to pass Corruption Court bill in a week'", Jakarta Post, 24 September 2009.
[332] "House, govt in blame game on weakening of the KPK", Jakarta Post, 11 September 2009; "House `to pass Corruption Court bill in a week' ",Jakarta Post, 24 September 2009.

by parliament. Also, while the media reported that the *Demokrat* Party had initially supported the revocation of KPK's prosecution authority, in a meeting ten days before the adoption by parliament, the media reported the president as saying that the "KPK's prosecution role was still necessary".[333] However, the president did not make any official statement on this issue. After the approval of the law, Minister Matalatta was however reported as saying that revocation of the KPK's prosecution right could only be made through an amendment to the KPK Law, which legislators indeed attempted three years later, without success.[334]

The confusing press coverage of which actors actually had supported or been against the revocation of KPK's prosecuting authority reflected a context in which party positions were not explicitly stated and their actions were often contradictory to their discourse. The other issue that was also confusingly reported on was whether the issue of KPK's prosecution authority related to the Corruption Court Law or the Anti-Corruption Law. Indeed, about five of the 13 articles on the prosecution issue referred to the Anti-Corruption Law rather than the Corruption Court Law.

NGO informants also stated that the issue of KPK's wiretapping authority was related to the Anti-Corruption Law, but the media reported that this was an issue that legislators (and the government) had tried to revoke as part of the deliberations of the Corruption Court Law. The issue was reported on simultaneously as the issue of the prosecution authority and the same stakeholders were reported for and against it. However, the president issued a statement 12 days before the approval of the law that he supported the KPK's wiretapping authority "as long as it was not abused."[335] This mediatic confusion may have contributed to the difficulty of amassing broader public support for the issue.

6. 28 "Mobilisable Troops"

While NGOs had some allies for the adoption of the Corruption Court Law, both within the state and within civil society, the number of allies was small compared to the *Cicak Buaya* case. Hence the resource of "mobilisable troops" did not play any significant role in the case of

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[333] Ibid.
[334] "Indonesia Passes 'Ambiguous' Anti-Corruption Court Bill", Jakarta Globe, 30 September 2009.
[335] "SBY renews warning of regulation on KPK", Jakarta Post, 17 September 2009.

the Corruption Court Law. While two of the three demands resulting in perceived NGO-influenced policy decisions (strong legal base for corruption eradication, passing the law and maintaining the prosecution authority of the KPK) were echoed by civil society allies, the number of allies echoing NGO demands was small. The composition of judicial panels in favour of ad hoc judges was only voiced in the media by the KPK and the demand for the creation of five regional corruption courts was not voiced by any other actor than NGOs. And while two of the demands resulting in perceived NGO-influenced policy decisions were echoed by some actors in civil society (academics, think tanks), there was no explicit show of broad public support for these issues (retaining prosecution authority of the KPK and passing the law). The policy issues of the Corruption Court Law thus failed to attract the attention of broader elements of civil society and the public as had been the case in *Cicak Buaya*. (For a list of allies echoing NGO demands, refer to table 36 in appendix three).

6.29 The Policy Influencing Path of Public Opinion

For the statistical analysis, each policy case was given the same public opinion score based on a number of different indicators (see chapter two). However, if specific dimensions of public opinion are analysed in relation to each decision within the same policy case, a more nuanced analysis can be provided on how public opinion manifested itself in the case of the Corruption Court Law. The dimensions that were analysed were on one hand the public opinion influence score provided by informants in the perceptions of influence questionnaire and on the other, references to public opinion pressure (in the press and by informants) in relation to the different policy issues linked to the Corruption Court Law.

The Corruption Court Law was the case which was attributed the lowest influence of public opinion compared to the other cases in the perception of influence questionnaire (1.55). However, if dividing between the process and content aspects of the law, there were higher perceptions of public opinion influence on the approval of the law and the prosecution powers of the KPK than on the other policy issues in the content of the bill.

The specific policy decisions that NGOs were perceived to have influenced were also those which were perceived as influenced by public opinion. The retention of KPK's prosecuting and wiretapping authority received a public opinion influence score of 1.9 out of two and four references were made to public opinion influence on this issue in newspaper articles. Three newspaper articles also referred to public pressure having been strong for passing the law, but did not explicitly attribute the decision to public opinion pressure.

The perception of a favourable public opinion on these two issues may also be explained by the large number of demands made by NGOs in the media and the repetition (intensity) of demands. Hence, NGOs may – through their media advocacy campaign –have contributed to a perception of strong public opinion. In other words, NGO advocacy through the media may have been equated with a favourable public opinion, even if they did not have explicit support from the broader public or other elements of civil society. Another element that may have contributed to the perception of a strong public opinion for the adoption of the law may have been linked to the parallel process of the emerging *cicak* social movement in support of the KPK against forces attempting to weaken it. This may have have helped to give a perception of a generally favourable public opinion on issues related to the KPK.

Those issues that NGOs did not succeed in influencing were also those which were perceived to have had low public opinion influence in the survey (the issue of composition of judicial panels and decentralisation of corruption courts received only a score of 1.2 out of two in the perceptions of influence questionnaire, which was the lowest score provided among all cases).

However, if public opinion is measured in terms of participants to protest events, the few (four) protest events were only attended by a dozen anti-graft NGOs and there was no social mobilisation beyond those groups. And while the demands for the approval of the law were also made by a few well-respected public figures, there was no explicit expression of support from the broader public or civil society. NGOs however often made reference to public opinion in their demands for parliament to speed up the approval of the law as a way to boost their claims, which may have added to perceptions of strong public opinion. NGO quotes similar to this one were cited a number of times in the media: "So far, lawmakers appear to be ignoring the public's demand

for a stronger and stricter legal basis to eradicate graft."[336] (For additional examples on NGO reference to public opinion support, refer to table 35 in appendix three).

Another issue that may have helped provide a perception of strong public opinion for adoption of the Corruption Court Law and for the retention of KPK's prosecution authority was the strong support to the KPK among voters and the increasing weight of public opinion around election time. As an NGO informant was quoted as saying: "Because if they choose to abandon KPK power, people are angry with them." Indeed, anti-corruption was high on SBY's electoral programme and was perceived to have been a key factor behind his first presidential victory. To the extent that the KPK was perceived by the public as the most trusted law enforcement institution, policy-makers could assume that failure to pass the law and stripping the KPK of its prosecution authority would severely undermine their anti-corruption credentials and thereby compromise future electoral victories. This, combined with the growing public discontent in the *Cicak Buaya* crisis, and the support for the KPK among voters, as well as the intensive media coverage of the issue may have contributed to *perceived* public pressure on the part of the parliament and the president, despite the lack of massive public support that was present in the *Cicak Buaya* case

6.30 The Policy Influencing Path of Knowledge

While the technical assistance and research strategy was key to the NGO campaign on the Corruption Court Law and that policy information and data featured centrally in their advocacy on the bill, and that the NGO coalition received a significant amount of financial resources to carry it out, the policy influencing path of knowledge can only partially explain the influence exercised by NGOs in relation to the Corruption Court Law. NGOs were indeed perceived to have contributed to create pressure for the approval of the law and for keeping the KPK's prosecution and wiretapping authority. However, while NGOs considered that a large part of their proposed policy content was included in the final law, they failed to achieve influence over the policy content issues of most concern to them (and which they had advocated for in the media): the decentralisation to regional corruption courts and the composition of the panel of judges. Indeed, none of the demands

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[336] ICW quoted in "Even animals want an end to corruption", Jakarta Post, 14 September 2009.

made in the media using the research and technical assistance strategies resulted in aligned policy decisions, leading NGOs to perceive the final version of the law as weak.[337] Hence, despite intense media coverage and advocacy on policy issues of the Corruption Court Law, NGOs failed to achieve influence over the more low-salience technical policy issues of the law.   These policy issues failed to gain broader public support outside of the NGO coalition, largely due to their legal complexity, couched in a technically complex discourse difficult for the broader public to comprehend.

Conclusion

Summarising the above results, this case study on the Corruption Court Law has explored how the three policy influencing paths of political allies, public opinion and knowledge helped explain NGO influence (or lack thereof) and how NGO strategies and resources were used in this process. In the case of the Corruption Court Law, the influencing path of political allies played a central role for NGOs to achieve influence over policy change. While research and technical assistance was an important strategy employed by NGOs, and that they perceived a significant part of their proposed policy content to have been incorporated into the final law, they failed to influence the policy issues of most concern to them. The public opinion influencing path also played a role, but thanks to different strategies and resources than in the *Cicak Buaya* case, relying more on media coverage than on social mobilisation and mobilisable troops, and on anticipated rather than actual public opinion.   NGOs achieved influence over the perceived high-salience issues related to preserving the authority of the KPK ("saving the KPK"), such as passing the law before the deadline and maintaining KPK's prosecution and wiretapping authority. For those issues, intense media coverage, the emerging *Cicak Buaya* crisis, the increased weight of anticipated public opinion during a focusing event such as an election period, added to the use of symbolism and imagery borrowed from the *cicak* movement's discourse, and the support of decision-making allies (both the president and legislators) concerned about their anti-corruption image and fearing electorally damaging consequences, seem to have played a role. Hence, while expectations about electoral victory can provide a positive incentive for policy-makers to hear NGO demands, the opposite (fear of electoral loss) can also work as a (negative) incentive for policy-makers to accept
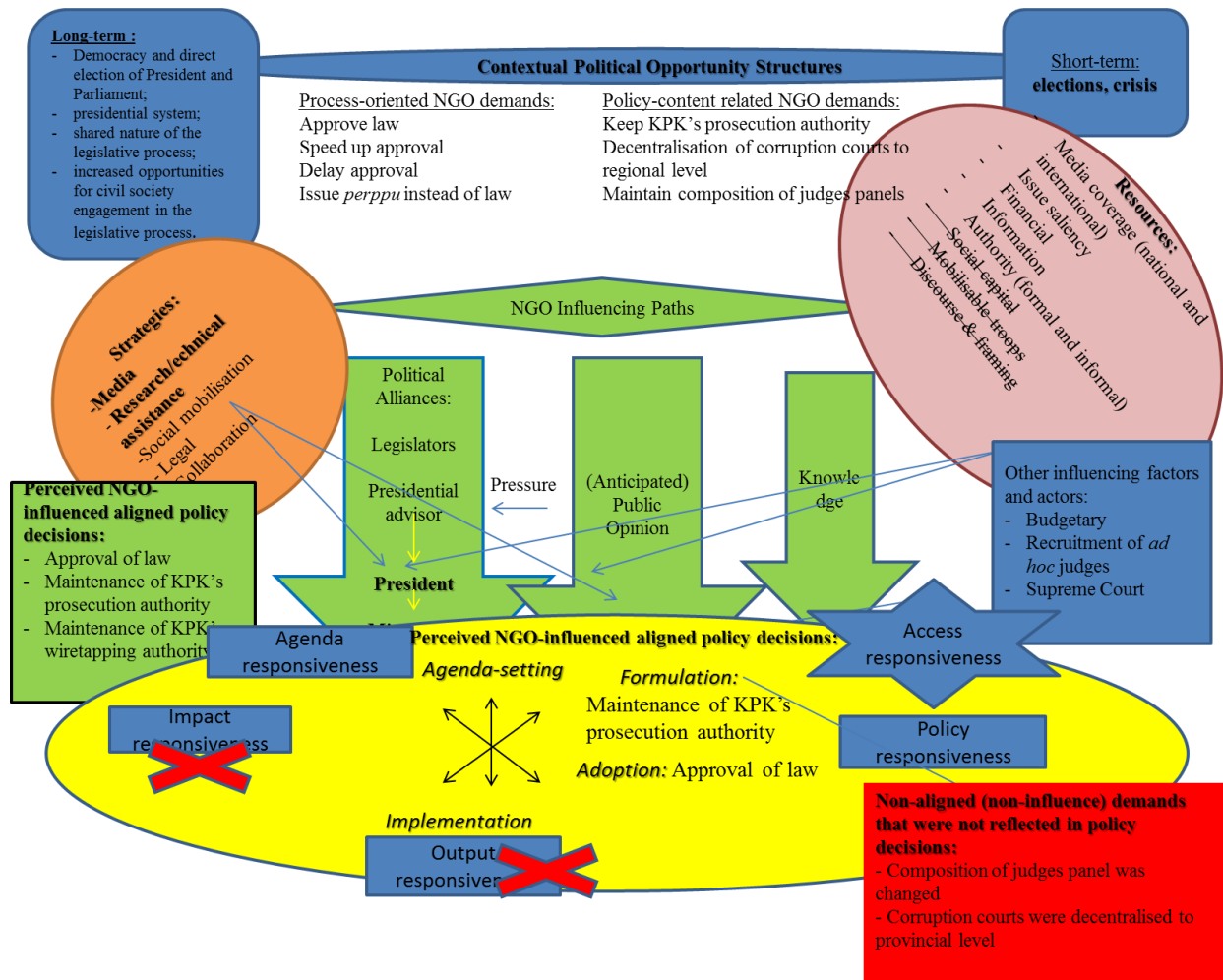
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[337] "KPK retains bugging, prosecuting powers", Jakarta Post, 30 September 2009.

NGO demands. While Giugni (2004) argues that public opinion can support social movements to achieve policy influence, this case has also demonstrated that NGOs can – if allied with the media, receiving ample media coverage for their demands and using public opinion to boost their discourse – create perceptions of and/or anticipation of a broader public opinion, a scenario not considered by Giugni. This pressure is likely to be more effective in a context of favourable short-term contextual political opportunity structures with two simultaneous focusing events such as elections and crisis creating a window of opportunity for NGOs to exercise influence. Hence, both Burstein's (1999) and Giugni and Passy's (1998) arguments about social movement policy influence being more likely for high salience and electorally sensitive issues, also holds true for NGOs in this case.

However, the case study also shows that a focusing event such as a burgeoning national crisis may also impede the influence of NGOs on more substantial policy content as issues linked to public opinion concerns may become overriding in those situations and are prioritised by policy-makers. These types of focusing events can relegate the more high-level technical policy debate to the background, while favouring a dominant discourse on simply framed messages easy for the broader public to understand.

The below graph shows graphically what elements of the conceptual framework were relevant for analysing the Corruption Court Law case and which additional conceptual dimensions were added through the empirical analysis:

Figure 17: NGO policy influencing paths in the Corruption Court Law case

Long-term :
- Democracy and direct election of President and Parliament;
- presidential system;
- shared nature of the legislative process;
- increased opportunities for civil society engagement in the legislative process.

Contextual Political Opportunity Structures

Short-term: elections, crisis

Process-oriented NGO demands:
Approve law
Speed up approval
Delay approval
Issue *perppu* instead of law

Policy-content related NGO demands:
Keep KPK's prosecution authority
Decentralisation of corruption courts to regional level
Maintain composition of judges panels

Resources:
Media coverage (national and international)
Issue saliency
Financial
Information
Authority (formal and informal)
Social capital
Mobilisable troops
Discourse & framing

Strategies:
- Media
- Research/echnical assistance
- Social mobilisation
- Legal
- Collaboration

NGO Influencing Paths

Political Alliances:

Legislators

Presidential advisor

Pressure

(Anticipated) Public Opinion

Knowledge

President

Perceived NGO-influenced aligned policy decisions:
- Approval of law
- Maintenance of KPK's prosecution authority
- Maintenance of KPK's wiretapping authority

Other influencing factors and actors:
- Budgetary
- Recruitment of *ad hoc* judges
- Supreme Court

Agenda responsiveness

Perceived NGO-influenced aligned policy decisions:

Agenda-setting

Formulation: Maintenance of KPK's prosecution authority

Adoption: Approval of law

Access responsiveness

Impact responsiveness

Policy responsiveness

Implementation

Output responsiveness

Non-aligned (non-influence) demands that were not reflected in policy decisions:
- Composition of judges panel was changed
- Corruption courts were decentralised to provincial level

Chapter Seven: Empirical and Theoretical Contributions

Introduction

This chapter weaves together the results from the statistical analysis and uses qualitative thematic analysis to review the empirical findings of the case studies in chapter six and the data from the in-depth interviews (which also contain references to other policy cases, thus broadening the time period of analysis from 2009 to 2012) - to analyse how and to what extent the various policy influencing paths (political alliances, public opinion and knowledge), resources and strategies identified in the conceptual framework in chapter one were used by NGOs to gain influence over policy decisions during the four-year period studied, and under what circumstances they failed to do so. It will also expand on the conceptual framework to identify the linkages between the different influencing paths. The chapter will also analyse how these findings contribute to expand the theory on NGO influence on policy change.

The statistical analysis showed that of the 173 demands made by NGOs in the media over a period of four years, 72 percent were partially or totally reflected in policy decisions. Of these, 27 percent were explicitly perceived by stakeholders to have been influenced by NGOs (or 17 percent of total demands). These represented 51 percent of totally aligned demands[338] and ten percent of partially aligned demands.[339] However, quite a significant proportion of NGO demands (38 percent) were not reflected in policy decisions and therefore likely represented demands that NGOs failed to achieve influence on.

The statistical analysis has also demonstrated what factors supported NGOs in achieving policy influence. It revealed that a favourable public opinion[340] proved to be a necessary condition for NGO influence. While this may make intuitive sense, the statistical analysis has demonstrated how this proposition also holds true for a large sample of NGO demands over a four-year period in the context of Indonesian anti-corruption reform. These results support social movement scholars like Giugni and Passy that argue that social movement influence is mediated by public

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[338] Totally aligned demands represented 26 percent of total demands.
[339] Partially aligned demands represented 36 percent of total demands.
[340] And a necessary condition for alignment and partial alignment of the whole sample of demands targeted to the president.

opinion (1998). It also showed that high media coverage was a necessary (but not sufficient) condition for NGO influence (except for one case where the demand had very visible public support).[341] This extends the proposition of scholars like Gamson and Wolfsfeld (1993) that argue that "validation" (media coverage of social movement action) is a necessary condition for social movement recognition by political actors (although they do not extend their argument to policy influence). The findings also support the stance of Koopmans (2004) that argues that the extent of media coverage is one of the key factors (together with "legitimacy" and "resonance") that create favourable discursive opportunity structures for social movement action, which together with open political opportunity structures, provide enabling opportunities for social movement – and in this case NGO - influence on policy change. Also, the demand having been made through social media was identified as a sufficient condition for influence, as all demands made through social media (Facebook) resulted in perceived NGO policy influence. In addition, positively statistically significant factors for NGO influence were: demands using the media strategy (type of strategy); demands related to protecting the authority of the KPK or "saving the KPK" (type of demand); and the support of allies with formal decision-making authority. The last finding corroborates the stance of social movement theorists such as Kriesi et al. (1995) and Giugni (1999) that argue that social movements need allies with political and decision-making authority to achieve policy impact. Conversely, NGO demands that did not have these supporting factors were more likely to result in non-aligned policy decisions and hence a lack of NGO influence. This thesis thus broadens social movement theory by identifying the type of claims as statistically significant for NGO influence (together with a favourable public opinion as a necessary condition, high media coverage and support of political allies). Negatively significant factors related to the technical capacity of NGOs: demands were more likely not to be adopted into policy decisions if they were made through the research and technical advice strategy and if the demand had been backed by technical data. The rest of the chapter will use thematic analysis based on the findings from the case studies and data extracted from the in-depth interviews, applying the conceptual framework proposed in chapter one, to explain these statistical results and the linkages between them, analysing how and why NGOs were able to obtain the supporting factors and actors that were identified, through various policy influencing paths, strategies and resources, and how these

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[341] Indeed, 28 out 29 NGO influence demands had high media coverage. The case in which NGOs succeeded in influencing policy change without high media coverage was the Coins for KPK campaign, which had a very visible element of public support.

were in turn affected by short-term and long-term political opportunity structures, to gain influence over the policy process.

7.1. Application of Qualitative Thematic Analysis using Conceptual Framework

7.11 Policy Influencing Path of Political Allies

The existence of decision-making allies (policy-makers with formal decision-making authority such as, for example, the president or individuals with direct access to formal decision-makers such as ministers or presidential advisors) supporting NGO demands was a statistically and positively significant factor for explaining NGO influence and vice versa. These results support social movement theorists of the political mediation school like Kriesi et al. (1995) and Giugni (1999) that argue that argues that alliances with policy-makers with formal decision-making authority are more likely to lead to social movement influence on policy change. It also supports proponents of the Advocacy Coalitions Framework that view access to formal legal authority as a resource for advocacy coalitions to influence policy change. The results from this study enable to assert that these propositions also hold true for NGOs to achieve policy influence in the Indonesian context of anti-corruption reform. The case studies revealed a variety of different motivating factors for actors with formal decision-making authority over policy-making to support NGO demands.

The actor to which the NGO claim was targeted (and the final decision-maker) mattered for NGO influence in both case studies, although this was not supported by the statistical regression analysis. Having the president supporting NGO demands proved to be an important factor for NGOs to achieve policy influence in both case studies. Also, of the 20 presidential statements recorded in the PCA on issues related to NGO claims, 17 were perceived as influenced by NGOs. While having the president as the target of the claim was statistically significant in the univariate regression, it lost its significance in the multinomial regression when controlling for other factors. However, the results of the univariate regression analysis were confirmed in the qualitative thematic analysis of interviews, with informants tending to perceive the president as more likely to take decisions aligned with NGO demands when these required short-term measures providing

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quick public opinion wins, while less likely to take decisions that fundamentally threatened the turf of these institutions. This tendency was explained in part by short-term opportunity structures (the constraints imposed on the president by forces within his "rainbow coalitions") and in part by what some journalists described as his "typical Javanese politeness" to avoid conflict.[342] However, the argument that all democratically elected actors may be more influenced by NGO pressure did not hold true in the Indonesian case. Indeed, NGO claims targeted to the parliament were statistically insignificant for NGO influence in the sample analysed (even in the univariate regression). This statistical insignificance also held true for non-democratically elected actors such as the KPK. Indeed, almost half (42 percent) of all non-aligned demands were directed to the KPK. Indeed, while informants perceived that the KPK needed media and public support for its protection against outside attacks, informants did generally not perceive the KPK as influenced by public opinion or NGOs in its choice of cases.[343]

In some cases, the president took direct decisions responding to NGO demands, in others he ordered other state institutions to take decisions that were aligned with NGO demands, effectively acting as what Sabatier (1988) and Ingold (2011) refer to as a policy broker – in this case between NGOs and other decision-makers. Indeed, in all policy cases of the sample where the president intervened in favour of NGO demands with an official statement (generally ordering other institutions to take decisions in favour of NGO demands), the decision was effectively taken in favour of the NGO demand (by the AGO, the police or the parliament). The president helped NGOs secure a number of policy gains, including legislative approval by parliament (Corruption Court Law in 2009), legislative content (retention of KPK's prosecution and wiretapping authority in that same law), withdrawal (or at least postponement) of legislative revisions by parliament to the KPK Law in 2012[344], policy implementation related to defining the jurisdiction of the KPK versus the police in relation to corruption cases within the police (handing over of simulator case from police to KPK in *Cicak Buaya* two in 2012), and policy decisions related to crisis

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[342] http://www.thejakartapost.com/news/2012/08/09/sby-may-have-told-timur-back-down.html. Viewed 15 September 2014.

[343] Although one legislator (suspect in a corruption case) raised concerns about KPK cases sometimes being politically motivated.

[344] As seen in chapter four, in April 2011, the parliament initiated revisions to the KPK law ("House Amendments to Strike at KPK's Heart: ICW", Jakarta Globe, 25 April 2011). There was a strong perception among NGO activists that this was another deliberate attempt on the part of the parliament to weaken the KPK. The president was advised to intervene and issued a statement in October 2012 for the parliament to withdraw the revisions, which it did three days later ("KPK Law revision not necessary at the moment: SBY", Jakarta Post, 8 October 2012).

management between these two law enforcement institutions in the *Cicak Buaya* one case (creation of Team of Eight and release of KPK Commissioners) in 2009.

Both presidential decisions and statements to other decision-makers responding to NGO demands tended to be made after significant pressure had been exerted through the combination of social unrest and high media coverage or during an electoral period, in situations where NGO demands were backed by a strong public opinion, were linked to protecting the authority of the KPK, in situations which pitted the KPK against powerful actors (police, AGO or parliament) perceived as actively attempting to undermine the authority of the KPK. Hence, informants from all sectors tended to perceive presidential alignment with NGO demands as motivated more by a concern for positive imaging, fear of public opinion backlash and electoral concerns than by shared values and interests with NGOs, or an appreciation for their technical expertise. However, whatever his motivation might have been, the president effectively acted as an ally to NGOs by supporting their demands in those cases. While the president's concern for public opinion can be expected in a political context where he is directly elected by voters and thereby directly accountable to them, there was a widespread perception among informants that the former Indonesian president's personality was particularly sensitive to public opinion and carefully nurtured "image politics". Two NGO informants were quoted as saying: "We know very much how SBY loves his image. He really doesn't want his image to get bad. This is the priority for him. Both domestic and international image."[345]

Elements of the long-term contextual political opportunity structures (combined with the president's personal sensitivity to public opinion) such as the strong presidential features of the political system and the shared nature of the legislative process, have in the context of Indonesian anti-corruption reform therefore acted as opportunities for NGO influence when promoting issues that are public opinion sensitive. However, a senior government official also pointed out that while public opinion was one of the factors the president took into account when making policy

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[345] Interview with NGO informant, Jakarta, 27 December 2012.

decisions, it was only one of many and not always the overriding one, especially when it was considered as going against economic stability.[346]

The president's backing of the KPK was depicted as ambiguous in the media, highlighting his statements both for and against the institution. Hence, some informants viewed his backing of the KPK as in large part public opinion-related (e.g. in the cases of the Corruption Court Law and *Cicak Buaya* one and two). As one KPK informant stated: "The president is very influenced by public pressure, so in *Cicak Buaya* two, the president makes a speech because of public pressure. But there are no first moves by the president".[347] However, a senior government official, and some journalists argued that SBY had a genuine commitment to anti-corruption reform, which was however perceived as hampered by his political alliances in government. [348]

To access the president, NGOs relied to a large extent on policy brokers, such as Deputy Minister Denny Indrayana and presidential advisor Adnan Buyan Nasution, whom both had roots in the NGO-based anti-corruption movement and had gained a formal policy space within the state, from which they were able to either exert influence over decision-making - particularly presidential decision-making - or directly exert formal decision-making authority. Indeed, Indrayana had been appointed as Special Advisor to the president on Law, Human Rights and Anti-Corruption in 2009, and then as deputy minister for the same ministry in 2011, and Nasution was nominated as one of the nine members of a new presidential Advisory Council established in 2007.[349] Both were part of the president-nominated Team of Eight during the *Cicak Buaya* episode. Both Indrayana – and to a lesser extent Nasution - came to play a decisive role as policy brokers in the cases studied, channelling and mediating between NGO demands and the president in critical times of social unrest or electoral periods. These policy brokers played a key role informing the president about public opinion on critical issues (making reference to both national and international media coverage on them) and the potential societal and political consequences if he failed to act upon

[346] For example, in 2012, the government proposed raising the price of subsidised fuel, a widely unpopular policy proposal that was rejected by parliament (Interview with Deputy Minister, Jakarta, 27 December 2012; "SBY Announces Five New Policies to Cut Subsidized Fuel Use in Indonesia", Jakarta Globe, 29 May 2012).
[347] Interview with KPK, Jakarta, 10 January 2013.
[348] Interview with journalist, Jakarta, 22 December 2012.
[349] http://www.wikileaks.org/plusd/cables/07JAKARTA1059_a.html. 15 April 2007. Viewed 15 September 2014.

them. They also played a role presenting the pros and cons of different policy options to the president.

While he was presidential advisor and member of the Team of Eight, Indrayana advised the president to intervene to drop the case against the two framed KPK commissioners by choosing the legal option of deponeering and he was one of those strongly recommending the establishment of the Judicial Mafia Eradication Taskforce. In chapter six, it was described how Indrayana also came to play a key role as a policy broker for the adoption of the Corruption Court Law. Similarly, in the subsequent case referred to as *Cicak Buaya* two, Indrayana - by then promoted to Deputy Minister of Law and Human Rights - played a key role as a policy broker between NGO demands and the president. In this case, the police had recalled 20 of its investigators from the KPK and made an attempt to arrest one of them, in retaliation for the KPK investigating a police general in a corruption case. The police claimed that they should be solely responsible for investigating the case. The arrest led to massive social mobilisation to prevent the police from arresting the investigator and to request the president to intervene. Indrayana allegedly played a key mediating role, echoing the demands of NGOs (and other protesters) for the president to require the police to hand over the case to the KPK, which he eventually did in a televised speech three days later.[350]

Factors that played a role for NGOs to secure these policy brokers included existing social capital, trust, what Amenta and Caren (2007) refer to as aligned interests, shared values and long-standing participation in and commitment to the NGO-based anti-corruption movement. Hence, NGOs gained access to policy brokers and formal authority through informal channels of friendships (so called "affective bonds") and an existing social capital base (Goodwin et al. 2007 p. 418). These policy brokers' unique position and past affiliations provided them on one hand with an in-depth understanding of NGO views and the trust of civil society. On the other hand, their formal position within the state apparatus provided them with direct access to actors with formal decision-making authority. The access of Nasution and Indrayana to the president may have been facilitated by their formal role in the state apparatus, but was also strengthened by the deep trust of the president in their professional capacities and their ability to convey an understanding of civil society's moods and demands in critical times of social unrest. As Indrayana

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[350] Interview with Denny Indrayana, Jakarta, 27 December 2012.

himself described on why he may have been nominated by the president: "I think it is both my background, and also it is important to have a kind of contact person between the palace and the NGOs." Indrayana's and Nasution's credibility and legitimacy was in large part gained from years of track record as competent and capable anti-corruption legal experts.[351] Their bridging role between the two spheres (civil society and the state) was also highly valued by their NGO friends. NGOs perceived Indrayana as providing a direct channel to voice their concerns to the president: "We can deliver the message to the president through him and he also bridged the communication between NGOs, the president and ministers."[352]

However, Indrayana's position was not always positively seen by his old "NGO friends", who sometimes criticised what they saw as his tendency to defend "his president", and who were concerned that his position within the government had co-opted a key NGO activist into a position which did no longer allow for external criticism.[353] However, Indrayana viewed his influencing role as being more effective on the 'inside': "Back then, if I wanted to give input to the president, I mostly used the mass media. Now, I can talk directly to the president. It is more effective for me to be inside of the system."[354]

The president may have used advisors such as Nasution and Indrayana because of their legal expertise, but also because they provided him with a sounding board of NGO activities, which had come to be regarded as key players in anti-corruption reform and important shapers of public opinion on anti-corruption reform. Other players also perceived the presence of Indrayana in government as reflecting the weight of NGOs in the political arena: a former government official, was quoted as saying:

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[351] As the Wikileaks excerpt on the members of the advisory council stated: "the Council consists of luminaries from the legal, political, military, academic and educational fields" and the excerpt described "the star power and credibility of the members".
[352] Interview with NGO, Jakarta, 18 December 2012.
[353] Ibid.
[354] Interview with Denny Indrayana, Jakarta, 27 December 2012.

All the NGOs, all their opinions, mostly agreed by the government. But you know that all the member of the palace surrounding our president is mostly from NGOs. Indrayana, he's from NGOs. He has most influence to the decisions of the president. Like the president's call to the police and KPK to sit together. It was a demand made by NGOs (referring to *Cicak Buaya* two).[355]

While anti-corruption NGOs were disappointed that Widjojanto – a long-standing anti-corruption activist and part of the *cicak* movement - was not nominated as KPK Chairman, the media however depicted his nomination as Deputy Chairman as somewhat of a victory for NGOs.[356] Hence, the appointment of Nasution and Indrayana and even Widjojanto into formal positions within the state apparatus (Nasution in an advisory capacity, Indrayana in a policy-making capacity and Widjojanto as deputy chairman of KPK) can be seen as an achievement of what Gamson refers to as "acceptance" by the state of anti-corruption NGOs, being recognised as authoritative and credible players in the formal policy arena (1990 p. 132). Nasution and Indrayana's appointments also effectively gave NGOs an additional influencing tool on presidential policy-making, allowing them to influence from inside, while the remaining NGO-based anti-corruption movement could continue to exert pressure from outside.

However, despite the apparent policy gains of NGOs thanks to the mediation of the president, there were also some NGO actors that perceived the president's intervention as a double-edged sword. Several informants revealed how some decisions aimed at appeasing public opinion in the short-term had negative long-term consequences for the NGO movement. For example, the deponeering decision against Bibit and Chandra never declared them innocent as this legal option nullifies an AGO decision based on the argument of public interest. For a number of informants, this tainted the credibility of the KPK in the long-term.[357] Similarly, the order for the police to hand over the simulator case to the KPK appeased public opinion in the short-term, but potentially opened the door for the police to handle other larger cases implicating its own forces. Also, while the president's intervention in some cases influenced legislative policy change in favour of NGO demands (approval of Corruption Court Law or delay of revisions to KPK Law), in other cases,

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[355] Interview with interview with former chairman of legal drafting team of Corruption Court bill, Jakarta, 26 December 2012.
[356] http://www.thejakartapost.com/news/2011/12/07/kpk-could-go-full-strength-with-fresh-blood.htm. Viewed 15 September 2014.
[357] Interviews with NGO informants, Jakarta, 20 December 2012 and 10 January 2013; with journalists, Jakarta, 8 and 11 January 2013; with KPK, Jakarta, 16 January 2013.

the support of the president only led to short-term *ad hoc* measures aimed at temporarily resolving the flare-up between the police and the KPK, but not to legislative policy change that would have led to avoiding such turf wars in the long-term.

Other allies who played a role as policy brokers were legislators with shared policy interests to NGOs on specific issues. Many of these parliamentary allies had roots in the student movement that toppled Soeharto and had worked as NGO activists before deciding to join the formal system of political representation (e.g. PKB legislators Nursyahbani and Malik). NGOs used the strategy of identifying those legislators and then lobbying them on specific issues, hoping that they in turn would be able to influence other legislators to take on those issues. However, in the case of the Corruption Court Law, despite having these allies with formal decision-making authority, NGOs failed to gain traction for two of the main policy issues they advocated for in the bill. The reason for this seems to have been a lack of pronounced broader public opinion support for these two fairly complex legal and technical legislative issues.

7.12 Policy Influencing Path of Public Opinion

This section analyses how public opinion helped NGOs gain influence over policy decisions in the context of Indonesian anti-corruption reform related to the KPK, how public opinion was linked to the gain of decision-making allies, and how NGOs played a key role in shaping public opinion on the KPK. It also analyses the role of the media (the press, television and social media) in this process.

The anti-corruption agenda is a high-salience issue in Indonesia and public support for KPK is strong, as evidenced by opinion polls, which shows it to be the most trusted law enforcement institution in Indonesia. Informant perceptions also confirmed this assertion.[358] Hence, any attempt at weakening the anti-corruption drive and the flagship institution leading it, are electorally sensitive issues and thus public opinion-sensitive. However, within the anti-corruption agenda, some policy issues seem to get more public opinion traction than others. Policy

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[358] "The issue of the inefficiency and the corruption, I think very sensitive, and easily mobilising people" (Interview with legislator, Jakarta, 28 December 2012). "I think the central issue of the fall of Suharto is what we call it as KKN. .. then you have KPK, and corruption is suddenly on the top of the agenda in Indonesia" (Interview with journalist, Jakarta, 11 January 2013).

decisions related to strengthening, maintaining, dissolving or weakening the KPK appear highly public opinion-sensitive, while other more technical issues of a regulatory and legislative nature appear less so.

The statistical analysis showed that a favourable public opinion was a necessary condition for NGO influence and that NGO demands that were not backed by public opinion were more likely not to be heard by policy-makers. These results were confirmed by interview informants who emphasised the importance of public opinion for helping NGOs to achieve policy influence. Public opinion was also perceived to have played a key mediating and supporting role for NGOs to gain influence over some key policy decisions in the case studies. Attribution of NGO influence and of public opinion influence were somewhat linked. Among the 29 demands identified in the media analysis as resulting in policy decisions that NGOs were perceived to have influenced, almost half were also perceived to have been influenced by public opinion pressure.

The main channel through which public opinion influenced policy-making was through the creation of perceived, anticipated or actual pressure on elected policy-makers. The concept of pressure was constantly referred to by all stakeholders in the interviews as driving policy-making in anti-corruption reform in Indonesia, in reference to the president and legislators. The pressure was mainly exercised through the fear of negative imaging (being perceived as "pro-corruptor") on the part of elected policy-makers (legislators or the president) or the anticipated popularity gains of decisions perceived as pro-anti-corruption reform, especially if they were linked to maintaining the authority of the KPK. However, despite a strong backing of public opinion, NGOs failed to achieve influence on a number of policy decisions, especially if they were linked to direct threats to the authority of the AGO and the police. On the other hand, the lack of perceived public opinion for certain issues – particularly those with more complex technical content – was statistically positively significant for NGO failure to influence policy, a result that was confirmed through informant perceptions in the interviews.

The case studies have enabled to shed more light on the relationship between NGOs and public opinion. The case studies have shown that NGOs played a key role building upon an existing favourable public sentiment towards the KPK, promoting, creating and shaping (and

thereby influencing) public opinion on high salience issues linked to protecting its authority. They did this both directly through the creation of a social movement, mediatised campaigns involving music and art, and indirectly by securing intense media coverage of these events and of their claims. In all these situations, NGOs' astute injustice frame and effective framing devices in the form of slogans and catchphrases, and their adoption by the media, contributed to a dominant public discourse on protecting the KPK from evil forces that was easily embraced by the broader public.[359] However, NGOs were less able to create public opinion on low-salience issues such as technical policy content issues and the formulation of policy options (despite high media coverage) which the broader public has less capacity to comprehend.

NGOs used a variety of strategies to influence and shape public opinion on the KPK. One was the savvy communication strategies which centred around an injustice frame using framing devices of easily understandable symbols and messages around the concept of war, pitting good against evil, in an attempt to "save the KPK" from attacks. This further fuelled existing national sentiment in favour of the KPK and against institutions such as the police and the parliament's attempt to undermine it. Amongst the cases studied, this type of framing was most pronounced in the *Cicak Buaya* one case. While the *cicak* against the *buaya* symbolism was not created by NGOs themselves – but by the police – NGOs' ruse was to realise the powerful potential of this symbol to fuel public sentiment in favour of the KPK, and packaging and marketing the symbolism into powerful slogans that could grab the collective imagination. The adoption of NGOs' symbolic and war discourse by the media also played a key role in fuelling public opinion in favour of the KPK. The domination of the NGO discourse in the media was seen in both cases studied, where references to war and attempts to undermine, weaken or cripple the KPK were made in 60 percent of the newspaper articles (in the case of the Corruption Court Law). Also, references to NGOs (generally positive) were made as many times as references to legislators (generally negative). As seen in the *Cicak Buaya* case study, NGO-promoted slogans and symbols were also widely adopted by the public in various protest events. Hence, NGOs succeeded in dominating the discourse in the public sphere thanks to a multi-faceted strategy to disseminate their messages through a variety of channels (t-shirts, promotional banners, posters, murals, music concerts and songs, and the

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[359] As one journalist informant said: "So every power that supports the police is enemy, everyone who is against is friend, it's as simple as that… Sentiment goes before substance". Interview with journalist, Jakarta, 31 December 2012.

media). This played an important role in spreading public opinion in support of the KPK across various social classes and geographical boundaries. This expanded public opinion could then be used as a platform on which to build and more easily mobilise the public for other campaigns, such as the *Cicak Buaya* two and Coins for KPK campaign, a street and online campaign to collect coins in support of a new KPK building. The campaign was launched by Indonesia Corruption Watch in 2012, in response to the parliament's refusal to disburse the allocated budget for KPK's new building, which ultimately agreed to disburse the budget. The expanded support for the KPK among the lower-middle class was in this case demonstrated through the financial donations of groups such as street vendors and street cleaners.[360]

This thesis has shown that perceptions of whose opinions public opinion represents, varies. In some cases, public opinion was equated with NGOs in combination with media coverage, and in other cases, public opinion was equated with massive street demonstrations, a large number of social media followers or the quantity of monetary donations.

Indeed, in some cases, NGOs were seen as representing public opinion. As one legislator said: "NGOs provide the people's views".[361] However, generally NGO action was associated with perceptions of public opinion when it was part of an NGO campaign with high media coverage during an electoral conjuncture on a high salience issue such as maintaining the authority of the KPK. The case of the Corruption Court Law did not actually witness any mass demonstrations such as in *Cicak Buaya* as protest actions were limited to a small number of anti-corruption NGOs. In this case, perceptions of public opinion (both in anticipation of legislative approval and after) were not shaped by mass social mobilisations, but by the combination of electoral conjuncture, NGO advocacy and intense negative media coverage (fiercely critical of the parliament for stalling the legislation). The impression of strong public opinion on the issue despite the lack of massive social mobilisation in the case of the Corruption Court Law may also have been due to the fact that NGOs astutely referred to public support for their demands as a way to bolster their arguments (see section 6.27 in chapter six).

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[360] "Bricks, Cement and Rupiah Are Filling Donation Box for New KPK Building", Jakarta Globe, 5 July 2012.
[361] Phone interview with former legislator, 17 June 2013.

Anticipation of negative public opinion by policy-makers also helped NGOs achieve their policy goals in other cases, even in the absence of social mobilisation or a large NGO campaign. This was the case of the withdrawal of revisions to the KPK Law in 2012. In this case, no massive social mobilisation took place against the revisions and - contrary to the Corruption Court Law – it was not part of an NGO campaign either. However, actors attributed the withdrawal of the revisions to expectations about public (and NGO) disapproval of these revisions.[362] Indeed, in the interviews, legislators argued that the anticipated fear of "negative imaging" that the revisions were likely to cause among the public, finally led them to withdraw the revision proposal.

> Peoples voice are very important to be considered and to be taken into account. ... so all of the parties realise that if they continue proposing the revision of the KPK Law, they will get stigmatised by the public as being against the fight against corruption, as pro-corruptors. They are scared…they want a good image by supporting KPK. Public pressure plays a very important role in this case.[363]

The concept of civil society was often referred to as a generic term by informants when describing perceived public opinion pressure. In some cases, informants used the term to refer to the amalgamation of different types of actors involved in protest events (NGOs, general public, religious organisations, labour unions in *Cicak Buaya* one).[364] Other informants used the term civil society when referring to pressure created by NGOs and the media (revisions to the KPK Law).[365] Other informants referred to civil society as a separate source of public opinion pressure from NGOs, media, and the public.[366]

The analysis has also shown that the public opinion of different actors can be signalled through different channels. In some cases, perceptions of public opinion pressure were linked to massive social mobilisation (including NGOs, the general public, students, teachers, labour unions and religious and political leaders) on a large geographical scale as in *Cicak Buaya* one. Public opinion was in this case signalled by a combination of massive street protests in a number of cities

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[362] As one legislator said: "The KPK law yes, in the beginning all the political party agreed including my party yeah, that we should replace this law, but because of the pressure, some political parties changed their positions, for instance like my party. Afte the pressure we said no, we postpone this position, and it works very effectively, the pressure to cancel the revision… We want to maintain the reputation, we want to be seen as a good politician" (interview with legislator, Jakarta, 21 December 2012).
[363] Interview with legislator, Jakarta, 27 December 2012.
[364] Interview with NGO, Jakarta, 29 November 2010.
[365] Interview with legislator, Jakarta, 28 December 2012.
[366] Interview with journalist, Jakarta, 28 December 2012.

across Indonesia, social media and media coverage in a crisis situation. In the case of the Coins for KPK campaign, a mediatised coin collection campaign in various cities in Indonesia signalled public opinion support from ordinary citizens during a non-crisis period. In the case of the Corruption Court Law, an intense Jakarta-based NGO advocacy campaign coupled with intensive media coverage during an election year in a period of burgeoning social crisis were linked to anticipation of negative public opinion by policy-makers for the passing of the law and the preservation of the prosecution and wiretapping authority of the KPK. In the case of the postponement of the revisions to the KPK Law, intense media coverage of NGO statements in the media simultaneous to the *Cicak Buaya* two crisis, were linked to fears of public opinion backlash. International public opinion was conveyed through international media coverage in the case of the Corruption Court Law and the *Cicak Buaya* one case. In most of these cases, policy brokers such as Indrayana played a key role in conveying to the president these different forms of expressed public opinion and risks of a negative public opinion backlash.

The role of mainstream media (TV and press)

This thesis has enabled to shed light on the process through which NGOs secured media coverage and the linkages between NGO action, media coverage and perceptions of public opinion. A strategy that has been key for NGOs to build public opinion on anti-corruption reform (and to put pressure on policy-makers to achieve policy influence) has been to get high media coverage on the issues they are advocating for (what Koopmans refer to as "visibility", 2004 p. 367). Press coverage is used as a way to reach the middle classes and policy-makers, while TV a way to reach the masses. The statistical analysis showed that high media coverage was positively significant for NGO influence (and therefore lack of media coverage was more likely to lead to NGOs failing to influence policies). NGO informants confirmed that they viewed the media as a key ally to achieve policy influence on anti-corruption reform. While the media is a key ally for anti-corruption NGOs and is often used for anti-corruption NGOs to achieve influence over policy, not all NGO demands are made through the media. A number of more research and technical advice-oriented NGOs (for example those providing inputs on legal drafting or those providing support to the state on legal and judicial reform) use only lobbying and collaborative approaches to achieve policy influence.

The large majority of policy decisions that NGOs were perceived to have influenced were linked to NGO demands that had very high press coverage. Indeed, of the 29 NGO demands that resulted in NGO-influenced policy decisions, 96 percent had either very high or high press coverage (86 percent very high, ten percent high). Getting media coverage was a conscious strategy of NGOs, which in the interviews all admitted depending on the media for three main purposes: a) to raise public awareness for the issues they were advocating for (what Gamson and Wolfsfeld refer to as "mobilisation"); b) to gain public support for these issues (what Gamson and Wolfsfeld refer to as "scope enlargement"); and b) to get their voice heard by policy-makers (what Gamson and Wolfsfeld refer to as "validation") (1993 p. 116). NGOs also identified a link between these three different processes, admitting that they depended on the media to "amplify their voice". Indeed, there was a perception among informants that media attention to issues advocated by NGOs contributed to perceptions of public opinion and helped put pressure on policy-makers to address NGO demands.[367] For example, in the case of the postponement of the revisions to the KPK Law, a government official was quoted as saying: "Anti-corruption NGOs, ICW and others did, this media campaign, and it's becoming news in all the newspapers, talk show in televisions. In that case, yes, public opinion has played a role."[368]

Both the intensity of media coverage and the length of media coverage of an issue was perceived to matter for NGOs to achieve policy influence. One journalist attributed the success of the Coins for KPK campaign to the length of time it was covered by the media:[369] And vice versa, the lack of time to publicise issues in the media was perceived as one of the explanatory factors for failure of NGOs to influence policy decisions. The presidential regulation on KPK investigators passed shortly after the *Cicak Buaya* two case was one such example. The KPK and NGOs had wanted to increase the KPK investigator term to 15 years, while the parliament wanted eight years maximum. The president's final decision was a compromise of ten years. The regulation was discussed behind closed doors between the KPK, the police and the president, without the involvement of NGOs or any media coverage.[370] Even if there had been time for an

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[367] Interview with NGO, Jakarta, 29 November 2010.
[368] Interview with government official, Jakarta, 27 December 2012.
[369] Interview with journalist, 8 January 2013.
[370] The regulation was approved on 11 December 2012, two months after the stand-off between the KPK and the Police outside the KPK headquarters.

NGO campaign, it might have been difficult to create public opinion on the issue as it involved technical regulatory issues.[371] The lack of both NGO and media pressure was used to explain NGOs' failure to achieve their policy goals on this issue. However, the case study on the Corruption Court Law also demonstrated that media coverage was not always an enabling factor for NGOs to create public opinion and achieve policy influence on more complex policy issues. Indeed, in this case, media confusion regarding the policy content of the bill might even have contributed to the difficulty of creating broader public opinion support for the policy issues advocated by NGOs.

The relationship between NGOs and the media was in many cases based on personal friendship relations, so-called "affective bonds" between NGO activists and journalists, often linking back to their time as student activists (Goodwin et al. p. 418). This social capital base was a key resource for anti-corruption NGOs to get media coverage on the issues they wanted to advocate for, as journalists felt a sense of personal connection with the NGO activists and their cause. These friendships were in many cases based on shared values on the importance of anti-corruption reform and perception of KPK as a key pillar (and ally) in the fight against KKN (entrenched forms of corruption and one of the key demands of the pro-democracy movement against Soeharto). Hence, in the interviews, the journalists revealed they felt a personal commitment to anti-corruption reform and the KPK. Several of the journalists interviewed also considered themselves part of the "anti-corruption movement".[372] However, one journalist raised concerns about this tendency, fearing the loss of objectivity of certain journalists when reporting on the KPK.[373]

However, the relationship between anti-corruption activists and journalists went beyond personal relationships. The journalists also revealed how they considered themselves to depend on NGOs for (unbiased) information. They described how they preferred going to NGOs as information sources on technical policy issues, considering legislators often too biased. Due to weak capacity of the media in Indonesia, there was also perception that the media (except the political affairs magazine Tempo - the only one conducting investigative journalism) depended on

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[371] Interview with journalist, Jakarta, 8 January 2013.
[372] Interviews with journalists, Jakarta, 8 and 11 January 2013.
[373] Interview with journalist, Jakarta, 11 January 2013.

NGOs as information sources. Finally, the journalists revealed that the third reason they covered NGO advocacy on anti-corruption was that they often created newsworthy events that helped news outlets sell (mass demonstrations, music concerts, theatrical events, murals).[374] The latter corroborates Gamson and Wolfsfeld's assertion that social movements – and in this case NGOs - create news value for the media (1993).

Most informants (legislators, NGOs and journalists) perceived that there was a two-way dependency relationship between the media and NGOs and that one could not achieve pressure for policy influence without the support of the other. Hence, NGOs pro-actively pursued media coverage by creating newsworthy events and slogans, by calling for press conferences, circulating press statements to get coverage on issues of importance to them, and to "amplify their voice" as a way to put pressure on policy-makers. The media, on the other hand, needed NGOs for both information (data and opinions) and for reporting on newsworthy events. As an NGO informant said:

> The one who can win the war is the one who can win the media's heart.
> We don't have resources, only mouth. Media is the key to Pandora's
> box. Without the media we can't amplify our voice. Media is the best
> ally to amplify our concerns.[375]

Also, when asked which actor - NGOs or the media - was seen as more effective in creating pressure on policy makers, a senior government official said:

> Well, some of the combination of both (NGOs and media), the
> combination. I don't think NGO will be effective without the support
> of the media. Anti-corruption is public agenda, it's always, when it is
> supported by the media, it is quite effective. It's not NGOs by
> themselves, it's because it also supported by the media.[376]

This mutually beneficial relationship was seen as based on a shared commitment to anti-corruption reform. As one journalist said: "Sometimes NGOs have information, sometimes we have information, sometimes we need their mouth to say something, to criticise." And as a senior

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[374] Interview with journalist, 8 January 2013.
[375] Interview with NGO, Jakarta, 10 December 2010.
[376] Interview with Deputy Minister of Law and Human Rights, Jakarta, 27 December 2012.

government official described: "The media usually borrows the mouth of the NGOs to speak their agenda and vice versa. The media also has this agenda setting, the NGOs have their agenda setting, and both can meet the same agenda in anti-corruption." [377]

The assertion of Gamson and Wolfsfeld on the asymmetrical dependency relationship between the media and social movements - with social movements seen as needing the media more than vice-versa (1993), thus does not hold true for NGOs in the case of Indonesian anti-corruption reform. Indeed, in this case, due to the still limited capacities for investigative journalism within the media and the perceived tainted character of policy information emanating from state institutions, the media depends to a large extent on NGOs, not just for newsworthy events – but also for access to data and information.

There was also a perception that the KPK depended on the combined pressure created through the symbiotic relationship of the KPK with NGOs and the media. As a senior government official said: "KPK is very strong because of the support of the NGO and the media. Without the support of these two, I don't think KPK would be as strong as now."[378] This perception was also echoed by the KPK who viewed the support of the media and the public as essential for its survival: "The more KPK is boosted by the media, the more people support KPK, it is to our advantage. Then it is easier for us to negotiate with the parliament".[379] While the KPK admitted needing the media and the public for its survival (hence acting as important allies), and that they saw NGOs playing an important role in shaping public opinion on the KPK, the KPK did not consider that NGOs only provided unconditional and uncritical support to the institution. A KPK informant also admitted that watchdog NGOs have often adopted a critical stance towards the KPK, monitoring its performance, and pressing the institution to perform better.[380] There was also a perception that the alliance between NGOs and the media was particularly effective in creating pressure on policy-makers because anti-corruption reform is of high salience in the public agenda of Indonesians. These synergies may not have been as effective on other issues.[381]

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[377] Ibid.
[378] Ibid.
[379] Interview with Deputy Chairman of KPK, 16 January 2013.
[380] Interview with KPK, Jakarta, 10 January 2013.
[381] Interview with Deputy Minister of Law and Human Rights, Jakarta 27 December 2012.

Not all NGOs were perceived as using the media to the same extent and with the same savvyness. The NGO referred to the most number of times as sources of policy information by both legislators and journalists was ICW (mentioned by eight informants). ICW was perceived as the NGO most pro-actively using the media and with the greatest capacity, openness and speed for supplying policy information and opinions to journalists. Other less media-savvy NGOs admitted using ICW as a channel to reach the media due to ICW's established contact networks within the media world.[382]

However, the alliance between the media and NGOs was not always viewed in a positive light. Legislators voiced concern that the media was biased in favour of NGOs and lacking objectivity when reporting on the parliament and anti-corruption reform.[383] One journalist voiced concern over the activist tendencies of KPK reporters, leading to a perceived lack of objective reporting on the KPK.

> I think, as a journalist, I become concerned, because I think most of the
> Indonesian journalists are becoming like an active crowd of activists,
> when they report the corruption cases, especially on KPK. I think most
> individual journalists, I believe that we have to start to keep our distance
> to KPK.[384]

There were also concerns about what was referred to as "trial by the press", with corruption cases being reported on before the judicial process has been finalised, creating public opinion on a case against the accused, leading to a "public opinion conviction" before the "judicial conviction".[385] There were also concerns about the human rights consequences of these "trials by the press". Hence, a legislator voiced concerns that the publication of names of corruption suspects in the media before a final verdict has been set, violates human rights principles and threatens the independence of the judiciary: "We can just close the court, because the guy was already sentenced by public."[386] A journalist also described how mistakes by NGOs used as information sources by the media can lead to false accusations being made before the official conviction.[387]

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[382] Interview with NGO, Jakarta, 11 January 2013.
[383] Interview with legislator, Jakarta, 21 December 2012.
[384] Interview with journalist, Jakarta, 11 January 2013.
[385] Interview with Deputy Chairman of KPK, 16 January 2013.
[386] Interview with legislator, Jakarta, 8 January 2013.
[387] Interview with journalist, Jakarta, 11 January 2013.

The international media also played an important additional source of pressure in some of the cases studied. For example, in the case of the Corruption Court Law, several informants considered that (negative) international press coverage on the delay of parliament in passing the law had been one of the important additional triggers for the president to make a statement to parliament about the importance of passing the law.[388][389]

However, not all media were seen as supporting the anti-corruption agenda. Some private television channels (like TV One) owned by Golkar party chairman Bakrie were perceived as using defense lawyers of corruptors as resource persons in talk shows about specific corruption cases, giving voice to corruptors. A KPK informant referred to this as "trial by the talk shows".[390] Some journalists also voiced their concern about the silence of media linked to political parties with regards to corruption cases involving politicians from that party.[391]

There were also concerns about the tendency of the media to favour the coverage of corruption scandals and crises linked to the defense of the KPK at the expense of more profound issues of anti-corruption policy reform.[392] Indeed, the focus of the media discourse on the defence of the KPK and the adoption of the NGO-created injustice frame around a "pro-KPK camp" against a "contra-KPK camp" may have impeded the emergence of a constructive, neutral, more technical and non-emotional policy debate on how the fight against corruption can effectively be improved in Indonesia. In one journalist's view, the media debate about the revisions to the KPK Law focused so heavily on the linkage between the revisions and attempts to weaken the KPK that it obscured some policy issues that would have been necessary to discuss, such as for example the selection process for the KPK commissioners (which he viewed as too politicised) and the legal impossibility for the KPK to drop a case once it has been initiated. In his view, some journalists are also scared of engaging in a constructive policy debate about the KPK for fear of being perceived as "against the KPK". Hence, while the dominance of a reactive and simplistic media discourse on "pro" versus "contra" KPK forces in the policy debate on the KPK may have been

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[388] Interview with NGO, Jakarta, 11 January 2013.
[389] Former KPK Commissioner, Jakarta, 15 January 2013.
[390] Interview with KPK, Jakarta, 16 January 2013.
[391] Interviews with journalists, Jakarta, 28 December 2012 and 8 January 2013.
[392] Interview with journalist, Jakarta, 11 January 2013.

necessary to protect the KPK against incessant attacks from legislators and the police, it may have contributed to relegate the more profound policy issues to the background.[393] However, journalists also recognised that this pattern was largely driven by the business imperative, with the public generally more interested in corruption cases than in more technical policy issues."[394].

There was also a concern that introducing a policy issue into the media debate (with hopes of influencing the policy agenda) could be a double-edged sword, with legislators potentially using the opportunity to push their issues. ICW admitted for example that while they (as part of an NGO coalition) had formulated revisions to the Anti-Corruption Law, finally decided not to launch an advocacy campaign for its adoption, as they feared that legislators would use the opportunity to weaken the KPK, referring to it as "a Pandora's box".[395]

<u>The role of the internet and social media</u>

The power of social media for advocacy is being increasingly acknowledged and used by NGO activists in Indonesia.[396] Social media can be used both as an internet-supported tool to help facilitate conventional forms of protest (e.g. to mobilise participants to street demonstrations) or as an internet-based tool (when claims are made directly to the government through for example the creation of support pages on Facebook or Twitter) (Van Laer and Van Aelst 2011 p. 235). Social media is seen as an effective medium to rapidly spread information across a vast archipelago country like Indonesia. This spread of information can be used for a number of purposes, among others to mobilise people for real-life protest events (Tilly and Tarrow 2007). It is also seen as an effective way to numerically convey public opinion support for a cause. This is what Koopmans refer to as "resonance" (2004 p. 367) and what Porta and Diani refer to as the "logic of numbers" (1999 p. 174). Gathering large virtual crowds is often easier than physical crowds as it requires less time investment and can be done from the comfort of peoples' home. In the social movement literature, this is sometimes referred to as a "low effort" (Klandermans 1997) or "low threshold" tactic (March 1997) (in Van Laer and Van Aelst 2011 p. 235). The other perceived benefit of

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[393] Interview with journalist, Jakarta 11 January 2013.
[394] Interview with journalist, Jakarta, 27 December 2012.
[395] Interview with NGO, Jakarta, 17 December 2012.
[396] Indonesia is estimated to be the fourth country in the world with most Facebook accounts (21 percent of the population) and fifth most active country on Twitter ("Taking it to the Internet: People Power 2.0", Jakarta Post 30 November 2012)

social media is to allow lay citizens to engage on issues that were previously reserved for NGO activists, hence a form of "democratising" activism. Finally, social media was perceived by both NGOs and legislators as a powerful medium to create pressure for change, because it is increasingly perceived by Indonesian policy-makers as a powerful indicator of public opinion.[397] The PCA showed that all ten demands made by NGOs on social media resulted in perceived policy influence, which may reflect the increasing weight policy-makers are attributing to social media as a way to gauge public opinion. However, journalists generally perceived social media to be effective in combination with other strategies.[398]

The *Cicak Buaya* (one) case launched social media as a powerful medium to express and gauge public opinion in Indonesia. In the *Cicak Buaya* case, social media was not directly used by NGOs, but by lay citizens, who – spurred by the NGO-initiated campaign in support of the KPK and angered by the revelation of the framing scheme against the two KPK commissioners - launched their own Facebook campaigns for freeing the KPK commissioners, one of which gathered more than one million followers in a week, despite the fact that the account creator was an anonymous citizen.[399] Journalists referred to this Facebook account as the milestone which demonstrated that the *cicak* movement had gone "mainstream"[400] and become "massive"[401]. The one million Facebookers campaign for Bibit and Chandra demonstrated to both lay and professional activists Indonesians the power of social media in gathering numbers quickly, across geographical boundaries and in providing a tangible indication of public opinion, and through that effect creating an effective pressure on policy-makers. As a journalist described: "*Cicak Buaya* for the first time gave people voice through social media, and that was the first time that Facebook could have a big impact on politics".[402]

The use of Facebook in *Cicak Buaya* also illustrated another phenomenon: the snowball effect of social media use, what a journalist referred to as "copycat movements of social media"[403]. Indeed the original one million Facebook account for Bibit and Chandra was copied by at least

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[397] "In KPK saga, the growing power of social media", Jakarta Post, 10 October 2012; http://www.insideindonesia.org/current-edition/tweeting-about-politics, October 2012. Viewed 9 September 2014.
[398] Interviews with journalists, Jakarta, 31 December 2012 and 11 January 2013.
[399] Interview with journalist, Jakarta, 31 December 2012.
[400] Interview with journalist, Jakarta, Jakarta, 31 December 2012.
[401] Interview with journalist, Jakarta, 11 January 2013.
[402] Ibid.
[403] Interview with journalist, Jakarta, 31 December 2012.

eight other Facebook accounts (also created by individuals not affiliated with NGOs) in support of the two commissioners[404]. Borrowing the term from the sociologist Shibutani, this multiplication of social media in favour of the KPK commissioners can be described as "behavourial contagion" (1966 p. 95).

The use of Facebook in the *Cicak Buaya* case also demonstrated the power of social media in reaching people across a vast and spread-out archipelago such as Indonesia, and even beyond.[405] Bibit and Chandra supporters were not restricted to Jakarta, but were found in all corners of Indonesia, as testified by the number of street protests in various provinces. During the period July to November 2009, the PCA recorded protest events aimed at supporting the KPK in different parts of Indonesia, including Central and West Java, North Sumatra, South Sulawesi, West Nusa Tenggara, Yogyakarta and Bali.[406] Facebook also enabled Indonesians abroad to join the cause. One journalist described how the original founder of the first one million Facebook account received a supporting email from an Indonesian working on a crew ship based in the Pacific.[407] Several journalists even attributed the success of the *Cicak Buaya* case to social media.[408]

Social media has since the *Cicak Buaya* episode been increasingly used for NGO advocacy in Indonesia with a number of purposes. One is the use of for example Twitter (but also Facebook) as a tool to rapidly spread information about street protest events to gather a large number of people in a short amount of time. This was the case for rallying crowds to the KPK offices in the *Cicak Buaya* two case, when KPK investigator Novel Baswedan was arrested by the police.[409] With the KPK realising the importance of public opinion support for its survival against external attacks, the institution is also seeking ways to make of use social media for these purposes. A KPK informant was therefore quoted as saying: "We will identify who the biggest 50 Facebookers are (the Facebooker with the highest amount of followers). We want them to become ambassador of KPK."[410]

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[404] 8 Facebook accounts for Bibit and Chandra were found when searching the internet in September 2013 (check on 13 Sep 2013).
[405] One journalist described how Usman, the original founder of the first One million Facebook account received a supporting email from an Indonesian working on a crew ship based in the Pacific (interview with journalist, Jakarta, 31 December 2012).
[406] Interview with journalist, Jakarta, 11 January 2013
[407] Interview with journalist, Jakarta, 12 December 2012.
[408] Interview with journalist, Jakarta, 11 January 2013.
[409] ICW: "We use twitter. In one or two hours, hundreds of people were coming to the KPK building.". An NGO activist described how other media were used previously, but how social media has enabled the transmission speed to increase: "In the past we use BBM, text message or email. but now by social media it can spread the information faster" (ICW).
[410] Interview with KPK, Jakarta, 16 January 2013.

The other use of social media cited by NGO activists was to create public opinion pressure on policy-makers, especially the president, who is seen as particularly concerned with "image politics". Indeed, in *Cicak Buaya* two, calls on social media and in street protests for the president to intervene in the stand-off between the police and the KPK were perceived as creating pressure on the president to take action.[411] The Jakarta Post wrote after the president's speech: "Yudhoyono appeared for a speech on the matter in which he credited social media as a means to gauge public opinion."[412]

Another internet-based strategy that is being increasingly used to represent public opinion and thereby create pressure for change are online petitions. One organisation that has used this as its main strategy has been the Indonesian chapter of the international NGO Change.Org. In the case of *Cicak Buaya* two, they launched an online petition to the president to intervene in order to have the simulator case handed over from the police to the KPK. The petition gathered a total of 5,500 signatures.[413] This – together with the street protests and high media coverage - may have added to the perceived pressure on the president to take action.

Mainstream and social media were perceived as complementing and boosting each other's impact. Indeed, in the view of a journalist, mainstream media plays an important role further amplifying social media "noise" by reporting on social media development in the press and on TV and thereby directing more people to social media activism on specific causes.[414] This happened very clearly in the *Cicak Buaya* case. One journalist described how every private television channel (11) during TV breaks regularly reported on a daily basis on the increase of Facebook signatures (likes) to the one million Facebook account, spurring more people to join the group.[415] Hence, social media is generally seen by NGO activists as a complementary – not a stand alone strategy – to mainstream media coverage and real-life protests, as a contribution to applying multi-source pressure for change on policy-makers. As the Twitter message for mobilising people for

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[411] "In KPK saga, the growing power of social media", Jakarta Post, 10 October 2012; http://www.insideindonesia.org/current-edition/tweeting-about-politics, October 2012. Viewed 9 September 2014.
[412] "Netizens to act as watchdogs as governor-elect assumes office", Jakarta Post, 15 October 2012.
[413] http://www.change.org/p/serahkan-kasus-korupsi-polri-ke-kpk-hentikan-pelemahan-kpk. Reached 15,000 signatures as of 15 September 2014.
[414] Interview with journalist, Jakarta, 11 January 2013.
[415] Interview with journalist, Jakarta, 31 December 2012.

the KPK protest in *Cicak Buaya* two said: "Let's stop tweeting, and do the real thing now".[416] And as the Communications Director of Change.Org said: "Social media has a high viral power. You can obtain thousands of signatures for an online petition in a matter of days. Real world protests, on the other hand, give a face to the movement".[417]

7.13 Policy Influencing Path of Knowledge

The literature has identified knowledge and technical advice as the third influencing path for NGOs to achieve policy influence. This influencing path differentiates NGOs from social movements, which generally do not conduct research to influence policy, relying instead on protest as a strategy. The results from this study indicate that despite representing an important strategy for NGOs, the knowledge path seems to have played a less important role than the ones on decision-making allies and public opinion for NGOs to achieve policy influence in the context of Indonesian anti-corruption reform (at least in relation to demands made through the media). This section will analyse the factors that may explain this.

Of the 14 NGOs surveyed, all carry out some type of research as part of their effort to conduct evidence-based advocacy.[418] A specialisation process has taken place among the NGOs, based both on the type of issue, type of technical expertise and the institutional focus of their advocacy efforts (see section 4.4 in chapter four). While organisations like Indonesia Corruption Watch conducts both advocacy and research, NGOs like LeIP, KRHN and PSHK admitted that they had a more research and technical assistance-based strategy, while relying on NGOs like ICW to conduct the media advocacy and lobbying with legislators for them. Hence, it is not surprising that the NGO featuring as making the most demands in the media analysis was ICW (57 percent of total demands recorded through the PCA were made by ICW).[419]

Of the 173 demands made by NGOs in the media, 27 percent used a knowledge and technical assistance strategy and were backed by data. However, only three of the 29 NGO

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[416] Interview with journalist, Jakarta, 11 January 2013.
[417] http://www.thejakartapost.com/news/2012/11/30/taking-it-internet-people-power-20.html. Viewed 16 September 2014.
[418] Survey of anti-corruption NGOs, Jakarta, November-December 2010.
[419] Refer to table 23 in appendix two for a list of NGOs identified as making claims in the PCA.

demands perceived as achieving policy influence, were made through the technical assistance and knowledge strategy. Also, 33 percent (22 out of 66) of non-aligned demands were made through this strategy, as well as 21 percent of remaining aligned (7 out of 22) and partially aligned (9 out of 56) demands. The statistical analysis showed that the technical advice and knowledge strategy was negatively significant, meaning that making demands through this strategy (in the media) increased NGOs' likelihood of non-influence. This could have several explanations.

Analysis of what type of research and technical advice was provided by NGOs reveals that the large majority of demands (75 percent) made through the technical advice strategy were through investigation reports of specific corruption cases, while four were on investigation of ethics cases. The large majority of demands made through technical advice were made to the KPK (32 demands or 68 percent) and only six to the parliament, three to the president, two to the police and one to the Supreme Court, National Audit Agency, and KPK selection team respectively. More than half of non-aligned demands were made to the KPK.

Of the 32 demands for case investigations made to the KPK, half were investigated by the KPK, while the other half were not. However, there were only two cases out of the 29 NGO demands resulting in perceived policy influence that were addressed to the KPK (Bank Century case and cases of forestry corruption) and in both these cases NGOs provided another plausible cause for the launch of these investigations - what Amenta and Caren refer to as aligned interests (2007). One hypothesis is that KPK is more likely than other policy-makers to be influenced by technical expertise and case investigation leads provided by NGOs, when those cases fit the criteria for the type of cases that can be handled by the KPK. Indeed, as opposed to references to the president and legislators, informants never used the word pressure to describe the channel through which NGOs affected the internal workings of the KPK. However, the interviews with KPK informants did not corroborate this hypothesis. KPK informants tended to see NGOs as important allies of the KPK, however not so much for the information provided on corruption cases, but more for support to KPK when attempts had been made to weaken the institution.[420] When asked about

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[420] "NGOs are our friends. The perspective of corruption is not just the legal perspective, because it's very narrow. We want anti-corruption to become like a social movement. That's the point." (interview with Deputy KPK Chairman, Jakarta, 16 January 2013).

NGOs' greatest contribution to anti-corruption reform and the KPK, one KPK informant singled out their role as public opinion shapers and their contribution to legislative drafting.

Hence, the fact that half of the corruption cases presented by NGOs to the KPK for investigation were actually investigated by the KPK may be unrelated to NGOs and may have been cases that the KPK would have investigated in anyway, because they fit the criteria for KPK-eligible cases. What could therefore contribute to explain the negative significance of the technical advice strategy of NGOs is that more than two thirds (68 percent) of NGO demands made using the technical advice strategy were made to the KPK, which is perceived by many as immune to NGO or public opinion pressure for the investigation of its cases.

NGOs were also perceived to have had some influence on legislative policy content through their legal drafting inputs. This was for example the case of the alternative Corruption Court Law drafted by NGOs, which NGOs considered to have partially succeeded in influencing the final law adopted by parliament. Indeed, in this case NGOs considered that 90 percent of their proposal was incorporated into the final law, while the remaining 10 percent that was not incorporated were the points that NGOs most fiercely supported and advocated for in the media. Hence, despite research and technical knowledge advising against the creation of provincial corruption courts and a change in the composition of the panel of judges (the most important issues in the law for NGOs), these policy recommendations were not incorporated into the final version, while the demands with strong perceived public opinion backing were (approving the law and maintaining the prosecution authority of the KPK) were. One reason for this is that in a context where NGOs make a range of demands simultaneously in the media, policy-makers will likely prioritise those related to high-salience issues with public opinion support in order to appease public opinion and avoid social discontent. More technical and more complex issues such as those involving legislation or regulations, are perceived as more difficult to gain broad public support for as they are more difficult for a broader – non-specialised – public to comprehend.[421]

Another reason for explaining the relative lack of influence of NGOs when using the technical advice and knowledge strategy may be related to some policy-makers' perceptions of

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[421] Interview with NGO, Jakarta, 18 December 2012.

weak NGO capacity. As the KPK informant noted, Indonesian anti-corruption NGOs may be more recognised for their campaigning and advocacy role and their capacity to create public opinion on issues than for their capacity to conduct research and provide technical advice. Several policy-makers made remarks on the perceived weak technical capacity of NGOs. In the words of one former government official:

> They often say things that the legislators already know. Until now they are heavily focused on public pressure. Even though they have been involved in drafting laws, as far as I know, they don't have comprehensive legal knowledge, legal skill, in drafting the law.[422]

Another legislator stated: "NGOs lack capacity. Most of their activists are very young".[423] And another legislator said: "they were not skilful at the time of the Corruption Court Law"…"We never talk about what NGOs say."[424] However, a number of legislators also recognised the important role of NGOs in the policy process: one legislator recognised turning to NGOs for expert knowledge and data as he recognised that his peers lack time to do research.[425] And another one referred to the importance of NGO research and data for a number of policy decisions related to anti-corruption reform, including more stringent rules regarding legislators trips' abroad, halt to plans to construct a new parliament building, and background data for the selection of Supreme Court judges.[426]

The latter views resonate with NGOs' perceptions of their own capacity, with several NGO informants emphasising their strong capacity in issues like for example legal drafting, where they saw themselves filling a capacity gap among legislators. One NGO informant considered that NGOs had achieved significant influence on legislative content through the process of drafting alternative laws, saying: "Often, they take the law that we have written (the whole document) and they just do copy and paste into the final approved law."[427]

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[422] Interview with interview with former chairman of legal drafting team of Corruption Court bill, Jakarta, 26 December 2012.
[423] Interview with legislator, Jakarta, 8 January 2013.
[424] Interview with legislator, Jakarta, 21 December 2012.
[425] Interview with legislator, Jakarta, 27 December 2012.
[426] Interview with legislator, Jakarta, 21 December 2012.
[427] Interview with NGO, Jakarta, 15 August 2010.

While several policy-makers were not impressed by NGOs' technical capacity, journalists, on the other hand, were. A number of journalists referred to NGOs' capacity to provide unbiased information and alternative sources of data, although some of them also criticised the robustness of NGO data. Journalists admitted often turning to NGOs for information on corruption issues, or for obtaining data, which often gave journalists leads to continue "digging" into specific issues.[428] Different NGOs were perceived as better for certain type of information than others: SEKNAS FITRA for data on the parliamentary budget; ICW for information on specific corruption cases; TII for corruption surveys; Kemitraan for information on new policies; and PSHK for laws.[429] NGOs were perceived by journalists as providing more neutral and more reliable information than legislators or the police because of the latters' frequent involvement in corruption cases.[430] One journalist described the difficulty of getting details from legislators on policy discussions held on specific laws, arguing that they often could not remember what had been discussed.[431] NGOs were also perceived as more accessible than legislators. As one journalist described "ICW always picks up their phone."[432] However, not all journalists praised the data provided by NGOs. The journalist that was most critical of NGOs in the interviews complained of NGO data sometimes not being accurate.[433] Similarly, the informant of Tempo Magazine - which does investigative journalism - complained of weak capacity of NGOs and the lack of depth of their reports.[434]

Other plausible explanations for why NGOs were not perceived as achieving policy influence through their technical expertise and knowledge could be that those decisions perceived as achieving policy influence were the ones that were the most mediatised and often linked to crisis situations and therefore remained the most memorable in informants' minds when asked to think back on NGOs' main achievements in anti-corruption reform (e.g. *Cicak Buaya* one and two). This is what media research conceptualises as "priming", referring to media effects on people's perceptions of political actors (Scheufele 2000).[435] Indeed, the thesis shows 62 percent of NGO-influenced demands were made in crisis situations, almost half (48 percent) were made through

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[428] Interview with journalist, Jakarta, 8 January 2013.
[429] Interview with journalist, Jakarta, 11 January 2013.
[430] Ibid.
[431] Interview with journalist, Jakarta, 8 January 2013.
[432] Interview with journalist, Jakarta, 22 December 2012.
[433] Interview with journalist, Jakarta, 11 January 2013.
[434] Interview with Editor of Tempo, Jakarta, 14 January 2014.
[435] While the academic literature on mass communication and media effects provides some useful concepts that have been incorporated into this research, the aim of this thesis has not been to test the applicability of different models of media effects.

some kind of protest action (of which 35 percent through street protests) and 96 percent received either very high (86 percent) or high (10 percent) press coverage. 76 percent of these demands were done as part of an NGO campaign (either spontaneous or planned) and 62 percent were linked to demands aimed at protecting the authority of the KPK.   Hence, the fact that only three of the demands that NGOs were perceived as having achieved policy influence on, used the technical advice strategy could also be due to the fact that perceptions of NGO influence were so closely related to perceptions of public opinion pressure on high salience issues that actual NGO influence on policy issues of low salience in times of "business as usual" were not considered by informants when asked to recall incidences of perceived NGO influence, even though NGOs may actually have a played an influencing role in practice.

It would not be right to conclude that the statistically negative significance of the technical advice and research strategy of NGOs signifies that NGOs are unlikely to achieve influence over policy when they conduct research and provide technical advice on policy issues related to anti-corruption reform. The media may simply not be the appropriate channel for NGOs to advocate for and create public opinion pressure in the case of more technical policy issues such as specific legislative content, which the broader public may have more difficulty to grasp, and therefore the media and NGOs will have more difficulty to create public opinion on. Other channels may be more appropriate for NGOs to gain influence on these types of issues, such as lobbying directly with legislators or collaborative approaches where NGOs and state officials work together on specific tasks. The statement from one NGO would corroborate this possibility: "Technical assistance through collaboration is more effective to promote internal changes than pressure from outside".[436] Hence, a number of NGOs may share this perception and therefore prioritise those other types of channels and methods to achieve influence on issues of internal state reform.

Indeed, there is no doubt that there is a significant amount of more technically oriented NGO activities such as legislative drafting which is done behind closed doors together with state officials and which are never picked up by the media, but on which NGOs may achieve significant influence. This is corroborated by NGOs' own perception of their influence on legislative drafting. The media-based methodology used for this study may therefore not have been the adequate one

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[436] Interview with NGO, Jakarta, 1 December 2010.

to measure NGO influence on more technical policy issues where technical advice and research was used as the main strategy. This media-based methodology may have been biased towards demands with a potential for public opinion building (more than 65 percent of demands made by NGOs through the media had a favourable public opinion in this study), with demands backed by technical advice clearly under-represented in the sample (only 27 percent of total demands), probably because NGOs favour other channels for those types of demands. If another type of methodology had been used to measure NGO influence on policy formulation (such as for example legal drafting), a different picture may have emerged. Indeed, such a methodology may have involved the comparative analysis of legislative documents, comparing NGO drafts with final laws, complementing the analysis with interviews and written records of parliamentary debates. However, the challenge with such a methodology is the lack of written record-keeping of lobbying sessions (or even parliamentary legislative sessions) in Indonesia, which would have potentially provided a rich source of data for that type of analysis, but was not available for this research.

7.14 NGO Resources

"Mobilisable troops"

This analysis has helped to shed light on the importance of other types of NGO alliances beyond those with formal decision-makers in the state and with the media - what the ACF refers to as "mobilisable troops". The thesis has identified three types of mobilisable troops in the context of Indonesian anti-corruption reform: alliances among NGOs, alliances with other civil society actors and international allies.

The media analysis revealed that almost half (48 percent) of all NGO demands made in the media were voiced by a grouping of NGOs, either as an informal group of NGOs (30 percent) or as an NGO coalition (18 percent). The statistical analysis also revealed that 76 percent of demands resulting in perceived NGO policy influence were made by several NGOs, either as a coalition (28 percent) or as an informal group of NGOs (48 percent). The reverse pattern was observed for non-NGO influenced demands. Indeed, a much higher proportion (52 percent) of non-aligned demands were made by one NGO, while 17 percent were made by an NGO coalition, and 32 percent were

made by several NGOs. Hence, in the univariate regression analysis, a demand being made by several NGOs as opposed to one proved statistically significant. However, this was not the case when controlling for other factors in the multinomial regression analysis.

These results can be explained by several factors. In the NGO survey and the in-depth interviews, NGO informants revealed that coalition-building among NGOs was seen as crucial for achieving policy influence and was actively pursued by all NGOs as a strategy with this aim. Hence, all anti-corruption NGOs surveyed were members of at least two NGO coalitions. When asked to list the NGO coalitions they belonged to, they all named the *cicak* movement (which as a social movement was technically broader than an NGO coalition) and each also listed an NGO coalition in their area of issue specialisation. A total of ten national NGO coalitions were listed and two regional NGO coalitions. The national NGO coalitions specialised either by issue (local government budgets, transparency and public information, election oversight) or type of law enforcement actor (judicial system, KPK, parliament). Several NGOs belonged to a number of different NGO coalitions and a core group of about five NGOs appeared in several (ICW, TII, PSHK, LBH Jakarta, MTI) with other NGOs added depending on the issue. Hence, one NGO informant referred to these NGO coalitions as "incestuous", referring to the same NGOs reappearing in a number of coalitions with different names.[437] Indeed, as one NGO informant described, while NGO coalitions were sometimes given different names to advocate for specific issues and attract donor funding at specific times, in practice it was one NGO coalition that changed agenda depending on circumstances and broadened or narrowed its membership depending on the issue.[438]

NGOs listed several reasons for joining NGO coalitions. One, was the perception that coalition-building made anti-corruption NGOs more effective, by allowing them to pool resources (both human and financial) and to draw on their respective comparative advantage and expertise.[439] For example, in the case of the Corruption Court Law, the division of labour among NGOs was organised according to area of expertise: LeIP focused on legal drafting, while NGOs like ICW

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[437] Interview with NGO informant, Jakarta, 18 December 2012.
[438] Interview with NGO informant, Jakarta, 10 December 2010.
[439] Interview with NGO informant, Jakarta, 10 December 2010.

focused on advocacy through the media and lobbying with legislators.[440] The other reason for coalition-building was externally driven, as a strategy to capture donor funding, as this was often a requirement of international donors.[441] However, these coalitions were generally not created in response to donor requirements, but already existed, albeit more informally, prior to donor support. This was for example the case of the Judicial Monitoring Coalition, which received international donor funding for the drafting of the alternative draft of the Corruption Court Law. Ultimately, there was a perception that coalition-building among NGOs created a critical mass with more clout that was more likely to achieve influence over policy than individual NGOs.[442]

While NGO coalitions were perceived as important for pooling financial, human and organisational resources, they were perceived as less effective in influencing policies. Indeed, despite the existence of these NGO coalitions, policy-makers were not always aware of them. This could point to a lack of strategic "branding" of these coalitions. Indeed, one legislator attributed the failure to achieve influence on the content of the Corruption Court Law to the lack of an NGO coalition to, despite the fact that it was an NGO coalition (Judicial Monitoring Coalition) that had drafted the alternative law. The apparent lack of an adequate NGO "branding" strategy could also be seen in the media portrayal of these coalitions in the case of the Corruption Court Law. The media analysis recorded the names of nine different NGO coalitions, while in practice, these represented only two NGO coalitions and the *cicak* movement, which had erroneously been labelled with different names by the press (for a list of names of NGO coalitions, refer to section 5.15 in chapter five).[443]

Coalition-building among Indonesian anti-corruption NGOs may also have been facilitated by their shared vision and values and personal friendships. These shared values often built upon decades of activism, with most leaders of anti-corruption NGOs forging friendships as students in the student movement against Soeharto. The mobilisation for the *cicak* movement was

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[440] Interview with NGO informant, Jakarta, 20 December 2012.
[441] Interview with NGO informant, Jakarta, 10 December 2010.
[442] Ibid.
[443] For example, the Judicial Monitoring Coalition was also referred to as Judiciary Watchdog Coalition and Independent Monitoring Coalition. The Coalition of Anticorruption NGOs was also referred to as "KPK Helper Coalition" and "Coalition of Civil Societies against Corruption" and "KOMPAK". And the *cicak* movement was erroneously referred to as "Coalition of civil society raising *buaya*". The variety of different names provided to these coalitions could also be due to the fact that English-language newspapers translated the Indonesian coalition names differently depending on the journalist. Indeed, the Indonesian name for the Judicial Monitoring Coalition was systematically referred to correctly by informants and Indonesian language newspapers as "Koalisi Pemantau Peradilan".

also in large part initially spurred by informal interactions and meeting of this core group of anti-corruption NGOs (ICW, PSHK, LBH, TII) which then expanded to become a national social movement, extending beyond the NGO community.

Many of the anti-corruption NGOs involved in national-level advocacy on legislative and other policy issues are Jakarta-based. Some of these started the *cicak* movement (ICW, PSHK, LBH Jakarta) and all anti-corruption NGOs were members of it. Some of them have built cooperative partnerships with regional and local anti-corruption NGOs. These sometimes form regional-level coalitions or networks, such as for example the East Java Anti-Corruption Network or the Bali People Exponent Alliance. The cooperative networks between national, regional and local NGOs (for example ICW's regional and local counterpart organisations) played an important role as "recruitment networks", helping to spread the *cicak* movement across Indonesia (Klandermans and Oegema 1987 p. 520).[444]

The fact that the overwhelming majority of NGO demands resulting in perceived policy influence were made by formal or informal groupings of NGOs may have been due to the fact that these demands were generally made as part of NGO campaigns conducted by NGO coalitions or informal groups and which often centered around "saving the KPK" which provided an effective injustice frame and a common goal easy to gather around (*Cicak Buaya* one, *Cicak Buaya* two, Coins for KPK). However, some NGO informants confessed that it was sometimes more challenging for NGO coalitions to agree on more specific policy content. For example, in the case of the Corruption Court Law, NGOs initially disagreed on the level of decentralisation of corruption courts.[445] In the case of another law (the Anti-Corruption Law), NGOs disagreed on whether capital punishment for corruption should be included or not. This lack of internal agreement among NGOs on issues of policy content may make it more challenging to present a unified discourse to the media and may add to the challenge for NGOs to achieve influence on policy content.

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[444] Interview with NGO, Jakarta, 17 December 2012.
[445] Some NGOs initially argued for the creation of 33 provincial courts, but were later convinced to change to a common NGO position of 5 regional courts (Irma; Eva Sundari).

Social movement theory focuses on the importance of "vertical" allies with formal decision-making authority for social movements to gain influence over policy. This thesis has added the dimension of "horizontal" allies, referring both to other NGOs (covered in previous section) as well as non-NGO allies in civil society. These are what the revised version of the ACF refers to as "mobilisable troops". In the *Cicak Buaya* case those kinds of allies also played a two-fold role: on one hand supporting NGO claims vis-à-vis decision-makers - which helped to legitimise their claims (Koopmans 2004 p. 367) - and on the other hand to create public opinion.

In the *Cicak Buaya* case, five types of (non-NGO) civil society allies or "mobilisable troops" joined the NGO-created (*cicak*) social movement cause and echoed their demands - what Koopmans refers to as "supportive resonance" or "consonance" (Koopmans 2004 p. 374). Firstly, there were the well-respected public figures with a nationwide support base of their own members such as religious leaders (leaders of NU, the largest Muslim organisation, leaders from the inter-faith council, Christian leaders) and a high level of legitimacy. Another group of allies were those from the music and art community, which also had a large base of followers, mostly young and middle-class. The third group of civil society allies were student organisations, also with a large membership base among the Indonesian educated youth. The fourth group were labour unions – also organisations with their own membership base - which some NGOs had linkages to and were able to mobilise. And the fifth group were lay citizens, initially middle class professionals, later expanding – through a strategic communication campaign – to include the lower working class (street vendors, street cleaners).

These different allies were gained through a combination of different factors: an existing social capital base in the form of long-standing friendships ("affective bonds") and shared values forged during the democracy movement against Soeharto; the multiplication effect of securing allies with their own membership base (religious, student and labour organisations), what Klandermans and Oegema refer to as "recruitment networks" (1987 p. 520); the discourse and framing of simple messages building on the injustice frame of saving and protecting the KPK against a common enemy; and the amplification of all these voices through the media. An important enabling factor and trigger for securing a broad support base for the *cicak* movement's cause was also information, through for example the tapes that revealed the framing scheme

against the two KPK leaders. Several informants perceived the airing of the tapes by television to be the trigger point for the expansion of the *cicak* movement from an NGO-based movement to a mass social movement, with supporters beyond NGOs, from both the state and civil society.

These different civil society allies played a variety of roles. The well-respected public figures such as religious leaders and former KPK officials contributed to shape public opinion through mediatised statements in favour of the *cicak* movement's cause. The anticipation of public opinion response to these statements may in combination with the other pressure factors also have helped secure decision-making allies such as the president. The policy brokers played an important role in conveying the expansion of the *cicak* movement and its ramifications for public opinion – and for political stability – to the president. Some journalists also described how the active participation of students in the *cicak* movement contributed to create fear in the government, bringing back memories of the student revolts that had overthrown Soeharto. [446]

In the interviews, the role of international actors was perceived as playing a minor, but not insignificant role in the cases studied. NGOs sought international support twice in the media demands analysed. One time was during the *Cicak Buaya* one case, when an anti-corruption NGO filed a report to the UN after attempts to weaken the KPK.[447] Shortly after, interview informants reported that international diplomats from various Western countries, convened the president for a briefing on the importance of passing the Corruption Court Law on time. As one NGO informant described it: "It was actually effective because SBY was afraid of international pressure".[448] In this case, the pressure from foreign governments added to the pressure created from other sources, including intensive negative media coverage, NGO protests, the burgeoning *cicak* movement, perceptions and anticipation of public opinion and electoral concerns.

Financial resources

The case studies showed that financial resources played a minor role compared to other in-kind resources for NGOs to achieve policy influence. Indeed, non-financial resources such as social

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[446] Interview with journalist, Jakarta, 11 January 2013.
[447] "ICW reports KPK situation to UNODC", Jakarta Post, 17 September 2009.
[448] Interview with NGO informant, Jakarta, 11 January 2013.

capital, networking and alliance-making seemed to have mattered more than the financial resources. However, financial resources did matter for certain aspects of NGO activity. For example, financial donor resources helped NGOs conduct research and produce knowledge. Donor resources (USAID) enabled the Judicial Monitoring Coalition to conduct research in preparation for and draft the alternative Corruption Court Law. They help TII produce its transparency index on a yearly basis, Kemitraan to carry out corruption surveys, and ICW to conduct research on performance of judicial institutions. Foreign funds (Ausaid) also financed an NGO coalition to scrutinise the track records of candidates for KPK commissioners (e.g. 2010-11) as input for the official selection team. Smaller financial contributions from individual *cicak* supporters (for example in the show business sector) during the *Cicak Buaya* campaign also helped NGOs produce promotional material for the *Cicak Buaya* public awareness campaign in the form of t-shirts and banners that helped build awareness about corruption and the KPK among the lower working classes for the KPK. And financial resources helped to organise the concerts, and pay flights to Jakarta of key *cicak* movement supporters. Financial contributions also played a symbolic role in the case of the Coins for KPK campaign, where small amounts of money were collected from a broad range of individuals, to support the construction of the new KPK building. In-kind support also played an important role in the *Cicak Buaya* campaign, such as music performances and the creation of anti-corruption murals. In these cases, symbolic monetary donations and in-kind contributions demonstrated support for the KPK among a range of different groups and social classes and contributed to increase public opinion pressure on policy-makers, together with other factors, such as protests and media coverage.

7.15 NGO Strategies

The media analysis revealed that NGOs use a variety of different strategies to achieve policy influence. The empirical observations made in this thesis have enabled to expand the traditional social movement repertoire of protest, as well as the social accountability repertoire developed by Smulowitz and Peruzzotti (2006) (social mobilisation, media and legal strategies), adding three additional strategies: collaboration, international outreach as well as research and technical assistance. In addition, the social mobilisation strategy has been expanded to include social movement as an NGO strategy.

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Table 9: NGO strategies of policy influence

Strategy Category	Examples
Social mobilisation/Protest	- Street protests - Social media - Theatrical events - Signature of banners - Social movement - Petitions - Advocacy campaigns
Legal strategies	- Judicial review - Lawsuit
Media	- Press conferences - Press releases - Informal contacting (telephone, sms)
Collaboration	- Sitting on government working groups - Meetings with government officials
International	- Report to UN
Research and technical assistance	- Research on specific issues - Legal drafting - Capacity building to government officials

<u>Social movement as an NGO strategy</u>

The creation of the *cicak* movement was a strategy launched by NGOs to protect the KPK from perceived attacks. While the movement initially included the traditional anti-corruption NGOs and their core group of supporters (e.g. former KPK chairmen), the movement later expanded to include a broader range of civil society allies as well as lay citizens. The expansion of the movement was enabled by a proactive public opinion campaign, including a variety of strategies such as extensive media coverage, music concerts and art exhibitions. This helped build the basis for a subsequent expansion of the movement, triggered by a "focusing event", the airing on TV of the tapes revealing the framing scheme against the two KPK commissioners.

NGOs played a key role in structuring and organising the space of this social movement. Indeed, NGOs were perceived as key to the *cicak* movement, by providing a platform to channel public frustration, framing its messages and organising mediatised popular events that then triggered a multiplier effect.

As one journalist described:

> I think the movement needs the NGOs because otherwise this would be
> a loose cannon. Otherwise this would be a formless movement. I think
> you need some kind of people who knows what they are talking about,
> what they are doing, who know the issue well, to just kind of guide this
> or just to create a platform.[449]

Protest

Only 13 percent of NGO demands used protest as a strategy, while this was the case for almost half (48 percent) of NGO-influenced decisions. These strategies included both conventional forms of protests, such as street demonstrations as well as other forms of symbolic actions, such as the creation of human chains, theatrical events, signature of banners, social media protest and online petitions. The greater prevalence of the use of protest for demands resulting in perceived NGO-influenced policy decisions is probably linked to the perception that protest is an expression of public opinion and thus contributes to create pressure on policy-makers. The pressure becomes greater when protest actions are amplified by the media. Indeed, of the 14 demands that NGOs perceived to have succeeded influencing and that used protest, all but one also had very high media coverage. However, while protest may have played an important contributing role (qualitatively) together with other factors for NGO influence in the *Cicak Buaya* one case, the statistical results of the multinomial regression (in which the significance of protest is lost when controlling for other variables such as media coverage and decision-making allies), echo Burstein's findings that protests tend not to have a direct policy impact on their own (1998).

Legal

The legal strategy was only used for six percent of NGO demands and for only one of the 29 demands resulting in perceived policy influence. Despite this, it appeared that when legal decisions ruled in favour of NGO demands, it helped legitimise NGO claims, when coupled with other strategies such as social mobilisation and media coverage. For example, in the case of *Cicak*

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[449] Interview with journalist, Jakarta, 22 December 2012.

Buaya, the two commissioners submitted a judicial review (which was granted) to the Constitutional Court questioning the legality of their suspension. This, in combination with public opinion pressure created through the social movement, protest actions and media coverage and the advice of presidential advisors, finally led the president to order that the case be dropped.

<u>Cooperation</u>

Only nine of 173 demands were recorded as having been made through the cooperative strategy, even though more than half of NGOs interviewed (nine out of 14) reported using the cooperative strategy to influence policies. These results should not necessarily be interpreted as NGOs only rarely using the cooperative strategy. Rather, the use of cooperative strategies may be used by NGOs as an alternative to pressure through public opinion-building for more technical policy issues. NGOs may therefore not seek active media coverage for those type of demands, resulting in lack of or low media coverage. However, one NGO clearly stated that they do no use collaboration as a strategy, considering it incompatible with external advocacy which seeks to apply external pressure. Other NGOs recognised that while they considered collaborative strategies more effective for influencing internal state reforms, they made it more difficult to maintain a critical stance towards the government.[450]

<u>Strategy combination</u>

Ten percent of all NGO demands were made using a combination of different strategies, and 28 percent of demands that resulted in perceived policy influence were made through a combination of strategies, with media coverage amplifying other strategies (such as protest). When asked which strategy NGOs and policy-makers perceived as more effective for achieving NGO influence, all informants cited a combination of strategies, in particular the combination of media, social mobilisation and legal strategies.

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[450] Interview with NGO, Jakarta, 1 December 2010.

7.16 Additional analytical dimensions

Two additional dimensions that came out as significant in the statistical analysis were added to the analysis: type of demands and the stage of the policy cycle.

Type of demands

The large majority of demands made by NGOs focused on short-term minor actions or policy decisions, as opposed to long-term reform processes. Indeed, the large majority (69 percent) of policy demands required a minor policy action. However, this characteristic of NGO demands were not statistically significant for NGO influence. Indeed, 76 percent of demands resulting in perceived NGO policy influence involved minor policy decisions as did 61 percent of demands resulting in non-influence. However, a higher proportion of major policy demands (48 percent) failed to be translated into policy compared to minor policy demands (34 percent) made by NGOs. The fact that the large majority of NGO demands made in the media focused on minor short-term policy actions can probably be explained by the fact that demands made in the media need to be focused and clear, both to be heard by policy-makers and for the public to understand them (in order to get public opinion support). The more complex demands involving technical policy content and for long-term reform processes, may be made through collaborative efforts with the state rather than through the media strategy.

The type of demands that were statistically positively significant for NGO influence were those related to saving the KPK. Hence, demands that were not linked to saving the KPK had more likelihood of resulting in non-aligned policy decisions. Indeed, 62 percent of NGO influence demands were related to saving the KPK, while only 11 percent of non-influence demands were related to this. As has been analysed in this chapter, this was linked to the fact that public opinion was a necessary condition for NGO influence and that it was easier for NGOs to mobilise public opinion around demands that focused on saving the KPK.

A pattern (albeit not statistically) could also be observed in relation to the type of claims that NGOs failed to achieve policy influence on. An analysis of demands that failed to achieve

policy influence on showed that 61 percent related to specific corruption cases. The other large category (36 percent) of non-aligned (and thus non-NGO influenced demands) were those that implied direct threats to either the police (15 percent), the parliament (10 percent) or the AGO (6 percent). Another 10 percent involved reform measures that would significantly reduce opportunities for corruption, such as procurement legislation and wealth report legislation, to which there may be strong vested interests opposed to reform.

<u>Stage of policy cycle</u>

The largest category of demands made by NGOs focused on policy implementation (44 percent), followed by policy adoption (30 percent), and agenda setting (23 percent). Only five demands focused on policy formulation. However, for demands resulting in perceived NGO-influenced policy decisions, the largest category focused on policy adoption (51 percent), followed by policy implementation (28 percent), and agenda-setting (14 percent). Only two demands related to policy formulation. For non-influenced demands, the largest category also related to policy adoption (38 percent), followed by policy implementation (36 percent), and agenda-setting (21 percent). Only three out 66 non-influenced demands related to policy formulation. In the multinomial regression, NGO influence only proved significant in the agenda-setting stage of the policy cycle. In Schumaker's typology this can be described as NGOs having achieved "agenda responsiveness" (1975 pp. 494-495).

7.17 Contextual Political Opportunity Structures

This thesis has enabled to analyse the extent to which contextual political opportunity structures conditioned NGO influence on policy change in anti-corruption reform and how, in some cases they acted as opportunities for NGO influence and in others, as constraints.

<u>Long-term political opportunity structures</u>

The following long-term political opportunity structures had an impact on opportunities of NGO influence: a) democracy and direct election of president and parliament; b) the presidential system;

c) the shared nature of the legislative process; and d) increased opportunities for civil society engagement in the legislative process. The analysis showed that all these features represented an opportunity for NGOs to exercise influence in the Indonesian context of anti-corruption reform.

The introduction of a democratic system of government and direct election of the president and parliament members has infused an accountability dimension into the Indonesian political system that increases the weight of public opinion even in between elections and provides both positive and negative incentives for directly elected political actors to pursue anti-corruption reform, which is a high salience issue of great concern to Indonesian voters. The positive incentives for politicians to pursue anti-corruption reform are the potential gain of electoral votes and positive "imaging" resulting from adopting a pro-reform stance. Negative incentives for taking policy decisions aligned with public opinion are linked to fears of social disruption and negative "imaging" resulting from a perception of a "contra-reform stance". This provides opportunities for NGO influence when demands are linked to high-salience issues aligned with actual or perceived anticipated public opinion, or which NGOs can influence public opinion on. As one journalist informant said: "I think this is one of the beauties of our political system right now, because the people's voice really matters."[451]. And another journalist commented in the case of the Coins for KPK campaign: "The parliament saw that and they are afraid to go against the media to fight against the public because they are afraid to lose votes."[452]

All legislators interviewed were very aware of the importance of anti-corruption to voters and therefore the importance of projecting an image and a discourse of commitment to that agenda. Hence, several legislators held a dual discourse in relation to anti-corruption reform, simultaneously declaring commitment to the KPK, while also voicing concerns about the perceived excessive powers of the institution.[453] The legislators also revealed how their concerns for political imaging and re-election made them sensitive to public opinion on corruption issues. As one legislator said: "We don't want to be seen as ahhh not solid!... Especially if we are approaching election time we are concerned about reputation, good image."[454] Similarly, a

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[451] Interview with journalist, Jakarta, 11 January 2013.
[452] Interview with journalist, Jakarta, 8 January 2013.
[453] Interview with legislators, Jakarta, 21 December 2012; 8 and 11 January 2013.
[454] Interview with legislator, Jakarta, 21 December 2012.

legislator raised concern that being labelled against anti-corruption reform can "damage our image among the urban based middle class".[455]

While interviews showed that public opinion on anti-corruption reform is a concern that often guides the action of legislators, informants perceived the president to be particularly sensitive to public opinion pressure – not just because of the nature of the political system – but also because of his particularly public opinion-sensitive personality. The president's sensitivity to public opinion therefore converts two other features of Indonesia's political system into opportunities for NGO influence (when promoting issues that are public opinion-sensitive): the strong presidential features of the political system and the shared nature of the legislative process. Indeed, the central role of the president in policy-making and legislation and the (former) president's permeability to public opinion increases the number of access points into the policy process for NGOs to exercise influence on high-salience issues. Therefore, not surprisingly, almost half of demands resulting in perceived NGO-influenced policy decisions were addressed to the president, while only 26 percent of the total sample of demands were made to the president.

Finally, one of the important achievements of *reformasi* has been to open up more spaces for civil society to engage in the policy and legislative process, increasing the number of access points for NGOs into the policy process. This has been reflected in the legal framework, which encourages consultation with civil society on proposed laws and provides opportunities for civil society experts to be part of legislative drafting teams or to propose alternative draft laws. This favourable legal framework has in practice opened up the policy space for NGOs to engage in the legislative process and debate in a way that they were not able to before. However, the greater openness to civil society engagement in both theory and practice does not necessarily translate into NGO influence in the final version of laws where a number of other factors, constraints, actors, interests and trade-offs come into play.

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[455] Interview with legislator, Jakarta, 28 December 2012.

Short-Term Political Opportunity Structures

Short-term opportunity structures, and in particular focusing events, such as crisis situations and elections, have acted as both opportunities and constraints for NGO influence on high-salience policy issues. The statistical analysis showed that NGO demands made during an election year were not statistically significant for NGO influence. However, if a demand was made during a crisis situation, the univariate regression showed positive statistical significance, though not in the multinomial regression, when controlling for other factors.

Despite these statistical results, elections were perceived by interview informants as having played a role for NGO influence in the case of the Corruption Court Law. In this case, NGOs – knowing that corruption and safeguarding the KPK was a high-salience issue – introduced – thanks to their friendship with TV journalists – questions about the adoption of the Corruption Court Law in the televised presidential debate in 2009. The issue thus became a flagship electoral promise of the president, which he continued to push – through official and unofficial discourses – even after the elections. While the issue was never taken up by the mass public and was only advocated by a restricted group of NGOs, the anticipation of a potential public opinion backlash due to the high salience of anti-corruption issues and KPK in the electoral platform of the president, led to the perception that elections were a key explanatory variable for NGO influence in that case. The case study showed that NGOs played an important role in leveraging an existing public opinion for KPK through a series of strategic activities. NGOs took advantage of KPK as a high-salience issue and the opportunity of an electoral time period to introduce the specific issue of the Corruption Court Law into the presidential debate (agenda-setting). Once the issue had been made into an electoral promise, NGOs conducted a systematic advocacy campaign for the adoption of the law and for a number of policy content issues in the bill (of which the most high-profile and easy understandable by the public – was the preservation of KPK's prosecution authority). The advocacy campaign included a variety of strategies, including protest actions, intensive media coverage and direct lobbying with legislators. There was a perception among informants that had the NGOs not flagged the issue of the law to the TV moderator of the televised presidential debate and convinced her to include it as a question, this legislative issue - until then unknown to the public - might not have made it into the electoral arena.

The positive statistical significance in the univariate (but not multinomial) regression of the crisis variable for explaining NGO influence can be explained by a number of cases in which NGOs were perceived to have had an influence on policy occurring during crisis periods - defined as characterised by intense social mobilisation. This was the case of *Cicak Buaya* one, the Corruption Court Law (which occurred during the beginning of the social mobilisation of *Cicak Buaya* one), *Cicak Buaya* two and the postponement of the revisions to the KPK Law (simultaneous to *Cicak Buaya* two). However, it was not the case in other situations of perceived NGO influence, such as the nomination of KPK commissioners, Coins for KPK or construction of a new parliament building, where NGOs were perceived to have had influence, despite the lack of crisis. However, in two of those cases (Coins for KPK and construction of a new parliament building), the anticipated negative reputational costs for policy-makers of the campaigns orchestrated by NGOs with support of high media coverage, played a key role for policy-makers to take decisions in favour of NGO demands, despite the lack of a crisis situation.

The fact that 62 percent of demands resulting in perceived NGO-influenced policy decisions were made during crisis situations could be explained by the fact that policy-makers are more likely to be influenced by public opinion in times of crisis (and that we have ascertained that NGO advocacy coupled with intense media coverage in the Indonesian case are strongly associated with perceptions of public opinion). This supports the proposition of Grindle and Thomas, who argue that during crisis situations, issues more often tend to get on the agenda of policy-makers through pressure from outside (1989). Moreover, in the Indonesian case, what has been observed is that crisis situations of massive social mobilisation can allow NGOs to "free-ride" on those for pushing other policy issues of concern to them. Indeed, both the passing of the Corruption Court Law and its retention of KPK's prosecution authority was likely aided by the electoral conjuncture and the overall crisis situation that the country started to experience with the burgeoning *Cicak Buaya* scandal. This may also have been the case for postponing the revisions to the KPK Law in 2012, which occurred simultaneously to the massive social mobilisation for the *Cicak Buaya* two case.

While focusing events such as crisis and elections generally provided opportunities for NGO influence on issues that were attractive to public opinion, they could also act as constraints for NGO influence. For example, the day before the presidential elections in July 2014, the parliament took advantage of the election fervour and the distraction of key players such as the media, NGOs and voters, to pass a legislative amendment which was viewed as another setback to anti-corruption reform (as it requires KPK to get approval from the president and the parliament's Honorary Council before summoning legislators for questioning over graft allegations).[456]

Focusing events such as crises may also have impeded the influence of NGOs on more substantial policy content (e.g. Corruption Court Law, regulation of KPK investigator term, and content of the KPK Law) as issues linked to public opinion concerns became overriding in those situations and were prioritised by policy-makers. These types of focusing events often relegated the more high-level technical policy debate to the background, while favouring a dominant discourse on simply framed messages easy for the broader public to understand.

A feature of Indonesia's short-term contextual political opportunity structures that has also acted as a constraint for NGOs to influence anti-corruption reform has been the tendency of *reformasi* governments to form "rainbow" coalitions. The thesis would agree with the academic scholars that argue that these rainbow coalitions have acted as constraints for profound anti-corruption reform (and therefore for NGOs' space to advocate on these issues) for two reasons: first, because the difficulty of achieving consensus among a number of actors with different political interests has a tendency to lead to compromise and to what Diamond refers to as "shallow incrementalism" (hence minor reform measures without major policy consequences) (2009 p. 339). And second because contra-reform forces within the government coalition may have hampered the president's manoeuvring space for anti-corruption reform.

Political culture opportunity structures

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[456] http://www.thejakartaglobe.com/news/revision-law-may-shield-corrupt-legislators. 15 July 2014. Viewed 26 August 2014.

Finally, this thesis has identified a third type of political opportunity structure linked to political culture, which also has a bearing on opportunities (and constraints) for NGO influence on the policy process. Political culture dimensions that were identified in the Indonesian case were: the tendency towards decision-making by consensus; the informal nature of policy debates (the tendency for policy decisions to be agreed in informal off-site meetings, relegating formal decision-making venues to ritualistic decision-making events); the opaqueness of the policy process; the hierarchical tendencies of the political structure; the "incoherence" of political parties and the weak technical capacity of legislators.

The culture of decision-making by consensus has both acted as a constraint and an opportunity for NGO influence. For demands related to high-salience issues such as for example keeping the prosecution and wiretapping authority of the KPK, the ultimate achievement of consensus by parliament to drop these clauses in the Corruption Court Law or stop the revisions to the KPK Law, led NGOs to achieve their policy goal on these issues. However, the culture of decision-making by consensus makes it harder for NGOs to achieve influence by lobbying specific legislators, who often have little voice within the overall party machinery.

NGO informants' perceptions of the informal nature of policy debates in off-site venues outside of parliament were perceived to have acted as opportunities for NGOs to engage in the policy debate. NGOs often adopted a similar strategy of informal interactions with sympathetic legislators following parliamentary teams to their off-site venues, feeding sympathetic legislators with discussion points for the debates, while these so-called "informants" would report back to NGOs on the proceedings of the debate. However, overall, the opaqueness characterising parliamentary policy debates in Indonesia presents constraints for NGOs to effectively enter the policy debate, with lack of transparency and openness limiting entry points into the policy debate for actors external to the legislative arena.[457]

The hierarchical power structures – possibly inherited from the authoritarian era – was also a political culture feature that seems to have benefitted NGOs as the president's informal authority to intervene in public opinion-sensitive cases where he did not have direct decision-making

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[457] Interview with NGO, Jakarta, 17 December 2012.

authority (the parliament, police and AGO's tendency to follow his orders in for example the adoption of the Corruption Court Law by parliament, the handing over of the simulator case to the KPK by the police and the deponeering decision by the AGO) led these institutions to take decisions favouring NGO demands. In practice, what these presidential interventions have signified is a blurring of the separation of powers, with the executive intervening in both the legislative and judicial arenas.

The "incoherence" of political parties and the tendency of legislators to be driven more by their individual than party interests presented both opportunities and constraints for NGO influence (Sherlock 2009 p. 342). It presented opportunities for NGO influence when alignment with NGO demands presented opportunities for individual legislators to promote "positive" imaging on public opinion-sensitive issues. However, it presented constraints for NGOs to push for more low-salience technical issues of legislative content as the support of individual legislators was rarely able to translate into the support of their political parties.

Another feature of the current political culture that has acted as both an opportunity and a constraint for NGO influence has been the weak technical and legislative drafting capacity of legislators. On one hand, this has opened up spaces for NGOs to contribute to these processes in their area of expertise to fill the capacity gaps of legislators. On the other hand, it may also have prevented the emergence of a more technical policy debate on issues of policy content.

7.2. Theoretical Contributions: an Overview

Building on existing theory and drawing from various bodies of literature (policy process, social movement, NGO advocacy and voice and accountability literature), this thesis has enabled to make a number of theoretical contributions to understanding the role and influence of NGOs in processes of policy change.

First, the analysis has showed that NGOs have in the case of Indonesian anti-corruption reform effectively taken on the role of what Kingdon refers to as policy entrepreneurs (1984), engaging in all stages of the policy cycle, promoting issues of concern to them, engaging in problem-definition and proposal formation and monitoring state performance. The case studies analysed in more detail how these functions were performed by NGOs with the aim of influencing the policy process. The functions of policy entrepreneurs such as NGOs in the policy process thus extend beyond the functions normally attributed to social movements, which are seen as focusing more on problem-definition than on proposal formation and performance oversight. However, similar to social movements, in the Indonesian case, policy entrepreneurs such as NGOs target a significant part of their advocacy effort towards the media and the public – and not just the state – in their attempt to influence public policies.

The conceptual framework proposed in chapter one, which draws on existing bodies of literature, proved useful in guiding this analysis to a certain extent. Indeed, the first two influencing paths of decision-making allies and public opinion both helped explain how policy entrepreneurs such as NGOs gained influence over policy decisions. Indeed, the statistical findings corroborate the stance of social movement theorists such as Kriesi et al. (1995) and Tarrow (2011) that argue that social movements need allies with political and formal decision-making authority to achieve policy impact. Conversely, NGO demands that did not have the support of decision-making allies were more likely to result in non-aligned policy decisions and hence a lack of NGO influence. However, the statistical analysis only partially supports social movement theory that social movements are less likely to achieve policy influence when they have powerful actors opposing their demands (Giugni 1999). Indeed, opposition to NGO demands by any of these actors (the president, the parliament, the police or the AGO) proved statistically insignificant for NGO

influence. However, while not statistically measured, a large category (36 percent) of non-aligned (and thus non-NGO influenced demands) implied direct threats to either the police (15 percent), the parliament (ten percent) or the AGO (six percent), generally through demands for in-depth reform of these institutions. In this case, the qualitative analysis helped to better understand how opposition to reform may have impeded NGO influence on those issues.

The statistical findings also support social movement scholars like Giugni and Passy that argue that social movement influence is mediated by public opinion (1998). However, this thesis broadens this proposition, also identifying high media coverage as a necessary condition for NGO influence.[458] Also, the demand having been made through social media was identified as a sufficient condition for influence, as all demands made through social media resulted in decisions perceived as influenced by NGOs. Moreover, the statistical findings also identified certain types of demands (those linked to protecting the authority of the KPK or "saving the KPK") as statistically significant for NGO influence. Given that the maintenance of the KPK is an electorally sensitive issue, this corroborates social movement scholars Giugni and Passy's proposition that social movements (in this case NGOs) are more likely to achieve policy influence over electorally sensitive issues backed by a favourable public opinion (1998). This also broadens Burstein's (1999) proposition that high salience issues are those belonging to a high profile policy domain. Indeed, the findings of thesis demonstrate that certain issues within a high-salience policy domain can be perceived as more salient by the public than others. This thesis has thus broadened social movement theory, identifying both public opinion and high media coverage as mediating factors for NGO influence, as well as decision-making allies, and the type of demands, as statistically significant factors for explaining NGO influence or lack thereof.

On the other hand, the policy influencing path of knowledge proved less useful in explaining NGO influence, as demands made through that strategy showed statistically negatively significant (NGOs were less likely to achieve policy influence when using the research and technical advice strategy). This could however also have been due to the media-based methodology chosen for this study, which biases demands with high public opinion support, as

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[458] Indeed, 28 out 29 NGO influence demands had high media coverage. The case in which NGOs succeeded in influencing policy change without high media coverage was the Coins for KPK campaign, which had a very visible element of public support.

discussed earlier. However, there are various other possible explanations for the lack of usefulness of the influencing path of knowledge for explaining NGO influence: perceptions of weak NGO capacity; or the fact that NGO demands made through this route were in large part (almost two thirds) addressed to the KPK, which is not perceived as influenced by external pressure (either public opinion or NGOs). One of the findings of this thesis is therefore that NGOs in the Indonesian case (at least when analysed through a media-based methodology) achieve more influence when they focus on the functions (interest articulation and issue promotion) and strategies (protest and media) generally attributed to social movements in the problem-definition and agenda-setting stages of the policy cycle (achieving what Schumaker referred to as "agenda responsiveness", than on interest aggregation in the policy formulation stage through research and lobbying (what Schumaker referred to as "policy responsiveness" (1975 pp. 494-495). The analysis has however enabled to distil what potential resources and supporting factors might be necessary for NGOs to exercise more influence through the knowledge channel, generally in the policy formulation stage of the policy cycle: NGO capacity as a necessary factor; low salience issues such as policy content; using a technical policy discourse; perceptions of NGO expertise and credibility; strategy based on collaboration; through direct channel of lobbying; in non-crisis situations. However, this proposition would have to be verified through another type of methodology than the one used for this thesis.

This thesis has also been able to distil the linkages between the policy influencing paths of decision-making allies and public opinion, with public opinion (actual or anticipated) generally acting as a resource for NGOs to gain decision-making allies through the creation of pressure. This linkage between public opinion and the obtention of decision-making allies has not been explicitly explored in the social movement literature to date.

The analysis has also broadened the number of factors that are seen as facilitating NGOs' political alliances. Amenta and Karen (2007) identified the following factors: a) the credibility of social movement claims; b) alignment between social movement and political actors' interests; or c) fears that social movement opposition may disrupt political stability. This thesis has also identified a fourth motivating factor for decision-makers to support NGO demands – that of electoral expectations (for democratically elected decision-makers). Electoral expectations can

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act as positive incentives for support to NGO demands when linked to public opinion and high media coverage that can potentially boost the pro-reform image of policy-makers or as a negative incentive when linked to anticipation of negative public opinion – and hence possible damaging reputational costs - and potential negative electoral consequences, in a context of short-term political opportunity structures characterised by focusing events such as elections or crisis.

This analysis has also identified two different types of decision-making allies which are driven by different motiving factors in supporting NGO demands: democratically elected decision-making allies with direct legal authority over decision-making (for example the president or parliament) and allies with formal authority or influence over formal decision-making (for example ministers or presidential advisors). The first category of allies' support for NGO demands was in this case more driven by public opinion concerns (through both positive and negative incentives), while the second category was in this case driven by shared values and alignment of interests with NGOs, facilitated by existing social capital (Putnam 2000) and affective bonds (Goodwin et al. 2007 p. 418) generated from that interaction.

Both categories of decision-makers acted at times as policy brokers between NGO demands and decision-makers: presidential advisors or ministers acted as policy brokers to access the president, while the president acted as a policy broker to the parliament, AGO or police when he ordered them to take decisions aligned with NGO demands.

For a graph of policy brokerage dynamics, see figure below:

Figure 18: Policy brokerage dynamics
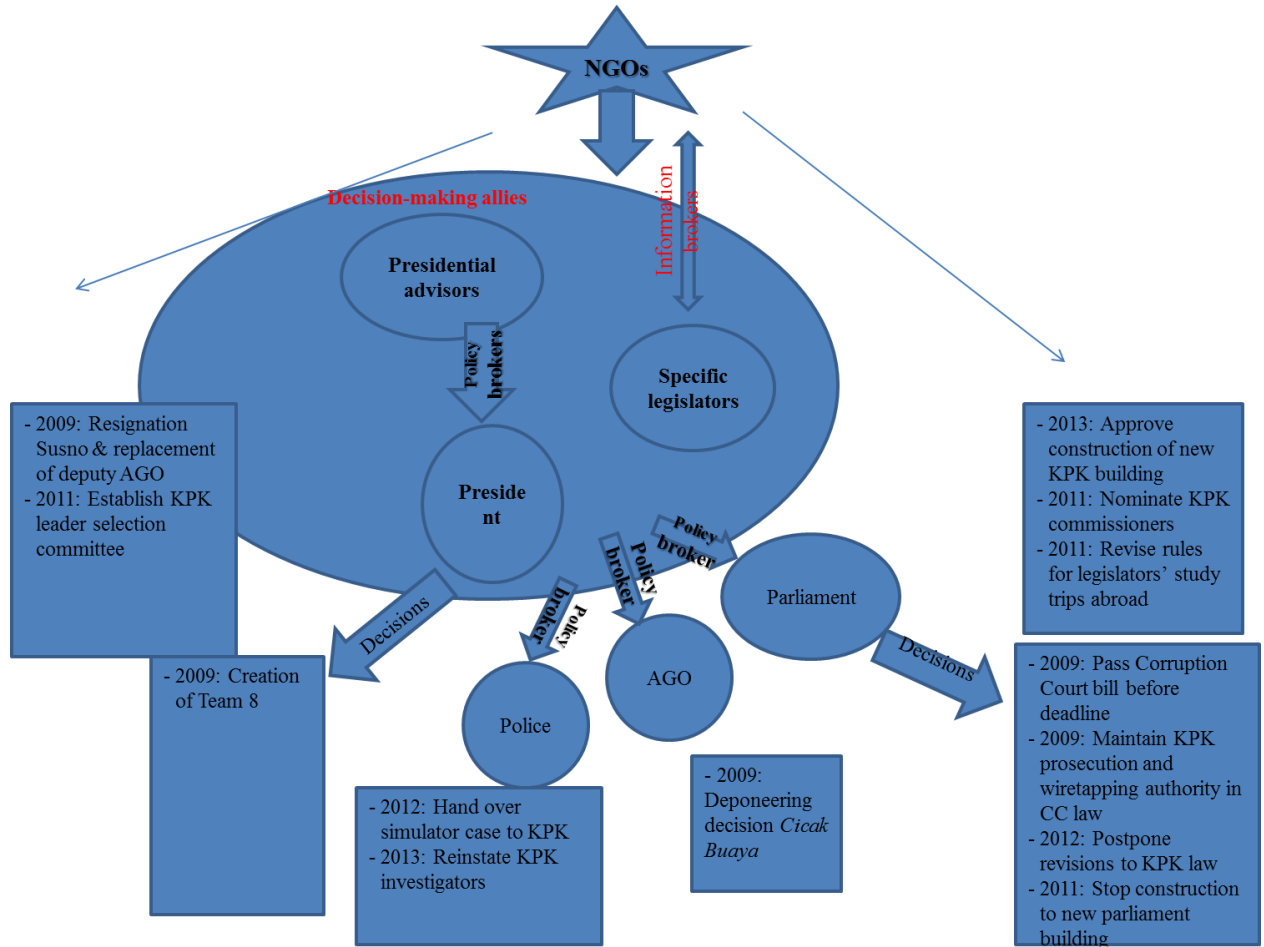
Given the strong linkage between public opinion and the obtention of decision-making allies identified in this analysis, an alternative – and possibly more appropriate - conceptual framework might reduce to two the number of influencing paths through which NGOs can achieve policy influence: through the creation of pressure or through knowledge adoption. In the Indonesian case, the channel of pressure seems to have been more relevant to explain NGO influence on policy than the channel of knowledge adoption. The qualitative analysis showed that the influencing path of pressure helped NGOs achieve influence in the agenda-setting and policy adoption phases of the policy cycle.

For a graph of NGO policy influencing paths, see figure below:

Figure 19: Alternative NGO policy influencing paths
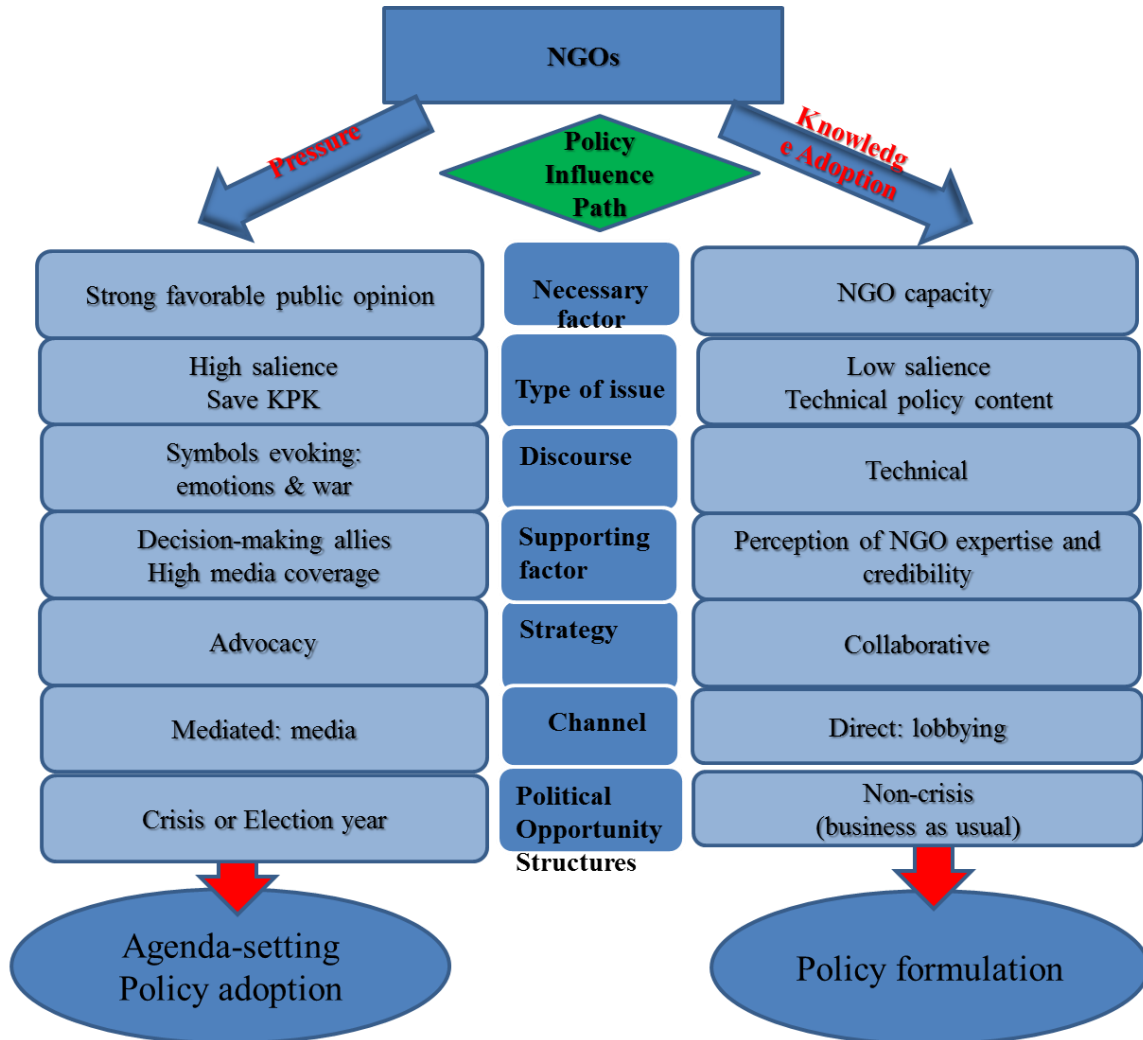
The analysis has enabled to distil a number of supporting factors and resources necessary for NGOs to achieve policy influence through the pressure path: public opinion as a necessary condition; high-salience issues linked to "saving the KPK"; an injustice frame and discourse based on symbols evoking a situation of war and emotions of sympathy (for the KPK); key supporting factors (or resources) like the support of decision-making allies and high media coverage; strategy based on advocacy; pressure being generally exercised indirectly, through the media. While not statistically significant, the qualitative analysis showed that in some cases political opportunity structures mattered through focusing events such as crisis situations or elections.

The thesis has also been able to build on Sabatier and Weible's (2007) typology of resources that can be used by advocacy coalitions to gain policy influence, by adapting it to NGOs in the Indonesian case. What this thesis has also showed is that while some of these resources can be used by NGOs to gain policy influence, the lack of these resources can act as a constraint for NGOs to gain influence over the policy process. The analysis has confirmed that at least three of the six resources identified by Sabatier and Weible were indeed significant for NGO influence: a) access to actors with formal legal decision-making authority; b) public opinion; and c) what Sabatier and Weible (2007) refer to as "mobilisable troops", which in the Indonesian case translated into NGO and other civil society allies supporting the NGO demand. While access to formal legal decision-making authority and public opinion proved statistically significant in this thesis, the support of NGOs and other civil society allies lost its significance in the multinomial regression analysis, but proved (qualitatively) significant in one of the case studies (*Cicak Buaya* one). The resource of skilful leadership was undoubtedly useful in the Indonesian case, although it was not specifically analysed in this thesis.[459] However, the remaining resources like financial resources[460] and information proved less significant in the Indonesian case. While financial resources mattered for NGOs to conduct a number of research-related activities and legislative drafting, these were linked to demands that NGOs generally failed to achieve influence on. Non-financial resources that seemed to matter more for explaining NGO influence were social capital and networks, which helped call on "mobilisable troops" or what has been referred to here with the generic term of "allies" in civil society and in the state when support was needed to back NGO demands. Indeed, the echoing of NGO demands by these "mobilisable troops" or allies within civil society, may have added to perceptions of strong public opinion in cases like for example *Cicak Buaya* one and two. Information also played less of a role for demands resulting in perceived NGO-influenced policy decisions, than did the discourse used and the framing of messages. Indeed, only five out of 29 demands resulting in perceived NGO-influenced policy decisions were backed by data. On the other hand, the statistical analysis revealed that NGO claims centred around the "injustice frame" of protecting the authority of the KPK or "saving the KPK" from antagonists, were positively significant for NGO influence.

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[459] This fell beyond the scope of this study.
[460] Only analysed qualitatively.

The qualitative analysis also revealed that NGOs played a key role in further strengthening the salience of this frame through what Benford and Snow refer to as the discursive processes of "articulation" and "amplification", the former referring to the packaging of events into a coherent story and the latter the use of symbols to help highlight certain aspects of the story (2000 p. 623). This was done by NGOs through the development of the "injustice frame" of saving the KPK" and an astute use of framing devices, using easily understandable and emotion-invoking symbols, metaphors and visual images that would spur solidarity towards the KPK. This is what Goodwin et al. refer to as promoting "affective bonds" (2007 p. 418), pitting good against evil (spurring what Goodwin et al. refer to as "moral emotions" (2007 p. 422), fuelling the existing national sentiment in favour of the KPK and against institutions such as the police and the parliament's attempt to undermine it. The adoption of this discourse by the media represented a victory for NGOs in what Benford and Snow refer to as "the framing contest" that plays out in the media and contributed to a dominant public discourse on the KPK, which was introduced and shaped by NGOs, and which effectively supported their demands (2000 p. 626). The combination of NGOs' framing of messages, the adoption of their discourse by the media and triggering events (such as for example the Constitutional Court's revelation of the framing scheme against the two KPK commissoners in the *Cicak Buaya* one case) helped activate a latent public opinion (Powlick and Katz 1998 p. 33) and move from what Klandermans refers to as "consensus mobilisation" to "action mobilisation" in support of the KPK (1984 p. 586).

Other resource categories also added to Sabatier and Weible's typology include media coverage and issue salience. Indeed, a central finding of this thesis - which is in line with the propositions of social movement scholars like Gamson and Wolfsfeld (1993) and Koopmans (2004) – and corroborates their propositions for NGOs influence on public policies - is the importance of the media as an additional ally to NGO demands and the (statistical) significance of high media coverage as a necessary condition for social movement recognition by political actors and NGO influence on high salience (and electorally sensitive issues), even during periods in between elections.

For a graph of NGO resources for policy influence, see figure below:

Figure 20: Resources for NGO policy influence
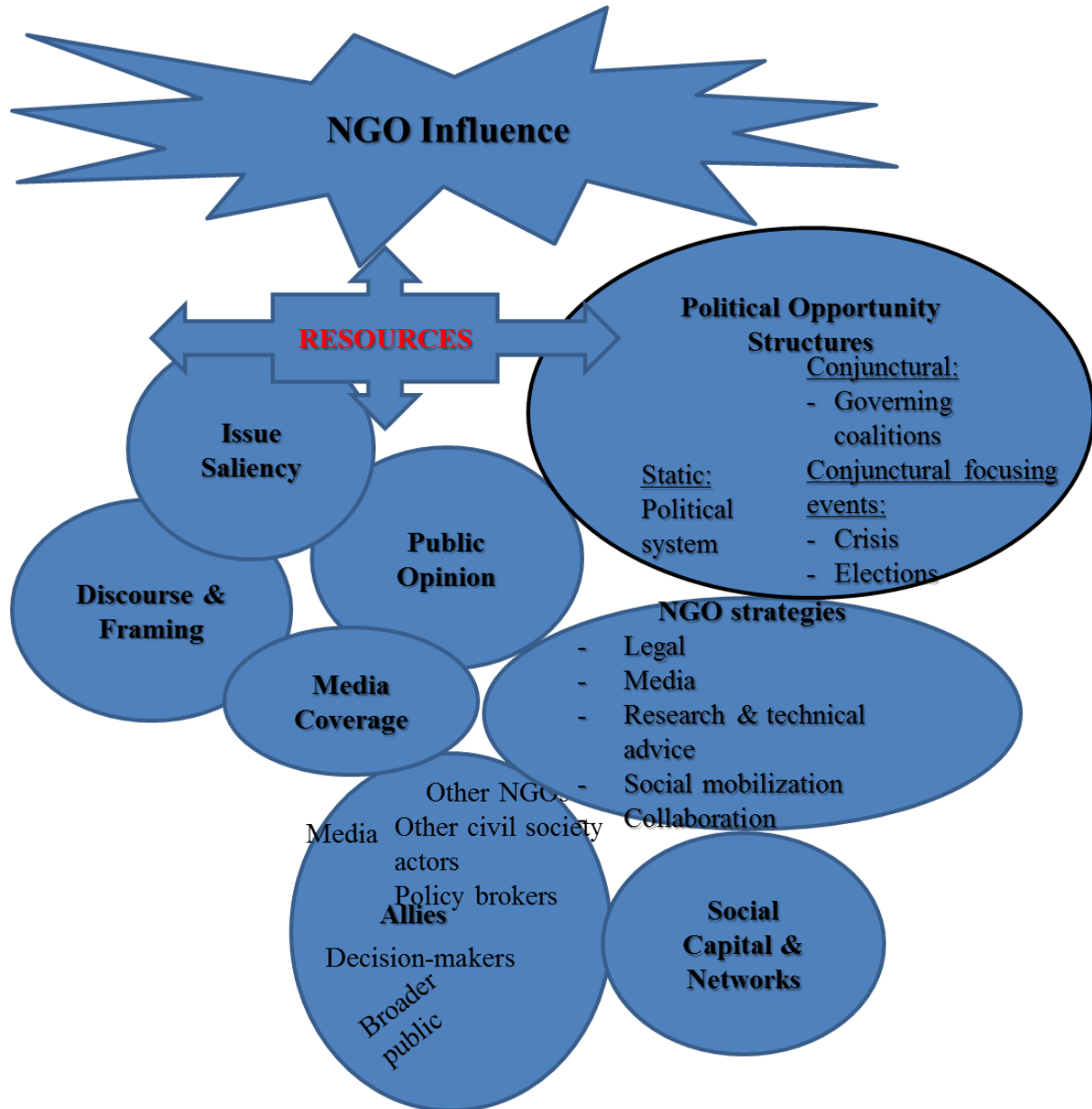
Another related finding identified through the qualitative analysis is that NGO demands linked to technical policy issues without electoral relevance and without broad public opinion support are not likely to be heard by policy-makers, despite high media coverage. The findings also support

Gamson and Wolfsfeld's typology of "mobilisation", "validation" and "scope enlargement" as the factors explaining why NGOs need media coverage. However, two additional categories were also identified: voice amplification and pressure. Indeed, NGOs needed media coverage to "amplify" their demands (by contributing to perceptions of a supporting public opinion), which in turn was seen as contributing to create pressure on policy-makers to take action on NGO issues publicised in the media. The case study findings are also in line with Koopmans' proposition that media access and coverage of NGOs is facilitated by discursive opportunities related to: "visibility" (the amount of visibility allocated to social movement messages in the media will increase its potential for further media diffusion), "legitimacy" (the extent to which other actors support social movement claims) and "resonance" (the number of supporters) of the movement's claim (2004 p. 367). The findings also support Koopmans and Statham's fourth scenario – that NGO influence on policies is more likely when both political opportunity structures as well as discursive ones are open (1999b).

The findings also corroborate Gamson and Wolfsfeld's assertion that the media cover social movement (in this case NGOs) actions and claims because they create news value for the media (1993). This analysis has also ascertained that this is especially true for issues that are public opinion-sensitive. However, three additional factors have been identified as explaining media coverage of NGO claims: aligned interests; social capital networks – often maintained through affective bonds - and the need for alternative policy positions (and policy information) in a context where formal policy-makers are often viewed as unreliable sources of information and opinions in relation to anti-corruption reform, due to their frequent involvement in corruption cases. The qualitative analysis also revealed that initial media coverage of a public opinion-sensitive issue often led to a ripple effect, spurring coverage from other media outlets. The qualitative analysis hence contradicts the assertion of Gamson and Wolfsfeld whom view the dependency relationship between these actors as asymmetric - with social movements seen as needing the media more than vice-versa (1993). Indeed, in the Indonesian case, due to the still limited capacities for investigative journalism within the media and the perceived tainted character of policy information emanating from state institutions, the media also depends to a large extent on NGOs, not just for newsworthy events – but also for access to data and information.

For a graph on the relationship between media and NGOs, see figure below:

Figure 21: Relationship between media and NGOs
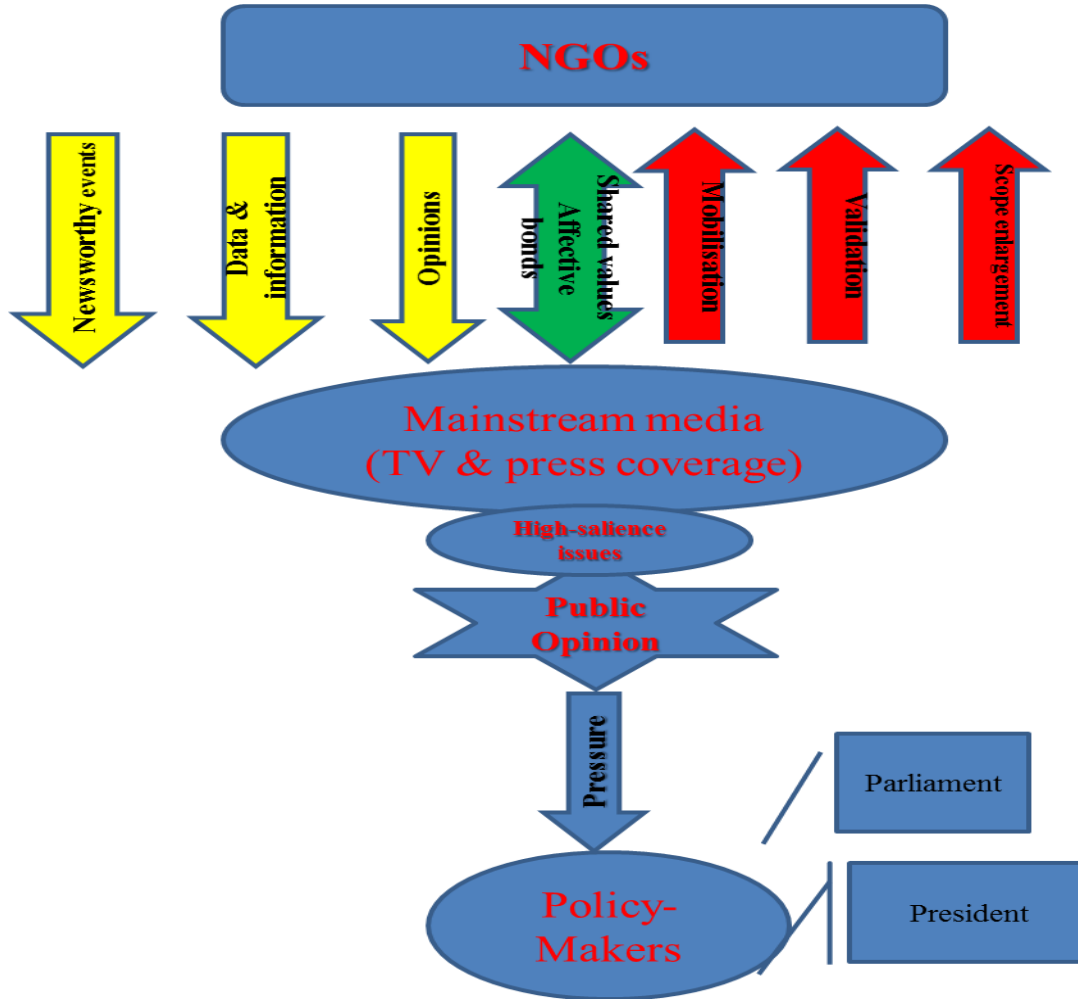
The thesis has also provided theoretical contributions for understanding better the linkages between NGOs, media coverage, public opinion and pressure on policy-makers. In the Indonesian case, public opinion was sometimes equated with the broader public (e.g. citizens, students, teachers), sometimes with NGOs and sometimes with public figures (such as for example religious leaders). These actors were perceived to convey public opinion when combined with (or amplified by) high media coverage. These actors signalled their opinions through different channels: the broader public through street protests and social media; public figures through public statements or participation in protests and NGOs through different forms of protest (real-life and virtual). The media then played a key role in amplifying all these voices. Pressure could be created on policy-

makers through perceived, actual or anticipated perceptions of public opinion and through positive or negative incentives.

For a graph of the relationship between NGOs, media coverage, public opinion and policy influence, see figure below:

Figure 22: Relationship between NGOs, media coverage, public opinion and policy influence
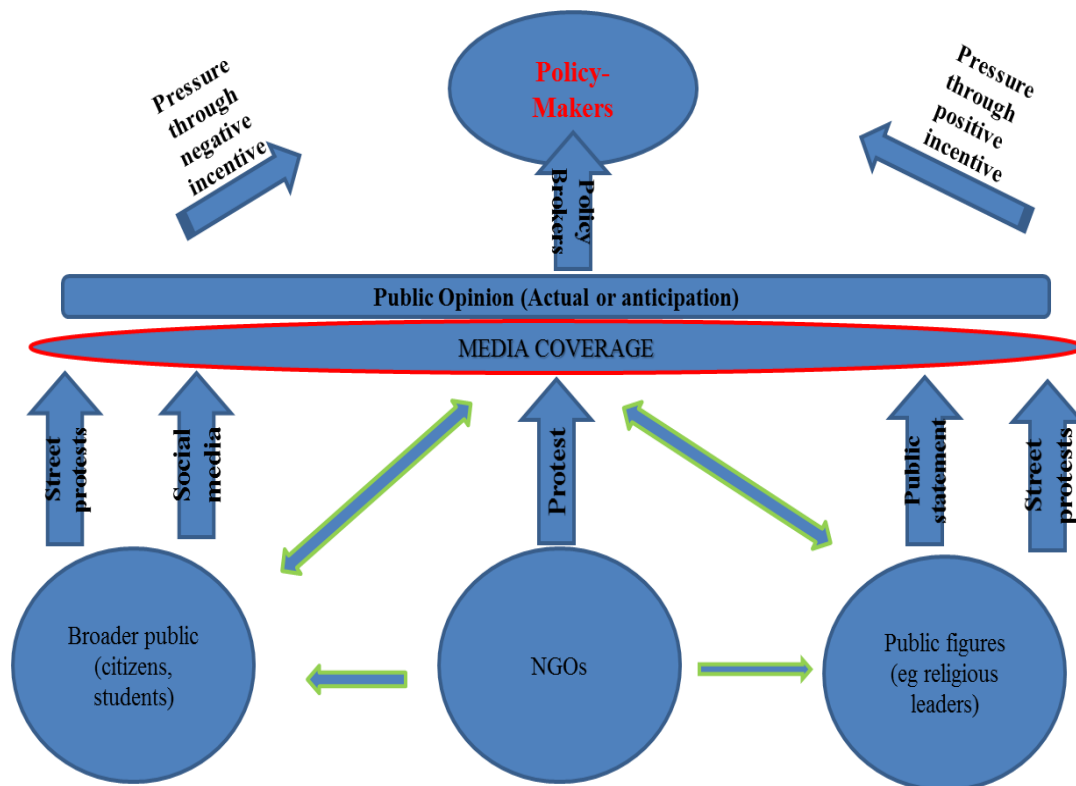
This thesis has also enabled to analyse the extent to which contextual political opportunity structures conditioned NGO influence on policy change in anti-corruption reform and how, in some cases they acted as opportunities for NGO influence and in other as constraints. The following long-term political opportunity structures had an impact on opportunities for NGO influence: a) democracy and direct election of president and parliament; b) the presidential system; c) a legal framework that recognises the role of civill society in the policy process; and d) the shared nature of the legislative process (between parliament and president). The analysis showed

that all these features represented an opportunity for NGOs to exercise influence in the Indonesian context of anti-corruption reform.

Short-term political opportunity structures such as governing coalitions (specifically government coalitions) seem to have acted as a constraint for more profound anti-corruption reform, because: a) the required consensus among a number of actors has a tendency to make deep-seated reform more challenging to achieve; b) because contra-reform forces within the government hampered the president's anti-corruption drive. Focusing events such as crisis situations and elections presented both opportunities and constraints for NGO influence (in the qualitative, albeit not the statistical analysis).

The thesis has also identified a third feature of political opportunity structures that have a bearing on NGO influence: those related to the Indonesian political culture. Features that appeared as providing opportunities for NGO influence were the informality of parliamentary policy discussions, the hierarchical nature of decision-making and the informal authority of the president even in decisions beyond his legal jurisdiction. However, the opaqueness of parliamentary deliberations represented a constraint for NGO influence. The features related to decision-making by consensus, the "incoherence" of political parties and the weak capacities of legislators presented both opportunities and constraints for NGO influence.

For a graph of political opportunity structures for NGO influence, see figure below:

Figure 23: Contextual political opportunity structures for NGO influence
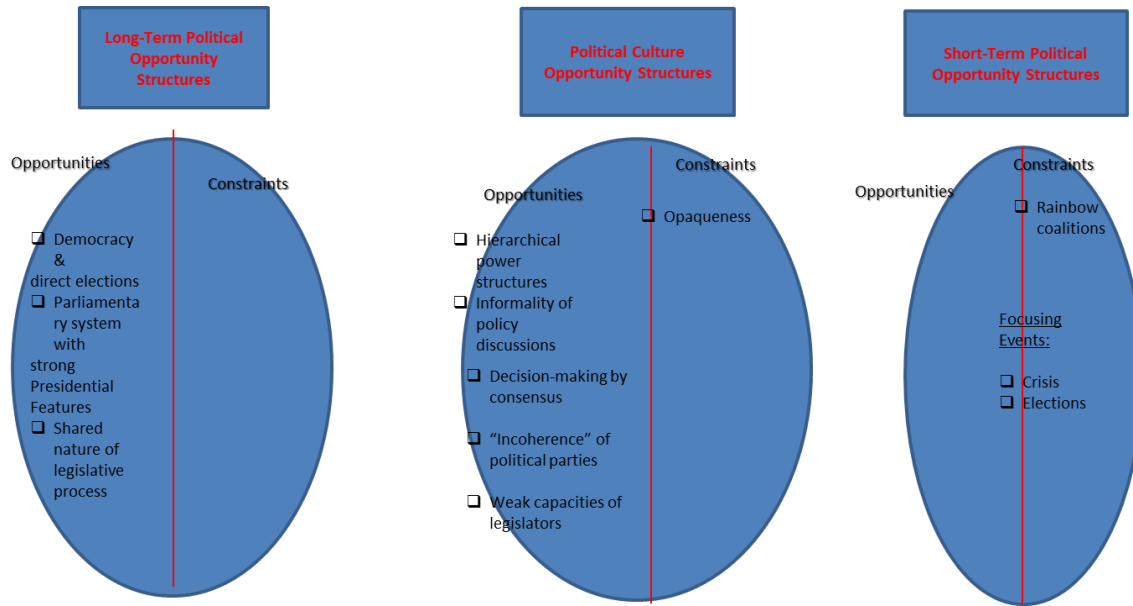
The thesis has also added the analytical dimension of linkage between certain types of demands, the target of demands and NGO influence. Demands related to saving the KPK (directed to the president) were statistically positively significant for NGO influence. This was linked to the fact that public opinion was a necessary condition for NGO influence, that it was easier for NGOs to mobilise public opinion around demands that focused on saving the KPK and that the (former) president's decision-making was public opinion-sensitive. NGOs were also perceived as less likely to be able to influence decisions related to KPK case investigations as the KPK was perceived as immune to public opinion - as opposed to technical - criteria in its choice of cases. NGOs were also more likely to fail to influence policy decisions made by the president that implied profound reform or direct threats to either the police, the parliament or the AGO or reform measures that would significantly reduce opportunities for corruption, such as procurement legislation and wealth report legislation. Informants perceived the president more likely to take decisions aligned with NGO demands when these required short-term measures providing quick public opinion wins, and less likely to take decisions that fundamentally threatened the turf of these institutions. This tendency was explained in part by short-term political opportunity structures and in part by personality and cultural traits.

The stage of the policy cycle in which NGOs engaged proved to matter for NGO influence. The statistical significance for NGO influence at the agenda-setting stage of the policy cycle (in the multinomial regression) supports the social movement and policy process theorists that view social movements' role in defining problems for the policy debate as their greatest policy contribution (Kingdon 1984; Baumgartner and Jones 1993; Gamson and Wolfsfeld 1993; Burstein 1999). Social movements are generally seen as contributing to agenda-setting through the functions of interest articulation and issue promotion. However, the qualitative case studies showed that in specific cases in Indonesia, NGOs have also contributed to create pressure for policy change at the policy adoption stage (for adoption or postponement of legislation) and in policy formulation (through inputs to legislative drafting). These roles differ from the functions usually attributed to social movements. If linking the results of this thesis to Schumaker's typology of social movement impact, NGOs in Indonesia have thus been most successful in achieving access and agenda responsiveness (the latter in statistical terms), some policy responsiveness in specific cases (although this was not supported for the overall sample by the statistical regression analysis), while less so in output and impact receptiveness (policy enforcement and grievance alleviation) (1975 pp. 494-495).

Finally, while the conceptual framework drew on various bodies of literature, the one that proved most relevant for analysing NGO influence in the Indonesian context of anti-corruption reform was the social movement literature. This may have been due to the fact that - compared to the NGO and voice and accountability literature - it is the most theoretically advanced in conceptually linking collective action to policy impact. It may also have been because NGOs seem to have been perceived as achieving greater policy influence when performing the functions of social movements (building public opinion, obtaining media coverage and using protest) rather than their other functions (knowledge generation, technical assistance and research). At least the *Cicak Buaya* case study seems to suggest that NGOs are more effective when acting more like social movements. However, NGOs' capacity to influence policies is constrained by the issues they seek to advocate for, with more technical issues reducing opportunities for influence as they are more difficult to generate broad public support for. However, neither the social movement literature or the other bodies of literature were able to fully capture the other functions performed

by NGOs, which may result in outcomes that are harder to measure statistically, but that are essential and are recognised by stakeholders as providing value-added in a context where they hold technical expertise that formal policy-makers may sometimes be lacking.

Conclusion

The main research question that guided this thesis was whether NGOs have contributed to influence policy change in the context of Indonesian anti-corruption policy reform. The secondary research questions that guided the research process were based around the issue of why, how and under what circumstances NGO influence on Indonesian anti-corruption reform occurred or failed to occur.

The main findings of the thesis are that NGOs were perceived to have had some influence on anti-corruption policy reform in Indonesia, especially with regard to certain types of issues. These results are confirmed by both the statistical and qualitative analyses. Of the 173 demands made by NGOs in the media over a period of four years, 17 percent were perceived to have resulted in policy influence. This represented 27 percent of totally and partially aligned demands (51 percent of totally aligned demands and ten percent of partially aligned demands). However, quite a significant (and higher) proportion of total NGO demands (38 percent) were not reflected in policy decisions and therefore likely represented demands that NGOs failed to achieve policy influence on.

A number of supporting factors helped NGOs achieve policy influence. A favourable public opinion to the issue related to the NGO claim was a necessary condition for NGO influence. Factors that were statistically positively significant for NGO influence were: high media coverage of issues linked to demands[461]; demands related to protecting the authority of the KPK; and the support of allies with decision - and policy-making authority. Moreover, engagement in the agenda-setting stage of the policy cycle was also positively significant for NGO influence, which in Schumaker's typology can be described as NGOs having achieved "agenda responsiveness" (1975 pp. 494-495). Conversely, NGO demands that were not supported by these factors, tended to fail to be translated into policy. These also included demands that were focused on more technical policy issues and legislative content, as well as demands that required policy decisions implying direct threats to or fundamental reform of institutions such as the police or AGO. Moreover, demands backed by data or made through the technical advice strategy were negatively

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[461] Also a necessary condition for influence except in one case where the demand had very visible public support.

statistically significant for NGO influence. However, while not statistically representative examples, the qualitative case studies also showed that NGOs - in combination with high media coverage and the support of decision-making allies – had succeeded in influencing the policy adoption stage of the policy cycle.

The qualitative analysis enabled to better understand the underlying processes and dynamics that explained these results and the linkages between them. The analysis enabled to distinguish between two types of decision-making allies: those – such as the president – with direct decision-making authority, and those with influence over such actors, such as ministers and presidential advisors. The latter type of allies acted as policy brokers between NGO demands to influence presidential decision-making. The president also acted as a policy broker in some cases where decision-making was not directly under his authority, ordering others (such as parliament, the police or the AGO) to take decisions in favour of NGO demands. These two types of allies had different motivations. While the first type of policy brokers such as presidential advisors - with roots in the NGO-based anti-corruption movement - shared NGO values and visions and saw it as their role to convey NGO demands to the president, the latter was perceived as generally taking decisions aligned with NGO demands through pressure when these were perceived as aligned with public opinion, were linked to preserving the authority of the KPK, and had high media coverage in situations of crisis[462]. These decisions were generally perceived as a way to either bolster the president's popularity or avoid social disruption. Hence, the obtention of decision-making allies was on one hand linked to access to policy brokers through a social capital base of affective bonds, and on the other hand to public opinion through positive or negative incentives.

The analysis has also shown that NGO action in the Indonesian case was closely linked to public opinion. As the case studies demonstrated, one of the main achievements (non-policy related consequence) of NGOs was their capacity to shape public opinion on the KPK, both through direct actions (creation and promotion of slogans, t-shirts, banners, protest events) and indirectly through the creation of a social movement and by obtaining media coverage for its demands. The alliance with journalists was a key resource for NGOs in this process. Key in this

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[462] The crisis variable was not statistically significant, but played a role in the qualitative analysis.

public opinion shaping process was the obtention of media coverage and the adoption by the media of the NGO injustice frame centred around symbolic and simple framing devices, which included catchphrases on saving the KPK from forces trying to weaken it. In the case of *Cicak Buaya* one and two and Coins for KPK campaigns, this effectively spread mobilisation beyond the limited circle of NGO activists to massive public displays of protest. In cases where NGO efforts did not lead to mass mobilisation, NGO action, when supported by high media coverage on high-salience issues such as protecting the authority of the KPK, was on the other hand often equated with public opinion.

Finally, this analysis shows that while the main influencing path for NGOs to achieve policy influence is through public opinion, alliance with formal decision-makers and pressure, their technical advice role on issues of technical policy is perceived as less effective in achieving policy influence. This does not mean that NGOs systematically fail to achieve policy influence through their technical expertise, but that policy-makers have a tendency to continue viewing NGO capacities as weak. This may confirm some of the academic writings on civil society in Indonesia, which argues that civil society capacities remain weak overall, in large part as a legacy from the Soeharto regime. However, the methodological choice of this thesis may have done a disservice to the large amount of NGO activities of a more technical nature that takes place behind closed doors, far from the media spotlight and often in collaboration with policy-makers, in cases where NGOs fill a capacity gap and act as technical experts, in situations where NGOs may achieve significant influence in practice. If the more complex NGO demands involving technical policy content and long-term reform processes are made through collaborative efforts with the state rather than through the media strategy, these may very well have been under-represented in this sample. Hence, another type of non-media based methodology may be able to capture that dimension of NGO influence more accurately.

This research fills important theoretical, methodological and empirical gaps. The research draws on several bodies of literature that are relevant for analysing the role and influence of NGOs in processes of policy change, including the policy process literature, the political process strand of the social movement literature, the NGO advocacy literature, and the more recent voice and accountability literature. However, because these bodies of literature tend not to "speak" to each

other, while own their own not providing a complete framework for explaining the role and influence of NGOs in processes of policy change, this thesis has built a more coherent conceptual framework for analysing the phenomenon. This conceptual framework draws on these four existing bodies of literature, seeking to complement some of their respective gaps, while expanding existing theory, to create a framework more tailored to explaining the role and influence of NGOs in processes of policy change. The most valuable theoretical contribution of this thesis may be to the pluralistic policy process literature, where non-government actors such as social movements and NGOs and the media are acknowledged, but tend not to be given focused attention or analysed as specific phenomena – either separately or as interacting actors.

The research was based on a mixed methods approach, using statistical regression analysis to assess the extent of NGO influence and qualitative analysis to answer the secondary research questions on how this influence (or lack thereof) was exercised in the Indonesian case of anti-corruption reform. This mixed methods approach fills some of the methodological gaps identified in the social movement, policy process as well as the voice and accountability bodies of literature. As an originally trained qualitative researcher, I found that the testing and add-on of the quantitative methods provided an important complementary analytical angle to the phenomenon of anti-corruption reform in Indonesia. However, ultimately, the quantitative analysis would not have been sufficient on its own and provided an interesting, but not full picture of the phenomon of NGO influence on anti-corruption reform in Indonesia, with the nuances and perspectives of individuals on the reform process, being better captured by the in-depth interviews.

The role and influence of NGOs on anti-corruption reform in Indonesia is a relatively new topic, the study of which has so far been limited to donor reports and very few focused academic studies with a greater empirical than theoretical focus, and generally based on qualitative research. Much of the political science literature on anti-corruption reform in Indonesia either tends to perceive it as state-driven - neglecting the role of NGOs - or for those adopting a more society-centric view, the generic role of NGOs in pressing for reform is recognised, while not explaining how this pressure occurs, through which channels it is exercised and how this may contribute to explain policy outcomes. This research has complemented these gaps through a more methodologically and conceptually robust approach to analysing NGO influence on policy reform.

However, the research has a number of caveats, which are explained in part by the lack available sources on legislative and other policy debates, and in part by the methodological choice of this thesis. Indonesia scholars all recognise that the culture of secrecy and opaqueness that characterises the Indonesian legislative process – both in terms of lack of or public access to written records of legislative debates and the reticence of policy-makers to share the content of policy debates – poses challenges to studying policy processes in Indonesia. This thesis therefore chose the methodology of political claims analysis used in social movement research, based on NGO demands made through the media, as basis for the analysis on NGO influence. This limits the focus to those policy demands that were made by NGOs in the media. While this research has shown that the media is a key strategy for NGOs to seek policy influence, it is not the only channel used by NGOs to seek policy influence. Hence, this research has not been able to analyse the variety of NGO initiatives on anti-corruption reform that did not use the media strategy. This method may therefore have biased this research to those demands that were more attractive for the media to report on and that were more likely to attract the interest of the public.

Moreover, NGO influence is assessed through NGO claims, analysis of corresponding policy decisions and alignment (or lack thereof) between the two and perceptions of NGOs' influence on those decisions. While this methodology is proposed in the social movement literature, it has not – to my knowledge - been tested before in the Indonesian case. This methodology is therefore innovative while experimental and therefore carries the risks of any experimental study. In addition, the reliance on perceptions to determine NGO influence on aligned or partially aligned decisions undoubtedly brings in a subjective element to the methodology through the bias of perceptions. However, this risk has been tried to be counteracted by using various methods and by interviewing a variety of stakeholders, including not just NGOs, but also legislators, government officials, journalists, the police and the AGO.

However, more than half of demands resulting in perceived NGO-influenced policy decisions were made in a crisis situation, almost half were made through some kind of protest action and almost all were provided either very high or high news coverage in the media. Three quarters of these demands were done as part of an NGO campaign and more than half were linked

to demands aimed at protecting the authority of the KPK. Therefore, policy decisions that NGOs were perceived to have influenced were the ones that were the most mediatised and often linked to crisis situations. When asked to think back on NGOs' main achievements in anti-corruption reform, policy decisions made in these situations probably remained the most memorable in informants' minds. The fact that only three of the demands which NGOs perceived to have influenced used the technical advice strategy could also be due to the fact that perceptions of NGO influence were so closely related to perceptions of public opinion pressure on high salience issues that actual NGO influence on policy issues of low salience in times of "politics as usual" were not considered by informants when asked to recall incidences of perceived NGO influence, even though NGOs may actually have a played an influencing role in practice. The results of this thesis therefore have to be read with these methodological caveats in mind. However, another plausible and complementary explanation is that more than two thirds (68 percent) of NGO demands made using the technical advice strategy were made to the KPK, which is generally not perceived as immune to NGO or public opinion pressure for the investigation of its cases.

Beyond the theoretical and methodological contributions of this thesis to the study of NGO influence on policy reform, this thesis can hopefully also contribute to a number of developing country contexts, where democracies are emerging and consolidating and where non-governmental actors are provided increased voice and space in the policy process. These findings may be relevant for both governments facing increased monitoring from CSOs in developing countries, for anti-corruption NGOs attempting to gain a space in the policy arena, for the media who seeks to cover these type of issues and for foreign donors who seek to support such processes in developing countries.

A number of policy recommendations can be drawn for NGOs engaged in this field. For NGOs to achieve policy influence on agenda-setting and the policy adoption stages of policy-making, they will be more likely to succeed if they press for high-salience issues that are easy to build public opinion on; frame them in a simple discourse easily understandable for the public; use a discourse based framed around symbols that evoke affective bonds (such as saving the KPK) void of technical content; get high media coverage for the issue and their demands; and target their demands to democratically elected actors, while allying with policy brokers with influence over

formal decision-making. For NGOs to achieve influence on policy formulation on low-salience issues of technical policy content, they will be more likely to succeed if working directly with the state through collaborative strategies, strengthening their technical expertise and credibility, in periods not dominated by focusing events such as crisis or elections. However, there might be an inherent tension (and potential incompatibility) between the external advocacy role of NGOs and their contribution to policy as technical anti-corruption experts through collaborative efforts with the government, with the latter rendering more difficult the former through the risk of co-optation.

However, the thesis has showed that while NGO voices are heard and adopted into policy decisions (generally at the agenda-setting stage, when they are supported by public opinion and get high media coverage), NGO influence in Indonesia has to a large extent been limited to policy decisions of a short-term nature, representing quick public opinion wins related to maintaining and preserving the authority of the KPK ("saving KPK"). NGOs still have a long way to go in order to be able to influence in-depth and fundamental reform of other law enforcement institutions linked to anti-corruption reform. This will require a longer-term two-fold process: on one hand an increase in NGO capacities and a shift in perceptions about these capacities among policy-makers, and on the other hand an increase in the number of policy-makers with a genuine commitment to anti-corruption reform and with the political authority to make it happen. At the macro-political level, this may require a shift away from the traditional "rainbow" government coalitions, which seem to have contributed to hamper the anti-corruption drive, because they contained "contra-reform" forces. It will also require the emergence of legislators with a genuine commitment to anti-corruption reform that are driven not only by electoral calculations of positive imaging, but by a profound belief in the values of anti-corruption reform. For this to happen, profound reform of the legislative budgeting system – to increase transparency and reduce opportunities for corruption – and a reform of political party financing will be needed, as these systems currently feed and nurture a system of patronage and corrupt practices. And as the current political situation in Indonesia demonstrates, even when strong and committed leadership for anti-corruption reform exists (such as current President Jokowi), powerful anti-reform forces will continue to halt the reform process when its vested interests are being threatened, unless profound reform of these institutions is carried out. As an another example, in January 2015, deputy chairman of the KPK, Bambang Widjojanto was arrested by the police in retaliation for the KPK's corruption

investigation into the president-proposed candidate for police chief, although he was released a few hours later.[463]

Despite a number of structural limitations (linked to political opportunity structures) that continue to hamper NGO influence on anti-corruption policy reform in Indonesia, the democratic framework has no doubt opened up new policy spaces for NGOs to engage in the policy process. The policy debate on anti-corruption reform which takes place in the public sphere has been democratised, allowing more actors to engage and make their voice heard, among them NGOs and also a free media. From a pluralist perspective, this development has enabled to enrich the policy process, by including a more diverse set of voices to the policy debate.

However, while the findings of this thesis may be relevant in other similar country contexts for salient issues such as corruption, they may not be as applicable to other less salient issues in Indonesia or elsewhere. Indeed, the strong linkage between perceived NGO influence and a strong and active public opinion and the media, may render it more difficult for NGOs to achieve policy influence on other less salient issues, which the general public may not be as interested or engaged in or as well-informed about. Further study would be needed of adequate alternative strategies for NGOs to achieve policy influence on those type of issues.

This thesis has also demonstrated that NGO initiatives in anti-corruption reform include both short-lived, spontaneous and reactive campaigns (such as Cicak Buaya one and two) as well as initiatives of a more long-term and proactive character (such as for example drafting of legislative content and review of nominations of KPK commissioners). However, the short-term and reactive initiatives carried out to counteract imminent threats to the KPK drain NGOs' time, resources and capacities at the expense of the more long-term and technical side of anti-corruption reform. These short-lived and reactive campaigns may however have resulted in one of NGOs' greatest achievements (as perceived by themselves): the maintenance of KPK as an institution and the preservation of its powers (both prosecution and wiretapping, which are the ones most often subject to attacks). However, a shift of focus and NGO efforts from reactive initiatives to defend the KPK, to more proactive and long-term policy reform issues may liberate time and resources

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[463]http://www.thejakartapost.com/news/2015/01/25/crime-unit-breached-legal-procedure-bambang-s-arrest.html

for a more constructive and in-depth policy debate about anti-corruption reform in Indonesia, focusing not just on the KPK, but on fundamental reform of other law enforcement institutions such as the judiciary and the police. Indeed, the KPK was initially envisaged as an *ad hoc* institution created to fill the gaps of existing law enforcement institutions. The true success of Indonesia's anti-corruption reform drive will only be achieved when the KPK is no longer needed because those traditional law enforcement institutions can effectively take over its role. Under the current circumstances and without fundamental reform of these institutions still marred by capacity gaps and corrupt practices, this will not be possible and NGOs will continue to fail to achieve what Schumaker referred to as "impact responsiveness" (1975 pp. 494-495). The problems marring those institutions and their need for in-depth reform represent such fundamental problems that external NGO advocacy alone is unlikely to lead to fundamental policy change in this area.

However, what this thesis has also showed is that the movement of individuals from within the NGO-based anti-corruption movement into spaces of more or less formal authority within the state apparatus (such as Deputy Minister Indrayana, presidential Advisor Nasution and Deputy KPK Chairman Widjojanto) represents an achievement of "acceptance" (Gamson 1990 p. 32) of NGO actors by the state, which is a mark of success in itself for NGOs. This is also an expression of what Schumaker refers to as "access responsiveness" (1975 pp. 494-495). This has given NGOs an additional influencing tool (from inside the state apparatus) on anti-corruption policy reform. The reticence of many NGO activists to join formal spaces of power, such as the legislature, may however have hampered their efforts to push for anti-corruption reform. If this reticence is overcome, the movement of more NGO activists into formal positions of authority within the state may – while preserving NGOs' channel of external pressure in alliance with the media – may increase the leverage of NGOs in pushing for anti-corruption reform in Indonesia.

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Appendices

Appendix 1: Additional Information on Methdological Framework

Appendix 2: Statistical Appendix to Chapter Five

Appendix 3: Appendix to Chapter Six on Case Studies

Appendix 4: In-Depth Interview Guides

Appendix 5: Codebook

Appendix One: Additional Information on Methodological Framework

1.1. Sampling Frame for Newspapers and NGOs

1.11 Sampling Frame for Newspapers

The database of newspaper articles contained two samples: one which was conducted through randomised sampling, and the other one which was conducted through purposive sampling. The first randomized sample[464] was conducted in 2009 and 2010 based on analysis of hard copy Jakarta Post editions. The sample covered 108 random days during the period August 2009 to May 2010 (nine months). All articles containing the keyword "corruption" were selected. This first yielded a total of 400 articles. Out of these, those containing the word "corruption" and "KPK" were selected. This yielded a total of 202 articles. Out of these, the articles containing the word "NGO" or making reference to an NGO by name, were selected. This yielded a total 63 articles that referred to anti-corruption reform, KPK and NGOs.

This randomised search was conducted during the preparation of the major review proposal and was intended to: a) help identify key issues and generate ideas for the research proposal; and b) assess the extent to which NGOs are mentioned in the media in relation to corruption issues. This randomised search also helped to identify the names of eight NGOs involved in anti-corruption reform in Indonesia.

The second sample was established through purposive sampling and covers the time period from January 2009 to December 2012. This sample also broadens the number of sources to include additional Indonesian newspapers, such as the Jakarta Globe and Tempointeractive (online editions) as well as additional online Jakarta Post editions, using additional key word search criteria. The keyword searches used were: "KPK" and name of newspaper and NGO or - name of any of the eight NGOs identified through the first newspaper analysis".

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[464] This sample has been referred to as sample 1 in QDA Miner database.

1.12 Sampling Frame for NGO Survey

Within that sample, all the articles referring to NGOs or CSOs were selected. All the CSOs mentioned in relation to state-level corruption were identified. Based on this, a list of NGOs involved in anti-corruption issues was developed. This list was cross-checked with the NGOs themselves to identify any missing NGOs that were not on the list. It was also cross-checked with a number of donor informants who are working on corruption issues in Indonesia. The first list was then double-checked with the NGOs identified to check for possible gaps.

1.13 Sampling Frame for In-Depth Interviews

The informants were selected through the purposive sampling strategy described below:

Table 10: Purposive sampling critieria of interview informants

Type of informants	Sampling criteria
NGOs and anti-corruption activists	The top thirteen NGOs identified in the newspaper analysis as being mentioned most frequently as making demands related to anti-corruption reform were selected for interviewing. The list was then corroborated with each NGO informant and through snowballing sampling three additional NGOs and two anti-corruption activists (without an organisational affiliation) perceived as key in the reform process - but which had a less visible media strategy - were identified.
Journalists	One journalist from each of the major newspapers in Indonesia: Jakarta Post, Jakarta Globe, Tempo, Jurnal Nasional. Specific names were provided by NGO informants. In order to get balanced views from all sides of the political spectrum, two journalists from the online news portal Viva News were also selected (identified through other journalist informants - Viva News is owned by the leader of the Golkar party Aburizal Bakrie.
Government officials	At least one interview informant representing one of the main law enforcement institutions in Indonesia: KPK, police and AGO. Specific names were provided by journalists, NGO informants and snowballing references from other government officials interviewed.
Legislators	One legislator from each of the nine political parties represented in the parliament. However, two of the parties (Golkar and Hanura) declined to be interviewed.
Academics	NGO informants recommended an academic on police reform (and former police official).

The informants represented the following sectors and professions:

Table 11: Interview informants by sector

Type	Number of interviews	%
Civil Society	**13**	**32**
NGOs	10	
Anti-corruption activists	2	
Academics	1	
State:	**19**	**46**
Government	2	
KPK	5	
AGO	2	
Police	1	
Legislators	9	
Media	**9**	22
TOTAL	**41**	**100**

Table 12: List of informants[465]

Name of organisation
NGOs
PSHK
ICW
ICW
ICW
Elsam
Kemitraan

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[465] Names and titles of informants have not been included to preserve their anonymity.

KRHN
LeIP
TII
MTI
Anti-corruption activists
Activist without organisational affiliation
Activist without organisational affiliation
Journalists
Tempo Magazine
Jakarta Globe
Viva News
Viva.co.id Portal
Jurnal Nasional
Jakarta Post
Alliance of Independent Journalists
Kompas
Kompas
AGO
Public official
Public official
Government
Former government official
Deputy Minister of Ministry of Law and Human Rights
KPK
Chairman
Public official
Public official
Public official
Public official
Police
Police Lecturer and former police
Reform Team
Political parties
PAN legislator

PKB legislator	
PKS legislator	
PKB legislator	
PKS legislator	
Gerindra legislator	
PDI-P legislator	
PDI-P legislator	
Demokrat legislator	

Access

Access to non-NGO informants was not always an easy task, as especially government and legislative informants were sometimes suspicious of the research and journalist informants were often too busy to respond to requests for interviews. Interview informants as well as my existing contact networks (from working for five years at the World Bank with both NGOs and government officials) therefore had to be drawn on to help access these. A contact person working part-time in an NGO and in the parliament acted as a gatekeeper to provide access to legislator informants.

Language and translation

A translator was brought along for each interview. At the beginning of each interview, the informant was asked in which language he/she wished the interview to be done in. 25 of the interviews (56 percent) were conducted in English and 14 (31 percent) in Indonesian. For the interviews in Indonesian, the questions were asked in English and then translated into Indonesian by the translator and the answers translated back to the interviewer in English to enable the flow of the interview.

Interview transcription

All interviews were recorded in audio files. Most interviews lasted 1.5 hours. To ensure the accuracy of language interpretation, the interviews conducted in Indonesian were transcribed into Bahasa by a transcriber and then translated from written Indonesian into written English by another translator. The interviews conducted in English were transcribed into English.

Data analysis programme

The data analysis programme QDA Miner was used to help analyse the data collected. A database file was established for the newspaper articles and another one for the informant interviews.

1.2.   Perception of Influence Questionnaire

In the perception of influence questionnaire, each informant was asked to score the perception they had on the influence on different actors on specific policy issues related to anti-corruption reform and the KPK. The influencing actor and factor categories provided were: legislators, president, NGOs, media, students, public opinion, and other. Informants were asked to rate the perceived influence of these different actors (and factors) on the five policy cases that NGOs had made most demands on (identified in the Political Claims Analysis). The perceived influence had to be rated on a scale from zero (no influence) to two (significant influence), with one as having had some influence. Only ten out 45 informants filled in the perception of influence questionnaire. The results of the perception of influence questionnaire must thus be interpreted with this caveat. Therefore, these questionnaires were used only as a complementary (to the interviews) indicator of NGO influence.

Table 13: Type of informants who filled in perception of interview questionnaire

Type of informant	Number of informants
NGOs	6
Journalists	2
KPK	1
Legislator	1
Total	**10**

1.3.   Selection Criteria and Scoring of Case Studies

The policy reform cases that had the highest number of NGO demands were selected (all cases with six demands or more). This yielded six cases on specific policy reform issues. For each policy case, the proportion of demands where there was a perception of NGO influence versus lack of influence was calculated as a proportion of total demands for that policy case.

A score was provided for the three criteria, as described in the table below.

Table 14: Scoring criteria of case studies

Indicator	Scoring criteria for score of 1	Scoring criteria for score of 2
Score for highest number of demands	Nine demands or less	Ten demands or more
Score for NGO-influenced demands	Below 50 percent of demands were perceived as having been influenced by NGOs	Above 50 percent of demands were perceived as having been influenced by NGOs
Score for NGO non-influenced demands	Below 40 percent of demands were not aligned with NGO demands	Above 40percent of demands were not aligned with NGO demands

The policy cases that had a score of 1.75 or more for each case scenario (NGO influence versus non-NGO influence) were selected as case studies.

Policy reform case	Highest nr of demands before NA taken out	Highest nr of demands	Nr of different types of demands	percent of NGO influence demands	Percent of non-aligned (non-influence) demands	Perceptions of influence questionnaire (NGO influence)	Nr of informants attributing NGO influence	Nr of informants attributing weak or partial NGO influence
Cicak Buaya 1	52	51	22	6/22 (27 percent)	9/22 (41 percent)	1.9	3 + 11 perceptions of influence questionnaire = 14	1
Cicak Buaya 2	22	21	12	8/12 (67 percent)	2/12 (17 percent)	2	4 + 9 perceptions of influence questionnaire = 13	1
Corruption Court bill	22	15	7	3/7 (43percent)	4/7 (57 percent)	1.7	2 + 11 perceptions of influence questionnaire = 13	2
Tackling corruption in legislature	9	4	7	0/7	2/7 (29 percent)	NA		
Anti-corruption reform		8	8	1/8 (13percent)	1/8 (13 percent)	NA	5	
AGO reform		6	6	0/6	2/6 (33 percent)	NA		

Table 15: Scoring indicators of policy cases

Table 16: Scoring of policy cases

Name of policy issue	Total nr of demands	Score for highest nr of demands	Proportion of NGO influence demands	Score for NGO influence demands	Proportion of NGO non-influence demands	Score for NGO non-influence demands	Average score for NGO influence cases	Average score for non-influence
Cicak Buaya	51	2	26 percent	1	39 percent	1.5	1.5	**1.75**
Corruption Court bill	15	2	43 percent	2	57 percent	2	**2**	**2**
Cicak Buaya 2	21	2	62 percent	2	15 percent	1	**2**	1.5
Tackling corruption in legislature	9	1	0 percent	1	29 percent	1	1	1
Anti-corruption reform	8	1	13 percent	1	13 percent	1	1	1
AGO reform	6	1	0 percent	0	33 percent	1	0.5	1

1.4. Statistical Analysis

1.41 Creation of Variables to Test Hypotheses

In order to test hypothesis one in chapter one, a boolean variable of decision-making allies was created. If the NGO demand was echoed (in any of the 393 articles in the newspaper database) by actors with formal decision-making power or advisors to such people (president, ministers, legislators or presidential advisors), the variable was marked as "true", if it was not, the variable was marked as "false".

In order to expand on the analysis of allies beyond those with formal decision-making power, six additional variables were created: the president as ally; civil society allies; social movement allies; number of different types of allies; decision-making allies or civil society allies

and both types of allies. The objective was to test to what extent the existence of other types of allies mattered to NGOs achieving influence over policy decisions or not.

When conducting the thematic analysis of the newspaper articles, an actor that was frequently referred to as making policy statements backing NGO demands (even in relation to decisions that were not taken by him) was the president. A separate variable was therefore created for those cases, to test the extent to which presidential statements were correlated with NGO influence.

There were some NGO demands that seemed to be echoed by a large amount of other civil society actors (e.g. social movement, religious organization, students, academics, and others). A variable was therefore created to test whether having civil society allies was significant for NGO influence. A separate variable was created for those demands that were made specifically by the *cicak* social movement as those demands had a high demand intensity and were part of two large spontaneous advocacy campaigns. Additional variables were also created to test the significance of different alliance constellations: either a decision-making or civil society ally, both types of allies and number of different types of allies.

A boolean variable of opponents was created to test the hypothesis two in chapter two. The variable was given a "true" value if actors were referred to in the newspapers as opposing the demand or an assumption was made of opposition because the demand implied threats to the power of specific institutions or actors.

To test hypothesis a three-scale string variable of public opinion was created: public opinion favourable to the NGO demand; public opinion indifferent to NGO demand and public opinion against NGO demand. A demand was considered to be backed by public opinion if it had been made on social media; or if it was echoed by at least two types of non-NGO civil society allies; or if the decision was attributed to public opinion by the media; or if there was high or very high media coverage of NGOs in relation to the issue (either expressing demands or opinions). A demand was considered to have an indifferent public opinion if none of the above held true and if there was low or medium media coverage of NGOs in relation to the issue.

Other variables were created to test for specific dimensions of public opinion. To study media coverage as a specific phenomenon, a separate four-scale variable was created for media coverage. Media coverage of NGOs (either expressing opinions or demands on a specific issue) was classified as low if the database had between zero and three newspaper articles on the issue or case. It was classified as medium if the database had between four and seven newspaper articles on the issue or case. It was classified as high if the database had between eight and 14 newspaper articles on the issue or case). It was classified as very high if the database had more than 15 newspaper articles on the issue or case.

Three variables were also created to measure the intensity of the NGO demand, a phenomenon that could be linked to perceptions of public opinion (but not necessarily). The three-scale string variable of demand intensity which measured the number of times a demand was made by NGOs in the media: if the demand was made once, it was classified as low intensity, if the demand was made two or three times, it was classified as medium intensity and if it was made four times or more, it was classified as high intensity. A variable was also created to measure the exact number of times a demand was made. In practice, this meant the number of newspaper articles that made reference to the same NGO demand.

The third variable was boolean and classified a demand according to whether it was made as part of an NGO campaign or not. This was established based on information provided in the interviews or if the same demand was made more than four times. A variable was also created to measure whether a demand had been made by one or several NGOs (either as an informal group of NGOs or as an NGO coalition). This could potentially also be linked to perceptions of public opinion.

Two variables were created to test hypothesis four. The boolean variable on technical advice was classified as "true" if the NGO demand involved a corruption case report, a research report or a draft law or regulation elaborated by the NGO. Another boolean variable on data was elaborated and classified as "true" those demands backed by data.

1.42 Other Variables

NGO strategies

Variables were also created to test to what extent the strategies used by NGOs to make demands mattered for NGOs achieving influence over policy decisions. NGO strategies were classified into six categories: technical advice (already covered); protest; media; legal; international, and cooperative strategies.

Political opportunity structures

Two variables were created to test for the significance of focusing events such as elections and crisis. The first variable assessed if the NGO demand had been made during an election year and the second one assessed if the demand had been made during a period of crisis.

Type of decision-maker

Variables were also created to assess to what extent the type of decision-maker mattered for NGO influence. The main decision-making actors were included: the president, the parliament, the KPK, the police and the AGO.

Type of policy demand

Finally, variables were created to assess if the type of policy demand (and related policy decision) mattered for NGO influence or not. Three variables were created: the first variable was boolean classifying those demands that were related to maintaining the authority of the KPK as "true", the other ones as "false". The second variable was a string variable classifying policy demands into minor or major, depending on whether the related policy decision was considered minor or major. The classification of minor versus major policy decisions draws upon those policy process theories that recognize both minor and major policy change as co-existing (c.f. punctuated equilibrium framework, advocacy coalitions framework and the interactive model, see chapter one) and which

view minor policy change as small changes to existing policies, while major policy changes are characterized as a significant departure from these (True, Jones and Baumgartner 2007). Building on these assumptions, this thesis classified the demands made by NGOs and their related policy decisions in the Indonesian context as minor if it required a short-term action, the creation or dissolution of temporary committee, a sentence on a corruption case, budget approval, allocation or disbursement, delaying or speeding up legislation. A policy decision was classified as major if it referred to the approval or revision of a law, decree or regulation, creation or restructuring of new agency, recruitment or firing of top leadership positions in state agency and institutional reform. The third variable was a string variable and classified demands according to whether they referred to a specific corruption case or other policy reform issues.

<u>Stage of policy cycle</u>

Variables were also created to test for NGO influence in different stages of the policy cycle (agenda-setting, policy adoption, policy formulation and implementation).

For each variable, the source and data used to create it were included in the demand database, in the entry of each demand, for easy reference.

Table 17: List of variables for statistical analysis

	Variable	**Hypothesis testing**	**Explanation of variable**	**Indicators**	**Data used to measure indicator**	**Data source**
	Variables to test original hypotheses (1-3)					
1	Decision-making allies	Hypothesis one	Was the NGO demand echoed by allies with decision-making authority over policy decisions?	- Yes/No	Actors with formal decision-making power or advisors to such people (president, ministers, legislators or presidential advisors)?	Newspaper database
2	Opponents	Hypothesis two	Were there opponents	- Yes/No	If actors were being referred	Newspaper database

			opposing the NGO demand?		to in the newspapers as opposing the demand or an assumption was made of opposition because the demand implied threats to the power of specific institutions or actors, such as for example the police, the AGO or specific legislators or other policy-makers.	
3	Public opinion	Hypothesis three	Was the NGO demand supported by public opinion?	- For: Favourable public opinion - None: Indifferent public opinion - Against: Opposing public opinion	For: Demand made on social media; or at least two types of non-NGO civil society allies; or decision attributed to public opinion by the media; or high or very high media coverage of NGOs in relation to issue (either expressing demands or opinions). None: low or medium media coverage of NGO coverage of issue. Against: indication that public opinion opposes the demand.	Newspaper database

4	Technical advice	Hypothesis four	Was the NGO demand made through technical advice and research?	Yes/No	If the demand involved a corruption case report, a research report or a draft law or regulation elaborated by the NGO.	Newspaper database
Additional variables to further test theory and provide alternative analytical dimensions						
	NGO influence		Did interview informants perceive that NGOs had influenced the total or partially aligned policy decision?	Yes/No	Yes: at least one informant perceived that NGOs had influenced the policy decision. No: no reference to influence by informant or reference to non-influence.	Informant interviews
5	Target of demand	New hypothesis	What type of actor was the target of the demand?	-Parliament -President -KPK -Police -AGO -Other	To which actor the demand was directed	Newspaper database
Intensity of NGO demand						
6	Demand intensity	New hypothesis	With what intensity was the demand made?	Low, medium, high	Low: Demand made 1x Medium: Demand made two or three times High: Demand made four times or more	Newspaper database
7	Number of times demand is made	New hypothesis	How many times was the demand made?	One to seven times	Number of newspaper articles that made reference to the same demand	Newspaper database
8	NGO campaign	New hypothesis	Was the NGO demand made as part of an	Yes/No	If the informant described the demand as being part of an	Informant interviews

			NGO campaign?		NGO campaign or the demand was made more than four times on the same issue.	
	Number of NGOs					
9	NGO versus NGOs	New hypothesis	Was the demand made by one NGO, several NGOs or an NGO coalition?	NGO, NGOs, NGO coalition	NGO: demand made by one NGO NGOs: demand made by several NGOs NGO coalition: demand made by an NGO coalition	Newspaper database
	Type of NGO strategy					
10	Legal	New hypothesis	Was the NGO demand made through legal route?	Yes/No	If the demand was made through the legal route (e.g. judicial review, lawsuit).	Newspaper database
11	Media	New hypothesis	Was the NGO demand made through the media?	Yes/No	If the demand was described as being done through a press conference or press statement. Or if the article included direct quotations of NGO demand in newspaper article.	Newspaper database
12	Protest	New hypothesis	Was the demand made through a protest action?	Yes/No	If the demand was described as being made as part of a protest action (either street protest, rally, demonstration or other type of protest action).	Newspaper database
13	Street protests	New hypothesis	Was the NGO demand made through street protests?	Yes/No	If the demand was described as being made as part of a	Newspaper database

					street protest, rally or demonstration.	
14	Other type of protest	New hypothesis	Was the NGO demand made through other types of protests?	Yes/No	If the demand was described as being made as part of another type of protest action (e.g. theatrical event, petition, signature of banner, signature of statement).	Newspaper database
15	Cooperative	New hypothesis	Was the demand made through cooperation with the state?	Yes/No	Reference to NGO meeting with state actors.	Newspaper database
16	Demand backed by data	Linked to hypothesis four	Was the NGO demand backed by data?	Yes/No	Reference to data in relation to NGO demand.	Newspaper database
17	Strategy combination	New hypothesis	Was the demand made through more than one type of strategy?	Yes/No	If the demand(s) was described as being made through several type of strategies.	Newspaper database
	Other indicators of public opinion					
18	Media coverage	Linked to hypothesis three	Was the demand preceded by low, medium, high or very high media coverage?	Low, medium, high, very high	Low (zero to three newspaper articles on issue/case); medium (Between four and seven newspaper articles on issue/case); high (Between eight and 14 newspaper articles on issue/case); very high	Newspaper database

					(More than 15 newspaper articles on issue/case (making reference to NGOs only to ensure comparability across cases)	
19	Social media	Linked to hypothesis three	Was the NGO demand made on social media?	Yes/No	If the demand was described as being made on social media (Facebook or Twitter).	Newspaper database
20	Public opinion attribution		Was the policy decision attributed to public opinion pressure?	Yes/No	If at least one newspaper or interview informant attributed the policy decision (entirely or partially) to public opinion pressure.	- Newspaper database - Informant interviews
	Allies					
21	Civil society allies	New hypothesis	Did NGOs have non-NGO civil society allies who echoed the demand?	Yes/No	If other non-NGO, but civil society actors (e.g. social movement, religious organisation, students, academics, other) were mentioned as echoing the NGO demand.	Newspaper database
22	Number of allies	New hypothesis	How many different type of allies did they have?	Low, medium, high	<u>Low:</u> at least 1 type of actor category of ally <u>Medium:</u> 2 types of actor categories as allies <u>High:</u> 3 or more types of actor	Newspaper database

					categories of allies	
23	Demand made by social movement	New hypothesis	Was the demand also made by a social movement?	Yes/No	If the demand was mentioned as being made by a social movement (generally referred to as the Cicak movement).	Newspaper database
24	President as ally	Hypothesis 1	Was the NGO demand echoed by the President?	Yes/No	If presidential statement echoing the was made in the week prior to the decision or if the president was referred to as supporting the demand.	Newspaper database
	Opponents					
25	Type of opponents	New hypothesis	What type of actors opposed the demand?		Type of actors being referred to as opposing the demand: police, Parliament, AGO, government, president, corruptors, bureaucracy, political parties	Newspaper database
	Type of demand					
26	Demand related to maintaining the authority of the KPK	New hypothesis	Did the demand related to saving the KPK?	Yes/No	If demand related to maintaining the authority and integrity of the KPK or guard against efforts to weaken the KPK.	Newspaper database
27	Minor or major	New hypothesis	Did the demand require a major or minor policy decision?	Minor/Major	If the policy demand required a minor or major policy decision.	Newspaper database

				Minor: Short-term action, creation or dissolution of temporary committee, sentence, budget approval, allocation or disbursement, delay or speed up legislation. Major: E.g. approval or revision of law, decree or regulation, creation or restructuring of new agency, recruitment or firing of top leadership positions in state agency, institutional reform	
28	Corruption case		Did the demand to a specific corruption case?	Yes/No		Newspaper database
29	Policy reform issue		Did the demand relate to a policy issue other than a specific corruption case?	Yes/No		Newspaper database
	Political opportunity structures					
30	Election year	New hypothesis (Kingdon)	Was the demand made during an election year?	Yes/No	2009 was an election year	Non applicable
31	Crisis	New hypothesis	Was the demand made	Yes/No	Characterised by social	Newspaper database

| | | (Grindle & Thomas) | during a crisis period? | | mobilization and protest. The following situations were defined as crisis situations: CB (6 July 2009 - Susno interview - Jan 2010-Dec B&C reinstated to KPK); CB 2 (14 Sep 2012- police withdraws 20 investigators fr KPK - Jan 2013 - 3 Dec KPK detains Djoko) | |
| 32 | Stage of policy cycle | New hypothesis | Which stage of the policy cycle did the demand refer to? | | Agenda-setting, policy adoption, policy formulation, and implementation | |

1.43 Analysis of Policy Alignment

For the newspaper search, a google search was conducted using the keywords related to the policy issue in question. If a newspaper article referred to a policy decision on the same issue, the decision was coded and the newspaper article included in the same file as the demand for reference purposes. The KPK case database (available on the KPK website) which contains information on corruption cases under KPK investigation, prosecution and sentencing, provided the source for determining the alignment of corruption cases. A total of 363 newspaper articles were identified as providing information on the policy decisions related to the NGO demands and were included in a separate project folder in QDA Miner. This method enabled to generate data on the proportion of NGO demands which were totally aligned, partially aligned or not aligned with policy decisions.

1.44 Caveats to Statistical Analysis

The statistical analysis was carried out to provide a complementary dimension to the analysis of NGO influence over anti-corruption reform in Indonesia. However, the method was tried out in an exploratory manner and has to be read with several caveats.

First, the analysis of policy alignment was made based solely on information found online (newspapers and KPK's case database). While ideally the determination of policy alignment should have been verified by government and/or other informants, this was not possible in practice. There were a total of 173 demands with a corresponding policy decision and there was no informant that had the time to sit down and analyse whether the alignment value assigned by the researcher (me) was deemed correct or not. Attempts were made to confirm some of the policy decisions on corruption cases with KPK informants via email, but no responses were provided despite several contact attempts. Therefore, those policy decisions on which no information could not be found, were dropped from the sample (a total of 16 demands). The determination of policy alignment was therefore made solely based on information found online. In order to minimize bias and ensure that each policy alignment value could be traced, the source and reference to information forming the basis for the alignment value was provided in the QDA Miner database for each NGO demand and corresponding policy decision.

Second, the determination of NGO influence was made based on the perceptions of interview informants (NGOs, journalists, legislators, other policy-makers), solicited from open-ended questions such as "which policies or policy decisions related to anti-corruption reform do you perceive NGOs have had most influence on" and on responses provided in the perceptions of influence questionnaire. The informants were from a diverse range of sectors, which reduced the bias that could have been created by only NGO responses. However, the responses were subjective perceptions of a limited number of informants (45), which may have been affected by recall bias (they may only have remembered the policy cases that were closest in time or the ones that were most mediatized). Informants were not asked to score the perceived NGO influence of all the demands identified in the media analysis, but only those that they could remember or those (ten informants) that were provided in the perceptions of influence questionnaire (which were the ones

on which NGOs made the highest number of demands). The recall bias seemed to have affected the legislators in particular, which all had difficulty remembering the debate and the process and policy debate around key policy milestones of the KPK.   Interviewing a larger sample of policy-makers closer in time to the policy events may have led to the identification of a larger number of policy decisions perceived to have been influenced by NGO demands. Hence, the sample of ten demands identified as having been influenced by NGOs may in reality have been larger. Therefore, the totally and partially aligned demands could have potentially in part have been due to or influenced by NGO demands even though informants did not explicitly say so .

Third, all NGO demands identified were elaborated from the newspaper database and were thus those that were made by NGOs in newspapers (in general because they had actively sought media coverage of their demand). However, while media is an important channel for NGOs in Indonesia to create pressure for anti-corruption reform (cite survey figures), it is not the only channel through which NGOs work on anti-corruption reform. Indeed, some NGOs (such as LeIP, PSHK, KRHN) carry out an important part of their work through research and technical assistance, often in collaboration with the state, by sitting on inter-sectoral working groups or committees. While some of this work is reported on by the media, this may not be the case for all NGO demands. Hence, the sample of demands in this study is therefore limited to those demands that were made in or picked up by the media and do not reflect the totality of demands made by NGOs on the state through other channels.

Fourth, all the variables except NGO influence and policy alignment were elaborated based on information provided in the newspaper database (as there was no access to policy documents). While the newspapers provided a wealth of information on for example the existence of allies and opponents for different policy demands, the newspapers may not have provided a complete picture of all the actors involved in the policy process and their positions in the policy debate. The variables – and the analysis - have to be analysed with this caveat in mind.

Finally, all the variables were based on qualitative information converted into quantitatively measurable indicators. While there was a systematic process for establishing the

variables, which is described in detail in this chapter, the variables and their values were ultimately elaborated based on the judgement of the author.

Appendix Two: Statistical Appendix to Chapter Five

2.1. Descriptive Analysis of Newspaper Database

Based on the methodology described in chapter three, 393 newspaper articles referring to KPK and NGOs between January 2009 and December 2012 were retrieved. This section provides a descriptive analysis of this newspaper database.

The analysis of hard copy Jakarta Post editions covering 108 random days during the period August 2009 to May 2010 (9 months) yielded a total of 400 articles when using the keyword "corruption". This means that there was on average 3.7 articles on corruption per day during this period. Out of these 400 articles on corruption, half (202) referred to the KPK (using the keyword "KPK"). The year with the largest number of articles on KPK and NGOs was 2009 (128 articles or 33 percent of sample). The other three years (2010, 2011 and 2011) had a roughly equal number of articles on this topic (87-89 articles each year). While 2009 also included a review of hardcopy versions of the Jakarta Post (as opposed to the other years, which only used online searches), all these hard copy articles appeared in online searches using the same key word search as the other years. It is therefore more likely that the larger newspaper coverage in 2009 was due to occurrence of two large NGO campaigns that year, which were intensely covered by the media: the advocacy for the Corruption Court Bill and the so-called "Cicak Buaya" ase (gecko versus crocodile) which pitted the police against the KPK in an attempt to weaken the latter.

Table 18: Number of articles in newspaper database per year

	Nr of articles	%
2009	128	33
2010	89	23
2011	89	23
2012	87	22
Total	**393**	**100**

The newspaper with the largest number of articles on KPK and NGOs of the whole sample was the Jakarta Post (74%), followed by the Jakarta Globe (20% of sample). These are the two largest

English-language newspapers in Indonesia. The sample also included 16 articles from Tempo Interactive, 2 from Kompas, BBC and Indonesia Today respectively and 1 each from All Voices, Time and the Wall Street Journal.

Table 19: Number of articles in database per newspaper

Name of newspaper	Nr of newspaper articles	%
Jakarta Post	289	74
Jakarta Globe	79	20
Tempo Interactive	16	4
Kompas	2	1
BBC	2	1
Ind Today	2	1
Wall Street Journal	1	0
All Voices	1	0
Time	1	0
TOTAL	**393**	100

Of the 202 articles on the KPK in the Jakarta Post from the first sample, those articles containing the word "NGO" or making reference to an NGO by name, were then selected. This yielded a total 63 articles (around 30 percent of the KPK sample and 15 percent of the corruption sample). This would mean that on average, there were articles making reference to NGOs and KPK every two days. Hence, from analyzing the first sample, NGOs seem to be referred to more frequently in relation to the KPK, than in relation to corruption issues overall. This could be an indication that NGOs are more actively engaged with the KPK than other aspects of corruption reform. It could also be an indication that the Jakarta Post relies more on NGO sources in relation to KPK than for corruption issues overall. Or that the Jakarta Post chooses to make reference to NGOs more often in relation to KPK than other corruption issues. Also, the Jakarta Post may be using NGO references more often than other newspapers. Therefore, the sample sources were expanded to include other Indonesian English-language newspapers such as Tempointeractive and the Jakarta Globe as well as some foreign newspapers (such as the BBC and the Wall Street Journal), for the same period (second sample).

When including the other samples which have purposively identified those articles making reference to NGOs across a wider range of newspaper sources, a total of 330 articles were retrieved. If added to the articles of the first sample, this adds up to a total of 393 articles on KPK and NGOs during the period January 2009 to December 2012. This would correspond to about 27 percent of total days (1460) across all newspaper sources. If using this classification, 32 percent of the policy reform demands related to legislative issues.

Table 20: Number of NGO demands on institutional framework-related issues

	Total nr of demands	Nr of different types of demands
Cicak Buaya	52	23
Cicak Buaya 2	22	13
Corruption Court Bill	22	9
Anti-corruption reform	8	8
Corruption in legislature	9	7
AGO Reform	6	6
Transparency and public partic	5	4
Wealth report policy	4	4
Selection of BPK members	3	3
Judicial Commission	3	3
KPK Law	4	3
2011 Nomination of Commissione	5	3
KPK Reform	3	3
Procurement Reform	3	3
Police Reform	2	2
Wiretapping	3	2
2010 Nomination of Commissione	2	2
KPK Ethics Committee	2	2
Corruption in education sector	1	1
NGOs and anticorruption	1	1
Civil service reform	1	1
Coins for KPK	1	1
Corruption Bill	1	1
KPK Chairman Term	2	1
TOTAL	**165**	**106**

Table 21: Number of NGO demands related to corruption or ethics cases

Type of case category	Name of specific corruption or ethics case	Total nr of demands	Nr of different types of demands
Bank Century		13	8
Corruption in legislature		20	18
	Wa Ode case	*3*	*3*
	Nazaruddin case	*4*	*4*
	Renovation of official residences	*2*	*2*
	Study trips abroad	*1*	*1*
	Bank Indonesia case	*5*	*4*
	Construction of new DPR building	*4*	*3*
	Budget corruption	*1*	*1*
Regional and local corruption		10	10
	Corruption case in Aceh	*3*	*3*
	Corruption in NTT	*2*	*2*
	Papua regent case	*1*	*1*
	Buntok regent case	*1*	*1*
	Buol regent case	*1*	*1*
	9 regional graft cases	*1*	*1*
	Case in Cilegon	*1*	*1*
Forestry corruption		7	5
Ethics cases in legislature		5	5
	Marzuki	*1*	*1*
	Convicted legislators	*2*	*2*
	Legislators barring KPK	*2*	*2*
Corruption in KPU		5	1
Lapindo		4	2
Ethics case in KPK		5	5
	Wibisono case	*3*	*3*
	Antasari	*2*	*2*
Police corruption		4	4
Wealth report cases		2	2

	Vice-President	1	1
	BPK Chief	1	1
Corruption case in AGO		3	3
Sukhoi case		3	1
Quake aid distribution		2	2
Corruption in education sector		2	2
Corruption in Social Affairs Ministry		2	2
Jakarta Water Operator		2	1
Freeport case		1	1
Corruption in universities		1	1
BP Migas		1	1
Corruption in Tax Office		1	1
Corruption in Foreign Ministry		1	1
Ministry of Home Affairs case		1	1
Ministry of Manpower case		1	1
Ministry of Youth & Sports		1	1
Ministry of Religious Affairs		1	1
Corruption in fisheries		1	1
Corruption in health		1	1
Jakarta Governor		1	1
Empowerment Fund case		1	1
Innospec case		1	1
Military corruption		1	1
Antasari case		1	1
BNP2TK case		1	1
Bibit's son's case		1	1
Total		**107**	**89**

Table 22: Press coverage of insitutional framework and corruption cases

	Nr of newspaper articles
Cicak Buaya	65
Corruption in legislature	34
Corruption Court bill	33
Cicak Buaya 2	26
Revisions to KPK Law	18
BC	18
Nomination of KPK Comm 2011	17
Regional and local corruption	16
Anti-corruption reform	16
Forestry graft	10
Wealth reports	9
Nomination of KPK Comm 2010	9
General corruption eradication	8
Sukhoi	6

Corruption prevention	6
KPU	6
KPK Performance	5
Wiretapping	5
General KPK	5
Coins for KPK	5
Judicial corruption	4
NGOs and anticorruption	4
Ethics case	4
Lapindo	4
Antasari	3
Police corruption	3
Corruption bill	3
KPK and Parliament	3
KPK Chairman Term	3
Ministry of RA	3
Transparency & access to infor	3
State procurement corruption	2
Corruption in FM	2
Ministry of SA	2
KPK investigators	2
Jakarta Water	2
Tax corruption	1
KPK ethics committee	1
Civil service reform	1
Procurement Reform	1
BP Migas	1
Recruitment BPK members	1
Quake aid case	1
Police	1
Monitoring of public services	1
BNP2TK	1
KPK ethics commitee	1
Bird Flu case	1
Education sector corruption	1
UI Case	1
Transportation Ministry	1
Hambalang	1
ISI	1
Buntok	1
Fishery corruption	1
Media	1
Constitutional Court	1

Judicial Commission	1
Electronic ID	1
Money laundering cases	1
Innospec	1
Lead supply	1
Fauzi	1
Freeport	1
Mining corruption	1
TOTAL	**393**

Name of NGO	Demands made on its own	percent of demands made by 1 NGO	Demands made together with other NGOs	Total number of demands made
ICW	58	57	8	66
FITRA	9	9	1	10
MAKI	6	6	1	7
IBC	5	5		5
TII	5	5	2	7
Indonesia Police Watch	3	3	1	4
YLBHI	2	2	1	3
PSHK	1		1	2
Change.org	1		1	2
Republic Corruption Watch	1			1
ISAI	1			1
Kiara	1			1
Kemitraan	1			1
Kontras	1		1	2
Government Watch	1			1
Peoples Voice Defenders Team	1			1
Somasi	1			1
Setara	1		2	3
Walhi	1		1	2
Bali Corruption Watch	1			1
Imparsial			2	2
KRHN	0		1	1
Indonesia Participation	0		1	1
Charta Politika	0		1	1
Total	**101**		**25**	**126**

Table 23: Number of NGO demands in the press by NGO

Table 24: Number of informants who filled in perception of influence questionnaire

Type of informant	Number of informants who filled in questionnaire
Anti-corruption activist	1
NGOs	6
Journalists	2
Legislator	1
KPK official	1
Total	**11**

Table 25: Scores attributed in perception of influence questionnaire

	Case where NGOs were seen as having been the most influential player compared to other actors	Case to which NGOs were attributed highest influence compared to other cases	Case to which NGOs were attributed lowest influence
Cicak Buaya		score 1.9	
Cicak Buaya 2	score 2	score 2	
Corruption Court Law	score 1.6		
Keep prosecuting powers in Corruption Court law		score 1.8	
Creation of local corruption courts in Corruption Court Law			score 1.6
Coins for KPK		score 1.8	
Nomination of KPK Commissioners			score 1.7

Table 26: Multinomial regression table

```
Log likelihood = -123.45346                    Pseudo R2      =     0.3046


-------------------------------------------------------------------------------
  influence |       RRR    Std. Err.      z    P>|z|     [95% Conf. Interval]
------------+------------------------------------------------------------------
------------+------------------------------------------------------------------
NGOINFLUENCE |
  csallies3 |   .5070201   .3968225    -0.87   0.385     .109352    2.350843
  decallies3 |   7.966235   6.806969     2.43   0.015    1.492521    42.51926
 mediacover3 |   12.64017   14.97356     2.14   0.032    1.239993    128.8508
    savekpk2 |    16.1058   12.85837     3.48   0.000    3.368291    77.01145
        ngo2 |   .6694729   .4907884    -0.55   0.584    .1591182    2.816736
  stratcombi2 |   .6539238   .8825389    -0.31   0.753    .0464238    9.211135
    protest2 |   1.397532   1.580488     0.30   0.767    .1523094    12.82322
 finaldecmkr |   1.385878   1.063708     0.43   0.671    .3078922    6.238082
    polstage |   11.86588   11.10977     2.64   0.008    1.893817    74.34676
  techadvice2 |   6.94e-10   1.37e-09   -10.70   0.000    1.46e-11    3.30e-08
-------------------------------------------------------------------------------
```

(Outcome influence==NO is the comparison group)

Table 27: Targets of NGO claims
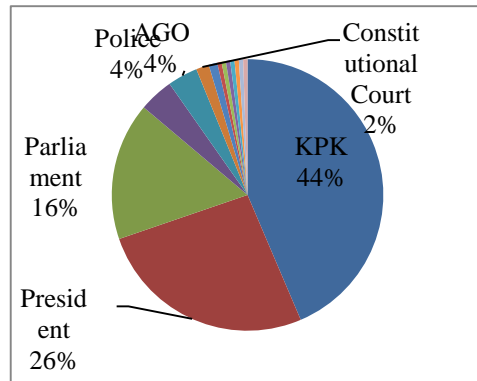
Table 28: Targets of case demands
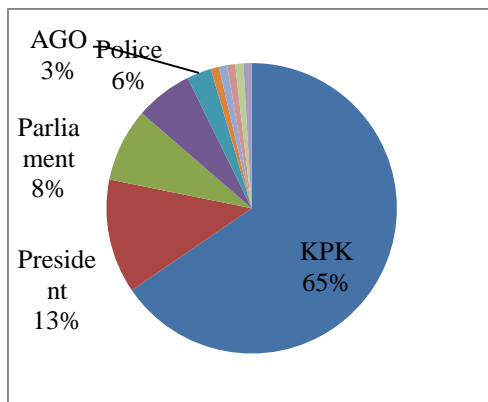
Table 29: Targets of institutional framework demands
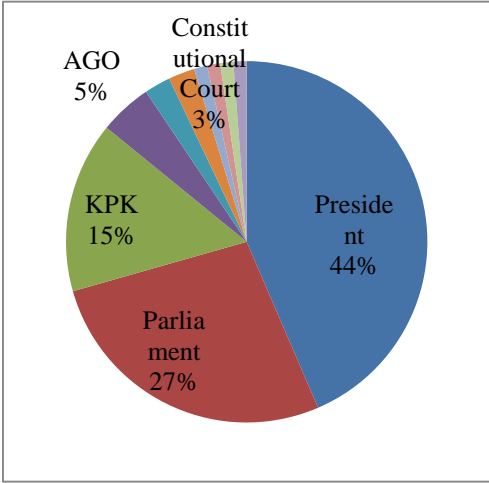
Appendix Three: Appendix to Chapter Six on Case Studies

3.1. *Cicak Buaya* Case

Table 30: List of NGO demands made during *Cicak Buaya*

Demand	Target of demand	Nr of times demand was made	Alignment	Perceived NGO influence
Short-term actions related to solving the KPK crisis or saving the KPK				
Do not nominate people with close ties to President as replacement Commissioners	President	1	Total alignment	Yes
Dismissal of replacement Commissioner selection team	President	1	No alignment	No
Create independent investigation Team to investigate case	President	3	Total alignment	Yes
Solve KPK crisis	President	4	Total alignment	Yes
Save KPK	President	3	Total alignment	Yes
Solve Bibit and Chandra case and drop charges	President	7	Total alignment	Yes
Summon witnesses	Corruption Court	1	Partial alignment	No
Name framing suspects	KPK	1	Partial alignment	No
Fire police chief	President	4	No alignment	No
Resignation of police chief	President	1	No alignment	No
Fire or sanction AG	President	2	No alignment	No
Susno to resign	President	1	Total alignment	Yes
Suspend Susno	President	1	Partial alignment	Maybe
Present tape	Police	1	NA	
Long-term demands on anti-corruption reform				
Continue processing of case against Bibit and Chandra	AGO	3	No alignment	No

Cooperate with KPK	President	1	Partial alignment	Maybe
Bring to justice those who framed Bibit and Chandra	President	5	Partial alignment	Maybe
Place police under the jurisdiction of the Home Ministry	President	1	No alignment	No
Assign authority to investigate and prosecute cases to the AGO (not police)	President	1	No alignment	No
Assessment of police performance	President	1	No alignment	No
Revise police law	President	1	No alignment	No
In-depth reform of police	President	4	Partial alignment	Maybe
In-depth reform of AGO	President	4	Partial alignment	Maybe
Total number of demands		**52**		
Total number of different types of demands		**23**		

Table 31: Protest events in *Cicak Buaya*

Nr	Date	Location	Actors	Description	Source
1	12 July	Jakarta	NGO activists, former KPK Commissioners, academics, political observers	Launch of cicak movement	"Former leaders condemn efforts to weaken KPK", Jakarta Post, 13 July 2009
2	21 July	Semarang, Central Java	Cicak movement	Pro-KPK rally	Jakarta Post, 21 July 2009
3	24 July	Bali	NGO coalition Bali People Exponent Alliance	An alliance of NGOs in Bali declared their support for the KPK	"NGOs rally support for KPK", Jakarta Post, 24 July 2009
4	20 August	South Sulawesi	Cicak movement	Launch of Cicak movement	"New group seeks to defend KPK", Jakarta Post, 22 August 2009
5	15 September	Jakarta	University students, hundreds of people from	"Anti-corruption White	"Antigraft body wins moral support in face of enemy",

			NGOs calling themselves the Love Indonesia, Love the KPK	Solidarity" event	Jakarta Post, 17 September 2009
6	20 October	Jakarta	An antigraft activist takes part in a demonstration Friday outside the National Police headquarters	Demonstration in support for the Corruption Eradication Commission (KPK)	"Calls mount for Bambang, Susno Duadji to resign", Jakarta Post, 31 October 2009
7	3 November	Mataram, West Nusa Tenggara	About 30 NGO activists, university and high school students	In Mataram, West Nusa Tenggara, staged a rally Tuesday to express their support for the (KPK)	"NGOs, students urge SBY to save KPK", Jakarta Post, 3 November 2009
8	3 November	Yogyakarta	Not specified	Protests supporting Bibit and Chandra	"Public chants revolution, marches for the KPK", Jakarta Post, 3 November 2009.
9	3 November	Surakarta	Not specified	Protests supporting Bibit and Chandra	Ibid
10	3 November	Medan	Not specified	Protests supporting Bibit and Chandra	Ibid
11	3 November	Bogor	Not specified	Protests supporting Bibit and Chandra	Ibid
12	8 November	Jakarta	Hundreds of demonstrators from around Indonesia	Support for the KPK and KPK Commissioners	"Protesters Rally for Indonesia's Anti-Graft Unit", Time, 9 November 2009

Table 32: Examples of media discourse on *Cicak Buaya*

Excerpt from newspaper article	Source
War discourse (battle, enemy, attack, counter-attack, besiege, crusade, target, heroes)	
"A group of NGOs gathered earlier this month to form the Love Indonesia, Love KPK movement campaigning against <u>attacks</u> aimed at weakening the KPK."	Photo description in Jakarta Post, 21 July 2009
"Lawyers declare support to <u>embattled </u>KPK"	"20 lawyers declare their support for embattled KPK", Jakarta Post, 15 September 2009
Title of headline article: "Antigraft body wins moral support in face of <u>enemy</u>"	Jakarta Post, 17 September 2009
"In the face of incessant <u>attacks</u> aimed at weakening the body, the Corruption Eradication Commission (KPK) continues to receive support from various organizations."	"`Cicak' offers support to troubled anti-graft commission", Jakarta Post, 16 July 2009
"The ruling jeopardizes the KPK. I'm afraid the commission is facing another '<u>counter attack</u>' like it experienced during the Bibit-Chandra case," said Teten Masduki, secretary-general of the Transparency International Indonesia (TII).	"KPK in jeopardy again as court rules in favor of Anggodo", Jakarta Post, 20 April 2010
Title of article: "SBY throws support behind <u>besieged</u> antigraft body"	Jakarta Post, 17 September 2009
"The words "honesty" and "combating corruption" voiced by the students seemed to reflect the public longing for undisputed truth amid the fiasco surrounding the Corruption Eradication Commission (KPK), which is currently viewed by many as going through a <u>battle</u> against the National Police."	"Students in North Jakarta sing to fight corruption", Jakarta Post, 16 November 2009
"Support for our <u>national heroes</u>, in the Corruption Eradication Commission (KPK). The faces of these heroes are the once-embattled KPK deputies, Chandra M. Hamzah and Bibit S. Rianto."	"Editorial: Not so perceptive", Jakarta Post, 22 march 2010
"National Police and District Attorney's obvious <u>anti-KPK crusade."</u>	"Anticorruption and prejudice trap", Jakarta Post, 17 December 2009
"Commenting on the growing tensions raised by the apparent witch hunt against antigraft officials, presidential adviser Adnan Buyung Nasution said if police were really sure they had enough evidence to support the allegations against Bibit and Chandra, they should have taken the matter straight to court."	"Case against KPK deputies legit, says police chief", Jakarta Post, 31 Octoberober 2009
"Love Indonesia; Love the KPK" has been the catch-cry of supporters of the commission and its fight against corruption, but some now believe the KPK has become the target of a new witch hunt. "	Photo description in Jakarta Globe, 31 Augustust 2009
Discourse on weakening the KPK (undermine, destroy, cripple, eliminate, demise)	

"Antigraft activists deemed the plan to be nothing but another effort to weaken the KPK after the Constitutiona Ct played tapes. "	"Bugging decree 'gives privilege to officials'", Jakarta Post, 24 December 2009
"We are concerned about the future of the KPK after two KPK deputies were declared suspects by the police. This does not only weaken the KPK but all anticorruption efforts in Indonesia," Indonesia Corruption Watch coordinator Danang Widoyoko said to the United Nations Office on Drugs and Crime (UNODC)'s representative Ajit Joy on Wednesday"	"ICW reports KPK situation to UNODC", Jakarta Post, 17 September 2009
"The alleged plot against them was widely regarded as an attempt to weaken the KPK. "	"Trial 'best option' for Bibit and Chandra", Jakarta Post, 23 April 2010
"Signs that there is a systematic efforts to <u>undermine</u> the KPK. "	"Anticorruption drive to take a back seat? ", Jakarta Post, 17 sep 2009
"Critics say the accusations are attempts by the police to undermine the highly successful antigraft commission and curtail its far- reaching powers."	"Susno tries to make peace with KPK", Jakarta Post, 3 October 2009
"Antigraft activists are calling on civil society to go all out to save the Corruption Eradication Commission (KPK) from all attempts to undermine its integrity — a campaign they claim is now being carried out by the police and the Attorney General's Office. "	"Civil society called on as wolves bay at KPK's door", Jakarta Post, 29 July 2009
"From these two findings, there is already enough proof that law enforcers tried to undermine the KPK by framing two of its deputies," he said. "The KPK's presence is not liked by the other law-enforcement agencies because it threatens to unravel their corrupt practices."	"KPK Should Hold Strong in Deputies' Case, Activists Say", Jakarta Post, 13 June 2010
"The Love Indonesia, Love the KPK (Cicak) movement aims to rally public support for the anti-graft body amid political manoeuvring to undermine its fight against corruption, activists said. "	"New group seeks to defend KPK", Jakarta Post, 22 August 2009
"In response to growing moves aimed to weaken the Corruption Eradication Commission (KPK), an alliance of NGOs in Bali declared their support for the anticorruption body. "	"NGOs rally support for KPK", Jakarta Post, 24 July 2009
"The establishment of this coalition is to give support for KPK as there have been efforts to weaken this institution lately. "	"Indonesia (Still) Needs KPK", Tempointeractive, 16 July 2009
Title of article: "Watchdogs Fear Police Probe Aims To Cripple KPK."	Jakarta Globe, 16 July 2009
"Activists and NGOs signed a statement on Friday requesting that the president establish a team to investigate an alleged plot by the Attorney General's Office and the National Police to destroy the nation's leading corruption fighting body."	"Indonesian Activists Push Investigation on 'Plot to Kill KPK", Jakarta Post, 31 October 2009

"Such statements are dangerous. I suspect this is part of efforts to eliminate the KPK, as happened to the State Officials' Wealth Audit Commission *KPKPN* in 2004."	"`Cicak' offers support to troubled anti-graft commission", NGO activist Teten Masduki quoted in Jakarta Post, 16 July 2009
SBY: "I'll be the first to oppose any move to phase out the commission," he said, despite insinuating earlier this year that the KPK was growing overly powerful. "	"Calls mount for Bambang, Susno Duadji to resign", Jakarta Post, 31 October 2009
Discourse on criminalizing the KPK	
"This allegation against Bibit and Chandra has caused a public outcry suggesting the police had criminalized the KPK deputies for doing their jobs."	"Court confronts two key witnesses", Jakarta Post, 10 October 2009
"Earlier, activists and corruption watchdogs said the criminalization of the two deputies had been Susno's way of seeking vengeance against the commission, after he was wiretapped by the KPK during its probe into the Bank Century graft case."	"Police clear Susno, citing no evidence of graft", Jakarta Post, 8 October 2009

Allies of *cicak* movement

Some of the groups supporting the *cicak* cause are described below:

Music and visual arts community

Both *cicak* concerts/peace demonstrations included performances by popular Indonesian rock bands, which were all close friends of the *cicak* event organisers (the lead singer in Efek Rumah Kaca is married to Irma – one of the main *cicak* organisers), which enabled their quick engagement based on short notice.[466] Their contribution was entirely voluntary.[467] The *cicak* organisers also drew on their contact networks to engage the visual arts community in the painting of the murals and the subsequent painting events.[468]

Lower-middle class supporters

Despite the *cicak* organisers' efforts to raise awareness among the uneducated lower-middle classes, the *cicak* movement protest events remained largely confined to the educated middle-class.

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[466] Interview with anti-corruption activist, Jakarta, 20 December 2012.
[467] Interview with anti-corruption activist, Jakarta, 10 January 2013.
[468] The person who designed the promotional *Cicak Buaya* t-shirts was also a personal friend of one of the *cicak* organisers' husband.

The street vendors were not asked to come to the events and the *cicak* organisers believed they did not, unless they actually worked there. "We did not expect much from them." "However, our target was both. Grassroots and decision-makers." However, the street vendors were given *Cicak Buaya* t-shirts and wore them, which contributed to further raise the visibility of the movement. Hence, even if the *cicak* movement did not actively engage the non-educated working class, one of the activists believed the *Cicak Buaya* campaign had made people more aware of corruption issues.[469] This may have contributed to lay the foundations for support to the KPK among the lower-middle classes, which took concrete action in a subsequent support campaign for the KPK in 2012 ("Coins for KPK" which aimed at raising funds for a new KPK building), where by a broad range of citizens, including street vendors and street cleaners, donate money in support of the KPK (see chapter six).

Students

The student movement had been at the forefront of the protests that ultimately toppled Soeharto in 1998. During the *reformasi* era, the student movement is perceived to have lost steam and political clout (Nyman 2006). However, even though they never reached their 1998 peak, students came to play a significant role during the *Cicak Buaya* episode.[470] The *cicak* movement needed the student networks[471] to help mobilise larger crowds and bring more people to the protest events. The NGO LBH played a key role in contacting and organising the student networks.[472]

Labour unions

Similarly to the student networks, the *cicak* movement also needed the labour union networks, on one hand to increase the number of participants in the protest events and on the other, to help expand the movement beyond the usual middle class groups. One of the ICW activists had connections in the labour unions and helped mobilise them for the protest events. The labour

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[469] Interview with anti-corruption activist, Jakarta, 10 January 2013.
[470] NGO informants had differing views on the role of student organisations during *Cicak Buaya*. While one NGO considered they as key participants in the *cicak* movement, another one was not of the same opinion.
[471] The Islamic Student Organisation University of Indonesia Alumni organisation were mentioned as participating in protest events in the media analysis ("Public chants revolution, marches for the KPK", Jakarta Post, 3 november 2009.
[472] Students were mentioned by the media as participants in three of the nine protest events (from media analysis).

unions in turn helped mobilise students in the provinces.[473] Hence, the *cicak*s drew on their network of friends and on the NGOs' organisational networks to reach out to new groups which had not been an active part of the anti-corruption movement during the *reformasi* era.

KPK

The KPK (and its rescue) was the center of the *cicak* campaign. The *cicak* organisers had been part of the anti-corruption movement since the start of *reformasi* and saw the KPK as one of its main achievements. Their sense of solidarity with the institution they considered under attack was strong. The networks of the *cicak* organisers also stretched into the KPK, which may in part have explained their unwavering support to the two suspended commissioners, even before the framing scheme was revealed by the Constitutional Court.[474] One of the more junior KPK officials interviewed also admitted identifying himself as a "*cicak*" and described how he was an active participant in the movement during the *Cicak Buaya* episode. The *cicak* movement also relied on former KPK officials to make statements at the two large protest events. However, the *cicak* organisers did not want the public or the government to think that the movement was connected to the KPK and therefore biased. The two suspended KPK Commissioners remained silent about the *cicak* movement throughout, and that silence initially upset the *cicak* organisers. But with time, they realised how that distance gave more credibility to the movement.[475]

Religious leaders

Religious leaders also joined in to support the demands of the *cicak* movement. The Jakarta Post reported how both the Chairman of NU and an interfaith council echoed the *cicak*s' demand for dismissing the police chief and the attorney general and for the president to intervene in the crisis between the police and the KPK. [476]

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[473] Interview with anti-corruption activist, Jakarta, 10 January 2013.
[474] Chandra Hamzah was one of the founders of the NGO PSHK and several of the *cicak* organisers worked for PSHK. (Irma). Knowing the history and the track record of integrity of Chandra since he was a student, made the *cicak* organisers believe in his innocence from the beginning (interview with anti-corruption activists, Jakarta, 20 December 2012 and 10 January 2013).
[475] Interview with anti-corruption activist, Jakarta, 10 January 2013.

[476] "Calls mount for Bambang, Susno Duadji to resign", Jakarta Post, 31 October 2009; "Public chants revolution, marches for the KPK", Jakarta Post, 3 November 2009.

Lawyers

Another group of allies of the *cicak* movement were lawyers. After Bibit and Chandra were summoned for questioning by the police in mid-September, a group of twenty lawyers led by Bambang Widjojanto declared their support for the KPK - claiming that the police did not have enough evidence against them - and offered their legal services to help the KPK Commissioners. In a press conference, they declared: "This is a response from advocates who support the anticorruption movement."[477] Widjojanto later became Bibit and Chandra's lawyer until the deponeering decision was declared by the AGO in October 2010. Bambang Widjojanto was then nominated as Deputy Chairman of the KPK in 2011. The *cicak* movement organisers also saw the legal team for Bibit and Chandra as important allies for their cause:[478] The close value affinity between Widjojanto and the *cicak* organisers may be explained by his strong identification with the anti-corruption movement and his NGO background as former Director of LBH and as one of the founders of anti-corruption NGOs such as ICW, LeIP and KRHN.[479480]

[477] "20 lawyers declare their support for embattled KPK, Jakarta Post, 15 September 2009.
[478] Interview with anti-corruption activist, Jakarta, 10 January 2013.
[479] Interview with Deputy KPK Chairman, Jakarta, 16 January 2013.
[480] In the interview, the Deputy KPK Chairman described himself as having a double identity: "I am the NGOs, I am lawyer." (Jakarta, 16 January 2013).

3.2. Corruption Court Law Case

Table 33: NGO claims related to Corruption Court bill

Demand	Process versus Content of law	Nr of times demand was made	Save KPK
NGO influence			
Stronger legal basis to eradicate corruption	Process	1	Yes
Approve law	Process	7	Yes
Retain KPK's prosecuting authority	Content	1	Yes
Non NGO influence			
Delay passage of bill	Process	1	Yes
Stop deliberation of bill	Process	1	Yes
Establish 5 or 6 corruption courts	Content	3	Yes
Maintain composition of judges panel	Content	1	Yes

Table 34: Protest events in relation to the Corruption Court bill

Protest events Date	Issue/demand	Target	Symbolism	Participants	Source
19 May 2009	- counted down from five to warn the House about the five remaining months until the deadline for deliberations is up.	KPK	Demonstrators gave flowers to KPK staff at the South Jakarta antigraft headquarters to symbolize the court's 100 percent con-viction record during its time in existence	NGO Coalition to Save Corruption Eradication Efforts	JP 20 May 2009
27 August 2009	- Finish deliberation of bill before 30 sept - Establish 5 regional corruption courts	Parliament	Holding up a box filled with rat poison	NGO coalition Save the Antigraft Movement	JP 28 August 2009
13 September 2009	The theatrical event was "a symbol and a criticism of	Parliament	Men dressed up as a gorilla, a tiger, a rabbit	ICW	JP 14 September 2009

Date					Source
	lawmakers at the House of Representatives who are currently deliberating the Corruption Court Bill".		and a bear took the center stage at the office of Indonesia Corruption Watch (ICW) on Sunday, asking for stronger action against corruption.		
28 September 2009	filed a complaint against Arbab and Golkar lawmaker Dewi Asmara Oetojo, chairwoman of the overseeing committee, for what it said was their failure to "listen" to the public on the issue.??ICW representatives gave the cotton bud to the ethics committee chairman, Irsyad Sudiro of the Golkar Party. They also gave Irsyad a four-page report alleging that Arbab and Dewi had deliberated the bill with a lack of transparency.		ICW holding a giant cotton bud		JP 29 September 2009

Table 35: Examples of public opinion quotes used by NGOs

Quote from NGOs using public opinion references to boost their stance	Name of NGO	Source
"Today, the House is likely to resort to a vote over contentious issues in the bill at the anticorruption court before it is endorsed, despite strong rejection from the public."	Formappi	"Closing House rushes bills, falls short of target", 29 September 2009.
"Fahmi Badoh, left, of Indonesia Corruption Watch, talking with a security officer while holding a giant 'cotton bud' at the House of Representatives on Monday. The group was intending to ask the House to 'listen' to the public."	ICW	"Indonesia May Pass Disputed Anti-Corruption Bill Today", Jakarta Globe, 29 September 2009
"Day before parliament approved bill: representatives from Indonesia Corruption Watch presented a giant cotton bud to the House ethics committee as they filed a complaint against Arbab and Golkar lawmaker Dewi Asmara Oetojo, chairwoman of the overseeing committee, for what it said was their failure to "listen" to the public on the issue?"	ICW	Ibid

Table 36: Allies echoing NGO claims

Demand	Nr of times made by NGOs	Alignment	Echoed by
Speed up legislative approval	2	Partially aligned	House Speaker DPD
Approve law	6	Aligned	President Chief of Constitutional Court Think tank
Issue presidential decree	6	NA	President DPD Chief of Constitutional Court Political party PDI-P
Composition of judges panel	1	Not aligned	KPK
Retain KPK's prosecution authority	1	Aligned	Academic Minister Andy Matalatta Political party PKB Political party PBR

Appendix Four: In-Depth Interview Guides

4.1. Interview Guide for Legislators

4.11 General Questions

Perception of NGOs in anti-corruption reform

- Do you think NGOs play a role in anti-corruption policy reform in Indonesia? Why? In what way?
- If so, what kind of role? (positive or negative?). Ask informant to explain and provide examples.
- What do you think is the contribution of NGOs to anti-corruption policy reform in Indonesia?
  - How and why do they contribute?
  - Do you think their contribution is valuable or not? Why or why not? Ask informant to explain answer. Ask informant to provide examples of NGO contributions (or lack thereof) to specific policy cases.
  - Do you think that NGOs contribute constructively to the anti-corruption policy debate or do you see them as an obstacle? Why? (strategies? Consequences of their actions?) How do you think they could interact and contribute differently?
- Do you think that anti-corruption NGOs contribute constructively to the content of anti-corruption laws? Why? What does their contribution provide? Why?
- Do you see some NGOs as allies or enemies in fighting corruption? If so, why (positive: similar values, technical expert, ? If so, which?
- Do you think that anti-corruption NGOs produce good quality, reliable and credible data on corruption?
- Do you think that NGOs have the capacity to influence public opinion? Why?
  - Do you think that public opinion is influenced by NGO action?

Interaction and relation to NGOs

- Do you interact a lot, not at all or some with NGOs?
  - How do you interact with them (formally or informally)? Ask informant to provide examples.
  - Do NGOs approach legislators or do legislators approach them? Ask informant to provide examples.
  - Do you need NGOs for doing your work? Why or why not? Ask informant to provide examples.
  - Do you consider the information and data produced by NGOs are reliable and robust? Why?
  - Do you think that NGOs are an obstacle to your or do they allow you to do your job

more effectively? Why? Ask information to explain and justify answer with
examples.
- What do you think anti-corruption policy reform in Indonesia would look like if it
  was not for NGOs?
- How do you think the KPK would look if it was not for NGOs?
- Do you think NGOs are easier or harder to deal with than the media? Why?

Parliamentary deliberations in Indonesia

- Are parliamentary deliberations generally open to the public in Indonesia?
  - If so which part of the deliberations?
  - Are there minutes kept of the parliamentary deliberations? Where can they be
    accessed?
  - Are parliamentary decisions (e.g. approval of laws) normally subjected to voting or
    to general consensus?
- How do bills get on the PROLEGNAS and annual priority list?

The media

- How do you perceive the role of the media in anti-corruption reform in Indonesia?
  - Do you perceive it as positive or negative? Why? Explain.
- How do you perceive the relationship between NGOs and the media in anti-corruption
  reform? Explain.

4.12 Questions on specific cases

Corruption Court Law

- What role did you have in relation to the Corruption Court Bill 2009? Were you
  member of any of the commissions or teams that deliberated the bill?

Timing

- Why was the approval of the law done at the very end of the year's legislative session?
- The media raised concern about the bill not passing before the end of the legislative
  session. Was that a legitimate concern?
- Why do you think the law was finally passed?
  - Was there any pressure from actors outside the legislature for passing the law
    (NGOs? Media? President?)?
  - If so, did these pressures have an influence on the bill finally passing?

Deliberation of bill

- What actors did you interact with the most during the deliberation of the bill?

• Apparently, there was a closed session with the government (represented by the Justice and Human Rights Minister Andi Mattalatta) to discuss the bill shortly before its approval.
  - Who participated in the session?
  - Were you part of that session?
  - What was discussed in that session?
  - Were the changes to the bill made during that session or because of that session?

• Do you think the deliberations of the bill throughout the whole process were done transparently and with the participation of a lot of actors? Why? Ask informant to explain answer.

Content of law

KPK's Prosecution authority

• This excerpt was taken from a Wall Street Journal article on the Corruption Court bill: "Some politicians attempted to insert a clause into the bill that would have stripped the Commission of its power to prosecute graft cases at the Court, according to Nursyahbani Katjasungkana, a politician from the Islamic-based National Awakening Party, which is part of Mr. Yudhoyono's broad coalition government. She said her party and the Prosperous Justice Party, another Islamic-based coalition member, opposed the moves and that the clause was dropped."

  - Is this statement correct?
  - Were there clauses in drafts of the bill that attempted to strip the Commission of its power to prosecute cases at the Corruption Court?
  - Several of the NGO activists said that this was actually part of the anti-corruption law (1999/2001), not the Corruption Court law and that the media's description is incorrect. Is this accurate?

• If the WSJ account is accurate, why were some legislators in favor of stripping the KPK of its prosecuting powers? What is your opinion on this issue?

• If the WSJ account is correct, why did these legislators change their mind (as the final approved draft did not strip KPK of its prosecuting powers)? What and whom influenced their final decision? Why?

• What was your opinion on this issue?

Decentralisation of corruption court and composition of judicial panels

• What was your opinion on the issue of establishment of local corruption courts and composition of judges panels?
  - Were you always of that opinion or did you change your opinion about it during the course of the deliberation? Why?
  - If you changed your opinion, what influenced your final views? (Did NGOs play

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any role? Did public opinion play any role? Did the president play any role?). Journalists? Researchers/university people?)
- Were you in favor of establishing local corruption courts? If so, how many? Why? Was your opinion always the same on this issue or did it change during the course of the deliberation? Why? What influenced your views and your final vote?
- Were you in favor of changing the prior ratio between adhoc and career judges? Why? Was your opinion always the same on this issue or did it change during the course of the deliberation? Why? What influenced your views and your final vote?

<u>Role of NGOs</u>

NGO draft bill
- Were you aware of the NGO draft of the law?
- At what stage of the parliamentary process did you get to see it?
- How were you made aware of it?
- How was their draft bill received?
- Who was it discussed with?
- Where was it discussed? (formal spaces or informal?)
- What was your opinion on the NGO draft law? What provisions did you agree with, what provisions did you not agree with? Why?

Parliamentary bill
- What actors did you interact with during the deliberations of the bill? (legislators? What parties? Other government officials? NGOs?
- Were NGOs invited to deliberate the parliamentary bill?
- Do you think that some lawmakers collaborated with NGOs for the drafting of the content? Why do you think they did that?
- Do you think that lawmakers were influenced by the draft version of the bill that ICW and other NGOs sent to the parliament? Why?
- How much of the NGO draft would you say was included in the final law approved by DPR?
- What were the most debated provisions of the bill? Why? What were the different opinions? Why did actors hold these opinions?
- Were there some legislators that changed their opinions on specific issues during the course of the deliberations?
  - If so, why did they change their opinions?
- What actors influenced the final version of the law?
  - Were there actors (media, NGOs, president, others) that exerted pressure to put in or take out or revise specific provisions of the law?
  - If so, which provisions and which actors?
- Did you interact with NGOs at all during the drafting and deliberation of the bill? If so which?
  - How did you interact with NGOs? (Public deliberations? Private meetings? Other?)
  - Were there formal spaces where NGOs could interact on the Corruption Court bill or did the interaction take place through informal interactions?
  - Who initiated the meetings with the NGOs? (they or you? Or other lawmakers?)

- Did you see NGOs' contribution as valuable or not? Why?
  - What do you think NGOs contributed to the Corruption Court Bill? (Content, lobbying to get it passed)?

- What lawmakers were opposed to NGO demands? Why were they opposed?

Other actors

- Do you think some lawmakers were influenced by NGOs in their decision? Why? What role do you think the NGOs played in the content (including the final) and passing of the Corruption Court bill? Why do you think lawmakers were influenced by NGOs? Because of their knowledge and technical expertise on legal issues? Or because of their potential to influence public opinion? Or because of their power to mobilize demonstrations and/or create political instability?

- Do you think that they were influenced by public opinion? To what extent? Why? What role do you think public opinion played in the final content and passing of the Corruption Court bill?

- Do you think they were influenced by the press? Why? What role do you think the press played in the final content and passing of the Corruption Court bill?

- Do you think they were influenced by the president? Why? What role do you think the president played in the final content and passing of the Corruption Court bill?

- Were they influenced by other actors? (for example the session with the HR Minister?)

Opinion on final bill

- What was your opinion on the final law approved by parliament?
- Were you satisfied with it? If there were provisions you were not satisfied with, why were you not satisfied with them?

4.2. Interview Guide for NGOs

4.21 General Questions

Perception of NGOs in anti-corruption reform

- What type of changes does your organization seek to achieve in relation to state corruption?
- Which of the strategies you have used seems to have been the most effective in generating change? Why? Provide examples.
- Which of the strategies seems to have been the least effective? Why? Provide examples.
- What specific changes do you think your organization directly contributed to in the area of state corruption? What factors do you think can help explain those changes?
- Do you think NGOs play a role in anti-corruption policy reform in Indonesia? Why? In what way?
     - If so, what kind of role? Ask informant to explain and provide examples.
- What do you think is the contribution of NGOs to anti-corruption policy reform in Indonesia?
     - How and why do NGOs contribute? Provide examples.
     - Do you think NGOs' contribution is valuable or not? Why or why not? Ask informant to explain answer. Ask informant to provide examples of NGO contributions (or lack thereof) to specific policy cases.
- Do you think that anti-corruption NGOs contribute to the content of anti-corruption laws? Why? What does their contribution provide? Why?
- What do you think is the most important achievement of your NGO during reformasi? What factors explain this achievement?
- Do you think that NGOs have the capacity to influence public opinion? Why?
     - Do you think that public opinion is influenced by NGO action?
- What do you perceive as the greatest setback for anti-corruption NGOs during reformasi? What factors explain this setback?
- What are the main obstacles for NGO influence on Indonesian anti-corruption reform? Why?
- What do you think anti-corruption policy reform in Indonesia would look like without NGOs?
- How do you think the KPK would look like without NGOs?

Relationship to the state

- Does your organization or you as a person feel or have ever felt threatened because of the type of work you are doing? Why? Provide examples.
- How does your organization collaborate with the state?
- Within the state, whom (public officials or institutions) do you consider to be your organization's main ally in fighting corruption? Why? Provide examples.

Relationship with legislators

- Do you interact a lot, not at all or some with legislators and other policy-makers?
  - What do you interact on? Provide examples.
  - How do you interact with them (formally or informally)? Ask informant to provide examples.
  - Do NGOs approach legislators or do legislators approach them? Ask informant to provide examples.
  - Do you think legislators need NGOs for doing their work? Why or why not? Ask informant to provide examples.

Parliamentary deliberations in Indonesia

- Are parliamentary deliberations generally open to the public in Indonesia?
  - If so which part of the deliberations?
  - Are there minutes kept of the parliamentary deliberations? Where can they be accessed? Are they easy to access?
  - How easy is it for NGOs to have access to legislators and parliamentary debates and how open is the parliament to the participation of NGOs?

Relationship with the media
- What role do you think the media plays for NGO influence on anti-corruption reform?
- Do you think NGOs can achieve policy influence without the media? Why? Explain.
  - Why do NGOs need the media and vice versa?
- Does your NGO have a close relationship to the media? How? Explain.
  - Does your NGO engage often with the media`?
  - How often?
  - Does your NGO contact the media or does the media contact NGOs? For what?
  - How does your NGO engage with the media?

4.22 Questions on specific cases

Corruption Court Law

- What role did your NGO have in relation to the Corruption Court Bill 2009?

Timing

- Why do you think the approval of the law was so delayed and only passed just before the closing of the annual legislative session?
- The media raised concern about the bill not passing before the end of the legislative session. Was that a legitimate concern?
- Why do you think the law was finally passed?
  - Was there any pressure from actors outside the legislature for passing the law (NGOs? Media? President?)?

- Did NGOs contribute to create pressure? How? Provide examples.

Deliberation of bill

• What actors did you interact with the most during the deliberation of the bill?

• Apparently, there was a closed session with the government (represented by the Justice and Human Rights Minister Andi Mattalatta) to discuss the bill shortly before its approval.
- Who participated in the session?
- Were you part of that session?
- What was discussed in that session?
- Were the changes to the bill made during that session or because of that session?

• Do you think the deliberations of the bill throughout the whole process were done transparently and with the participation of a lot of actors? Ask informant to explain answer.

Content of law

• This excerpt was taken from a Wall Street Journal article on the Corruption Court bill: "Some politicians attempted to insert a clause into the bill that would have stripped the Commission of its power to prosecute graft cases at the Court, according to Nursyahbani Katjasungkana, a politician from the Islamic-based National Awakening Party, which is part of Mr. Yudhoyono's broad coalition government. She said her party and the Prosperous Justice Party, another Islamic-based coalition member, opposed the moves and that the clause was dropped."

- Is this statement correct?
- Were there clauses in drafts of the bill that attempted to strip the Commission of its power to prosecute cases at the Corruption Court?
- Several of the NGO activists said that this was actually part of the anti-corruption law (1999/2001), not the Corruption Court law and that the media's description is incorrect. Is this accurate?

• If the WSJ account is accurate, why were some legislators in favor of stripping the KPK of its prosecuting powers? What is your opinion on this issue?

• If the WSJ account is correct, why did these legislators change their mind (as the final approved draft did not strip KPK of its prosecuting powers)? What and whom influenced their final decision? Why?

• What was your opinion on this issue?

Decentralisation of court and composition of judges panels

• What was your opinion on the issue of establishment of local corruption courts and composition of judges panels?

- Were you always of that opinion or did you change your opinion about it during the course of the deliberation? Why?
- If you changed your opinion, what influenced your final views?
- Were you in favor of establishing local corruption courts? If so, how many? Why? Was your opinion always the same on this issue or did it change during the course of the deliberation? Why? What influenced your views and your final vote?
- Were you in favor of changing the prior ratio between adhoc and career judges? Why? Was your opinion always the same on this issue or did it change during the course of the deliberation? Why? What influenced your views and your final vote?

Role of NGOs

NGO campaign

- What other NGOs participated in the campaign?
- Was there a formal coalition?
- Where did the financing come from for the coalition?
- How did the NGOs write the draft bill?
- How was the bill presented to legislators? Explain the process.

NGO draft bill

- What were the key elements that your NGO wanted to see in the Corruption Court bill? Ask informant to explain the key policy issues of concern to NGOs.
    - Who was the draft bill discussed with?
    - Where was it discussed? (formal spaces or informal?)
    - How was it discussed?
    - How was it received by legislators?
- How much of the NGO draft was reflected in the finally approved law? Explain.
  - Why do you think that these elements were included in the final law?
  - Which parts were NOT included in the final version of the Corruption Court bill?
  - Why do you think the final bill included a provision of establishing local corruption courts that the NGO coalition had been against?
  - Why do you think that the final bill included a provision on the ratio of career vs adhoc judges that the NGOs had been against?
  - Why did the final version of the bill (apparently until one day before it was passed) include keeping the prosecuting and wiretapping powers of the KPK, when prior versions had sought to strip the bill of them and despite the fact that the parties were in favor of keeping them were in minority in the DPR (PKS, PKB)?

Parliamentary bill

- Were NGOs invited to deliberate the parliamentary bill?
- Did some lawmakers collaborate with NGOs for the drafting of the content? Why do you think they did that? How did they collaborate?

- What were the most debated provisions of the bill? Why? What were the different opinions? Why did actors hold these opinions?
- Were there some legislators that changed their opinions on specific issues during the course of the deliberations?
    - If so, why did they change their opinions?
- What actors influenced the final version of the law?
    - Were there other actors (media, president, others) that exerted pressure to put in or take out or revise specific provisions of the law?
    - If so, which provisions and which actors?
- What lawmakers were opposed to NGO demands? Why were they opposed?

- In the case of the Corruption Court Law, do you think that legislators were influenced by public opinion? To what extent? Why? What role do you think public opinion played in the final content and passing of the Corruption Court bill?

- Do you think legislators were influenced by the press? Why? What role do you think the press played in the final content and passing of the Corruption Court bill?

- Do you think legislators were influenced by the president? Why? What role do you think the president played in the final content and passing of the Corruption Court bill?

- Were legislators influenced by other actors? (for example the session with the HR Minister?)

Opinion on final bill

- What was your opinion on the final law approved by parliament?
- Were you satisfied with it? If there were provisions you were not satisfied with, why were you not satisfied with them?

Cicak Buaya

Campaign
- Describe the main elements of the Cicak Buaya campaign (why did it start? How did it start? Who started it? Why? What was the main goal of the Cicak Buaya campaign? What were the main demands of NGOs?)
-
Role of NGOs and relationship to the media and public opinion

- What were the main achievements of NGOs in the Cicak Buaya case? Why? Explain.
- What were the main setbacks for NGOs in the Cicak Buaya case? Why? Explain.
- What were the main demands of NGOs during the Cicak Buaya?
- To what extent do you perceive that these demands influenced policy decisions in this case?
- What role did the media play in Cicak Buaya? Why?
- What role did social media play in Cicak Buaya? Why?

- What role did the president play in Cicak Buaya? Why?
- What role did public opinion play in Cicak Buaya?
    - Do you think that NGOs influenced public opinion in this case? Why and how?
- How did NGOs use the media in the Cicak Buaya case?
- Do you think Cicak Buaya represented a milestone in Indonesian anti-corruption reform? Why?
- Do you think that something changed in the anti-corruption reform process as a result of Cicak Buaya? What? Why?

4.3. Interview Guide for Journalists

Information on journalist

- Are you specialized in reporting on anti-corruption issues? Yes/no.
- Do you report more on anti-corruption issues than you report on other type of issues?
- What type of anti-corruption issues do you most often report on (policies, cases, other)? Why?

Reporting on corruption

- What type of corruption issues do you report on? Why?
- What type of corruption issues is the public most interested in? why?
    - Are there some issues that gain more traction than others?
- What type of issues gain most public attention?
    - Make people mobilize, participate in demonstrations? What issues is it most difficult to get people mobilised on? Why?
    - Difference between laws and more generic support to KPK?
    - What anti-corruption issue in the past ten years do you think the public cared most about and mobilised about?
    - Why do you think the public cares about anti-corruption issues?
    - Because of the media? Because of NGOs?
- To what extent do you rely on data produced by NGOs? Why?
    - For what issues do you use NGO information?
- What else do you need NGOs for?
    - Do you think people would get mobilised without the NGOs? Why?
- Do you think people would get mobilised without the media?
    - What type of media do you think is most powerful in reaching out to people?
- What role do you think NGOs play in anti-corruption reform?

Relationship to NGOs and the state

- Do you often have contact with anti-corruption NGOs? How often? For what? (for data on corruption, for their views/opinions on issues, other?)
- Who usually initiates the contact (you, them or both)? Why?
- What do you seek anti-corruption NGOs' opinion on? Why?
- Which NGOs do you most often interact with? Why?
- To what extent do you rely on data produced by anti-corruption NGOs for your reporting? (not at all, somewhat, significantly).
- To what extent do you rely on government data for issues and policies related to corruption?
- Do you rely more on NGO data or government data on issues related to corruption?
- For what issues do you usually seek information from anti-corruption NGOs?

- Do you consider anti-corruption NGOs corruption data reliable and credible? (yes, no, somewhat). Why?
- Do you interact more often with NGOs than with government officials or the same frequency?
  - Whom do you most often seek opininion from? Government or NGOs? Information?
- Have you ever felt threatened when investigating on anti-corruption issues?

Role of NGOs in anti-corruption reform

- How do you see the role of NGOs in anti-corruption reform in Indonesia?
  - Do you think that anti-corruption NGOs have been able to influence anti-corruption policy reform in Indonesia? Why? In what way? (ask them to give examples. Specific corruption cases, the content of policies, putting pressure on policy-makers? Other?)
  - What anti-corruption policy reform do you think NGOs had the most influence on? Why?
  - Do you think that NGOs are able to influence public opinion? Why? In what way? (through their mobilization, through their legal strategies or through working with the media?)
  - Do you think the media would be able to influence public opinion on corruption issues more effectively with or without NGOs?
  - Do you think that NGOs would have the same influence on anti-corruption policy reform without the media?
  - What do you think are NGOs' greatest contribution to anti-corruption reform in Indonesia? What specific type of policy changes or reforms do you think they contributed to? Why?
- Do you consider that anti-corruption NGOs are met with suspicion on the part of government officials?
  - Do you consider the relationship between government officials and anti-corruption NGOs to be antagonistic or constructive? Does it depend on the type of government official?)
  - Do you think that NGOs are invited to formal spaces of deliberation on anti-corruption policies? If so, which?
  - Do you think they have more influence through those formal spaces or more influence through lobbying.

Appendix Five: Perception of Influence Questionnaire

	Policy Change	Attribution of Influence None: 0 Some: 1 Significant (a lot): 2						
		Lawmakers	*President*	*NGOs*	*Public Opinion*	*Media*	*Students*	*International Community*
1	Passing of strong KPK Law 2002 (Parliament as final decision-maker)							
	Anti Corruption draft law							
2	Keeping prosecuting and wiretapping powers of KPK in 2009 Corruption Court Law (Parliament as final decision-maker)							
3	Creation of local corruption courts and career vs ad hoc judges in 2009 Corruption Court Law (Parliament as final decision-maker)							
4	Bibit and Chandra case 2009 (AGO as final decision-maker)							
5	Nomination of KPK Commissioners in 2003 (Parliament as final decision-maker)							
6	Nomination of KPK Commissioners in 2007 (Parliament as final decision-maker)							

		Lawmakers	President	NGOs	Public Opinion	Media	Students	International Community
7	Nomination of KPK Commissioners in 2010 (Parliament as final decision-maker)							
8	KPK Roadmap 2007-2011 (KPK final decision-maker)							
9	"Coins for KPK Building" (reversion of decision not to disburse funding to new KPK building)							
10	Simulator case, police against KPK, "Cicak-Buaya 2"							
11	Other examples? (feel free to add other examples of policy decisions related to KPK)							

Appendix Six: Codebook

Attribution of actor influence
- Cooperative
- Denny Indrayana
- ICW
- IMF
- Knowledge and research
- Legislators
- Media-
- NGOs
- Nursyabani
- President
- Pressure from civil society
- Public opinion1
- Social movement
- Students-
- Supreme Court
- Tim Delapan
- Yusuf Kalla

Attribution of factor influence
- Advisors/policy brokers
- Advocacy
- Budgetary considerations
- Campaign-
- Civil society
- Closeness to President
- Combination of factors
- Combination of voters, protests, social media and media
- Competition
- Convergence of events
- Demonstrations
- Drama raises public attention and helps mobilize po
- Elections
- Fear
- Fear of losing votes
- Foreign media
- International pressure
- Issue packaging to raise public attention
- Lawyers in Commission 3 in DPR
- Legal arguments
- Media--
- Media coverage1
- Networking
- NGOs-
- NGOs, media and public create public pressure
- Number of people1
- Opinions of prominent people in the media
- Participation mandated by law
- Personal considerations
- Political
- Political pressure
- Politics
- Public
- Public opinion
- Public pressure
- Reputation and image
- Social media and media noise
- Statement of SBY
- Trusted and respected public figure
- Wife

Attribution of factor non-influence
- High-level advisors
- Lack of NGO coalitions
- Lack of pressure
- Lack of skills
- Lack of strong CSO support
- Lack of time for issue to be socialized in the media
- Lack of time to make public aware

- Legislative content does not mobilize people
- NGOs on their own
- NGOs supported by the media
- Not demonstrations-
- Not invited to drafting team
- Not protests
- Not public pressure
- Politicians attempting to silence media
- Silence of President
- Technical issues are not understood by people
- Technical knowledge and data
- Lack of knowledge of public

Attribution of issue influence
- Ad hoc judges in Corr Ct Law
- Anti corruption law
- Bank Century case
- CC Law
- Cicak Buaya 1-
- Cicak Buaya 2-
- Coins for KPK1
- Defense of KPK
- Drop revisions to KPK law
- Hambalang case
- Issues related to corruption and inefficiency
- Issues related to KPK
- Keep prosecuting powers of KPK in 2009
- Legislators trips abroad
- Money laundering law
- Nomination of KPK Commissioners 2010-
- Stop construction of new DPR building
- Content in Corr Ct Law

Attribution of no-influence issue
- Corruption cases
- Creation of branch offices of KPK
- Haj funds
- Human rights1
- Independent investigators KPK
- KPK investigator regulation
- LBI case
- Legislation and regulation
- Nomination of KPK Commissioners 2007-
- Nomination of KPK Commissioners 2010--
- Police fat bank accounts
- Policy issues identified by KPK
- Provincial courts
- Reversal of burden of proof
- Set up drafting team for CCL

Attribution of no-influence of players
- NGOs2
- Not NGOs by themselves
- President1
- Supreme Court-

Attribution of partial issue influence
- Corruption Court Law-
- Stop revisions to KPK Law

Background
- Of informant
- Of issue
- Of organization

Case
- Corruption Court Law
- Coins for KPK
- Cicak Buaya 2
- Cicak Buaya
- Anti Corruption Law 1999 2001

Anti-corruption law 1999-2001
- Advocacy1

KPK
- Attempts to dissolve KPK
- Attempts to weaken KPK
- Budget
- Building public support for
- Coordination with police
- Discourse for
- Financial resources-
- History
- Human resources
- International comparisons
- KPK as an ad hoc institution
- Necessary legislative reforms
- Perceptions of powers of KPK
- Prosecution powers
- Save KPK
- War
- Wiretapping-

Media2
- Concerns about independence of media
- Concerns about objectivity of journalists on KPK
- Criticism of media
- Dangers of trial by the media
- Difficulty of reporting objectively on KPK
- Discourses1
- Framing of issue by media
- Graspability of issues for readers
- Importance of balanced reporting
- Interest of newspaper readers
- Investigative journalism
- Media and anticorruption movement
- Media coverage of GoI in relation to issue
- Media coverage of issue
- Media coverage of NGOs in relation to issue
- Media strategy of NGO
- News worthiness
- NGOs as information sources
- Regional versus Jakarta-based media
- Relationship between media and NGOs
- Reporting on issue to create public awareness
- Risks to reporters to report on corruption
- Role of media for policy-makers
- Role of media in anti-corruption
- Role of social media-
- State actors as sources of information
- Symbolism
- Why media covers corruption issues

NGOs1
- Disagreement among NGOs
- Division of labor within NGOs
- Framing of issues by NGOs
- NGOs as a source of opinions
- NGOs as agenda-setters
- NGOs as event stagers
- ON NGO coalitions

Perceptions of issues
- Corruption
- Corruption eradication
- Legislative process
- Transparency of legislative process
- Wealth reports

Perceptions of outcome of policy decision
- Activist perception
- Lack of follow-up
- Large versus small wins

Perceptions of players
- Academics

- Anti-corruption movement
- Of activists
- Of AGO
- Of civil society
- Of Government
- Of issue position of NGOs
- Of KPK
- Of legislators
- Of media
- Of Police
- Of President
- Of religious organizations
- Of role of NGOs1
- Of students
- On accesibility of NGOs
- On influence of NGOs
- Specific NGOs

Policy spaces
- Formal spaces
- Informal spaces

Power
- **Financial resources**
  - Of AGO compared to KPK
  - Of NGOs
  - Of opponents
  - Of Police compared to KPK
  - Of social movement
- **Formal authority**
  - Allies
  - Opponents
  - Policy brokers
- **Informal authority**
  - Capacity to mobilize the public
  - Legitimacy and credibility of NGO leaders
  - Legitimacy and credibility of NGOs
  - Legitimacy and credibility of specific people within NGOs
  - Opinion leaders
- Perception of lack of power

Public opinion3
- Anti-corruption as a presidential campaign issue
- Corruption and public opinion
- Corruption as a class issue
- Electoral weight of issue
- How public pressure is exercised
- How to create public opinion on issues
- Image and reputation of legislators
- Level of complexity of issues as a factor in attracting public opinion
- Media and public opinion on corruption
- Not demonstrations
- Opinion polls
- President and public opinion
- Public interest around issues
- Public opinion and legislators
- Public perceptions of NGOs

Relationships
- AGO and public opinion
- Among NGOs
- Government and NGOs
- KPK and civil society movement
- KPK and DPR
- KPK and legislators
- KPK and NGOs
- KPK and public opinion
- KPK and public opinion-
- KPK and students
- KPK and the media
- KPK and the public

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- KPK relation to AGO
- KPK relation to Police
- KPK relation to Supreme Court
- KPK, NGOs and media
- Legislators and public opinion
- Media and academics
- Media and legislators
- Media and the public
- NGOs and AGO
- NGOs and legislators
- NGOs and media
- NGOs and Police
- NGOs and public opinion
- NGOs and students
  - NGOs, media and public opinion
- Personal and informal relationships
- Police and AGO
- Police and legislators
- Police and media
- President and Police
- President and public opinion-
- State and civil society
- NGOs and state

Strategy
  - **Cultural**
    - Art
    - Music
  - Legal
  - Media
  - **Media1**
    - Link between NGOs and media
    - Link between social and mainstream media
    - Perceptions on media saviness of NGOs
    - Role of media in anti-corruption movement
    - Social media as a way to mobilize the masses
    - Use media through other NGOs
    - Use of mainstream media
    - Use of press release and press conferences
    - Use of social media
    - Use of the internet
  - Social mobilization
  - **Social mobilization1**
    - Campaign
    - Coalition
    - Formation of social movement
    - Geographical spread and reach
    - Mobilizing people
    - Non-conventional campaign
    - Number of people
    - Personal relationships
    - Protest
    - Public anger
    - Public figures
    - Relationship to other NGOs
    - Risks of social mobilization
    - Size of social movement
    - Social mobilization and social media
    - Social movement1
    - Students1
    - Target of campaign
    - Targeting different social classes
    - Type of protest participants

Timing & Pace
  - Fast
  - Improvised
  - Random
  - Short planning frame

- Sustained and continuous effort
- Timing interventions by seizing opportunities

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