

The Implementation of Good Governance for Optimizing the Potential Corruption Prevention in the Development of the Nusantara (IKN)



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ABSTRACT: The decision to develop the Archipelago Capital (IKN) as the capital city of Indonesia is one of the state political decisions that has a big vision towards a Golden Indonesia 2045. As a project with a large and complex budget, its financial management must be carried out in an accountable manner, free from corrupt practices, and supported with a strict monitoring system so that it can run by prioritizing the principles of good governance. Therefore, IKN development policies and regulations must be in line with these principles and objectives. This study aims to describe the current condition of IKN development related to the potential for corruption, opportunities, and obstacles in preventing it. So, this study can produce policy recommendations that can be implemented in the implementation of IKN development. The legal research method used in writing this thesis is a normative juridical research method, with a statutory approach. The research uses qualitative analysis using primary and secondary legal data/material sources. Data/legal material processing activities begin with collection, analysis, and presentation, then formulated and presented systematically and descriptively according to the respective subject matter. The results of the study show the potential for corruption in the institutional aspects of the IKN Authority which are still weak in supervision, financing schemes that are vulnerable to conflicts of interest, and the implementation of IKN development where the procurement of goods still has the potential to give rise to bribery and conflicts of interest. This makes the development of IKN not in line with the principles of good governance. So, to prevent potential corruption in IKN development, better prevention optimization is needed in these three aspects, both in the preparation of clauses in regulations and the formation of institutions. It is hoped that this will enable the IKN project to run efficiently, effectively, and without corrupt practices occurring.

KEYWORDS: IKN, development, regulation, corruption, good governance

I. INTRODUCTION

The growth and development of Jakarta as the center of Indonesia's capital city has progressed rapidly. Jakarta not only serves as the government hub but also plays a crucial role in the economy. Despite its positive contributions, it also has negative impacts on society and the environment. Consequently, various ideas have emerged to relocate the country's capital. This discourse dates back to President Soekarno's era in the 1950s and has resurfaced during the reigns of President Suharto and President Susilo Bambang Yudhoyono. Several locations, such as Palangkaraya, Samarinda, Jonggol, and Palembang, have been proposed as alternatives for the new capital city.

The relocation of the national capital became a reality after President Jokowi took this step, triggered by various problems faced by Jakarta. Global challenges and massive population growth, with Jakarta hosting an unusually large number, are major factors. Congested conditions on major roads and deteriorating neighborhoods also provide compelling reasons. In addition, massive development in Jakarta has led to economic inequality throughout Indonesia, with Jakarta being the center of all economic, political, industrial, trade, and cultural activities. This threatens Indonesia's economic sustainability and reduces development potential in other regions, especially in eastern Indonesia.

The President of the Republic of Indonesia, Joko Widodo, requested approval from all citizens, national leaders, and council members to relocate the national capital from Jakarta to East Kalimantan on August 16, 2019. The choice of the nation's capital has significant implications for the country's economic and social development. The capital city serves as the government's focal point and also becomes a hub for trade, education, and culture, benefiting the surrounding region and fostering cultural diversity.

The relocation of the national capital can be triggered by several common reasons, such as security, strategic importance in regional development, environmental damage, and social and economic interests. Several countries have also proposed moving the capital,

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such as Brazil which proposed relocating to Amazônia to encourage economic development there, Australia with a suggestion of relocating from Canberra to Darwin to improve connectivity with Asia, and Malaysia proposing the relocation of Kuala Lumpur to Putrajaya as a new administrative center. In addition, India is considering relocating from New Delhi to Gujarat to reduce overcrowding in the existing capital city, while in the United States, some experts suggest relocating from Washington DC to the central region of the country to reduce political dominance on the east coast and boost economic growth in the central region.

Law Number 3 of 2022 regarding the National Capital serves as the legal foundation for the establishment and relocation of IKN. It was approved by a majority of factions in the DPR, with 93% support. According to this law, government Ministries/Agencies will gradually move to the new national capital, which will also serve as the capital of the archipelago. The project's funding will not solely rely on the state budget; it will involve cooperation between government and business entities, as well as creative financing methods. This approach has been adopted by other countries like India, Canada, and South Africa. Appendix II of the IKN Law outlines the development stages, starting from constructing the Presidential Palace and basic infrastructure in Phase I, to environmental infrastructure development in Phase V, ultimately realizing the concept of IKN as a forest city. Approximately Rp466 trillion is required for this project, with 20% from the state budget and 80% from other sources.

The government has issued Government Regulation Number 17 of 2022 as a derivative of the National Capital Law, intending to diversify funding sources beyond reliance on the State Budget. The construction of Hambalang National Education, Training, and Sports School Facilities from 2010-2012 served as a significant lesson on the risks of corruption in large-scale projects. This case involved not only bribery but also violations of project planning and registration laws, as well as price increases that harmed State Finances. Based on this experience, it is crucial to address corruption risks in the development of the National Capital City, as the credibility and reputation of IKN development rely on clean governance.

Although the physical progress of IKN Phase I development has reached 71%, there are still several challenges. One of these challenges is the issue of accelerating the provision of logistics materials, which has the potential to increase development costs. These obstacles, such as the difficulties faced by barges transporting logistics materials at the port of Bumi Harapan Village in North Penajam Paser, should have been anticipated during development planning. Failure to anticipate them could lead to contract addendums that burden the state budget, increase the risk of bribery, or even result in unauthorized price increases. There is also a risk of corruption in the process of granting permits and land use, so strict supervision is necessary to prevent any corrupt practices that could harm the development of IKN.

There is a possibility of corruption in obtaining financing for Government Cooperation Implementing Business Entities and National Capital Business Entities, as the process is flexible. This can occur through gratuities given to parties related to the authority granting time allowances, without proper regulation on financial institution ownership and financing guarantees. Additionally, there is a risk of allowing Business Entities with questionable reputations or insufficient capacity to participate in the selection process for Purchasing Power Parity (PPP). Implementing Business Entities Despite ongoing efforts to improve governance, addressing these issues will take time and sustained effort.

This is a special concern for the author to examine how the current condition of IKN development is faced with potential corruption, opportunities, and obstacles in preventing potential corruption. Then this paper also presents policy recommendations to prevent potential corruption in the development of IKN. These things are presented by the author in a thesis entitled **“The Implementation Of Good Governance For Optimizing The Potential Corruption Prevention In The Development Of The Nusantara (IKN).”**

II. LITERATURE REVIEW

A. Good Governance Theory

The implementation of good governance becomes meaningful when the subjects executing it have the authority to represent public interests. To achieve development goals, synergy and collaboration between related sectors are necessary. The three pillars supporting good governance are the state or government, the private sector, and civil society. Good governance is the process of evaluating public institutions in providing services to the community, managing public resources, and ensuring the protection of human rights, free from corruption practices. The United Nations (UN) has formulated eight principles of good governance, including participation, rule of law, equality, effectiveness, accountability, transparency, and responsiveness. Participation provides an opportunity for the community to engage in decision-making processes that affect their lives.

Law enforcement and legal certainty are important concepts within the legal system. Consensus orientation emphasizes the importance of reaching broadly accepted agreements. Equality and inclusivity advocate for equal rights and opportunities for all individuals without discrimination. Effectiveness and efficiency are key concepts in achieving desired goals, while accountability ensures responsibility towards the community. Transparency refers to the availability of accurate information, and responsiveness is the ability to quickly and effectively respond to community needs. In Indonesia, the principles of good governance are reflected in the laws that regulate Local Government. This serves as the fundamental framework for conducting effective governance, emphasizing transparency, accountability, and public participation. In the context of development and the relocation of the national capital, the implementation of good governance principles becomes a key factor in achieving the set goals.

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B. Corruption Theory

There are four theories of corruption, one of which is the 'GONE Theory' on the occurrence of corruption presents the main factors that lead to dishonesty, such as Greed, Opportunity, Need, and Disclosure. This is emphasized in the book. The Accountant Handbook of Fraud and Commercial Crime, which is adopted by BPKP. The CDMA theory, proposed by Robert Klitgaard, highlights that corruption occurs due to unchecked power and monopolies. This depicts authoritarian and greedy leaders. Meanwhile, the Willingness and Opportunity to Corrupt theory emphasizes that corruption arises from opportunities and incentives stemming from weaknesses in supervision systems and individual needs. Lastly, the Friedman Law Theory underscores the importance of legal culture in preventing corruption, as well as the need to integrate legal theory into broader legal disciplines.

III. METHODOLOGY

This research employs both a legislative and conceptual approach. The legislative approach involves analyzing Law Number 3 of 2022 and its Academic Manuscripts to assess the compatibility of regulations with the discussed issues and to identify arguments for resolving legal problems. The conceptual approach, on the other hand, seeks to understand relevant theories, principles, and doctrines, serving as a guide for addressing legal issues, particularly those related to the regulation of special IKN areas. This research follows a normative legal framework, examining legal norms through sources such as laws, court decisions, and other legal literature. Primary legal materials include Law Number 3 of 2022 concerning the National Capital, which was established to address the urgent need to transfer IKN from Jakarta. Research also refers to Law Number 19 of 2019 concerning the Corruption Eradication Commission and Law Number 17 of 2003 concerning State Finance to ensure that the development of IKN is not affected by criminal corruption and to ensure efficient and transparent state financial management.

Secondary legal materials include textbooks, journal articles, theses, dissertations, legal dictionaries, and judges' opinions in court. These legal materials support writing by providing references and additional information. Data collection techniques involve literature studies, examining literature data such as laws, judicial decisions, and legal books. This helps the writer obtain supporting data in addressing the research problem in the thesis. Data management is done non-statistically because this research falls under the category of normative law. Data collected from literature studies, both primary and secondary legal materials, are structured and rationalized to provide a comprehensive overview of the legal issues being investigated. Data presentation is descriptive and analytical.

In terms of data analysis techniques, this research utilizes content analysis. This method involves a thorough examination of the content of legal research materials, including primary and secondary legal sources. Furthermore, the analyzed content will be further assessed using the Corruption Risk Assessment (CRA) perspective. CRA is a risk assessment for corruption, where this method serves as a tool to identify weaknesses in the system that may lead to corruption opportunities. This approach facilitates the author in identifying potential corruption in the Special Capital Region of Nusantara, based on Law Number 3 of 2022, with a focus on the identified elements and issues within the legal materials.

IV. RESULTS AND DISCUSSION

A. The development of IKN is faced with the potential for corruption, opportunities, and obstacles in its prevention

The development of the National Capital City (IKN) is an important policy for Indonesia's national resilience. Its formulation process must be inclusive and comprehensive, through stages of Agenda Setting, Policy Formulating, Policy Adoption, Policy Implementation, and Policy Evaluation. Support for this plan is reflected in Law No 3 of 2022 concerning the National Capital City (IKN), which serves as the legal basis for the relocation of the capital and the new government structure. The government has also issued Government Regulation No 17 of 2022 regarding Funding and Budget Management for IKN, providing financing schemes such as Purchasing Power Parity (PPP) and creative financing to reduce the burden on the state budget.

Large-scale projects such as the National Capital (IKN) are vulnerable to corruption without a proper system and strict supervision. Corruption can encompass various offenses, such as bribery, gratification, and fraud. Examples of corruption cases, such as Meikarta New City and the Hambalang Education Center Development, highlight the risks in development projects. Therefore, rigorous supervision and an effective anti-corruption system are crucial to support IKN development. The management of significant budgets in IKN development can potentially lead to corruption without strict oversight, as regulated by the Anti-Corruption Law. The Corruption Eradication Commission (KPK) plays a key role in monitoring, coordinating, and preventing corruption in IKN development.

Through the national anti-corruption strategy, the Corruption Eradication Commission (KPK) is committed to minimizing corruption potential and achieving good governance in the IKN. KPK conducts a study of IKN regulations using the Corruption Risk Assessment (CRA) method to identify and mitigate corruption risks. Additionally, oversight and management of government institutions such as the IKN Authority are crucial in preventing corrupt practices. The IKN Authority plays a significant role in the preparation, development, and relocation of the IKN, so careful governance and management of this institution are necessary to maintain the integrity of IKN development.

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The IKN Authority is responsible for preparing, developing, and relocating the National Capital City, as well as having special authority in administering the IKN Special Government, regulated by Government Regulation Number 27 of 2023. This authority includes various government affairs except those related to national strategic importance. The IKN Authority also has special authority in granting investment permits, facilitating business, and managing assets and the environment in the IKN region. As a government institution at the ministerial level, the IKN Authority is led by an official directly appointed by the President and has attributive and delegating powers. Despite its autonomy, the IKN Authority must design regulations regarding the use of public funds within the framework of the IKN Institution. However, this privilege also raises concerns about the possibility of power abuse and conflicts of interest. Therefore, it is important to pay attention to regulations and internal supervision in order to prevent potential corruption practices.

The regulations governing the preparation and development of IKN still require further study. Firstly, the regulations do not yet specify the requirements and limitations for the term of office of the Head/Deputy Head of the IKN Authority, leading to administrative difficulties and potential abuse of authority. Secondly, the IKN Authority functions as the executor of IKN P3 and special regional government, but without regional representation, causing inconsistency with democratic principles and a lack of check and balance mechanisms. Regulatory adjustments are necessary to support legal certainty and ensure objective decision-making while minimizing abuse of power.

Based on the presentation above, it appears that the authority of the IKN needs further discussion. The existence of such an institution without proper political oversight and balance in governance implementation is unusual. Without regional representation, this situation requires further consideration. In fact, despite being par with ministries, the IKN only has authority over a small portion of the East Kalimantan province. This reflects suboptimal legal structures in the preparation and development of the IKN. Additionally, the broad authority of the IKN Chief is not accompanied by adequate conflict of interest regulations, increasing the risk of misuse of power and biased decisions. From an administrative legal perspective, the potential for corruption within the IKN government raises concerns, given previous corruption cases in the East Kalimantan region. Therefore, corruption prevention in the IKN Authority needs to be the main focus as the coordinator of IKN development.

The financing scheme for the development project of the National Capital City (IKN) consists of four main sources: State Budget (APBN), State-Owned Enterprises (BUMN), Government and Business Entity Cooperation (KPBU), and private sector investment. APBN is used for basic service infrastructure development, construction of the State Palace, official housing, and land acquisition. BUMN will contribute to improving airport and port facilities. KPBU includes the construction of executive, legislative, and judicial buildings, as well as education and health facilities. Private sector investment will be allocated for housing, education, health, and shopping center projects.

The KPBU scheme becomes the main source of funding with an estimated Rp340 trillion from the total project cost. This cooperation principle regulates risk sharing among involved parties, considering good governance principles. Foreign investment is also considered, with countries like South Korea, the United States, and China interested in participating in housing projects and technology transfer. However, the KPBU scheme is vulnerable to corrupt practices such as bribery and poorly designed contracts. Extension of financing time for KPBU implementers also creates opportunities for gratification to stakeholders. Transparency in creative financing schemes like crowdfunding still needs improvement to prevent bribery and misuse of profits. Furthermore, the requirements for financing Public-Private Partnership (KPBU), sanctions for implementers, and investment return rates need to be clearly and adequately regulated. The taxation and specific levies for IKN also require a more detailed approval mechanism from the DPR. The appointment of business entities and community participation in identifying KPBU projects should be clarified to minimize potential conflicts of interest and enhance transparency and accountability in project management for IKN development. The development of the National Capital City (IKN) is an integral part of Indonesia's economic strategy to achieve the 2045 target, which includes more inclusive and equitable economic growth. The relocation of the National Capital City from Java Island to Kalimantan Island aims to reduce the gap between Eastern Indonesia (KTI) and Western Indonesia (KBI), as well as facilitate regional development. The construction project of IKN is divided into five stages, with a focus on developing basic infrastructure and supporting facilities such as social amenities, environmental aspects, regional stability, industrial enhancement, and security. The first stage, which will continue until 2024, includes the construction of electricity supply facilities, telecommunications networks, and public amenities. Although the physical progress of IKN Stage 1 has reached 71%, it still needs to be accelerated to meet the set targets. It is crucial to pay attention to the quality of construction and optimize the use of local labor and resources to prevent corruption practices.

The development of IKN infrastructure requires significant funding, making it susceptible to corruption practices in the procurement of goods and services. Transparency and accountability in fund management are essential to prevent corruption and ensure effective fund utilization. The involvement of the community and stakeholders in the IKN development process is crucial for achieving good governance. Unfortunately, existing regulations do not sufficiently emphasize community participation and complaint management, leaving the potential for corruption. The development of IKN infrastructure also integrates the concept of a smart city, considering environmental aspects, security, efficiency, and economic opportunities for the community. This will support the implementation

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of good governance and create an inclusive and sustainable environment in IKN.

The development of the National Capital City (IKN) as a smart city considers the integration of technology into urban infrastructure to enhance quality of life, operational efficiency, and sustainability. This concept emphasizes the use of information and communication technology to manage city resources innovatively, effectively, and efficiently while improving the urban experience for residents. The implementation of smart city principles takes into account various aspects of city life, including social sustainability, environmental concerns, business, governance, and economic policies. This aligns with the efforts of IKN development, which emphasizes social inclusion, the use of renewable energy, and circular economy practices to shape a modern civilization in line with the times. However, the risk arises when the concept of a smart city is misunderstood solely as the utilization of digital technology in government management, without considering multi-aspect considerations. This can result in a transformation into a digital city rather than a smart city, with ineffective projects and reliance on irresponsible vendors.

It is important to emphasize that the smart city concept involves managing all aspects of resources in an area through innovative, effective, and sustainable solutions, not limited to the digital dimension. The realization of a smart city also requires adaptable and responsive human resources, as well as a critical and corruption-aware society. With the participation of the public as a watchdog, the IKN government can become transparent, accountable, and free from corruption. This becomes a long-term investment in the development of IKN as an entity that functions optimally and supports the overall quality of life for the community.

B. Recommendations for Preventing Potential Corruption in IKN Development

National development, including megaprojects like IKN, needs to be supported by strong regulations. This is because regulations are crucial instruments for authorities to govern, regulate society, limit power, and facilitate societal renewal. Proper regulations can minimize misconduct and violations that may harm the public, including corruption. Therefore, recommendations have been formulated to prevent potential corruption in the development and implementation of IKN, aiming for good governance. These recommendations are categorized based on corruption potential within IKN institutions, financing systems, and implementation. The first IKN institution requires the formulation of clauses regulating job requirements for the Head/Deputy Head of the IKN Authority to prevent bias and abuse of power. Additionally, the establishment of local community representatives overseeing the IKN Authority's tasks will ensure transparency and accountability in local governance.

Secondly, an independent oversight body is necessary before the IKN government can function. This institution will focus on distributing authority to address abuse of power and promote good governance through transparent, accountable, and participatory public policies. Thirdly, the importance of a forum for dialogue to encourage public participation, detailed conflict of interest regulations, and objective criteria and selection for assets under Supervision (ADP). Fourthly, collaboration with financial oversight institutions such as BPKP and PPATK is necessary to transparently monitor the use of funds. Furthermore, integrating the State Officials' Wealth Report (LHKPN) across all government agencies within IKN can enhance transparency and minimize corruption risks. Lastly, the establishment of a Gratification Control Unit (UPG) and activation of the Whistle Blower System (WBS) will help minimize gratification actions and provide a platform for the public to report suspected corruption anonymously.

The financing scheme is carried out through several steps. The first step involves assessing the financing capability criteria, which includes financial institution guarantees as one of the requirements for participating in the selection process for implementing the KPBU project to ensure timely execution. This condition aims to prevent potential inefficiencies, ineffectiveness, and uncertainties in the implementation of the KPBU IKN project. Additionally, administrative penalty clauses are included to deter KPBU implementers from defaulting on providing financing for the KPBU IKN project. The term *Badan Usaha* refers to entities that do not have a good reputation or adequate capacity to participate in the selection process for the KPBU IKN implementing entity.

The existence of a time limit for subsidized tariffs from the state budget, involving the Ministry of Finance in tariff determination. Failure to do so may potentially result in preferential treatment towards implementing agencies whose tariffs have not yet been determined, as they will receive subsidies from the state budget. Furthermore, clarifying the mechanism for imposing taxes and special levies on IKN by obtaining approval from IKN residents (Principle of No Taxation Without Representation). This can be used to prevent excessive discretion, ensuring that special tax regulations adhere to principles of good governance.

Then, inserting a clause into the regulation that prioritizes selection mechanisms for Business Entities that will receive utilization, transfer, and exchange of State-Owned Assets. The designation of Business Entities for the utilization, transfer, and exchange of State-Owned Assets has the potential to create conflicts of interest and encourage unhealthy business competition, resulting in the selection of suboptimal Business Entities and less-than-optimal sale or utilization prices received by the Government. Therefore, there needs to be an explanation of the mechanism. Mandatory public consultation must be conducted for the identification of IKN projects. Considering its role, public consultation is crucial in promoting community participation to ensure transparency and accountability, thus minimizing the potential for fraud related to the determination of IKN projects.

Next, detailing the arrangements regarding Assignment Criteria and Business Entities that can be assigned to IKN development related to the amount of capital provided by the Government. For example, Business Entities receiving assignments must be state-owned enterprises or subsidiaries of state-owned enterprises, with at least 51% of their shares owned by the government (directly

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or indirectly). Fiscal incentive policies to be implemented by the IKN Authority must first obtain approval from the Minister of Finance, the Minister responsible for domestic affairs, and other relevant parties. Conflicts of interest are avoided because the Head of the Authority is the sole authority to grant incentives without external check and balance mechanisms. Additionally, regulations for crowdfunding need to be established to set limits and criteria for potential recipients, to reduce the risk of bribery by individuals with vested interests.

The implementation of IKN development is carried out, being the need for derivative regulations that govern the criteria/requirements for repeat order implementation based on conditions, job criteria, providers, value, and quantity of repeat orders. Direct appointment is a form of Procurement of Goods and Services (PBJ) without competition, which is highly susceptible to conflicts of interest, deviations, and corrupt practices. Therefore, criteria/requirements for the use of repeat orders need to be regulated. Including a clause on public complaint management in the Presidential Regulation is aimed at minimizing deviations in the IKN P3 process and the administration of the Special Capital City District. This is to ensure minimal public participation in overseeing the implementation of IKN P3 and the administration of the Special Capital City District, which could potentially lead to fraud/corruption.

Efforts to optimize the prevention of potential corruption in the development and relocation of the IKN are being undertaken to achieve good governance. In its implementation, it is important to establish an accountable, transparent government that can enhance public participation. As part of the national development project, community involvement in active participation is crucial. Therefore, it is expected that all forms of progress, whether in infrastructure development or budget utilization, as well as developments related to the relocation and construction of the IKN, should be actively communicated to the public through official websites.

V. CONCLUSIONS

The decision to relocate the National Capital and develop the Nusantara Capital Integrated Area (IKN) is part of ambitious efforts towards Indonesia Emas 2045. However, due to the large budget and high complexity of this project, there are controversial policies related to IKN in the eyes of the public. Additionally, there are still gaps in regulations that could lead to corrupt practices. The Corruption Eradication Commission (KPK) has conducted a study using the Corruption Risk Assessment (CRA) method on several regulations related to IKN, such as Law No 3 of 2022, Government Regulation No 17 of 2022, and Presidential Regulation No 62 of 2022 regarding the Nusantara Capital Authority. In the CRA analysis, potential corruption risks were found related to institutions, financing schemes, and IKN development implementation, including aspects of compliance, execution, administration, and corruption control.

The development and relocation of the National Capital (IKN) and the construction of IKN Nusantara are important national decisions to achieve Indonesia's Golden Vision 2045. However, in its implementation, several issues may lead to corruption. Firstly, regarding the IKN institution, and regulations governing the authority of the Authority have not specified terms and limitations of tenure, and there are still rules that can be abused, while there is no supervisory body overseeing the success of IKN development and relocation. Secondly, the financing scheme for IKN development also poses problems. Regulations are unclear about the requirements for financing through Public-Private Partnerships (KPBU), making it susceptible to misuse during contract negotiations. The use of crowdfunding schemes can also lead to bribery and personal interests. Thirdly, the implementation of IKN development has the potential for budget manipulation, such as inappropriate project value increases, resulting in inefficient development and the risk of irresponsible actions being targeted.

To address this issue, optimization in preventing corruption potential in IKN development and relocation is necessary. Several policy recommendations should be considered, including the establishment of job criteria and term limits for the Head/Deputy Head of the Authority, the formation of an independent supervisory institution, the use of digitalization for transparency, financing arrangements with financial institution guarantees, limitations on subsidies from the state budget, and clear regulations in development implementation. Additionally, collaboration with supervisory institutions and the implementation of reporting systems such as LHKPN, UPG, and the Whistle Blower System are also important for corruption prevention.

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