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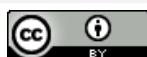
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INTERNATIONAL COOPERATION IN THE INVESTIGATION OF BRIBERY CASES AT PT. GARUDA INDONESIA

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ABSTRACT

Bribery case at PT. Garuda Indonesia is a cross-jurisdictional corruption case involving several countries. The purpose of this research is to analyze the international cooperation carried out by the Corruption Eradication Commission (KPK) in the investigation of bribery cases at PT. Garuda Indonesia. The research method used is a qualitative approach with a case study method. The data analysis used is the theory of international cooperation in dealing with corruption, jurisdictional theory, and the concept of transnational crime. The results of his research show that the bribery case at PT. Garuda involves multiple jurisdictions, namely: Indonesia, United Kingdom, Singapore, Hong Kong, France, and Canada. KPK-SFO-CPIB international cooperation process shows a new format of cooperation because it is carried out by the anti-corruption agency with a parallel investigations format. KPK cooperates with the agency through the MoU and MLA mechanisms referring to international instruments, namely the United Nations Convention Against Corruption (UNCAC). Even though the platform has been created, there are still many challenges and obstacles due to differences in the legal system, language and time. KPK encountered problems when it wanted to cooperate with Hong Kong's ICAC, Canada's RCMP, and France's PNF. The keys to the success of KPK in this collaboration are the diplomatic approach, speed of coordination, accuracy in strategies of communication, and commitment, as well as trust and adjustment of cooperation mechanisms according to the standards of each country.

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Introduction.

The phenomenon of globalization has an impact on increasing cases of corruption in Indonesia. Developments in the field of information and communication technology have been exploited by corruptors. (Glynn, Kobrin, & Naim, 1997) in his article entitled The Globalization of Corruption once stated that the globalization of electronic communications and the emergence of the international financial system using electronic networks have opened opportunities for corruption through the ease of transfers and cross-border money laundering. This makes the globalization of electronic

communications a contributing factor to the increase in corruption internationally. Therefore, many grafters have managed to run away and not be located by law enforcers. Patterns or modes of corruption are increasingly developing through the use of overseas banking and financial systems so that they no longer acknowledge certain national borders. Bribery, gratuities and other corruption schemes including money laundering mechanisms are no longer carried out by way of direct giving. In addition, these grafters also try to involve foreigners, carry out trans-border bribery transactions, hide the proceeds of crime abroad, and use overseas shell companies. Thus, corruption can no longer only be considered as an ordinary crime or a local crime which only involves actors within a country. Many foreign actors are involved here and their positions are outside the jurisdiction of Indonesia.

Indonesia has Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Corruption Crimes which are relied upon to prosecute corruptors. However, this law does not regulate the expansion of jurisdiction such as the terrorism law. Based on Article 3 and Article 4 of Law Number 5 of 2018 concerning Amendments to Law Number 15 of 2003 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2002 concerning Eradication of Criminal Acts of Terrorism to Become Laws, it is strictly regulated that terrorism is a transnational crime so that Indonesia has an expanded jurisdiction. Therefore, there are many challenges, obstacles, and problems faced by law enforcement officials, especially criminal acts of corruption, in disclosing cross-jurisdictional corruption because the absence of authority in foreign countries. In addition, the knowledge, skills, abilities and experience of law enforcement officers who handle cross-jurisdictional corruption cases cannot be considered qualified. It is for this reason that law enforcement officials need to work together to uncover and prosecute transnational corruption offenders. Information exchange, intense communication, and good cooperation among law enforcement agencies are absolutely necessary here. All of that can be done if each party has confidence in the other party that the main goal is to uncover the case and catch the perpetrators, not others.

In almost all corruption cases handled by the Corruption Eradication Commission involving big amounts of money, the fact is that the money flowed and then hidden abroad. In some cases, bribes even transferred the funds from the accounts of foreign companies abroad to the accounts of public officials abroad so that they were not detected by financial service providers in Indonesia and the Financial Transaction Reports and Analysis Center (PPATK). The involvement of foreign countries in this causes limitations in the handling process outside the jurisdiction of Indonesia. Because of these limitations, KPK cannot stand alone. International cooperation in eradicating corruption is one of the main keys to successful handling of corruption in Indonesia.

Examples of corruption cases through the use of foreign companies and accounts in foreign countries that have been handled by KPK are bribery cases at PT. Garuda Indonesia. The first suspect was ES, who founded a shell company called Woodlake International in the British Virgin Islands (BVI) but opened an account in the company's name in Singapore. It was through the company's account that the ES suspect received bribes from a number of aircraft manufacturers through an intermediary called SS. SS himself, as the second suspect, also founded several shell companies in two countries, namely in the British Virgin Islands (BVI) and Singapore. In the BVI, the SS founded Summerville Pacific; while in Singapore, he founded Connaught International. Furthermore, the SS suspect opened accounts on behalf of these companies at several banks in Singapore. It was through this account that the SS suspect received commissions from a number of aircraft and aircraft engine manufacturers, namely: Rolls-Royce, Airbus, Bombardier and ATR. The suspect SS then gave bribes to the Board of Directors of PT. Garuda Indonesia also uses the same account. The main goal of aircraft and aircraft engine manufacturers is to bribe the directors of PT. Garuda Indonesia through the intermediary SS is for the directors to buy their products even though they don't meet their needs and the price is more expensive. In handling this case, KPK requires a relatively long time. KPK Investigative Task Force began working on this corruption case in 2015 and will only receive a judge's verdict in 2020. The length of time for finishing this case is more or less affected by the duration of the international cooperation process as involving many jurisdictions. Several foreign parties who were asked for assistance and cooperation in handling this case included: CPIB in Singapore; SFO in England; Independent Commission Against Corruption (ICAC) in Hong Kong; Parquet National Finance (PNF) in France; and the Royal Canadian Mounted Police (RCMP) in Canada.

Research Problems.

- a. What are the mechanisms used in international cooperation in investigating bribery cases at PT. Garuda Indonesia?
- b. What are the challenges and obstacles when carrying out international cooperation in investigating bribery cases at PT. Garuda Indonesia?

Literature Review.

Theory of International Cooperation in Handling Corruption Crimes.

In the book *Theories of International Regimes* written by (Hasenclever, Mayer, & Rittberger, 1997), there are three main theories in the international regime approach, namely: realism which focuses on power relations, neoliberalism whose analysis is based on the constellation of interests, and cognitivism which emphasizes the dynamics of knowledge-communication-identity.

Based on the module (United Nations Office on Drugs and Crime, 2004), mechanisms that can be taken include: extradition and transfer of detainees, Mutual Legal Assistance in Criminal Matters and transfer of legal processes, as well as law enforcement cooperation (joint investigation or special investigative techniques). Mutual Legal Assistance is a cooperation mechanism between countries with the aim of providing mutual assistance in the context of law enforcement such as exchanging data and information, carrying out forced measures such as searches, confiscations, confiscation of assets, and others. MLA in Indonesian is known as mutual assistance in criminal matters. In Law Number 1 of 2006 concerning Mutual Assistance in Criminal Matters, it stipulates the types of crimes that can be used as a basis for rejecting MLA requests, including:

- a. Political crime.
- b. Perpetrators who have been acquitted or have completed their sentence.
- c. Punishment related to SARA (ethnicity, religion, race, and inter-group).
- d. MLA which can be detrimental to the national interests of a country.
- e. Prejudice to state sovereignty, interests and national security.
- f. MLA requests related to crimes that carry the death penalty can but are not required to be refused.
- g. Does not fulfill the principle of double criminality, an act that is considered a crime by both the requesting country and the requested country.

Jurisdiction Theory.

According to Malcolm N. Shaw, jurisdiction can be implemented through executive (law enforcement), legislative (lawmaking) and judicial (judicial) activities. The scope of jurisdiction according to Shaw consists of 3 (three) types, namely:

- a. Legislative jurisdiction; jurisdiction that refers to the authority that a state has constitutionally to create binding rules in its territory.
- b. Executive jurisdiction; jurisdiction related to the ability of a country to carry out actions within its territory.
- c. Judicial jurisdiction; jurisdiction related to the authority of state courts in adjudicating crimes that have foreign elements where there are several bases used to prosecute and prosecute, such as territorial principles to universal principles.

Transnational Crime Concept.

Conceptually, transnational crime or cross-jurisdictional crime is a crime or crime that crosses national borders. According to (Mueller & Wise, 2001), transnational crimes are certain crimes that cross international boundaries, violate the law in several countries, or have an impact on other countries.

Based on (United Nations Office on Drugs and Crime, 2004), in article 3 stipulates that transnational crimes are: a) crimes committed in more than one country; b) the crime was committed in one country but a significant part of its preparation, planning, direction or control was committed in another country; c) crimes committed in one country but involving conspirators who committed crimes in more than one country; or d) a crime committed in one country but the impact in another country.

According to (Syaltout, 2012), a crime can be called a transnational crime or cross-jurisdictional crime if it meets the following criteria: a) crossing national borders; b) more than one actor, it can be a

nation-state actor or another; c) has an effect on the state or its international actors in other countries; and d) violate the law in more than one country.

Research Methods.

This research uses a qualitative approach with a case study method. Case study is a technique for learning more deeply about a topic, document storage, or an incident (W, 2021). Sources of data in this study were informants who were determined using a purposive sampling technique, namely selected based on certain classifications according to the objectives and research questions. Data collection techniques using documentation studies, interviews, and observations. The results of data collection were analyzed qualitatively: data reduction, data presentation, conclusions. The reduction stage is carried out by simplifying, selecting, and focusing data from various data sources. The results of interviews with informants regarding the practice of international cooperation with SFO, CPIB, ICAC, PNF, and RCMP in the investigation of the Garuda case were reduced to be summarized. Interviews with informants related to international cooperation mechanisms and procedures were also reduced. The data reduction process was also carried out on secondary data through literature studies in the form of Garuda case files, KPK internal rules, KPK annual reports, UNCAC, including the chronology of cases and their cooperation.

Results And Discussion.

A. Case Position.

Bribery case at PT. Garuda Indonesia is a corruption case followed by a money laundering case committed by the Garuda executives, which are President Director namely Emirsyah Satar (ES), Technical Director namely Hadinoto Soedigno (HS), and Executive Project Manager Aircraft Delivery namely Agus Wahjudo (AW). On the other side, there is Soetikno Soedarjo (SS) who is an involved private party. PT. Garuda Indonesia is a State Owned Enterprise so the directors are public officials. Briefly, the model of the case is the purchase and procurement of aircraft, aircraft engines, and maintenance of aircraft engines at PT. Garuda Indonesia. When an aircraft or aircraft engine manufacturer signs a contract with PT. Garuda Indonesia, the manufacturer would transfer commission to Mr. SS as he successfully ensured the contract. The some of the commissions are delivered to the Garuda executives.

The story began in 1989 when PT. Garuda Indonesia had contract of purchasing 9 units of A330-300 aircraft from Airbus supported by Rolls-Royce Trent 700 engines. In that time, Mr. SS acted as commercial adviser for Rolls-Royce in Indonesia. Using the company account, namely PT. Mugi Rekso Abadi and PT. Mahasara Buana, Mr. SS obtained commissions from Rolls-Royce because of this success.

Mr. ES began to serve as the CEO of PT. Garuda Indonesia in 2005. When appointed as CEO, he executed a program named Quantum Leap to reform PT. Garuda Indonesia. One of its manifestations is by rejuvenating aircraft and improving the maintenance quality of the aircraft engines. The aircraft and aircraft engine manufacturers read this chance to propose their products to PT. Garuda Indonesia. Later on, Mr. SS wanted to be a business adviser for Airbus and ATR and asked permission from Rolls Royce. Furthermore, in Singapore Mr. SS establishes Connaught International Ltd. in 2008, and appointed Ms. CTLM as the Director. Mr. SS then opened Connaught's account at UBS Bank to obtain further commissions from Rolls Royce, Airbus, and ATR. Apart from Connaught, Mr. SS also owned some companies whose accounts were used to receive commissions and make bribes to Garuda executives. These companies are Vintone Business Inc., Upstars Ltd., Innospace Investment Holding Ltd., Summerville Pacific Inc., and PT. Ardyaparamita Ayuprakasa. The majority of the companies are located in Singapore and have no business activities (just a "shell" company).

In order obtain a Total Care Program (TCP) contract to maintain Rolls Royce aircraft engines equipped on A330 aircraft, Rolls Royce aggressively approached Mr. ES through Mr. SS. Total Care Program is a periodically maintaining method for aircraft engines regardless of whether a aircraft engines is broken or in good condition. This method is distinct from the Time and Material Base (TMB) engines maintenance strategy employed by PT. Garuda Indonesia. Only broken plane machines are subjected to this repair procedure. In order to purchase more A330 aircraft from Airbus, Mr. SS also spoke with Mr. ES and the other executives. By his approached, Rolls Royce signed TCP contract with PT. Garuda Indonesia for maintaining RR engines equipped on A330 aircrafts. PT. Garuda Indonesia also reached purchase agreement with Airbus for 21 A330 aircrafts. As a result of his achievement, Mr.

SS earned commissions from Airbus and Rolls Royce, with Mr. ES, Mr. HS, and Mr. AW each received a percentage of the commissions. Additionally, Mr. SS was successful in getting PT. Garuda Indonesia a contract with Airbus to purchase 50 A320 aircrafts, which would be used for Citilink. Citilink is a division of PT. Garuda Indonesia catering to flights in the economy class. Mr. SS was also successful in getting PT. Garuda Indonesia to agree on buying 15 ATR 72-600 aircrafts from the ATR firm. The scheme of bribes made to Garuda executives following Mr. SS earning commissions from ATR was also the same with the previous pattern.

Then, Mr. SS's business expanded once Bombardier trusted him enough to hire him as a business partner. The transaction with Bombardier, in contrast to usual business practices, was carried out through the Hollingsworth Management International (a company located in Hong Kong) controlled by his colleague, Mr. BD (French citizen). Mr. SS and Mr. BD divided the job of promoting Bombardier in Indonesia. In 2012, PT. Garuda Indonesia entered a deal with Bombardier to buy 6 CRJ1000 aircrafts as Mr. SS reached some Garuda officials. PT. Garuda Indonesia also signed a leasing contract for 12 CRJ1000 planes from Bombardier. Bombardier started paying Hollingsworth sales commissions concurrently and part of those commissions were then distributed to some Garuda officials.

Mr. ES established a business in 2009 named Woodlake International Ltd. He also created a company account at UBS Singapore. Mr. ES has frequently accepted remittances from Mr. SS through this account totaling USD 680,000 and EUR 1,020,975. The remainder of the funds were then either withheld in cash by himself or transferred to his family's Indonesian account. In the meantime, USD 1,458,364 was transferred once more to Mr. SS's account in Singapore at Standard Chartered Bank. The decision to carry out an underlying transaction that would allow Mr. ES to receive the money back as though Mr. SS had purchased Mr. ES's apartment in the Silversea Singapore. The money was ultimately returned to Mr. ES and the penthouse still belong to him because the method of selling and buying was against the Singapore law as it was not disclosed the authority.

Mr. ES also got bribes from Mr. SS when purchasing a building in Pondok Indah Jakarta, in addition to going through Woodlake's account. As gift for his mother-in-law, Mr. ES purchased the house from Mr. IIS. Mr. SS made multiple payments for the building by writing checks to Mr. IIS for total amount of IDR 5,79 Billion. The act of concealing the source of the funds from Mr. SS to Mr. ES was then considered as violation of the money laundering act and brought to trial along with the crime of corruption.

When Mr. SS received a commission from the manufacturer, a portion of it would be sent to Mr. HS and Mr. AW through their Singaporean accounts, following the same scheme of receiving bribes to Mr. ES. The amount of money accepted is the difference between them. At almost the same time, Mr. HS always earned about twice as much funds as Mr. AW. Mr. HS earned a total of EUR 477,540 and USD 2,302,974 from Mr. SS through his Singaporean account at SCB. Meanwhile Mr. AW earned funds from Mr. SS totaling EUR 135,305 and USD 1,049,125 through his Singaporean account at HSBC.

In addition, Mr. SS also provided a number of facilities for PT. Garuda Indonesia officials. Some of these facilities are lunch, dinner, and lodging at Bali's Bvlgary Hotel; and lunch dinner at the Four Seasons Hotel in Bali. They also get paid for private plane charter flights when had flown from Bali to Jakarta.

B. Mechanism of International Cooperation in The Investigation of Bribery Cases at Pt. Garuda Indonesia.

a) International Cooperation.

As described above, the corruption case at PT. Garuda Indonesia is included in the category of bribery cases and money laundering cases. This case is included in the cross-jurisdictional corruption case because it involves some jurisdictions, namely: Indonesia, England, Singapore, Hong Kong, France, and Canada. In Indonesia there is PT. Garuda Indonesia, its directors and intermediaries, namely Soetikno Soedarjo (SS); in Singapore there are companies and accounts of shell companies belonging to the perpetrators, such as: Connaught, Woodlake, Summerville, Upstars, and so on; in England there are aircraft and aircraft engine manufacturing companies, namely: Rolls Royce, Airbus, and Bombardier; in Hong Kong there is Hollingsworth Management International; in Canada it is the home base of the Bombardier aircraft manufacturer; and in France is the home base of aircraft manufacturer Airbus. In handling this case, KPK conducted a parallel investigation with the Serious Fraud Office (SFO), United Kingdom and Corrupt Practices Investigation Bureau (CPIB), Singapore.

When Serious Fraud Office looked into a case involving Rolls Royce, a British company, bribing several foreign public officials, including PT. Garuda Indonesia executives in Indonesia, in 2012,

international cooperation began. KPK team which included prosecutors, investigators, and international cooperation specialist traveled to London in 2015. The team intended to interview a witness in other case that were made possible by SFO. On that event, SFO informed KPK that SFO exploring Rolls Royce for giving pay-offs to unfamiliar authorities to smoothen their business. PT. Garuda Indonesia officials were one of these officials. SFO also supplied intelligent documents for KPK to start investigation. They believed that KPK would handle the case seriously as proofed in the previous case handling cooperation.

KPK with SFO began communicating with CPIB following the previous meeting. With different contemplations, it was concurred that a three agencies meeting among KPK-SFO-CPIB would be held to examine in more insight about this case. In 2017, the casework meeting finally took place in Singapore. The members of KPK team who joined the meeting included investigators, public prosecutors, and specialist in international cooperation. The goal was to demonstrate third parties that KPK take the case seriously. During the meeting, it was decided that this case would be handled jointly through a parallel investigation. Rolls Royce and Airbus would be handled by SFO, Garuda executives and other Indonesian citizens would be processed by KPK, and corporations located in Singapore would be prosecuted by CPIB like Woodlake and Connaught. The fact that the defendants would not face the death penalty was another point of the deal. SFO provided KPK with evidences of email communication among the aircraft manufacturer and Indonesian citizens during the meeting. Additionally, KPK got documents showing commissions from the manufacturers to Mr. SS as well as bribes to PT. Garuda Indonesia executives. CPIB was where the documents were obtained.

Based the evidences, KPK started to investigate the case. The Corruption Eradication Commission (KPK), just like in other cases general investigations, began to gather supporting evidences by conducting confiscating evidences, searches, and interviewing witnesses. Additionally, KPK has begun compiling a list of documents that required in other nations. The Mutual Legal Assistance (MLA) channel would be used to request the required documents from destination countries. The majority of these documents were obtained by KPK during the intelligence-based data exchange and implementation of trilateral meeting. The MLA cycle was just to officially get these archives so be admissible in the court.

KPK sent the list of documents to CPIB or SFO via email for verification process before sending it to the Central Authority. The accuracy of the legal basis, the conformity of the requested documents, and whether the destination country has the requested documents and is willing to provide them to KPK area all aspects of the verification that the destination country conducts. KPK would be informed by SFO or CPIB if something is going wrong regarding the list of documents. KPK worked with the Indonesian Central Authority to prepare the MLA after reviewing the approved list of documents. The MLA draft is typically compiled by KPK and reviewed by Indonesian Central Authority. As a result, the CA was not having to worry about creating a MLA draft that might not be what KPK wants. The MLA request was then forwarded to UK Central Authority and Singaporean Central Authority.

b) Cooperation with England (UK).

According to the views of liberal institutions in viewing the cooperation situation, by looking at the process of cooperation between KPK and SFO in handling this case, the number of actors in the case (game) also has an important role. This relationship of involvement between bribe actors from the two countries can be exploited in a negotiation and can help make an agreement. However, the different legal systems between the two countries can affect the form of the agreement so that it can have an impact on the expected results of cooperation.

KPK and SFO have carried out several collaborations long before handling this case. Some forms of cooperation are:

a. MoU between KPK and SFO dated June 7 2010. As part of the implementation of the MoU, KPK and SFO have carried out a parallel investigation into bribery cases in the procurement of Tetra Ethyl Lead (TEL) at PT. Pertamina. The suspect is the former Processing Director of PT. Pertamina SAM and the intermediary parties, namely WSL and MSY, have received a verdict with permanent legal force. While SFO succeeded in imposing a fine of US\$ 12.7 million against Innospec as the party giving bribes and selling TEL to PT. Pertamina.

b. KPK and SFO have both been members of the Economic Crimes Agency Network (ECAN) since 2013 where this forum holds regular annual meetings with the agenda:

(1) Operational cooperation to prevent, investigate and adjudicate transnational economic crimes;

(2) exchanging intelligence information and data;

(3) Exchanging knowledge at the operational level and best practices at the policy and operational levels in handling economic crimes.

c. KPK held a comparative study facilitated by SFO in 2019, especially for the development of supporting units such as the Accounting Forensic unit and Assets Tracing unit.

d. KPK-SFO-CPIB cooperation in exchanging data and information related to the handling of the Garuda – Rolls Royce – Airbus – Bombardier – ATR case from 2016 until now.

In handling the Garuda case, KPK and SFO used a collaborative platform, namely parallel investigation where KPK handled parties in Indonesia (ES, HS, and SS) while SFO handled parties domiciled there (Rolls Royce, Airbus, and Bombardier). When analyzed further, there are two forms of cooperation taken by KPK and SFO, namely:

1) Cooperation based on MoU

The Memorandum of Understanding as the basis for KPK-SFO collaboration is the MoU signed on June 7 2010 between KPK leaders and SFO. The main purpose of making this MoU is to increase cooperation and collaboration between KPK and SFO in efforts to eradicate corruption. Forms of cooperation that can be carried out based on this MoU include:

a) Exchange and share data and information related to the interests of both parties within the scope of investigation, investigation and prosecution with limitations referring to DPA provisions, especially regarding confidentiality and restrictions on data and information.

b) Exchanging information related to the methods and modus operandi of each unit when dealing with cases of corruption, money laundering and other types of crimes.

c) Carry out training, exchange of skills and employees.

d) Carry out cooperation in other fields as deemed necessary and in accordance with the laws in force in their respective jurisdictions (Komisi Pemberantasan Korupsi ; Serious Fraud Office, 2010).

As previously described, in handling the Garuda case, KPK investigators have shared data and information with the British SFO. KPK also obtained intelligence data from SFO several times. Media exchange of data and information is done through conference calls, encrypted e-mail, and storage media that is sent directly to the office. Several pieces of evidence obtained by KPK from SFO through base intelligence such as: email communication among PT. Garuda Indonesia officials, Rolls Royce executives, and Mr. SS; Commercial Adviser Agreements between Mr. SS and Rolls Royce as well as Airbus. Meanwhile, the evidence provided by KPK to SFO was through intelligence base such as: manufacturer-SS-Garuda communication e-mail, BAP of witnesses, bank statements of related parties, as well as proof of ownership of the suspect's assets.

2) Cooperation through the MLA mechanism

In mid-2017, KPK forwarded a MLA request to United Kingdom to gain documents hold by UK's SFO. SFO has provided this kind of documents to KPK by intelligence basis. In order to be quickly processed, KPK notified SFO that Indonesia had submitted a MLA request to United Kingdom. SFO would give updates regarding the MLA process in UK to KPK directly via telephone or email.

Meanwhile in the same year, 2017, the British SFO has finished processing cases involving Rolls-Royce Plc and Rolls-Royce Energy System Inc. SFO officially announced that the investigation into the case against Rolls Royce was stopped due to a DPA (Deffered Prosecution Agreement) agreement between SFO and Rolls Royce. This agreement is possible in countries that adhere to common law, such as England. Based on the DPA agreement, Rolls Royce pleaded guilty to bribing public officials in other countries after being presented with evidence held by SFO. Rolls-Royce also promised to carry out internal improvements so that similar cases would not occur again in the future. Rolls Royce also agreed to pay a fine of GBP 497,252,645 as compensation for the case. As a response, SFO will not continue or process this case until the court hearing (Serious Fraud Office, 2017).

Even though SFO has stopped handling the case, this has not affected KPK's handling of cases in Indonesia. SFO remains committed to assisting KPK until the handling of this case is complete. The following are the stages of the MLA request made by KPK to SFO as follows:

1. KPK opened initial communication with SFO regarding case handling and data and information needs.

2. Simultaneously, KPK also opened initial communication with the Indonesian CA and the UK CA regarding the handling of cases and the need for data and information. KPK hopes that with this initial communication, the Indonesian CA can establish coordination with the UK CA who can then forward the communication to the relevant law enforcement apparatus in England, namely SFO.

3. After communication has been established and the parties understand the need for data and information from KPK, KPK will send an MLA request through the Indonesian CA, which will be forwarded to the UK CA.

4. The data and information needed by KPK will then be sought and obtained by SFO and officially sent via the UK CA to be forwarded to the Indonesian CA, which will then be received by KPK.

When in touch with SFO employees, SFO might request information about the status of the case or updates on how they were being handled. KPK frequently let SFO know that KPK had gotten significant records coming about because of the quests. SFO would typically request that KPK forward these records to SFO in such instances. Witnesses' statements who have been interviewed by KPK has also been demanded by SFO. Every time KPK sent information or data to SFO via email, it did so intelligently. In this instance, SFO has never used the MLA mechanism to request information or data from KPK.

In mid-2018, KPK began receiving documents through the MLA channel from United Kingdom. Acceptance of the document is carried out in 2 stages. The first stage occurred in April 2018 where the UK CA wrote to the Indonesian CA with number 12053738ID, April 9 2018. The document was then received by KPK on May 3 2018. The second stage occurred in December 2018 where the UK CA wrote to the Indonesian CA with number 12053738ID, December 4 2018. The document was then received by KPK on January 11 2019. As a result of this collaboration through MLA, KPK obtained many documents of evidence from SFO. From the bribery case file PT. Garuda on behalf of ES, HS, and SS can be seen that the documents of evidence obtained as a result of MLA's request to England totaled 356 (three hundred and fifty-six) bundles of documents.

Meanwhile in early 2020, SFO of UK has finished processing another manufacturer in the same case namely Airbus SE. In the case involving Airbus, there was also a DPA (Deffered Prosecution Agreement) agreement between SFO and Airbus so that the investigation into the case was stopped. Based on the DPA agreement, Airbus pleaded guilty to bribing public officials in other countries after being presented with evidence held by SFO. Airbus also promised to make internal improvements so that similar cases would not occur again in the future. Airbus also agreed to pay a compensation fine of EUR 991 million as part of the global resolution of EUR 3,592,766,766 (Serious Fraud Office, 2020). SFO claimed that this is the third time a DPA fine has been imposed since the rule was implemented. The DPA against Airbus has the highest value. SFO would not proceed the case until the court hearing as a response.

As a result, the MLA procedure as a whole took about a year. This MLA process was successful because it took only a short amount of time. The technical and non-technical details of the requested documents and the speed of response influence the MLA process's speed. In addition, SFO was able to determine that KPK was serious about handling this case because of their mutual trust.

In handling this case, SFO when suing Rolls-Royce and Airbus used evidence, one of which was obtained from KPK on an intelligence basis. This proves that SFO in particular or the English court in general, acknowledges that the evidence presented by KPK is authentic evidence. SFO does not need a formal request mechanism to Indonesia through the MLA channel to certify the evidence. Based on this evidence, SFO was able to convince and sue Rolls-Royce and Airbus in the pre-trial process through the DPA mechanism.

It is slightly different when SFO processes Bombardier. Since mid-2022, SFO began collecting evidence of Bombardier's involvement in bribery schemes for public officials in several countries, including Indonesia. SFO team that handles Bombardier is different from the team that handles Rolls-Royce and Airbus. SFO team has already started contacting KPK to collect the evidence. After going through several communications via email and virtual meetings between SFO and KPK, SFO finally officially sent a request for evidence documents using the MLA mechanism. Currently, the MLA request from SFO has been received by the CA of Indonesia and is being processed for fulfillment. Therefore, in proving Bombardier's involvement, SFO preferred the official route, namely through MLA, rather than exchanging data and documents on an intelligence basis as before.

After examining the flow and mechanism of cooperation above, in fact this Mutual Legal Assistance (MLA) is a follow-up process from the previous mechanism. The MLA mechanism itself has been universally recognized as a legal mechanism based on the UNCAC Convention, especially Chapter IV Article 46. The use of the MLA mechanism through the Central Authority shows that the government through the Ministry of Law and Human Rights is still intervening in handling this case. This is in accordance with the theory/concept of complex interdependence that currently relations between countries are not only limited to relations between leaders but there are already many relationships at many levels with many actors and different interests. (Keohane & Nye, 2001).

c) Cooperation with Singapore

The pattern of cooperation between KPK and CPIB Singapore in handling this case is also almost similar to the pattern of cooperation between KPK and SFO. Because Singapore is in the same area as Indonesia, the communication pattern is more fluid. KPK is more flexible and has more intense contact with CPIB when exchanging data compared to SFO for this reason.

As a legal basis that bridges the cooperation mechanism between KPK and CPIB, actually KPK and CPIB have not signed a Memorandum of Understanding. However, in practice, KPK has carried out various forms of cooperation with the CPIB, particularly in the area of eradicating corruption. Some of the collaborative practices between KPK and CPIB are:

a. KPK and CPIB are both members of the ECAN (Economic Crimes Agency Network) cooperation forum. Other countries or agencies that are members of this forum are: Serious Fraud Office of New Zealand, Independent Commission Against Corruption of Hong Kong, Economic and Financial Crimes Commission of Nigeria, Federal Bureau of Investigation of United States of America, City of London Police of England, Australia Federal Police of Australia, European Anti-Fraud Office Commission of Europe, and Malaysian Anti-Corruption Commission of Malaysia.

b. In the 2011-2016 period, KPK and CPIB have collaborated in exchanging data and information regarding the handling of bribery cases in the procurement of Tetra Ethyl Lead (TEL) at PT. Pertamina being processed by KPK. The suspect is the former Processing Director of PT. Pertamina, SAM, as well as intermediary parties, namely WSL and MSY, have received sentences with permanent legal force. In this case, KPK received assistance from CPIB regarding the collection of evidence documents in Singapore, such as: documents for opening accounts of related parties, bank statements, and assistance in blocking these accounts.

c. Related to the handling of the eKTP case that was processed by KPK; KPK and CPIB have collaborated in facilitating the examination of witnesses in Singapore in August 2014. In addition, KPK and CPIB have also worked together in searching for and arresting one of the fugitives in this case, Paulus Tannos, who allegedly fled to Singapore.

d. KPK-SFO-CPIB cooperation in exchanging data and information related to the handling of the Garuda – Rolls Royce – Airbus – Bombardier – ATR case from 2016 until now.

In handling the Garuda case, KPK and CPIB used a parallel investigation collaboration platform where CPIB handled entities in Singapore, such as: Connaught International Pte Ltd, Innospace Investment Holding Ltd, Vintone Business Inc, Summerville Pacific Inc, and Woodlake International Ltd. When analyzed further, there are two types of cooperation taken by KPK and CPIB, namely:

1. Cooperation in exchanging data and information

In handling the Garuda case, KPK investigators have shared data and information with CPIB Singapore. KPK also often obtains intelligence data from the CPIB. The medium for exchanging data and information is through email correspondence and several conference calls. KPK has also facilitated the examination of Indonesian citizen witnesses, namely AW, to be examined by CPIB at KPK office in April 2018 accompanied by KPK investigators. In this examination process, the mechanism adopted is through a voluntary basis, namely requiring the willingness of witnesses to be examined. Because witness AW agreed to be voluntarily examined by CPIB, CPIB did not need to send a request for MLA to take information from AW. KPK has also asked the CPIB for assistance several times to obtain banking data belonging to related parties.

The most important cooperative assistance in handling the Garuda case was carried out by CPIB in handling AW's money. Based on the investigative facts obtained, KPK believes that the money belonging to AW which is in his account at Bank HSBC Singapore is a bribe from the aircraft

manufacturer. The amount of bribes AW received in his account was EUR 135,305 and US\$ 2,015,250. After obtaining these facts, KPK immediately asked for CPIB's assistance via email to block AW's account, which at that time still had a balance of US\$ 1,192,932. KPK also requested CPIB's assistance in blocking the accounts of other related parties, such as accounts belonging to ES, HS and SS. Through various approaches, KPK finally succeeded in persuading AW to cooperate with KPK in dismantling this case. AW is also willing to hand over the bribe money in his account. After receiving a statement letter from AW, KPK then sent it to CPIB which was then followed up by CPIB by unblocking the account and sending US\$ 1,192,932 to the KPK's escrow account in mid-2020.

2. Cooperation through the MLA mechanism

In the middle of 2017, the MLA mechanism was used to request for data and information from Singaporean authorities. Archived demanded from included: adviser contracts among Mr. ES's companies and the manufactures; bank statements for Mr. ES, Mr. SS, Mr. HS, and Mr. AW, including account opening documents, declaration of beneficial ownership; specific transfer documents; as well as Ms. CTLM affidavit. To expedite the delivery of MLA request, communication was also conducted among KPK-Indonesian CA-Singaporean CA-CPIB which the procedure was nearly identical to that of communication with SFO. The distinction in this cycle is that Singapore firstly required to submit a Court Order for executing the MLA's solicitation. Related parties could file objections in the court which could prolong the case management process.

KPK only started receiving data/information requested from Singapore in early 2019. The documents were sent in 4 stages. The first phase of the document was received by KPK on 21 January 2019 via a letter from Singapore's Attorney-General's Chambers (AGC) numbered AG/IAD/MLA-F/INDO/2017/1 which acts as Singapore's Central Authority. The second stage of documents was received by KPK through a letter from the Attorney-General's Chambers (AGC) Singapore numbered AG/IAD/MLA-F/INDO/2017/1, dated 12 February 2019. The third stage of documents was received by KPK through a letter from the Attorney-General's Chambers (AGC) Singapore numbered AG/IAD/MLA-F/INDO/2017/1, dated March 8 2019. Meanwhile, the fourth stage of the document was received by KPK through a letter from the Attorney-General's Chambers (AGC) Singapore numbered AG/IAD/MLA-F /INDO/2017/1, March 13 2019. Through these four stages of delivery, KPK received evidence documents in a total of 72 (seventy-two) document bundles where each bundle is still being broken down again into several documents.

The Singaporean MLA procedure can be considered fairly quick, despite the fact that it took longer than the MLA's request to the UK. This is due to the fact that Singapore must exercise caution when handling these documents because they involved bank secrecy, which required approval from Singaporean authorities. The speed of the MLA process is more or less determined by the trust between KPK and CPIB because communication and collaboration have been established for a long time. In addition, regional factors where Indonesia and Singapore are in the same regional area also affect the speed.

The large amount of evidence obtained from SFO and CPIB does not mean that solving cases is easier because, in reality, investigators need to process these evidence documents. The purpose of processing the evidence document is to make it easy for judges to understand in court so that proving cases becomes sequential and easy. The processing is done by sorting and exchanging data.

In addition to the long process of exchanging information and data, as well as the long process of cooperation; It also takes quite a long time to handle this case because investigators need more time to analyze thousands of pieces of evidence, so they need to sort them according to the needs of proving the case. In the end, this case was sentenced on May 8 2020 at the Corruption Court at the Central Jakarta District Court where the defendant ES was found guilty with a prison sentence of eight years and a fine of 1 billion Rupiah plus an obligation to pay compensation in the amount of 2,117,315 Singapore Dollar for accepting bribes and committing money laundering (Kahfi, 2020). The defendant ES then submitted an appeal, but the Jakarta High Court on 17 July 2020 did not grant his appeal and upheld the previous verdict. The defendant SS, as the party giving the bribe, also received a judge's verdict on the same day in the form of a 6-year prison sentence and a fine of 1 billion Rupiah plus an obligation to pay compensation in the amount of EUR 11,553,190 and USD 14,619,937. Like ES, SS also submitted an appeal but his appeal was also rejected by the Jakarta High Court on July 17 2020. Meanwhile, the defendant HS as the Technical Director of PT. Garuda Indonesia only received a judge's verdict on June

23, 2021. The punishment received by HS was eight years in prison and a fine of 1 billion Rupiah plus an obligation to pay replacement money of EUR 477,540 and USD 2,302,974.

According to the concept of liberal institutions, bodies or institutions are considered capable of dealing with problems through cooperation among countries. Here, institutions have an important role to exchange data and represent countries in certain fields so that they play a role in maintaining international stability. Through handling this case, KPK-SFO-CPIB have contributed to solving transnational crimes which are usually resolved at the intergovernmental level. This also shows that the anti-corruption agency is capable of dealing with cross-jurisdictional corruption crimes through diplomacy and cooperation mechanisms.

C. Challenges and Obstacles in International Cooperation

The international cooperation mechanism was created in order to facilitate relations between countries for various interests. Even though platforms for cooperation between countries and between institutions are available, in practice there are still various challenges and obstacles. This is because every country has a different legal system and problems. Apart from that, differences between countries also include differences in language and time differences which add to the challenges of cooperation here.

In this instance, there were additional jurisdictions, including Hong Kong, France, and Canada, as previously mentioned. KPK-CPIB-SFO had not yet communicated the agencies in that nations when the case was initially handled. KPK simply attempted to communicate with Hong Kong authority after KPK acquired adequate proof with respect to the association of a substance in Hon Kong, which was Hollingsworth Management Int., Ltd. In this matter, Independent Commission Against Corruption (ICAC) was the agency which was requested for assistance. It was finally agreed to meet at the ICAC office after some email communications to request assistance. KPK attempted to persuade ICAC that it was serious about handling this case during the meeting. KPK intended to request for help in obtaining HMI-related documents, including banking transactions, from ICAC Hong Kong. However, KPK was unable to convince ICAC to work with them. Due to various legal considerations, it is difficult for ICAC Hong Kong to share the documents with KPK. SFO notified KPK in communication that the SFO's MLA request to Hon Kong also failed.

Regarding Bombardier's involvement in the scheme, KPK was also attempting to communicate with Canadian authority. SFO initiated this communication because the search required the assistance of Canadian authority. The Royal Canadian Mounted Police (RCMP) was the agency that SFO contacted. SFO sought permission from KPK as KPK's documents served as the basis for their request for RCMP assistance in search. At first, SFO promised that KPK would receive the Canadian documents. However, SFO was not authorized by RCMP to share the documents with KPK. For this situation, KPK did not discuss straightforwardly with RCMP which could have caused an absence of trust between each party.

In addition, KPK was attempting to communicate with France with the help of SFO. Similar to Canada, where SFO initially established a channel with a French authority known as Parquet National Financier (PNF), the procedure is nearly identical. After several communications, KPK was able to get in touch with PNF directly. Toward the finish of 2019, KPK has additionally sent a MLA request to France to acquire information or data viewing elements there, like: Airbus, ATR, and Mr. BD. KPK has also met directly with French PNF employees to speed up the MLA request and looking into signing a Memorandum of Understanding for agency cooperation. Nevertheless, the Covid-19 pandemic has prevented Indonesia from receiving the MLA's results up until this point.

From this experience, there were several challenges faced by KPK when it wanted to cooperate with foreign law enforcement officials who had never had any contact at all before. Some of these challenges include: language differences that make different perceptions and understanding of a problem; differences in the legal system of each country so that not every request for assistance from us can be followed up by other countries; limited resources (cost, ability and expertise of investigators); including increasingly sophisticated modus operandi by taking advantage of technological developments and globalization. However, the challenges and obstacles in international cooperation were successfully overcome when KPK was able to improve the capabilities of its employees, including upgrading technology. Another factor that enables cooperation is good communication between institutions. Good communication is done by building good relationships and mutual trust between institutions. This good relationship is maintained and cared for through various inter-agency activities, not only when handling cases. The PJKAKI Directorate of KPK, the unit within KPK that handles international cooperation, has

three international cooperation formats, consisting of: cooperation in the field of prevention, capacity building cooperation, and enforcement cooperation.

Cooperation in the field of corruption prevention is carried out by exchanging information on approaches, methods and practices in preventing corruption. Meanwhile, capacity building cooperation is carried out in several activity formats, such as: conferences, seminars, joint training, or internship programs at foreign institutions. Cooperation in the field of prosecution of corruption is carried out through exchanging data and information related to case handling, exchanging knowledge about the modus operandi of corruptors, utilizing technology and various new investigative techniques such as: accounting forensic, digital forensic, asset tracing, and legal assistance in various coercive measures for the benefit of investigating and prosecuting corruption cases.

In order for international cooperation to be successful, one of the principles that must be respected is national sovereignty. The success of KPK in cooperating in handling this case is also based on a diplomatic approach and regional territory. When KPK asked for CPIB's assistance regarding several entities in Singapore's jurisdiction, KPK used a regional approach in its diplomacy because they are both ASEAN countries. Through this approach, intelligence data was obtained quickly and the MLA mechanism was carried out at the end for the benefit of the trial. Meanwhile, when KPK needed SFO assistance, the approach used was slightly different because the character of the UK was different compared to Singapore. KPK submits requests for data and documents to SFO regarding matters that are quite important. The same treatment was also carried out by KPK when asking for assistance from France. After KPK sent a request for assistance to the French authorities, KPK could only wait for a response without pressing it. KPK does not have the authority to question or urge France to immediately respond to this request. In addition, France also has no obligation to immediately provide the assistance requested by KPK.

KPK's international cooperation is successful because of its dedication, quick coordination, and precise communication strategies with outside authorities, in addition to its diplomatic approach. Building trust and adapting cooperation mechanisms to each nation's standards are also necessary for requests for assistance to run smoothly. The most important thing that can be done to improve international cooperation is to show gratitude to countries and organizations that have helped. KPK has expressed its appreciation to UK's SFO and Singaporean CPIB for their assistance via website and email (Komisi Pemberantasan Korupsi, 2020). On the other hand, SFO and CPIB thank KPK for the successful collaboration that resulted in this parallel investigation. SFO sent a formal letter of appreciation to KPK for its cooperation and assistance in ensuring the success of the investigation in United Kingdom (Silva, 2020).

Conclusions.

Following the corruption case involving PT. Garuda Indonesia, the money laundering case involving the Garuda executives, specifically President Director Mr. ES, Technical Director Mr. HS, and Executive Project Manager Aircraft Delivery Mr. AW. Because it involved numerous jurisdictions, this case was included in the multi-jurisdictional corruption case: Indonesia, Singapore, United Kingdom, Hong Kong, France, and Canada. In Indonesia, there is PT. Garuda Indonesia, its directors and intermediaries, namely Soetikno Soedarjo (SS); in Singapore, there are companies and accounts of shell companies belonging to the perpetrators, such as: Connaught, Woodlake, Summerville, Upstars, and so on; in England, there are aircraft and aircraft engine manufacturing companies, namely: Rolls Royce, Airbus, and Bombardier; in Hong Kong, there's Hollingsworth Management International; in Canada, it is the home base of aircraft manufacturer Bombardier; and in France, the home base of the Airbus aircraft manufacturer.

According to the views of liberal institutions in viewing the cooperation situation, by looking at the process of cooperation between KPK and SFO in handling this case, the number of actors in the case (game) has an important role. This relationship of involvement between bribe actors from the two countries can be exploited in a negotiation and can help make an agreement. The pattern of cooperation carried out between KPK and CPIB of Singapore in handling this case is also almost similar to the pattern of cooperation between KPK and SFO. In this case, because Singapore is in the same area as Indonesia, the communication pattern is more fluid. In addition to utilizing the cooperative mechanism for exchanging data and information, KPK also uses the Mutual Legal Assistance in Criminal Matters (MLA) scheme to follow up on the previous mechanism. MLA itself has been agreed upon as an internationally recognized mechanism based on UNCAC provisions.

The cooperation process among KPK-SFO-CPIB shows a new international cooperation format because it is carried out by the anti-corruption agency with a parallel investigations format. Each agency handles entities within its jurisdiction while exchanging data and information. Data and information deemed important are then re-requested through the MLA mechanism. With this format of cooperation, each country has succeeded in processing its cases. Indonesia succeeded in convicting the perpetrators namely ES, HS, and SS; while the UK managed to impose fines on Rolls Royce and Airbus. Another advantage of this format of cooperation is the establishment of a good relationship among KPK-SFO-CPIB which can become a provision for even better cooperation for various purposes in the future. This cooperation also has an impact on government relations between Indonesia-UK-Singapore.

The international cooperation mechanism was created in order to facilitate relations between countries for various interests through the UNCAC convention. Even though a platform for cooperation between countries and between institutions has been created; in practice there are still many challenges and obstacles. This is because every country has a different legal system and problems. Apart from that, differences between countries also include differences in language and time differences which add to the challenges of cooperation here. KPK encountered problems when it wanted to cooperate with Hong Kong's ICAC, Canada's RCMP, and France's PNF. The KPK's international cooperation is successful because of its dedication, quick coordination, and precise communication strategies with outside authorities, in addition to its diplomatic approach. Building trust and adapting cooperation mechanisms to each nation's standards are also necessary for requests for assistance to run smoothly.

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