

## ACHIEVING SDG-16 IN STATE OWNED ENTERPRISE BY IMPLEMENTATION OF ISO 37001: ANTI-BRIBERY MANAGEMENT

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### Abstract

*In 2021, SOEs Minister Erick Thohir launched the AKHLAK program to address SOEs problems including corruption cases. Indonesia as a member of the UN has an agenda to achieve, which is Sustainable Development Goals (SDGs). The high number of corruption cases in SOEs slows down the achievement of SDGs, especially no. 16 "Peace, Justice and Strong Institutions". The research method uses normative juridical with secondary data sources as the main data and also supported by primary data. The results showed that the implementation of ISO 37001 Anti-Bribery Management System in SOEs can prevent bribery and is normally implemented thoroughly in about 4-6 months. The obstacles to implementing ISO 37001 in SOEs are influenced by the commitment of the leadership of SOE institutions.*

**Keywords:** SOE, bribery, ISO 37001, sustainable development goals, corruption

### A. Background

In 2021, the Minister of State Owned Enterprises (SOEs) Erick Thohir, launched a program called AKHLAK, which stands for *Amanah* (Trustworthy), *Kompeten* (Competent), *Harmonis* (Harmonious), *Loyal* (Loyal), *Adaptif* (Adaptive), and *Kolaboratif* (Collaborative). The AKHLAK program was created as an answer to overcome the problems experienced by SOEs, especially during the pandemic which cause drastic reduction in state revenues due to obstruction of export-import activities and the existence of Large-Scale Social Restrictions.

Prior to the pandemic, SOEs were endemically afflicted by corruption. This is particularly problematic given the critical role of SOEs as agents of social and economic development, particularly in the context of economic recovery from a pandemic. Furthermore, SOEs serve as a crucial mechanism for managing conflicts of interest and mitigating political interference. The persistence of corruption within SOEs undermines the government's capacity to deliver public welfare.<sup>4</sup>

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<sup>4</sup> Yoel Abraham Pascoal, Harly Stenly Muaja, and Coby Mamahit, "Pengawasan Komisararis BUMN Persero Terhadap Direksi Sebagai Bentuk Pencegahan Tindak Pidana Korupsi," *Lex Privatum*, 2022,

<https://ejournal.unsrat.ac.id/index.php/lexprivatum/article/view/41114><https://ejournal.unsrat.ac.id/index.php/lexprivatum/article/viewFile/41114/36721>.

According to Transparency International, Indonesia's Corruption Perceptions Index (CPI) survey results in 2023 ranked 110 out of 180 countries<sup>5</sup>. Indonesia's ranking decreased from the previous year which was ranked 105th, with an unchanged CPI score of 34 out of 100. Previously in 2013-2019, Indonesia's CPI score increased every year from a CPI score of 32, until its peak in 2019 reaching a CPI score of 40. However, starting from 2020-2023, it has decreased with a CPI score of 34. A CPI score of 100 indicates a country that is the cleanest from corruption, while a CPI score of 0 is a country that has the most corruption cases.

Indonesia as a member of the United Nations (UN) has an agenda to be achieved, namely the Sustainable Development Goals (SDGs), which apply from 2015 to 2030. The implementation of the SDGs in Indonesia has been regulated in Presidential Regulation No. 111 of 2022 concerning the Implementation of Achieving the Sustainable Development Goals and Ministerial Regulation No. 7 of 2018 concerning the National Action Plan. The SDGs contain 17 goals to be achieved and consist of several indicators. In this study, researchers focus on goal No. 16, namely peace, justice and strong institutions with indicator 16.5.1.(a) Anti-Corruption Behavior Index.

The number of corruption cases in SOEs has slowed down the goals of the SDGs, especially achieving the goals of no poverty, decent work and economic growth, peace, justice, and strong institutions. Corruption impedes a nation's economic growth, leading to inflation and consequent surges in commodity prices. There are still many underprivileged citizens who don't receive assistance from the government because the assistance is not well distributed or misdirected.

Corruption is regulated under Law No. 31 of 1999 as amended by Law No. 20 of 2001 on the Eradication of Corruption Crimes, which categorizes corruption into seven types: 1) Causing state losses, 2) Bribery, 3) Gratification, 4) Conflict of interest in procurement, 5) Extortion, 6) Fraud, and 7) Embezzlement. The law mostly regulates bribery with a total of 8 articles, this supports the statement of the Deputy Chairman of the Corruption Eradication Commission (CEC) Alexander Marwata, that the type of corruption most handled by the CEC is bribery cases, then followed by procurement of goods or services.<sup>6</sup>

Bribery is a form of corruption wherein individuals offer or provide inducements to public officials to expedite or secure favorable treatment, in contravention of established procedures. Such illicit transactions can occur both internally within the public sector and externally between public and private entities, particularly in the context of procurement processes.

According to CEC data, SOEs rank fourth among the seven institutions with the highest incidence of corruption. Despite expectations of high

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<sup>5</sup>Transparency International, "Corruption Perceptions Index," 2024, <https://www.transparency.org/en/cpi/2023/index/idn>.

<sup>6</sup> KPK - Komisi Pemberantasan Korupsi, "Suap Masih Jadi Kasus Korupsi Terbanyak Ditangani KPK," accessed July 3, 2024, <https://kpk.go.id/id/berita/berita-kpk/2573-suap-masih-jadi-kasus-korupsi-terbanyak-ditangani-kpk>.

integrity, SOEs continue to be implicated in numerous corruption cases, particularly bribery. To address this issue, the Ministry of SOEs has mandated compliance with the ISO 37001 Anti-Bribery Management System through Circular Letter S-17/S.MBU/02/2020. The recurrent nature of corruption within an institution can irreparably damage its public image, and SOEs are particularly vulnerable to such reputational harm. Consequently, persistent corruption undermines public trust in the integrity and credibility of SOEs.<sup>7</sup>

The total losses arising from corruption in SOEs are so large that they can be called state losses. As an example of the largest corruption case that occurred in SOEs, namely the corruption case of TIN trading in the PT Timah Tbk Mining Business License area from 2015-2022. With a total loss that has increased from 271 trillion now it has reached a loss of 300 trillion, latest data on May 30, 2024 with a total of 22 suspects.<sup>8</sup> The latest info on this case is the arrest of suspects Helena Lim (Manager of PT QSE) and Harvey Moeis (Representative of PT Refined Bangka Tin (RBT)). In 2018-2019 the two suspects worked together to conduct illegal TIN mining with the President Director of PT Timah, Mochtar Riza, who has been named as a suspect. The Attorney General's Office named Helena Lim and Harvey Moeis as suspects charged with Article 2 paragraph (1) and Article 3 Jo Article 18 of Law No. 31 Year 1999 amended into Law No. 20 Year 2001 on the Eradication of Corruption Jo Article 56 of the Criminal Code.<sup>9</sup>

The second case of corruption that occurred in SOEs is the Supreme Court bribery case committed by Dadan Tri Yudianto, commissioner of PT Wijaya Karya (WIKA) Beton, as a liaison between Heryanto Tanaka, debtor of Intidana Savings and Loan Cooperative and Secretary of the Supreme Court, Hasbi Hasan. Heryanto currently involved in a Supreme Court case, solicited assistance from Dadan. Dadan agreed to intervene on the condition of receiving a financial incentive.<sup>10</sup> Subsequently, Dadan contacted Hasbi to handle Heryanto's KSP Intidana case. Heryanto remitted a total of 11.2 billion rupiah to Dadan through seven separate transfers. A portion of this sum was subsequently disbursed to Hasbi. The judge sentenced Dadan and Hasbi to 5 years in prison and a fine of 1 billion for violating Article 12 letter a or Article 11 Jo Article 18 of Law No. 31 of 1999 which was amended into

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<sup>7</sup> Zul Afiatul Kharisma, Brian Bagus Wiyan Putra, and Melasari Nurul Hidayah, "Model Pertanggungjawaban Atas Tindak Pidana Korupsi Oleh BUMN Sebagai Korporasi: Antara Tanggungjawab Korporasi Dan Pengurus," *Jurnal Hukum Lex Generalis* 2, no. 12 (2021): 1319-43, <https://ojs.rewangrencang.com/index.php/JHLG/article/view/162%0Ahttps://ojs.rewangrencang.com/index.php/JHLG/article/download/162/74>.

<sup>8</sup> Detik News, "6 Update Dugaan Korupsi Timah: Rugikan Negara Rp 300 T, Ada Tersangka Baru," accessed July 23, 2024, <https://news.detik.com/berita/d-7364516/6-update-dugaan-korupsi-timah-rugikan-negara-rp-300-t-ada-tersangka-baru?single=1>.

<sup>9</sup> CNBC Indonesia, "Update Terbaru Kronologi Kasus Timah Suami Sandra Dewi Harvey Moeis," accessed July 23, 2024, <https://www.cnbcindonesia.com/market/20240404091917-17-528173/update-terbaru-kronologi-kasus-timah-suami-sandra-dewi-harvey-moeis>.

<sup>10</sup> Johannes Mangihot, "Ini Peran Mantan Komisaris Wika Beton Di Kasus Suap Hakim MA," 2023, [https://www.kompas.tv/nasional/413905/ini-peran-mantan-komisaris-wika-beton-di-kasus-suap-hakim-ma?page=all#google\\_vignette](https://www.kompas.tv/nasional/413905/ini-peran-mantan-komisaris-wika-beton-di-kasus-suap-hakim-ma?page=all#google_vignette).

Law No. 20 of 2001 concerning the Eradication of Corruption Jo Article 55 paragraph (1) to 1 Criminal Code Jo Article 64 paragraph (1) of the Criminal Code.<sup>11</sup>

From the cases of corruption that often occur in SOEs, the implementation of AKHLAK as core values in SOEs can be an identity and work culture adhesive that supports transformation. AKHLAK is not just a slogan, so there are several ways that AKHLAK can be implemented, such as leadership commitment, corporate accountability, support system such as Good Corporate Governance (GCG) and ISO 37001 Anti-Bribery Management System, and transparency and accountability of the recruitment process.

Some of the benefits of ISO 37001 Anti-Bribery Management System are in the aspect of risk mitigation can help companies prevent, detect, and handle potential bribery. In the aspect of value can align themselves with the values of companies owned by foreign countries. In the aspect of corporate image (brand image), it can avoid corruption cases and losses due to investigations by law enforcement officials that can reduce reputation.

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Indonesia's progress towards SDGs especially No. 16, which emphasizes Peace, Justice, and Strong Institutions, is hindered by persistent corruption within various institutions, including SOEs. Given the mandatory implementation of ISO 37001 as a countermeasure to bribery within SOEs, this study aims to analyze "**Achieving SDG 16 in State Owned Enterprise by Implementation of ISO 37001: Anti-Bribery Management**".

## B. Identified Problems

Based on the background above, several problems can be formulated that will be studied, namely:

1. How is the implementation of ISO 37001 in the context of SDGs, able to prevent corruption in the SOE environment?
2. What are the obstacles faced by SOE Management in preventing corruption in the implementation of ISO 37001 in order to achieve SDGs?
3. What are the potential solutions to prevent corruption during the implementation of ISO 37001 in order to achieve SDGs?

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<sup>11</sup> Irfan Kamil, "Perantara Suap Sekretaris MA Divonis 5 Tahun Penjara," accessed July 22, 2024, <https://nasional.kompas.com/read/2024/03/07/16245951/perantara-suap-sekretaris-ma-divonis-5-tahun-penjara>.

### C. Research Methods

The research was conducted using a normative juridical method<sup>12</sup> with secondary data sources as the main data source complemented by primary data. This research was conducted with two types of approaches, namely a conceptual approach and a political approach by examining the concept of law; legal functions, legal institutions and how policy considerations and community participation in the formation and enforcement of legal products.<sup>13</sup>

Secondary data includes primary legal materials, namely Law No. 31 of 1999 amended to Law No. 20 of 2001 on the Eradication of Corruption, Law No. 11 of 1980 on the Crime of Bribery, Law No. 28 of 1999 on Clean and Free State Administration from Corruption, Collusion and Nepotism, Presidential Regulation No. 54 of 2018 on the National Strategy for Corruption Prevention (Stranas PK), Presidential Regulation No. 111 of 2022 on the Implementation of Achieving the Sustainable Development Goals, Ministerial Regulation No. 7 of 2018 on the National Action Plan, Letter of the Ministry of SOEs S.17/S.MBU/02/2020 and secondary legal materials explaining primary legal materials, such as legal scientific journals, legal literature books, and news.

Meanwhile, primary data was collected from interviews with Visi Integritas, a company founded by professionals in the field of anti-corruption that provides ISO 37001 Anti-Bribery Management training, consulting services, and conducts evaluations of the implementation of ISO 37001 that has been implemented by an organization or company.

The data analysis technique uses a qualitative descriptive technique, where secondary and primary data that has been collected in the form of words from the findings of scientific journals, interviews, news, will be analyzed by describing the data until the conclusion is reached.

### D. Research Findings and Discussions

#### 1. Implementation of ISO 37001 Anti-Bribery Management in Order to Achieve SDGs to Prevent Corruption in SOEs

ISO 37001 is an Anti-Bribery Management System (ABMS) designed to help organizations, establish, implement, maintain and improve anti-bribery compliance programs. ISO 37001 as a preventive measure of bribery is expected to improve good work ethics in public or private companies.

There are 6 principles contained in ISO 37001: 2016<sup>14</sup>, First, proportional procedures to faced bribery risk. Second, strong leadership

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<sup>12</sup> Soerjono Soekanto and Sri Mamudji, *Penelitian Hukum Normatif*, Cet.16 (Jakarta: PT RajaGrafindo Persada, 2014).

<sup>13</sup> Syahrudin Nawi, *Penelitian Hukum Normatif Versus Penelitian Hukum Empiris*, 2nd ed. (Makassar: PT Umitoha Ukhuwah Grafika, 2014).

<sup>14</sup> Dewi Sartika and Wildan Lutfi Arieysmieta, "Sistem Manajemen Anti Penyuapan Iso 37001 : 2016 Dan Reformasi Birokrasi (Studi Kasus Pada Pusat Pelatihan Dan Pengembangan Dan Kajian

commitment, is essential for effective anti-bribery efforts. Third, conduct risk management by analyzing internal and external risks, and document the findings. Fourth, due diligence must be exercised across all operations, personnel, and stakeholders to ensure compliance with anti-corruption laws. Fifth, clear and consistent communication is vital, requiring defined communication channels and responsible parties. Sixth, ongoing monitoring and evaluation are crucial to identify changes in risk, procedures, and policies that may impact anti-bribery program effectiveness.

After knowing the six principles of ISO 37001: 2016, then we will learn the stages in implementing the Anti-Bribery Management System, starting from:

- a) The first stage, Preparation by providing training related to awareness of the importance of standards in an organization. In the preparation stage, an analysis of the standard gaps that exist in the organization will be carried out.
- b) The second stage, System Development will study how to develop organizational policies to suit the needs of the organization and can be well documented.
- c) The third stage, Implementation of policy development that has been developed in the previous stage. This can be done by making socialization related to the application and implementation of the system. Policies that have been developed and made according to organizational standards are expected to be implemented as the policy is an organizational product.
- d) The fourth stage, System Review, there will be review and evaluation of how the results of the policy development have been carried out. The review is carried out by internal audit and management review of the organization's implementation process. This stage determines whether the organization is ready to commit to certification.
- e) Fifth Stage, Certification, it's crucial to selecting a suitable certification body. After conducting a certification audit, the audit results will be obtained and then the organization will make improvements from the results of the certification audit. Until finally a certification decision will be issued. Post-certification, to ensure that ISO 37001: 2016 has been carried out in accordance with the standard, regular monitoring and evaluation must be conducted annually.

According to Emerson Yuntho, Deputy Director of Visi Integritas, the implementation of ISO 37001 in SOEs typically requires four to six months. Effective implementation demands strong

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Desentralisasi dan Otonomi Daerah),” *Jurnal Standardisasi* 23, no. 1 (2021): 13–22, <https://doi.org/10.31153/js.v23i1.828>.

leadership and comprehensive employee training, given the widespread lack of understanding about corruption, particularly bribery. By establishing ISO 37001 protocols, SOEs can take a significant step towards preventing corruption, especially as bribery constitutes the majority of corruption cases identified by the CEC. It is anticipated that the adoption of ISO 37001 will contribute to improving Indonesia's corruption perception index and deterring bribery within SOEs.<sup>15</sup>

Since the SOE decree that requires ISO 37001 certification, the Ministry of SOEs noted that as of December 2020, there were only 74 SOEs (69.15%) that had ISO 37001 certification. In February 2021, there was an increase, so that around 83% of SOEs already had ISO 37001: 2016 certification. The latest data from sources at the Ministry of SOEs, as of August 31, 2021, there are 98 out of 107 or around 91.59% of SOEs that have been certified with SNI ISO 37001: 2016 Anti-Bribery Management System.<sup>16</sup>

Several SOEs have implemented ISO 37001 and have ISO 37001 certification, including PT PLN, PT Perumnas, PT Jasa Raharja, Peruri, PT Telkom, Pertamina, Pupuk Indonesia, and many more. PT PLN received SNI ISO 37001: 2016 certification on August 10, 2020, issued by the ABMS Certification Body TUV NORD Indonesia. PLN President Director, Zulkifli Zaini said that by participating in the ISO 37001: 2016 SMAP certification is clear evidence that PLN has committed to running the company's business according to procedures and free from corruption in accordance with the principles of Good Corporate Governance<sup>17</sup>. In implementing ISO 37001: 2016 SMAP, PLN has its own principles or tagline called 4 No's, namely No Bribery, No Kickback, No Gift, No Luxurious Hospitality.

Based on the circular letter of the Minister of SOEs Number: S-35/MBU/02/2020 and the letter of the secretary of SOEs Number: S-17/MBU/02/2020 which instructs all SOEs to carry out ISO 37001 SMAP certification, PT PLN has been preparing since February 2020 to obtain this certification and go through 2 stages of assessment by external auditors. The first stage is checking the preparation and fulfillment of documents, and the second stage is interviews and discussions including the Directors and Commissioners of PT PLN.

Zulkifli said that implementing ISO 37001 requires support and commitment from PLN, the Board of Commissioners and Directors, Stakeholders, and PLN partners. The commitment of PLN partners is

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<sup>15</sup> Results of Interview with Emerson Yuntho as Deputy Director of Visi Integritas on July 8<sup>th</sup> 2024

<sup>16</sup> SustainN, "Seri ISO 37001 Ke-18: Kilas Balik Setahun Kewajiban BUMN Menerapkan SNI ISO:37001 Sistem Manajemen Anti Penyuapan (SMAP)," accessed September 10, 2024, <https://sustain.id/2021/09/01/seri-iso-ke-18-kilas-balik-setahun-kewajiban-bumn-menerapkan-sni-iso37001-sistem-manajemen-anti-penyuapan-smap/#:~:text=Kementerian BUMN mencatat per Desember,dari sumber di Kementerian BUMN%2C>.

<sup>17</sup> "PLN Sudah Bersertifikat SNI ISO 37001:2016 SMAP, Perlu Dukungan Serta Peran Aktif Semua," accessed March 8, 2024, <https://web.pln.co.id/tentang-kami/pln-sudah-bersertifikat-sni-iso-370012016-smap-perlu-dukungan-serta-peran-aktif-semua>.

proven by the formation of an integrity pact with the CEC, where PLN partners take an active role in preventing Corruption, Collusion and Nepotism (CCN) by not engaging in fraudulent practices and implementing PLN's 4 No's principle. PLN partners are committed to being honest, objective, transparent in order to implement ISO 37001: 2016 by reporting if there are indications of fraud or corruption and providing protection for witnesses. The benefits of implementing ISO 37001 to the PLN system are more efficient business processes, improved GCG and corporate image, giving confidence to investors and customers, PLN products in accordance with customer needs.<sup>18</sup>

Other SOEs called Perumnas, also has an ISO 37001:2016 certificate. Perumnas was created as a solution from the Government in order to provide decent housing for the lower middle class. In accordance with SK DIRUT/1541/KPTS/10/2020 concerning the Implementation of SMAP ISO 37001: 2016, Perumnas has principles in implementing ISO 37001, namely not accepting bribes, not accepting gifts in various forms, not receiving commissions or receipts, prohibiting all forms of bribery and violating applicable laws, and Perumnas must create a good business environment and free from corruption, collusion, and nepotism. Perumnas also issued policies related to good corporate governance guidelines, how the violation reporting system, ways to control gratification so that the implementation of ISO 37001 in Perumnas runs smoothly.

In January 2022, SOE Minister Erick Thohir made a statement that all SOE companies are 100% ISO 37001 SMAP certified<sup>19</sup>. Based on SOE business cluster data, the number of SOEs has been decreasing from 2020 with a total of 107 SOEs and then reduced to 41. The Ministry of SOEs will reduce the number of SOEs to around 30, as part of the SOE restructuring program aimed at improving the efficiency and effectiveness of SOE performance.<sup>20</sup>

## 2. Obstacles for SOE Management in Preventing Corruption in the Implementation of ISO 37001 (SMAP) in Order to Achieve SDGs

All developing societies are associated with change, regardless of how we define development or the scale we use for societies in development. The law plays a pivotal role in development, by ensuring that change occurs in an orderly manner.

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<sup>18</sup> "Sistem Manajemen Anti Penyuapan," accessed March 8, 2024, <https://web.pln.co.id/tentang-kami/sistem-manajemen-anti-penyuapan>.

<sup>19</sup> Hasanudin Aco, "Erick Thohir Terapkan ISO Anti Suap Di Seluruh Perusahaan BUMN," accessed September 10, 2024, <https://www.tribunnews.com/nasional/2022/01/24/erick-thohir-terapkan-iso-anti-suap-di-seluruh-perusahaan-bumn?page=all>.

<sup>20</sup> Antara News, "Erick Thohir Ingin Pangkas Jumlah BUMN Jadi Hanya 30," accessed September 10, 2024, <https://www.antaranews.com/berita/3996453/erick-thohir-ingin-pangkas-jumlah-bumn-jadi-hanya-30>.



Law as a means of societal renewal means that the existence of order in development or renewal efforts is something that is considered (absolutely) necessary. Change and order are the twin goals of a developing society, so that law becomes a tool (means) that cannot be ignored in the development process. This is what is meant by Mochtar Kusumaatmadja's Theory of Development Law.

According to the researcher, Mochtar Kusumaatmadja's view is in line with the Sustainable Development Goals (SDGs) that the UN wants to achieve, so the researcher will use this theory to analyze the implementation of ISO 37001 Anti-Bribery Management in SOEs in order to achieve SDGs. The development goals listed in the SDGs have covered all aspects that affect people's lives, from economic, political, socio-cultural, environmental and other aspects.

In this study, researchers focused on SDGs goal No. 16, namely Peace, Justice and Strong Institutions. Considering how many cases of corruption has occurred and corruption has a major impact on other aspects such as the economy, politics, socio-culture, and so on. If corruption is not addressed immediately, it is likely that the 17 goals of the SDGs will not be fulfilled to the fullest.

Based on statistical data from 2004-2023, the CEC has prosecuted a total of 1512 corruption cases. From the statistical data, it can be seen that corruption cases are increasing, and the most common type of corruption handled is bribery cases. Therefore, the Ministry of SOEs created the AKHLAK program and requires all SOEs to have an ISO 37001 certificate before August 17, 2020 as stated in the Ministry of SOEs Letter No. S-17/S.MBU/02/2020.

**Table 1. Statistical Data on Corruption Crime by Case Type, Latest Data on January 22, 2024<sup>21</sup>**

No	Case Type	2019	2020	2021	2022	2023	Total (2004-2023)
1.	Gratification/Bribery	119	55	65	100	85	989
2.	Procurement of Goods and Services	18	27	30	14	62	339
3.	Money Laundering	5	3	7	5	8	58
4.	Budget Misuse	2	6	3			57
5.	Licensing			2		3	28
6.	Taxation/Extortion	1			1	1	28
7.	Obstructing CEC Process			1		2	13
<b>Total Cases</b>							<b>1512</b>

The first and foremost goal of all law is order, which is a fundamental requirement for the existence of an orderly society; to achieve order, certainty is needed in the interactions between people in

<sup>21</sup> KPK - Komisi Pemberantasan Korupsi, "Statistik TPK Berdasarkan Jenis Perkara," accessed June 26, 2024, <https://www.kpk.go.id/id/statistik/penindakan/tpk-berdasarkan-jenis-perkara>.

society; the second goal after order is justice, the content of which varies according to society and time.<sup>22</sup>

To achieve orderly change can be assisted by legislation or court decisions or a combination of both. The regulations governing the crime of corruption, namely Law No. 31 of 1999 amended to Law No. 20 of 2001 concerning the Eradication of the Crime of Corruption, Law No. 11 of 1980 concerning the Crime of Bribery, Law No. 28 of 1999 concerning State Administration that is Clean and Free from Corruption, Collusion, and Nepotism, Presidential Regulation No. 54 of 2018 concerning the National Strategy for Corruption Prevention.

Mochtar Kusumaatmadja also argued that law is not only the overall rules and principles governing human life in society, but includes the institutions and processes needed to create the law in reality.<sup>23</sup>

The institution referred to in this study is SOEs as agents of development and play a role as social political control. Meanwhile, the process needed to create the law is that the Ministry of SOEs requires all SOEs to have an ISO 37001 Anti-Bribery Management System. However, SOEs as institutions have not carried out their role properly, as evidenced by the many corruption cases in which the majority of perpetrators are leaders in SOEs. Based on CEC statistical data related to corruption crimes based on institutions, SOEs are ranked 4th.

**Table 2. Statistical Data on Corruption Crimes by Institutions, Latest Data on January 22, 2024<sup>24</sup>**

No	Institutions	2019	2020	2021	2022	2023	Total (2004-2023)
1.	District/City Government	66	50	72	65	53	<b>601</b>
2.	Ministries	44	12	19	26	52	<b>474</b>
3.	Government/Provincial	11	11	8	16	22	<b>196</b>
4.	SOE	17	16	8	12	34	<b>143</b>
5.	DPR RI	7	-	1	1	-	<b>76</b>
6.	Commission	-	2	-	-	-	<b>22</b>
<b>Total Cases</b>							<b>1512</b>

Based on the results of the interview with Emerson Yuntho as Deputy Director of Visi Integritas, the results show that the obstacles to SOE management implementing ISO 37001 are in the aspect of leadership or leadership commitment in SOEs. The leadership is considered the main pillar that supports how the SOE will run, if the leadership is not correct, the structure under the leadership will be

<sup>22</sup> Arfin and Leonarda Sambas K., *Teori-Teori Hukum Klasik Dan Kontemporer*, 1st ed. (Bogor: Ghalia Indonesia, 2016).

<sup>23</sup> Mochtar Kusumaatmadja, *Konsep-Konsep Hukum Dalam Pembangunan*, ed. Otje Salman S. and Eddy Damian, 1st ed. (Bandung: PT Alumni, 2002).

<sup>24</sup> KPK - Komisi Pemberantasan Korupsi, "Statistik TPK Berdasarkan Instansi," accessed June 26, 2024, <https://www.kpk.go.id/id/statistik/penindakan/tpk-berdasarkan-instansi>.

destroyed. There are often changes in leadership in SOEs, which causes anti-bribery commitment to also change.<sup>25</sup>

Leadership commitment is very influential for the sustainability of ISO 37001 implementation in SOEs. Due to the existence of several SOEs that already have ISO 37001 certificates, then assume their duties have been completed and do not carry out monitoring and evaluation activities. ISO 37001 should be included in the corporate culture of SOEs and required to conduct regular monitoring and evaluation, so that SOEs are not complacent and continue to make continuous improvement efforts.

SDGs no. 16 cannot be achieved if corruption cases continue to occur, especially in SOEs. As the theory of Development Law says, to achieve development, it must be accompanied by order and regularity to ensure that changes can run regularly. So, to achieve the goal of sustainable development, SOEs, especially SOE leaders, must be disciplined in complying with anti-corruption laws and regulations and be committed to doing everything possible to prevent corruption.

The result of the many cases of corruption in SOEs that public trust is decreasing in the performance of SOE institutions. On September 18, 2023, the Indonesian Public Relations Association (PERHUMAS) presented the results of a survey of public trust in SOEs, the private sector, and the government involving approximately 1000 respondents from all over Indonesia. There are 8 indicators of influence, namely performance management quality (PMQ); environment, social, and governance (ESG); innovation; leadership; technology; people management; communications; and crisis handling. PERHUMAS Indicator results, the general level of trust in private companies obtained 76 percent, higher than SOEs (73 percent) and the government (67 percent)<sup>26</sup>

In undertaking development, the government cannot move alone, it must be a collaborative effort involving both the community and the government. Development is an activity of, by, and for the people, implemented in all aspects of people's lives including political, economic, socio-cultural, and defense and security aspects with long-term goals. The community is the main actor of development and the government is obliged to direct, guide, and create a supportive atmosphere. Society and government are inseparable, must support and complement each other to achieve national development goals.

SDGs No. 16 has 38 indicators that assess the extent to which the implementation of peace, justice and resilient institutions has been implemented. In this study, researchers focus on indicator 16.5.1.(a),

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<sup>25</sup> Results of Interview with Emerson Yuntho as Deputy Director of Visi Integritas on July 8<sup>th</sup> 2024

<sup>26</sup> PRINDONESIA, "PERHUMAS Indicators: Kepercayaan Kepada Perusahaan Swasta Lebih Tinggi Dibanding BUMN Dan Pemerintah," accessed July 29, 2024, <https://www.prindonesia.co/detail/3427/PERHUMAS-Indicators-Kepercayaan-kepada-Perusahaan-Swasta-Lebih-Tinggi-Dibanding-BUMN-dan-Pemerintah>.

namely the Anti-Corruption Behavior Index. Based on the annual report of SDGs Year 2023, IPAK has increased from 3.88 (2021) to 3.93 (2022) with the status will improve or be achieved. The increase in IPAK is due to the increase in anti-corruption perceptions of society and business behavior towards certain behaviors to fight corrupt practices.<sup>27</sup>

Public oversight is essential for ensuring the accountability of SOEs. However, limited public access to transparent corporate information hinders effective monitoring. This limited public oversight are the second obstacles faced by SOEs in implementing ISO 37001. A 2023 Central Information Commission assessment of public information disclosure among SOEs revealed disparities in transparency levels. While 26 SOEs were deemed informative, others exhibited varying degrees of transparency, with two SOEs demonstrating minimal disclosure.<sup>28</sup>

The entire community can monitor SOEs including the media, press, Indonesia Corruption Watch (ICW), experts, and others. If the public finds allegations of corruption in SOEs, they can report to the media reporting allegations of SOE corruption called the WhistleBlowing System (WBS) and institutions authorized to handle corruption, namely the Corruption Eradication Commission (KPK), the Supreme Audit Agency (BPK), and others.

The conception of law as a means of development, that law in the sense of rules or regulations can function as a tool (regulator) or means of development that can channel the direction of human activities in the direction desired by development or renewal. The essence of development is carried out for all Indonesian people without discriminating against a group or race in order to have social justice so that the community has a better life. This is included in the goals to be achieved in the SDGs.

### 3. Potential Solutions to Prevent Corruption During The Implementation of ISO 37001 in Order to Achieve SDGs

Prior to implementing ISO 37001, SOEs should integrate the AKHLAK program into their organizational culture. AKHLAK values are fundamental in shaping employee character. Weak leadership and a poor work environment are primary contributors to corruption within SOEs. To effectively implement AKHLAK, SOEs should conduct comprehensive socialization programs for all staff, including upper management, to align organizational culture with AKHLAK principles.

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<sup>27</sup> Bappenas, "Laporan Tahunan Pelaksanaan Pencapaian Tujuan Pembangunan Berkelanjutan 2023," 2023, <https://sdgs.bappenas.go.id/website/wp-content/uploads/2023/11/Laporan-tahunan-SDGs-2023.pdf>

<sup>28</sup> Komisi Informasi Pusat, "Laporan Tahunan Komisi Informasi Pusat Tahun 2023," 2023, <https://komisiinformasi.go.id/read/01/07/2024/Laporan-Tahunan-Komisi-Informasi-Pusat-Tahun-2023>.

PT Semen Baturaja has conducted internalization training on AKHLAK SOEs within the company. The trainees are required to apply AKHLAK values in their daily activities in order to increase employees' work motivation. The leadership of PT Semen Baturaja needs to implement the training to be consistent and continuous.<sup>29</sup>

In addition to training on the AKHLAK program, it is important to align AKHLAK values with the cultural values of SOEs company. For example, a SOE named PT X has its own corporate culture values, namely Growth, Optimistic, Happy, Integrity which is abbreviated as GOHI. After research, it was found that there were several GOHI cultural values that were not appropriate and did not include the AKHLAK cultural values. So, a new set of values and behaviors was created that unites the values of AKHLAK and GOHI.<sup>30</sup>

In implementing ISO 37001, supervision is needed in its implementation. Supervision needs to be carried out vertically by the leadership and horizontally which can be carried out collaboratively with mutual reviews among SOEs. In addition, SOEs can conduct professional internal audits by using institutions that offer corporate audit services.

According to the Secretary General of Transparency International Indonesia, Danang Widoyoko, there is a need for public involvement to prevent corruption in SOEs.<sup>31</sup> The public as an external party plays a crucial role in overseeing the operations of SOEs. However, the public has a problem overseeing SOEs because not all SOEs are publicly listed. So, both the public and media, only rely on reports from the Supreme Audit Agency.

There are several solutions to prevent corruption in SOEs, First, the Ministry of SOEs requires all SOEs to report their performance to the public. Corruption cases in SOEs have often occurred and have long become public discussions, this affects the credibility of SOEs in the eyes of the public. The transparency of information about SOEs will make it easier for the public to monitor the actions of SOEs and record SOEs that have ISO 37001.

The second solution is to mandate ISO 37001 certification for all SOEs as prerequisite for operations. Non-compliance with this requirement would result in stringent penalties, including operational restrictions, temporary suspensions, or even complete shutdowns for a specified duration.

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<sup>29</sup> Safaruddin, Bunga Puspa Indah, and Melody Lingua Franca, "Pengaruh Pelatihan Internalisasi 'Core Value AKHLAK BUMN' Terhadap Motivasi Kerja Karyawan Pada PT. Semen Baturaja (Persero) Tbk.," *Kotamo* 1, no. 3 (2021): 1–9, <https://jurnal.smbr.com/index.php/kotamo/index>.

<sup>30</sup> Helsa Evania Prastowo and Fendy Suhariadi, "Implementation of " Morals " in Cultural Values and Organizational Behavior : Interventions for Reducing and Aligning Cultural Values in BUMN," *PSIKOSTUDIA: Jurnal Psikologi* 12, no. 1 (2023): 27–39.

<sup>31</sup> Visi Integritas, "Pelaporan Dugaan Korupsi Di BUMN Bukan Atas Dasar Arogansi," n.d., <https://visiintegritas.com/pelaporan-dugaan-korupsi-di-bumn-bukan-atas-dasar-arogansi/>.

The third potential solution is to establish a WhistleBlower System (WBS) based on ISO 37002 standards. Central to this system are the principles of trust, impartiality, and protection. By facilitating anonymous reporting, WBS enables early detection and response to potential violations, mitigating the risk of escalating misconduct. The assurance of confidentiality empowers whistleblowers to come forward without fear of reprisal.

PT PLN and Perumnas serve as exemplary cases of SOEs that have implemented ISO 37002 WhistleBlower Systems (WBS). PT PLN utilizes a Compliance Online System (COS) to directly channel incoming reports to the CEC. Additionally, the company accepts reports through traditional channels such as telephone, email, and WhatsApp. Perumnas has incorporated a WBS into its official website, providing clear guidelines, contact information, and a reporting process. Upon receiving a report, Perumnas' designated unit assesses the evidence and investigates the alleged violation. Confirmed cases are escalated to the director and deputy director for resolution.

Researchers considers that SDG 16 should be prioritized as Justice, Peace, and Strong Institutions can be achieved through eradicating corruption in SOEs and government. As Roscoe Pound stated "law as tool of social engineering", the primary purpose of law is to protect societal interests.<sup>32</sup> Three core interest are protected by law, namely public interest, community interest, and individual interest, which are listed in other SDGs. Corruption significantly undermines these interests across various societal dimensions. Consequently, eradicating corruption would facilitate the attainment of other SDGs, such as no poverty, zero hunger, decent work and economic growth, industry, innovation, and infrastructure.

## E. Conclusions

ISO 37001 Anti-Bribery Management System is a system designed to establish, maintain, and improve anti-bribery compliance programs with the aim of preventing bribery. There are 5 stages to implement ISO 37001, namely preparation, system development, implementation, system review, and certification, for SOEs to implement ISO 37001 as a whole, it takes about 4-6 months.

SOEs' obstacles in implementing ISO 37001 are lack of commitment from SOE leaders and insufficient public oversight. Based on the theory of Development Law by Mochtar Kusumaatmadja, law serves as a mechanism for societal transformation through institutional and procedural. However, the persistence of corruption among SOE leadership hinders progress towards SDGs, especially No. 16: Peace, Justice, and Strong Institutions. Moreover, limited public access to information about SOEs erodes public trust.

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<sup>32</sup> H. Salim HS, *Perkembangan Teori Dalam Ilmu Hukum*, 1st ed. (Jakarta: PT RajaGrafindo Persada, 2010).



Several solutions can be implemented to mitigate corruption in SOEs in pursuit of the SDGs. These include mandating transparency and accountability through public disclosure of SOE performance, establishing ISO 37001 certification as a mandatory operational requirement for SOEs, and implementing ISO 37002, a confidential whistleblower reporting system. By eradicating corruption, a cornerstone of SDG 16, progress towards other SDGs, such as poverty alleviation, food security, and economic prosperity, can be significantly accelerated.

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