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Responsible Governance for Collaborative Anti-Corruption Oversight under Indonesia's APIP–APH MoU

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Abstract

Responsible governance is central to collaborative anti-corruption oversight because interagency coordination must improve administrative effectiveness without weakening statutory accountability. Indonesia's 2023 Memorandum of Understanding (MoU) between the Ministry of Home Affairs, the Attorney General's Office, and the National Police formalizes coordination between the Government Internal Supervisory Apparatus (APIP) and law enforcement agencies (APH) in handling reports on regional governance. This article examines whether that institutional design provides a responsible and legally coherent pathway from administrative oversight to criminal-law handling. Prior studies mainly address legal doctrine, institutional roles, or coordination effectiveness, leaving the decision architecture of APIP–APH collaboration underexplored. The study uses qualitative critical institutional policy analysis of the MoU, relevant statutes, Constitutional Court decisions, official policy data, and selected governance literature. The unit of analysis is the provision-to-authority relationship governing classification, referral, administrative settlement, escalation, and accountability. Good Governance and Collaborative Governance provide the theoretical foundation, while Responsible Governance, institutional coherence, and policy coherence guide assessment. The analysis identifies a boundary problem around administrative settlement and criminal referral, particularly where restitution and state financial loss are involved. It proposes a Responsible Collaborative Oversight Decision Architecture (RCODA) consisting of a classification gate, a non-derogation legal gate, an accountable handoff protocol, and digital traceability. The article recommends harmonizing implementing rules around these mechanisms and testing their effects empirically, including their relationship with public trust.

Keywords: *accountability; anti-corruption oversight; collaborative governance; responsible governance; policy coherence*

INTRODUCTION

Controlling corruption is not only a law-enforcement task. It is also a public-governance problem involving institutional design, authority boundaries, administrative accountability, information flows, and the legitimacy of public decisions. Collaborative governance is increasingly used when a public problem crosses organizational boundaries, but collaboration can also diffuse responsibility when several institutions participate in the same decision chain [1], [2], [3], [4]. This tension is particularly important when internal administrative oversight and criminal law enforcement operate simultaneously because they use different mandates, procedures, evidentiary logics, and consequences.

Indonesia formalized this relationship through the 2023 Memorandum of

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Understanding No. 100.4.7/437/SJ, No. 1 of 2023, and No. NK/1/I/2023 between the Ministry of Home Affairs, the Attorney General's Office, and the Indonesian National Police. The MoU coordinates APIP and APH in handling reports or complaints concerning regional government administration. Its stated purpose is to provide certainty and clarity in coordination without negating the statutory duties, functions, and powers of the participating institutions [5]. The instrument therefore has a dual governance purpose: it should allow administrative errors to be corrected efficiently while ensuring that credible indications of corruption remain subject to lawful criminal enforcement.

The policy problem is visible in the village sector, where large fiscal transfers coExist with recurrent corruption risk. ICW's 2024 monitoring recorded 77 village-sector corruption cases involving 108 suspects and estimated state losses of approXimately IDR 80.90 billion [6]. At the regional level, data from the Directorate of Special Criminal Investigation of the West Kalimantan Regional Police identify 22 corruption cases distributed across ten district police jurisdictions, with the highest counts in Ketapang and Sanggau. These figures do not by themselves evaluate APIP–APH coordination, but they show why a clear and replicable referral architecture matters across dispersed local jurisdictions.

The normative tension is sharper when administrative recovery intersects with criminal liability. Article 4 of Law No. 31 of 1999 on the Eradication of Corruption states that the return of state financial or economic losses does not eliminate criminal liability where the elements of Articles 2 or 3 have been fulfilled [7]. By contrast, Article 4(4)(b) of the 2023 MoU classifies as an administrative error a matter involving state financial loss that has been processed through compensation or treasury claims within 60 days or has been followed up and declared completed by APIP or BPK, while Article 5 gives an administrative settlement opportunity for certain losses whose value is lower than the cost of case handling [5] . The issue is not that every administrative settlement is unlawful. The governance question is whether the coordination instrument contains sufficiently eXplicit safeguards to prevent administrative completion from being interpreted as a substitute for statutory criminal-law assessment.

This problem became more salient after Constitutional Court Decision No. 66/PUU-XXIV/2026. The Court conditionally interpreted the phrase "state loss" in Article 20 (5) and (6) of the Government Administration Law as "state financial loss" [8] . The decision did not invalidate the APIP–APH MoU, but it confirms that terminology and institutional boundaries around administrative error, abuse of authority, and state financial loss require precision. Responsible governance therefore demands more than cooperation. It requires a decision structure that is transparent to reviewers, traceable across institutions, and incapable of displacing statutory authority.

The research gap lies at this intersection. EXisting scholarship has eXamined collaborative governance, accountability, APIP–APH roles, and the legal preference for administrative remedies in handling alleged abuse of authority [1], [2], [3], [4], [9] . Yet the literature has paid less attention to the micro-design of the institutional handoff itself: which rule classifies a report, who owns the decision, what triggers referral or return, what legal safeguard prevents administrative remediation from eXtinguishing a criminal track, and how the process can be audited. This article addresses that gap by treating the MoU as an institutional decision architecture rather than merely as a cooperation

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document.

The central research question is: how can responsible governance be embedded in the institutional design of collaborative anti-corruption oversight under Indonesia's 2023 APIP–APH MoU? The study has three objectives. First, it maps the relevant norms, actors, authorities, decision points, and potential consequences. Second, it identifies governance gaps using eXplicit criteria of authority clarity, non-derogation, accountable handoff, traceability, and reviewability. Third, it develops a mechanism-based model, the Responsible Collaborative Oversight Decision Architecture (RCODA), designed to strengthen coordination without creating a parallel substantive test for criminal liability.

Conceptual and Theoretical Framework

Good Governance, Responsible Governance and Collaborative Governance

Good Governance provides the broad normative foundation for effective, accountable, transparent, lawful, responsive, and public-interest-oriented institutions. Responsible Governance is used here as an analytical framework rather than as a standalone theory attributed to a single scholar. It focuses on whether the eXercise of public authority can be justified, traced, reviewed, and aligned with law. This framing is consistent with OECD work linking trustworthy public governance to reliability, responsiveness, openness, fairness, integrity, and effective checks and balances [10] .

Collaborative Governance eXplains why institutions with distinct mandates coordinate around shared problems. Ansell and Gash emphasize institutional design, facilitative leadership, trust building, and collaborative process [1] . Emerson, Nabatchi, and Balogh similarly conceptualize collaborative governance as a regime built through principled engagement, shared motivation, and capacity for joint action [11]. For APIP–APH coordination, however, collaboration cannot mean functional merger. The analytical concern is whether joint action preserves mandate boundaries while producing a clear and reviewable path for case handling.

Institutional Coherence, Collaborative Accountability and Policy Coherence

Institutional analysis focuses on rules, actors, authority, interaction arenas, and resulting outcomes [12]. In this study, institutional coherence means that APIP and APH roles, referral points, decision rights, and accountability pathways are mutually intelligible and do not create contradictory commands. Collaborative accountability is assessed as a process that requires information, justification, review, and consequences rather than merely a formal division of tasks [2], [13]

Policy coherence concerns whether different policy instruments reinforce rather than undermine one another. Legal coherence is treated as a narrower dimension: a coordination instrument must remain consistent with statutory authority and cannot alter substantive elements of criminal liability. This distinction is critical because a MoU may validly organize information eXchange and sequencing while lacking authority to create immunity, eXtinguish criminal liability, or replace statutory evidentiary tests.

Public Trust as a Boundary Condition, Not an Empirical Outcome

Public trust is not measured empirically in this article. No survey, interview, eXperiment, or perception dataset is used. Accordingly, the study does not claim that the

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MoU increases or decreases actual trust. Public trust is treated only as a governance-relevant boundary condition supported by prior literature: systems that are eXplainable, impartial, accountable, and subject to checks and balances are more likely to provide institutional conditions associated with trust [10]. All findings in this article therefore concern trust-supporting institutional conditions, not observed levels of citizen trust.

Table 1. Analytical criteria used to identify governance gaps

Criterion	Operational Question	Evidence Sought	Gap Rule
Authority Clarity	Who may classify, refer, return, or close	Express allocation of decision rights	Gap if authority is shared or implied without an accountable owner
Non-derogation	Can an MoU procedure alter statutory criminal-law authority?	Savings/no-derogation language and consistent thresholds	Gap if administrative completion can be read as barring statutory assessment
Accountable handoff	Is each transfer justified and reviewable?	Actor, date, reason, legal basis, deadline, reviewer	Gap if transfer/return lacks a documented rationale or review path
Traceability	Can the path of a complaint be reconstructed?	Receipt, classification, transfer, status, closure metadata	Gap if material decisions cannot be audited end-to-end
Trust-supporting conditions	Is the process explainable without disclosing protected evidence?	Service standards, status categories, aggregate reporting	Gap if citizens cannot understand institutional responsibility or process status

Source: Author's own elaboration based on previous literature and applicable legal instruments (2026)

METHOD

This study employs qualitative critical institutional policy analysis. It is not framed as normative legal research because its primary object is governance design rather than the doctrinal validity of a legal norm. Legal materials are used as institutional rules that allocate authority and constrain collaboration. The study relies on documentary evidence and analytical generalization; it does not use interviews, surveys, eXperiments, or inferential statistics.

The unit of analysis is the provision-to-authority relationship: each rule is eXamined in terms of (1) the actor to whom it applies, (2) the authority or obligation created, (3) the decision point it governs, (4) the relationship with higher or parallel rules, and (5) the governance consequence of ambiguity or inconsistency. This unit allows the analysis to move beyond broad principles and identify concrete points where responsibility may shift between APIP and APH.

The documentary corpus was selected purposively using four inclusion criteria: direct legal relevance to APIP–APH coordination; direct relevance to administrative error, abuse of authority, state financial loss, or corruption liability; official or primary status for legal and policy documents; and analytical relevance to collaborative governance, accountability, institutional design, policy coherence, or public trust. The core corpus consists of the 2023 MoU [5] , Law No. 31 of 1999 as amended by Law No. 20 of 2001 [7] , Law No. 30 of 2014 on Government Administration [14] , Law No. 23

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of 2014 on Regional Government [15] , Government Regulation No. 12 of 2017 [16], and Constitutional Court Decision No. 66/PUU-XXIV/2026 [8]. ConteXtual sources include ICW monitoring [6], West Kalimantan Regional Police case-distribution data, and OECD governance evidence [10]. Academic sources were included when they directly informed the analytical criteria or represented prior research on the same MoU [1], [2], [3], [4], [9], [11], [12], [13]. Materials were eXcluded when they merely repeated the MoU without adding legal authority, empirical conteXt, or theoretical relevance.

The analysis followed five reproducible steps. First, provisions were eXtracted and coded by actor, authority, decision stage, trigger, output, and review mechanism. Second, a norm–actor–authority matriX was constructed to compare MoU provisions with statutory rules. Third, each decision point was tested against the five criteria in Table 1. A governance gap was recorded only when documentary evidence showed either unclear ownership, inconsistent thresholds, absence of a reviewable handoff, incomplete traceability, or a plausible risk that MoU procedure could be read as displacing statutory authority. Fourth, the gaps were grouped by mechanism rather than by repeated governance principles. Fifth, the model was developed abductively from the observed decision failures and tested for internal consistency against the non-derogation requirement of the MoU itself.

The 22 West Kalimantan cases are used only as conteXtual evidence of geographically dispersed enforcement demand. They are not used to estimate prevalence, causality, or the effectiveness of APIP–APH coordination because the dataset supplied for this article does not contain case-level process variables. Likewise, public trust is not measured. These boundaries are maintained to prevent the documentary analysis from making empirical claims that the available evidence cannot support.

RESULTS AND DISCUSSION

1. The MoU Creates a Decision Chain, Not Merely a Cooperation Forum

The first finding is that the 2023 MoU creates a sequential institutional pathway. Article 3 regulates information eXchange after initial data collection and verification. Information from law enforcement to the Ministry of Home Affairs side is provided at the inquiry stage, while Article 4 directs APIP to conduct an investigative eXamination and to hand over indications of corruption to APH. Conversely, when APH identifies an administrative error, the matter is returned to APIP for administrative settlement [5]. The design therefore contains a classification-and-handoff mechanism, not simply horizontal communication.

This structure is compatible with collaborative governance because it recognizes differentiated institutional capacity. APIP can assess internal controls, administrative compliance, and corrective measures, while APH retains criminal investigative functions. The governance value of collaboration lies in sequencing complementary functions. Its risk lies in the point at which classification changes the institutional track. If the criteria for that switch are unclear or if a return to the administrative track is treated as final without a legal safeguard, coordination can unintentionally become a substantive filter on criminal enforcement.

2. Systematic Norm-Actor-Authority Mapping Reveals the Core Governance Gap

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Table 2. Norm-actor-authority mapping and governance consequences

Norm	Actor	Authority	Potential tension	Governance consequence	Assessment
MoU Art 3	APIP/APH	Exchange information after initial verification, APH informs APIP at inquiry stage	Information flow proceeds final classification	Potential delay or duplicated handling if ownership is not time-bound	Coordination benefit, traceability safeguard needed
MoU Art 4(2)	APIP	Refer indication of corruption to APH	Requires on operational threshold for indication	Different APIP interpretation may produce uneven referrals	Referral criteria should ne documented, not used as new criminal elements
MoU Art. 4(3)-(4)	APH/APIP	APH returns administrative errors, criteria include completed recovery process and discretion	Administrative completion may be too broadly when conduct also satisfies corruption element	Risk of boundary ambiguity between administrative correction and criminal accountability	Non-derogation gate required
MoU Art. 5	All parties	Administrative settlement up to 60 days for loses lower than case-handling cost, criminal follow-up if unresolved	Cost-efficiency criterion is administrative, while criminal liability is statutory	Efficiency rationale could be mistaken for a substantive immunity threshold	Cost test must not displace statutory offence assessment
Anti-Corruption Law Art. 4	APH/ courts	Return of state losses does not eliminate criminal	May conflict with an expansive reading of administrative completion	Legal uncertainty and inconsistent referrals	Higher-law safeguard controls interpretation
Gov. Administration Law Art. 20(5)-(6), as interpreted by MK 66/2026	Government Bodies/ officials/ APIP	Allocates repayment of state financial loss depending on abuse of authority	Recovery regime and criminal regime address different legal consequences	Conflation may obscure whether criminal element still require assessment	Keep recovery and criminal assessment analytically separate
MoU Art. 6	All Parties	Written notification to complaint on progress	Does not specify common status taxonomy or minimum metadata	Uneven explainability across jurisdiction	Standardized status and handoff metadata needed

Source: Authors' analysis (2026)

The mapping shows that the principal gap is not a simple conflict between "administrative law" and "criminal law." It is a decision-boundary problem. The MoU legitimately creates procedures for sorting and coordinating cases, but some criteria can be interpreted as if administrative completion determines the availability of criminal enforcement. Article 4 of the Anti-Corruption Law prevents such an interpretation where the statutory elements of Articles 2 or 3 are fulfilled [7] . The governance requirement is

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therefore a clear non-derogation rule at every handoff.

This finding also clarifies the role of Constitutional Court Decision No. 66/PUU-XXIV/2026. The Court's ruling concerns terminology in Article 20 (5) and (6) of the Government Administration Law and confirms the phrase "state financial loss" [8]. It does not establish that repayment eliminates corruption liability. The relevant governance lesson is that recovery, abuse-of-authority assessment, and criminal liability must remain distinct decision objects even when the same factual event triggers all three.

3. Regional Dispersion Strengthens the Case for Standardized handoff

The West Kalimantan data supplied for this study identify 22 corruption cases across ten district police jurisdictions: Bengkayang (2), Landak (2), Kapuas Hulu (3), Kayong Utara (1), Ketapang (4), Mempawah (3), Sambas (1), Sanggau (4), Sintang (1), and Sekadau (1). The distribution does not establish the performance of the MoU, but it demonstrates that the coordination framework must operate across geographically dispersed jurisdictions. A governance design that depends heavily on informal relationships may therefore produce uneven handling. Standardized decision records are more important than organizational uniformity because local operational conditions can vary while minimum accountability safeguards remain constant.

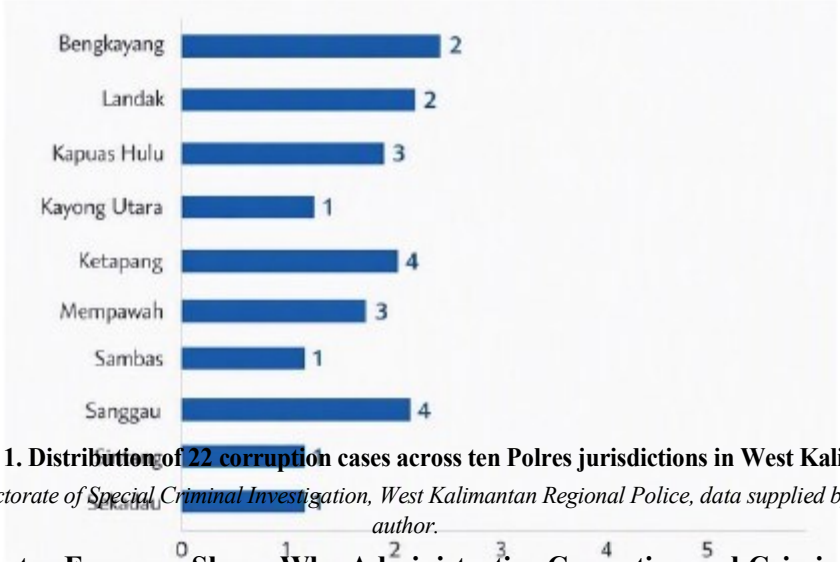


Figure 1. Distribution of 22 corruption cases across ten Polres jurisdictions in West Kalimantan

Source: Directorate of Special Criminal Investigation, West Kalimantan Regional Police, data supplied by the author.

4. Village-Sector Exposure Shows Why Administrative Correction and Criminal Accountability Must Coexist

The village sector provides a useful stress conteXt because it combines decentralized administration, substantial fiscal transfers, and recurrent corruption cases. ICW recorded 77 village-sector cases and 108 suspects in 2024, with estimated state losses of about IDR 80.90 billion [6] . These data should not be read as evidence that all village governance errors require criminalization. They instead show why a responsible oversight architecture must separate correctable administrative failure from conduct that meets criminal-law criteria, while preventing restitution from becoming an automatic

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shield against criminal assessment.

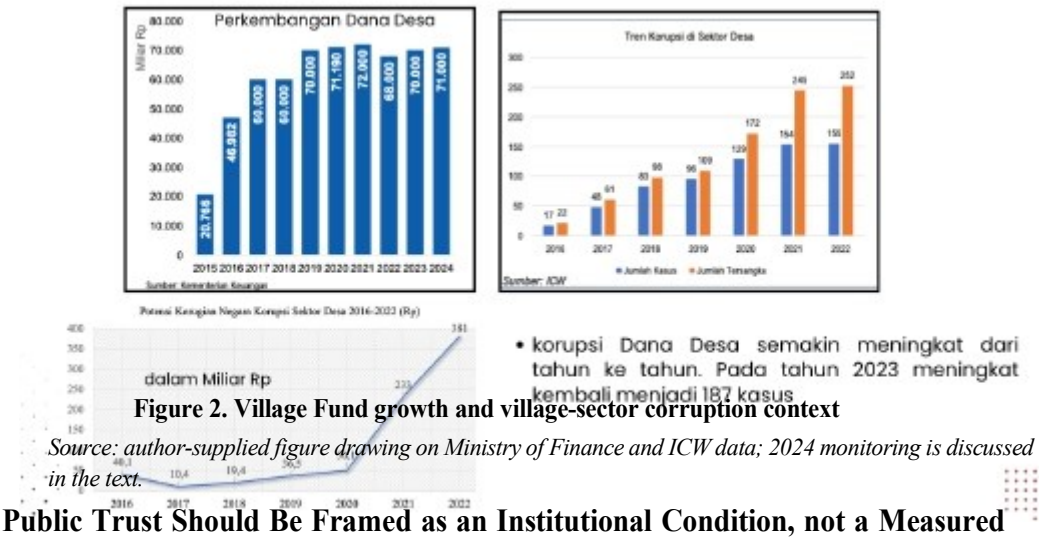


Figure 2. Village Fund growth and village-sector corruption context

Source: author-supplied figure drawing on Ministry of Finance and ICW data; 2024 monitoring is discussed in the text.

5. Public Trust Should Be Framed as an Institutional Condition, not a Measured Finding

The review of the institutional design supports claims about eXplainability, predictability, and accountability, but it does not support claims about actual citizen trust. The article therefore narrows its conclusion. Article 6 of the MoU requires written notification of case progress, which is a useful transparency feature [5] . However, a stronger design would standardize status categories, responsible institutions, reasons for transfer, and review status while protecting confidential investigative information. These are trust-supporting conditions identified in the governance literature [10] , not empirical evidence that trust has risen or fallen. Future research must test the relationship using perception data or case-user eXperience data.

6. Conceptual Novelty: Responsible Collaborative Oversight Decision Architecture (RCODA)

The revised model moves beyond a list of governance principles. Its novelty lies in a mechanism-based decision architecture designed for the specific boundary between internal administrative oversight and criminal enforcement. RCODA adds four linked mechanisms that are not contained as an integrated sequence in the eXisting analytical framework: a Classification Gate, a Non-Derogation Legal Gate, an Accountable Handoff Protocol, and a Digital Traceability Layer.

The Classification Gate determines the institutional track without deciding criminal guilt. APIP may identify correctable administrative error, matters requiring investigative audit, or credible indications requiring APH involvement. The gate must use documented indicators and reasons, but those indicators cannot replace statutory elements of corruption offences. The Non-Derogation Legal Gate then asks whether an administrative outcome, including restitution, is being used in a way that would restrict statutory criminal authority. Where credible facts may satisfy corruption elements, administrative recovery

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and criminal assessment proceed as legally distinct tracks.

The Accountable Handoff Protocol assigns an identifiable institutional owner to each material transfer, return, escalation, or closure. Every handoff records the actor, date, classification, legal basis, reason, deadline, receiving institution, and review status. The Digital Traceability Layer does not require a new application. It requires interoperable metadata so that the path of a complaint can be reconstructed across eXisting systems. Together, these mechanisms transform responsible governance from a set of values into a decision architecture.

Table 2. RCODA: mechanism-Based contriBution Beyond existing governance principles

Mechanism	Decision function	Required record	Distinct contriBution
1. Classification Gate	Routes matter to administrative correction, investigative audit, joint coordination, or APH	Indicators, factual basis, classifier, date	Makes classification a reviewable decision rather than an implicit institutional judgment
2. Non-Derogation Legal Gate	Tests whether administrative settlement would improperly constrain statutory criminal assessment	Relevant statute, reason for continuing/ending each track	Separates recovery from criminal liability and protects hierarchy of norms
3. Accountable Handoff Protocol	Transfers ownership without diffusing responsibility	Sender, receiver, reason, deadline, reviewer	Creates a named accountability chain across organizational boundaries
4. Digital Traceability Layer	Reconstructs end-to-end process across existing systems	Common metadata and immutable event history	Operationalizes transparency without exposing confidential evidence

Source: Authors' analysis (2026)

7. Progressive Implications for Responsible Governance

The analysis produces three implications. First, collaboration quality should be judged by the quality of institutional transitions, not by the eXistence of an MoU or the frequency of coordination meetings. Second, legal coherence is best protected through a non-derogation checkpoint embedded in the workflow, not through repeated general statements that each institution retains its authority. Third, transparency in anti-corruption oversight should focus on process traceability and reason-giving rather than disclosure of protected evidence.

These implications also refine collaborative-governance theory in a high-stakes enforcement setting. Collaborative governance commonly emphasizes joint action and shared capacity. APIP–APH coordination shows that some collaborations require deliberately preserved institutional separation. Responsible collaboration can therefore depend on "coordinated distinctness": actors cooperate on information and sequencing while retaining non-transferable statutory judgments. RCODA operationalizes this condition through explicit gates and handoffs.

CONCLUSION

The 2023 APIP–APH MoU is an important institutional innovation because it recognizes that reports concerning regional government can contain both administrative

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and criminal dimensions. The document creates a formal sequence of information eXchange, investigative eXamination, referral, administrative return, and complainant notification. Its principal governance weakness lies not in collaboration itself, but in the boundary between administrative completion and criminal-law assessment.

The systematic norm–actor–authority mapping identifies a specific coherence risk. MoU provisions that recognize completed recovery or cost-based administrative settlement can be interpreted too broadly unless they are read together with Article 4 of the Anti-Corruption Law, which preserves criminal liability where the statutory elements are fulfilled. Constitutional Court Decision No. 66/PUU-XXIV/2026 reinforces the need for conceptual precision around state financial loss but does not convert recovery into immunity.

The article therefore proposes RCODA as its conceptual contribution. Unlike a framework that merely restates transparency, accountability, legality, and trust, RCODA specifies four decision mechanisms: classification, non-derogation review, accountable handoff, and digital traceability. Public trust is not claimed as an observed outcome. The model only identifies institutional conditions that can support eXplainability and legitimacy and that should be tested empirically in future research.

Recommendations

First, the three signatory institutions should revise or supplement implementing guidance so that every administrative settlement is subject to an eXplicit non-derogation clause. The clause should state that restitution, compensation, or administrative completion does not prevent criminal-law assessment when statutory corruption elements may be present.

Second, APIP and APH should adopt a common classification and handoff protocol. The protocol should identify the responsible decision-maker, factual indicators, legal basis, date, deadline, receiving institution, and review status for every material transition.

Third, eXisting digital systems should adopt interoperable metadata for complaint receipt, classification, transfer, return, escalation, and closure. The objective is end-to-end auditability, not the creation of another standalone application.

Fourth, aggregate performance reporting should distinguish administrative correction, investigative audit, APH referral, return, and closure. This can improve procedural eXplainability without disclosing confidential evidence.

Fifth, future empirical research should test RCODA across provinces and districts using case-file process tracing, interviews, comparative resolution times, referral consistency, and citizen or complainant trust measures. Such testing is necessary before making causal claims about public trust or implementation effectiveness.

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