

Fighting Corruption Post Revision of the Act of the Corruption Eradication Commission

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Submitted: 25-11-2021; Reviewed: 26-11-2022; Revised: 30-06-2022; Accepted: 30-06-2022
DOI: <http://dx.doi.org/10.18196/mls.v3i3.13232>

Abstract

At the end of 2019, Law Number 19 of 2019 concerning the Second Amendment to Law Number 30 of 2002 concerning the Corruption Eradication Commission was passed. The revision of the Corruption Eradication Commission Law (KPK Law) has generated polemics and interesting issues to discuss. The author wants to examine the role of the KPK in enforcing the law to eradicating corruption in Indonesia. The author will examine how the role of the KPK is compared to the position of the Attorney General's Office and the Police, and analyze the role of KPK in the KPK Law before and after the revision. This research is a normative-empirical legal research, with statutory approach. The results of this study show that the Police, the Prosecutor's Office and the Corruption Eradication Commission both play a role in law enforcement to eradicate corruption. The difference, the three law enforcement agencies in eradicating corruption lies in their existence in the 1945 Constitution, their role in investigations, handling based on case values, and coordination of handling corruption. As for the existence of Law Number 19 of 2019 there are several amendments in the KPK, (1) position of the KPK as a law enforcement agency in the executive branch, (2) establishment of the KPK Supervisory Board, (3) implementation of the wiretapping function, (4) mechanism for issuing an Investigation Termination Order (SP3) (5) institutional coordination of the KPK with other law enforcement (6) search and seizure mechanism, and (7) KPK staffing system.

Keywords: corruption; corruption eradication commission (KPK); law enforcer

1. Introduction

Corruption is a problem that has always been in the spotlight as well as the public's attention because corruption is a social parasite that damages the joints of government structures and is the most important obstacle to development.¹ The rise of criminal acts of corruption has troubled the entire Indonesian nation. Moreover, corruption occurs in various sectors ranging from executive, legislative, judicial, and even private powers.

Eradicating corruption is one of the main focuses of the Indonesian government. Various efforts have been made, both to prevent and eradicate corruption simultaneously by the executive, legislative and judiciary. These efforts have actually been going well and have yielded results in the form of a growing will to eradicate corruption to all corners of Indonesia. During the reform period, a number of implementing agencies and supporters of corruption eradication were also formed, including the Corruption

¹ Kartini Kartono, *Patologi Sosial* (Jakarta: Bina Aksara, 1988), 3.

Eradication Commission, The Financial Transaction Report and Analysis Centre All of this is done in order to optimize efforts to eradicate corruption.²

Due to such conditions, a special institution was formed which was given special tasks and authority to solve problems of corruption. That commission is the Corruption Eradication Commission (*Komisi Pemberantasan Korupsi*), or more commonly referred to as the KPK. The KPK was formed with the specific aim of eradicating corruption and becoming a new hope for eradicating corruption so that it can produce results effectively and optimally. KPK was formed on the basis of the provisions of Law Number 31 of 1999 concerning Corruption Eradication *jo.* Law Number 30 of 2002 concerning the Corruption Eradication Commission.

At the end of 2019, Law Number 19 of 2019 concerning the Second Amendment to Law Number 30 of 2002 concerning the Corruption Eradication Commission was passed. The revision of the Corruption Eradication Commission Law (KPK Law) has generated polemics and interesting issues to discuss. The following are some points of concern regarding the revision of the KPK Law. First, weakening the independence of the KPK. Second, the assistance section that the leader is the person in charge is removed. Third, the authority of the Supervisory Board falls on case handling techniques. Fourth, trimming investigative authority.

Previously, in Article 3 of Law Number 30 of 2002, the KPK was a state institution that in carrying out its duties and authorities was independent and free from the influence of any power.³ However, after a revision of the amendments to Law Number 19 of 2019, it was stated that the KPK is a state institution in the executive power clump that runs and is authorized to be independent and free from the influence of any power. There is a phrase "executive power clump" in it.

The existence of amendments to the KPK Law is certainly a concern and interesting to be studied more deeply, especially when compared to a glance there are things that are interesting to analyze, namely related to the inclusion of the KPK in state institutions. in the executive power clump. So that it needs to be explored more deeply "state institutions within the executive power clump" and how it affects the role of the KPK to eradicating corruption in Indonesia.

Based on the description above, the author wants to examine the role of the Corruption Eradication Commission (KPK) in enforcing the law to eradicating corruption in Indonesia. The author will analyze the role of KPK in the KPK Law after the revision (Undang-Undang Nomor 19 Tahun 2019). The author also examines how the role of the KPK is compared to the position of the Attorney General's Office and the Police in the Undang-Undang Nomor 19 Tahun 2019. The author examine this problem from the point of view of constitutional law, namely state institutional law with the theory used is the rule of law theory, the theory of separation of powers, the theory of state institutions, the theory of auxiliary state institutions, (*auxiliary state organ*), theory of law enforcement, and theory of corruption.

² Bambang Waluyo, *Penegakan Hukum di Indonesia* (Jakarta: Sinar Grafika, 2016), 54.

³ Jeremy Pope, *Strategi Memberantas Korupsi Elemen Sistem Integritas Nasional* (Jakarta: Transparency International Indonesia, and Yayasan Obor Indonesia, 2003), 177.

2. Method

This research is an empirical normative legal research, which is a combination of normative legal research⁴ and empirical law research.⁵ This research approach is a statutory approach.⁶ The researcher Collected the data from library in order to find the regulation and theories related to object of research. For strengthening the data, researcher have an interview with some experts. Normative legal research means reviewing legal regulations related to the topic being studied. This research used the material taken from literature. It consists of primary, secondary, and tertiary legal materials. The data collection technique is carried out with literature study on legal materials, both primary and secondary legal materials, such as the collection of legal documents, laws and regulations, books and scientific journals and related data. Finally, the data were analyzed systematically through a juridical qualitative approach in which the data was taken relating to the issues to be researched.⁷

3. Result and Analysis

3.1. Comparison Between The Role of Prosecutorial Agencies, Police, and The Corruption Eradication Commission in Enforcing Corruption Law

Corruption Eradication Commission was formed based on the law, has had a superpower position since its establishment in 2002. The implications of its existence raise many separate questions from both a juridical, political, and academic perspective in Indonesia. The duties, functions, and authorities of the KPK are considered to exceed state institutions that have work functions based on the mandate of the 1945 Constitution of the Republic of Indonesia.⁸

The KPK is also considered constitutionally important. This is because the institutions that handle corruption cases (the police and the prosecutor's office). the criminal acts of corruption are the Police of the Republic of Indonesia and the Attorney General's Office of the Republic of Indonesia. The position of the Police is guaranteed in Article 30 paragraph (4) of the 1945 Constitution which reads:

“The State Police of the Republic of Indonesia as a state instrument that maintains public order and security has the duty to protect, protect, serve the community, and enforce the law.”

The position of the prosecutor is not explicitly stated in the 1945 Constitution. Yusril Ihza Mahendra is of the opinion that the position of the Prosecutor is within the scope of

⁴ Soerjono Soekanto, and Sri Mahmudi, *Penelitian Hukum Normatif Suatu Tujuan Singkat* (Jakarta: Raja Grafindo Persada, 2001), 13-14.

⁵ Soerjono Soekanto, *Pengantar Penelitian Hukum* (Jakarta: UI Press, 2014) 51.

⁶ Mukti Fajar N Dewata, *Dualisme Penelitian Hukum Normatif & Empiris* (Yogyakarta: Pustaka Pelajar, 2015), 155-156.

⁷ Johny Ibrahim, *Teori dan Metodologi Penelitian Hukum Normatif* (Malang,: Bayu Media, 2006), 303.

⁸ Adri Fernando Roleh, "Kedudukan Komisi Pemberantasan Korupsi dalam Sistem Ketatanegaraan Indonesia," *Lex Privatum V*, no. 10 (2017): 77. Available at <https://ejournal.unsrat.ac.id/index.php/lexprivatum/article/view/18748> accessed on 17th June 2020, 9.53.a.m.

Judicial Power as stipulated in Article 24 paragraph (2) and (3) of the 1945 Constitution.⁹ The provision reads:

“(2) Judicial power is exercised by the Supreme Court and judicial bodies under it at the general courts, religious courts, military courts, state administrative courts, and by the Constitutional Court.”

“(3) Other bodies whose functions are related to judicial powers are regulated in law.”

The provisions of "other institutions" in Article 24 paragraph (3) of the 1945 Constitution above are then clarified in the Law on Judicial Powers. In Article 38 paragraph (1) of Law Number 48 of 2009 concerning Judicial Power, what is meant by "other bodies" include the Police, Attorney General's Office, Advocates, and Correctional Institutions. This provision guarantees the constitutional position of the Public Prosecutor.

Unlike the Police and the Attorney General's Office, the position of the KPK is not explicitly or specifically stated in the 1945 Constitution. This means that the KPK is not important in its function. The KPK is considered a constitutionally important institution. This is because institutions that handle corruption, such as the Police and the Attorney General's Office, do not function effectively and efficiently in eradicating corruption. The establishment of an institution such as the KPK can be considered constitutionally important and includes institutions whose functions are related to judicial power as referred to in Article 24 paragraph (3) of the 1945 Constitution.¹⁰ Below we will discuss one by one the comparison between law enforcement agencies in their role in eradicating corruption.

3.1.1. National Police of the Republic of Indonesia

The Indonesian National Police Agency is one of the institutions that has the authority and plays an important role in efforts to enforce law and order in the Indonesian judicial system. Based on Article 2 of Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia, the function of the Police is one of the functions of the state government in the field of maintaining security and public order, law enforcement, protection, shelter, and service to the community. Police officers have duties and authorities which according to Article 13 of Law Number 2 of 2002 concerning the Indonesian National Police,¹¹ The main tasks of the State Police of the Republic of Indonesia are to maintain public security and order, enforce the law, and provide protection, protection, and service to the community. Therefore, the Police must be

⁹ Yusril Ihza Mahendra, *Kedudukan Kejaksaan Agung dan Posisi Jaksa Agung Dalam Sistem Presidensial di Bawah UUD 1945* loaded in the book of Muhammad Tahir Azhary, *Beberapa Aspek Hukum Tata Negara, Hukum Pidana dan Hukum Islam* (Jakarta: Kencana Prenada Media Group, 2012), 15-16.

¹⁰ Constitutional important on KPK are based on Putusan MK Nomor 12-16-19/PUU-IV/2006. Oly Viana Agustine, Erlina Maria Christin Sinaga, and Rizkisyabana Yulistyaputri, "Legal Politics of the Strengthening of Corruption Eradication Commission's Authority in the Constitutional System," *Jurnal Konstitusi* 16, no. 2 (2019): 322. Available at <https://doi.org/10.31078/jk1626> accessed on 17th June 2020, 11.02.a.m.

¹¹ G.W. Bawengan, *Masalah Kejahatan dengan Sebab dan Akibat* (Jakarta: Pradnya Paramita, 1977), 89.

sensitive to the lives of the Indonesian people to prevent violations of the law and enforce the law itself in an effort to create security and order in the lives of the Indonesian people.

The role of the Police as investigators in the criminal justice system for corruption is essentially a functionalization of criminal law, meaning functionalization plays an important role in law enforcement, Barda Nawawi Arief states that the functionalization of criminal law can function, operate or work and make it real. The functionalization of criminal law is synonymous with operationalization or concretization of criminal law, which is essentially the same as law enforcement. The functionalization of criminal law can be interpreted as an effort to make criminal law able to function, operate or work and materialize real. The functionalization of criminal law is identical to the operationalization or concretization of criminal law, which is essentially the same as law enforcement. This functionalization There are three stages of policy, namely the formulative policy stage as a stage formulation of criminal law by the legislators. policy stage applicable as the stage of implementing criminal law by law enforcement, the policy stage Step administrative, which is the implementation stage by law enforcement officials.¹²

In this section, the author focuses on the applicative policy stage, namely as the stage of applying the law by the police as law enforcers in every crime. The duties and responsibilities of the police as investigators have been clearly regulated in the Republic of Indonesia Law no. 8 of 1981 concerning the Criminal Procedure Code and the Law of the Republic of Indonesia No. 2 of 2002 concerning the National Police of the Republic of Indonesia. Articles 4 to 9 of the Criminal Procedure Code describe investigators as police officers of the Republic of Indonesia who have duties and responsibilities carry out investigations, investigations until the submission of case files for all criminal acts that occur include corruption and procedures for carry out the duties and responsibilities described in Article 102 to Article 136 KUHAP.

The regulation of the role of the police in the investigation of criminal acts of corruption was found in various laws and regulations including: 1) Law No. 8 in 1981 concerning the Criminal Procedure Code, it was explained that the Investigator is a State Police Officer Republic of Indonesia, and 2) Law no. 31 of 1999 concerning Criminal Acts Corruption as amended by Law no. 20 of 2001 About Amendments to Law No. 31 of 1999 Article 26 Reads Investigation against the criminal act of Corruption is carried out based on the provisions in the Criminal Procedure Code.

This law gives the widest possible authority to investigators POLRI to conduct investigations into criminal acts of corruption which are described in this Law in detail and contain criminal provisions, namely determining a special minimum criminal threat, a higher fine and being threatened with a special crime which is the eradication of corruption. Article 26 of Law no. 31 of 1999 explains: Investigations, prosecutions and examinations in courts of criminal acts of corruption are carried out based on the applicable criminal procedure law and stipulated otherwise in this law where the investigator's authority in this article includes the authority to conduct wiretapping. In accordance with the provisions of Article 5 and Article 7 juncto Article 108 of the Criminal Procedure Code, the Police in handling cases receive complaints or reporting.

¹² Herikson Parulian Siahaan, Marlina, and Muaz Zul, "Peran Kepolisian dalam Penyidikan Tindak Pidana Korupsi (Studi pada Kepolisian Daerah Sumatera Utara)," *ARBITER: Jurnal Ilmiah Magister Hukum* 1, no. 2 (2019): 189.

Reports are submitted or addressed to: 1) Investigators, 2) Investigators, and 3) Assistant Investigator.¹³

As the main investigator and investigator for all forms of crime, including crimes that are detrimental to state finances (corruption), in carrying out their duties the National Police are required to be able to know the techniques and modus operandi of corruption crimes and to be able to realize justice, benefit and legal certainty so that it can increase public confidence in the law and especially to the police. With the increasing public trust in the law and its apparatus (Polri), it can eliminate the cynical attitude of the community towards the existence of the National Police as investigators and investigators of corruption cases, especially as a gatekeeper for the work of the law.¹⁴

In eradicating criminal acts of corruption, the role of the National Police is emphasized in Presidential Instruction Number 5 of 2004 dated December 9, 2004 concerning the Acceleration of Corruption Eradication, letter 11 point 10 specifically instructs the Head of the State Police of the Republic of Indonesia to: 1) Effectively and efficiently investigate criminal acts of corruption to: punish the perpetrators and save state money; 2) Prevent and provide strict sanctions against abuse of authority committed by members of the Indonesian National Police in the context of law enforcement; 3) Increase cooperation with the Prosecutor's Office of the Republic of Indonesia, the Financial and Development Supervisory Agency, the Center for Financial Transaction Reports and Analysis, and state institutions related to law enforcement efforts and recovering state losses due to corruption.

Regarding the relationship between the police and the KPK, based on the results of interviews with police officers at the Yogyakarta Special Region Regional Police, it can be stated that the relationship between the police and the KPK is closely related to the task of eradicating corruption. This is indicated by the supervision and supervision process carried out by the KPK on cases handled by the Police. In addition, there is assistance provided by the KPK if the police find difficulties or obstacles in handling corruption cases so that there are no neglected cases handled by the police.¹⁵

Eradication of criminal acts of corruption, apart from being the responsibility of the National Police as part of the integrated criminal justice system, is also the responsibility of the Prosecutor's Office and the Corruption Eradication Commission. The Prosecutor's Office is authorized to conduct investigations into corruption cases. The following will describe the role of the Prosecutor's Office in dealing with corruption.

3.1.2. Prosecutor's Office of the Republic of Indonesia

In Article 1 Number 1 of Law Number. 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia, it is determined that the Prosecutor is a functional official who is authorized by this law to act as an investigator, public prosecutor and implement court decisions that have obtained legal force and other powers based on Law Number 16 of 2004. Prosecutor's Office of the Republic of Indonesia as a government

¹³ Siahaan, Marlina, and Zul, "Peran Kepolisian dalam Penyidikan Tindak Pidana Korupsi (Studi pada Kepolisian Daerah Sumatera Utara)", 142.

¹⁴ Armunanto Hutahaean, and Erlin Indarti, "Strategi Pemberantasan Korupsi Oleh Kepolisian Negara Republik Indonesia (POLRI)", *Masalah-Masalah Hukum* 49, no.3 (2020): 319.

¹⁵ Hasil wawancara dengan IPTU Karno, S.H, Jabatan Kanit I Unit 2 Subdit 3/Tipikor ditreskrimsus polda DIY.

institution that exercises state power in the field of prosecution must be free from the influence of any party's power. The prosecution is carried out independently regardless of the influence of power government and other powers. The Prosecutor's Office as one of the law enforcement agencies is required to play a greater role in upholding the rule of law, protecting the public interest, enforcing human rights, and eradicating corruption.¹⁶

The Attorney General's Office of the Republic of Indonesia holds a very strategic position in eradicating corruption. Since the Proclamation of Independence on August 17, 1945 until now, the Attorney General's Office of the Republic of Indonesia has continued to eradicate corruption. As one element of the criminal justice system (Criminal Justice System) in a democratic country, the Indonesian Prosecutor's Office refers to Law Number 16 of 2004 concerning the Indonesian Attorney's Office, and also pays attention to Law Number 8 of 1981 concerning Criminal Procedure Code (KUHAP). Specifically, for the eradication of corruption, it is regulated through Law Number 31 of 1999 concerning the Eradication of Non-Criminal Corruption in conjunction with Law Number 20 of 2001.

The Prosecutor's Office is the only state institution which is a government apparatus authorized to delegate criminal cases, prosecute perpetrators of criminal acts in court and carry out decisions and decisions of criminal judges, this power is a characteristic of the prosecutor's office that distinguishes other law enforcement institutions or agencies. In addition, in general crimes, the prosecutor only acts as a public prosecutor, but in special crimes, in this case corruption, the prosecutor acts as an investigator and public prosecutor. As an investigator, it is necessary to have special expertise and skills to find and collect evidence so that the suspect can be found. Basically, the investigation and investigation of every criminal act is the beginning in handling every criminal act, especially corruption.

As investigators in criminal acts of corruption, the prosecutor's office is authorized to conduct investigations and investigations. After the investigation is felt by the investigator to have been completed, the case file is submitted to the prosecutor as the public prosecutor. The prosecutor appointed as the public prosecutor after receiving the case dossier immediately examines, if the file by the public prosecutor is deemed incomplete then within seven days or earlier, the public prosecutor must have returned the file to the investigator accompanied by instructions for the completeness of the file. If within seven days after receiving the case file from the public prosecutor investigator does not return the file, then the file is complete. With the return of the case file by the public prosecutor to the investigator accompanied by instructions for the completeness of the file, the investigator must conduct a further investigation to complete the file no later than fourteen days after completion and send it back to the public prosecutor.¹⁷

Regarding the role of the prosecutor's office in handling corruption cases, Suharyo's opinion as a researcher at the Research and Development Agency for Law and Human Rights KUMHAM RI, which states that it can be seen that the Indonesian Attorney General's Office lacks enthusiasm in fighting corruption. Indeed, when the Attorney General was occupied by Abdul Rahman Saleh, SH for the period 2004-2007, he seriously

¹⁶ Hartanti in Oky Riza Wijayanto, *Peranan Lembaga Kejaksaan Dalam Penanganan Perkara Tindak Pidana Korupsi Di Kabupaten Banjarnegara*, (Skripsi Universitas Negeri Semarang, 2007), 20.

¹⁷ Sutarto, *Hukum Acara Pidana Jilid I*. 22.

carried out law enforcement on corruption cases. On various occasions, Attorney General Abdul Rahman Saleh, SH, stated to the Heads of the High Prosecutor's Office and the Head of the District Attorney's Office to seriously process any allegations of corruption in their respective working areas. Even set a minimum target as a performance indicator: 1 corruption case in one year for the District Attorney's office, 3 corruption cases in a year for the District Attorney's Office, and 5 corruption cases in one year for the High Court.¹⁸

The Prosecutor's Office is the only state institution which is a government apparatus authorized to delegate criminal cases, prosecute perpetrators of criminal acts in court and carry out decisions and decisions of criminal judges, this power is a characteristic of the prosecutor's office that distinguishes other law enforcement institutions or agencies. In addition, in general crimes, the prosecutor only acts as a public prosecutor, but in special crimes, in this case corruption, the prosecutor acts as an investigator and public prosecutor. As an investigator, it is necessary to have special expertise and skills to find and collect evidence so that the suspect can be found. Basically, the investigation and investigation of every criminal act is the beginning in handling every criminal act, especially corruption.¹⁹

Investigators in Corruption Crimes were first handled by prosecutors and police investigators. In special crimes, the prosecutor acts as an investigator. The legal basis that gives the prosecutor the authority to investigate corruption crimes is Article 30 paragraph (1) letter d of Law number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia which reads as follows: and the authority to conduct investigations into certain criminal acts. Based on the article, the crime of corruption is a special crime in the sense that the crime of corruption has special provisions for criminal procedures. Thus, the Prosecutor's Office has the authority to carry out investigations. Criminal acts that contain provisions for certain criminal acts are called special crimes, criminal acts of corruption based on Law No. 20 of 2001 concerning Amendments to Law No. 31 of 1999 concerning Eradication of Criminal Acts of Corruption contain special provisions for criminal procedures.

In terms of handling corruption crimes between the police and prosecutors, the KPK already have an agreement that if the handling has been carried out first by an institution, other institutions may not take part in handling it, so that there is no duplicate case handling. However, the assistance and supervision is still there so that if an institution that handles it encounters obstacles or difficulties, other institutions can help, for example, the prosecutor's office often has difficulty getting experts, the prosecutor will send a letter to the KPK to request an expert request. Then the KPK responded quickly by providing experts. So that the investigation and prosecution process at the prosecutor's office goes well.²⁰

The prosecution is carried out independently regardless of the influence of government power and the influence of other powers. The Prosecutor's Office as one of

¹⁸ Suharyo, "Peranan Kejaksaan Republik Indonesia Dalam Pemberantasan Korupsi Di Negara Demokrasi," *Jurnal Penelitian Hukum DE JURE* 16, no. 1 (2016): 19.

¹⁹ Yasmirah Mandasari Saragih, "Peran Kejaksaan Dalam Pemberantasan Tindak Pidana Korupsi Di Indonesia Pasca Undang-Undang Nomor 20 Tahun 2001 Tentang Pemberantasan Tindak Pidana Korupsi," *Al'Adl* 9, no. 1 (2017): 59.

²⁰ Hasil wawancara dengan Jaksa.

the law enforcement agencies is required to play a greater role in upholding the rule of law, protecting the public interest, enforcing human rights, and eradicating corruption.²¹ In addition, in general crimes, the prosecutor only acts as a public prosecutor, but in special crimes, in this case corruption, the prosecutor acts as an investigator and public prosecutor. As an investigator, it is necessary to have special expertise and skills to find and collect evidence so that the suspect can be found. Basically, the investigation and investigation of every criminal act is the beginning in handling every criminal act, especially corruption. In line with the opinion expressed by members of the Yogyakarta Public Prosecutor's Office which stated that a prosecutor is a prosecutor in court proceedings so that his role in handling corruption cases is important, even in the KPK institution the public prosecutor is a prosecutor from the prosecutor's office, so the role of the prosecutor in eradicating corruption is very important.²²

As investigators in criminal acts of corruption, the prosecutor's office is authorized to conduct investigations. After the investigation is felt by the investigator to have been completed, the case file is submitted to the prosecutor as the public prosecutor. The prosecutor appointed as the public prosecutor after receiving the case dossier immediately examines, if the file by the public prosecutor is considered incomplete then within seven days or earlier, the public prosecutor must have returned the file to the investigator accompanied by instructions for the completeness of the file.²³

If within seven days after receiving the case file from the public prosecutor investigator does not return the file, then the file is complete. With the return of the case file by the public prosecutor to the investigator accompanied by instructions for the completeness of the file, the investigator must conduct a further investigation to complete the file no later than fourteen days after completion and send it back to the public prosecutor.²⁴

The prosecutor as an investigator concurrently serves as a public prosecutor in handling corruption crimes. Thus, to complete these obligations, the Prosecutor must cooperate with other related parties. This cooperation with other parties is called a legal relationship, because in doing cooperation in a certain rule or law. Legal relations with other parties can be in the form of individuals, legal entities and other government agencies.²⁵ This is reinforced by the statement of a member of the Yogyakarta Attorney General's Office stating that the relationship between the prosecutor and the KPK is a mutually beneficial relationship, often in practice the prosecutor's office receives supervision and assistance from the prosecutor's office in handling corruption cases. He added that there was good communication between the police, the prosecutor's office and the Corruption Eradication Commission in terms of handling corruption cases, for example, there was a division of cases so that cases could be resolved on time and not accumulate in one institution.²⁶

²¹ Suryono Sutarto, *Hukum Acara Pidana Jilid I* (Semarang: Universitas Diponegoro, 2004), 76.

²² Hasil Wawancara dengan jaksa.

²³ Sutarto, *Hukum Acara Pidana Jilid I*. 62.

²⁴ Emmy Hafild, *Transparency International Annual Report* (Jakarta: Transparency International, 2004), 4.

²⁵ Sutarto, *Hukum Acara Pidana Jilid I*. 65.

²⁶ Hasil Wawancara dengan Jaksa.

3.1.3. The Corruption Eradication Commission (KPK) based on Law Number 30 of 2002 concerning the Corruption Eradication Commission.

The Corruption Eradication Commission (KPK) is a state institution which in carrying out its duties and authorities is independent and free from the influence of any power (Article 3 of Law Number 30 of 2002). The purpose of the establishment of the KPK is focusing to increase the effectiveness and efficiency of efforts to eradicate corruption. The KPK was formed because the institutions of the Police, the Prosecutor's Office, the Judiciary, Political Parties and the Parliament which were supposed to prevent corruption did not work and were even dissolved and lulled into corruption. The eradication of corruption that has occurred until now has not been carried out optimally. Therefore, the eradication of corruption needs to be improved professionally, intensively, and continuously.²⁷

Andi Hamzah²⁸ stressed that in the first six months after the establishment of the new KPK, they wanted to find out what to do. In fact, to carry out its role, the KPK is given extraordinary powers as regulated in Article 6 points b, c, d and e of the Law. No. 30 of 2002 concerning the Corruption Eradication Commission that this institution can act starting from: (1) supervise agencies authorized to commit corruption crimes; (2) conduct investigations, investigations, and prosecutions of corruption crimes; (3) take action to prevent corruption, and; (4) monitor the implementation of state government.

In handling cases, the KPK is given the authority to shorten the bureaucratic path and the prosecution process. Thus, the KPK takes on two roles at once, namely the duties of the Police and the Prosecutor's Office, which have so far been powerless in fighting corruption. In addition, the KPK is given the authority to carry out supervision, research, or review of agencies that carry out their duties and authorities related to eradicating corruption and agencies that carry out public services (article 8 paragraph (1). Furthermore, the KPK takes over corruption cases that are being handled by the police). or the prosecutor's office if: (1) public reports regarding criminal acts of corruption are not followed up; (2) there is no progress in the process of handling corruption cases/protracted/delayed without justifiable reasons; (3) the handling of criminal acts of corruption is aimed at protecting the real perpetrators of corruption; (4) the handling of corruption crimes contains elements of corruption; (5) there are obstacles in the handling of criminal acts of corruption due to interference from the executive, judiciary or legislature; or (6) other circumstances which, according to the consideration of the police or the prosecutor's office, it is difficult to carry out a criminal act of corruption properly and can be justified.

The KPK is an independent state institution which in carrying out its functions and authorities is free from the influence of any power. Based on Articles 6 and 7 of Law Number 30 of 2002, the duties of the KPK include: coordinating and supervising efforts to eradicate corruption carried out by authorized institutions, conducting investigations, investigations, and prosecutions of criminal acts of corruption, taking actions prevention of corruption, and monitor the implementation of state government.²⁹

²⁷ Totok Sugiarto, "Peranan Komisi Pemberantasan Korupsi (KPK) Dalam Pemberantasan Tindak Pidana Korupsi Di Indonesia," *Jurnal Cakrawala Hukum* 18, no. 1 (2013): 188.

²⁸ *Ibid.*, hal. 189.

²⁹ Titik Triwulan Tutik, *Konstruksi Tata Negara Indonesia* (Jakarta: Kencana, 2010), 238.

The duties and powers of the Corruption Eradication Commission according to Law no. 30 of 2002 articles 6 and 7 were: (1) have coordination with institutions authorized to eradicate corruption; (2) has supervision of institutions authorized to eradicate corruption; (3) conducts investigations, investigations, and prosecutions of corruption crimes; (4) take measures to prevent corruption; (5) monitors the implementation of state government; (6) coordinate investigations, investigations, and prosecutions of corruption crimes; (7) establishes a reporting system in corruption eradication activities; (8) request information on activities to eradicate corruption from the relevant agencies; (9) conduct hearings or meetings with institutions authorized to eradicate corruption; and (10) request reports from relevant agencies regarding the prevention of corruption.

In general, the duties and authorities of the KPK are divided into four areas, namely enforcement, prevention, coordination and supervision, and monitoring. Of course there are differences in the characteristics of the four sections. The field of prosecution is more about giving punishment. The purpose of this action is to give a deterrent effect to the perpetrators of corruption. And it is hoped that there will be efficiency and transparency in public services, as well as returning state finances that have been tiled, carried out by means of:³⁰

- 1) Corruption is taken together with other law enforcement officers (Polri and the Prosecutor's Office).
- 2) Handling corruption cases that have not been completed by the old KPK leadership
- 3) Handling cases that have a high cumulative follow-up impact, while cases with a local scope are delegated to local law enforcement officials.
- 4) Handling cases of corruption within law enforcement officials, state financial revenues and expenditures, as well as the public service sector.
- 5) Following up on the MoU with the Department of Defense to encourage the handling of corruption cases within the TNI.

The next field is prevention, in carrying out activities that can optimize service improvement in public services and streamline supervision such as:

- 1) Encourage all agencies and the public to increase awareness of anti-corruption and their participation in preventing corruption in their respective environments.
- 2) Carry out proactive investigations (detection) to identify and predict corruption vulnerabilities and potential problems causing corruption periodically to be submitted to the relevant agencies and communities.
- 3) Encourage institutions and communities to anticipate corruption vulnerabilities (prevention activities) and potential problems causing corruption (by addressing upstream problems) in their respective environments.

The field of coordination and supervision is another target of the KPK. In this case, cooperation is mainly carried out with the police and the prosecutor's office because they are both law enforcers who carry out corruption eradication by means of:

- 1) Following up on the MoU that has been made between the KPK, the Attorney General's Office, and the National Police with concrete actions on the ground:

³⁰ Diana Napitupulu, *KPK in Action* (Jakarta: Raih Asa Sukses, 2010), 56.

- a. Hold regular meetings with the National Police and the Attorney General's Office.
 - b. Evaluate the process of handling cases handled by the Police and the Attorney General's Office.
- 2) Encouraging the handling of corruption cases to the regions (Polda and Kejati) with alternatives action:
- a. Fully submitted according to the authority of the Police and the Prosecutor in handling cases.
 - b. The authority of the KPK is used but implemented by law enforcement agencies in the regions.
- 3) Monitoring the handling of corruption cases handled by the National Police and the AGO:
- a. Administratively
 - b. Check on the spot.

. Taking over the handling of crucial cases or those that cannot be handled by the Police and the Attorney General's Office. The final target area of the KPK is the field of monitoring. In this case, the KPK is in charge of carrying out the supervision process of government agencies, especially those that can affect the growth or shrinkage of the corruption perception index which is carried out by:

- 1) Conducting a selective study of the state administration system and supervision system of state/government institutions to encourage the implementation of system amendments and bureaucratic reform at the national level.
- 2) Improving the integrity and effectiveness of the supervisory function in each agency through restructuring the position, duties and functions of the supervisory unit/institution, so that the implementation of its duties and functions can be carried out independently and responsibly.

The eradication of corruption has been running and has given hope to the community. This is inseparable from the simplicity of the bureaucracy at the KPK. Investigators from the KPK can directly coordinate with the prosecution team who are also at the KPK. There are no institutional bureaucratic obstacles or sectoral egos as is often the case in handling cases where many institutions are involved. One of the causes of frequent delays in the investigation of corruption cases is the bureaucratic problem that is too complicated. A letter may have to go through various doors before it reaches the recipient. Therefore, it is not surprising that corruption suspects often walk freely and hide abroad. The reason could be because the ban letter took too long to process.³¹

3.1.4. Corruption Eradication Commission (KPK) Post Revision of Law Number 30 Year 2002 Concerning the Corruption Eradication Commission.

One of the new institutions formed during the reform era in Indonesia is the Corruption Eradication Commission (KPK). This institution was formed as one part of

³¹ Arfan Datukramat, "Penegakan Hukum Oleh KPK Terhadap Penyalahgunaan Kewenangan Yang Dilakukan Oleh Penegak Hukum dalam Penyelesaian Tindak Pidana Korupsi," *Lex Crimen* 2, no. 6 (2013): 45.

the corruption eradication agenda which is one of the most important agendas in improving governance in Indonesia.³² Based on the legal hierarchy, the establishment and authority of the KPK institution is contained in Article 43 of Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption, and also through Law Number 30 of 2002 concerning the Corruption Eradication Commission, this commission was legally established and have the legitimacy to carry out their duties. However, there is a blurring of norms regarding the position of the KPK, here the position of the KPK as an independent institution seems extra-constitutional, namely independent and free from the influence of power. anything that is feared can make this institution absolute power in its scope of work.

The Corruption Eradication Commission (KPK) was first formed in 2002 by Indonesia's fifth President, Megawati Soekarnoputri. At that time it was judged that the police and the prosecutor's office could not solve and tackle corruption in Indonesia. This is reinforced by IPTU Karno's statement which states that the background of the KPK is because it is considered that the performance of the police and prosecutors is not optimal in handling corruption cases, because the police have many duties and functions of law enforcement, not only eradicating corruption.³³

The idea of creating the KPK institution began during the time of President B.J. Habibie with the enactment of Law Number 28 of 1999 concerning the Implementation of a Clean and Free State from Corruption, Collusion, and Nepotism. After the existence of this law, institutions such as the State Administrators Wealth Report (LHKPN), the Business Competition Supervisory Commission (KPPU), and the Ombudsman were established.³⁴ Based on the history of the formation of regulations in preventing corruption (tipikor), the Corruption Crime Commission was formed which is regulated in Law no. 30 of 2002 concerning the Corruption Eradication Commission (KPK Law). The KPK Law emphasizes the duties and authorities of the KPK based on five principles, namely, legal certainty, transparency, accountability in the public interest and proportionality. The existence of these five principles gives rise to the privilege of the KPK institution, which lies in the nature of its independence as a state institution. This independence is stated very clearly in Article 3 of the KPK Law which states that it is not permissible to interfere with other institutions or other powers including institutions and executive powers in handling corruption cases. The reason is contained in Article 3 of the KPK Law, namely so that the KPK as a state institution can run cleanly without any interference from a person or position who could be someone who is suspected of committing corruption. However, in the middle of 2019 there was a amendment to the KPK Law, which resulted in many pros and cons among the public.³⁵

The KPK was born from public anxiety over the performance of conventional institutions which were considered ineffective. The KPK in the constitutional system is

³² Mahmuddin Muslim, *Jalan Panjang Menuju KPTPK* (Jakarta: Gerakan Rakyat Anti Korupsi(GeRAK)Indonesia, 2004), 33.

³³ Hasil wawancara dengan IPTU Karno, S.H, Jabatan Kanit I Unit 2 Subdit 3/Tipikor ditreskrimsus polda DIY.

³⁴ Kartika S. Wahyuningrum, Hari S. Disemadi, and Nyoman S. Putra Jaya, "Independensi Komisi Pemberantasan Korupsi: Benarkah Ada?", *Jurnal Ilmu Hukum Refleksi Hukum* 4, no. 2 (2020): 240.

³⁵ Wahyuningrum, Disemadi, and Jaya, "Independensi Komisi Pemberantasan Korupsi: Benarkah Ada?"

an independent state institution that does not belong to any power family (executive, legislative and judicial). Regarding the independent nature of the KPK, Article 3 of Law No. 30 of 2002 is clearly set out in an independent institution, as well as in the four decisions of the Constitutional Court, namely 012-016-019/PUU-IV/2006. 19/PUUV/2007. 37-39/PUU-VIII/2010. 5/PUU-IX/2011 which also places the KPK as an independent state institution.

However, after the issuance of Law No. 19 of 2019, the institutional format of the KPK amendment to become part of the executive family. After the issuance of Law No. 19 of 2019 which states that the position of the KPK is as a state institution in the executive power clump. This is what makes the position of the KPK ambivalent in the constitutional system.³⁶ On one hand, the KPK is part of the executive family, but on the other hand, the KPK is independent. The shift in the position of the KPK to become part of the executive clump has implications for the limited space for the KPK in efforts to eradicate corruption, even the KPK has the potential to receive various interventions, especially from the executive realm.³⁷ Intervention from the executive is shown by the existence of a supervisory agency within the KPK, this supervisory institution is an institution occupied by people who are extensions of the President as the holder of executive power so that its independence is very doubtful, the supervisory board is appointed directly by the president, although in the process the selection process is carried out first by a committee formed directly by the president.³⁸

Some opinions of experts who say that the revision of the law on the Corruption Eradication Commission as an effort to weaken the eradication of corruption is not entirely true and not entirely wrong. The position of the KPK institution in the revision of Law No. 19 of 2019, the KPK is a state institution in the executive power clump which in carrying out its authorities and duties is independent and free from the influence of any power. The affirmation of institutional status in the revision of the KPK Law provides legal certainty and is in line with the vision and mission of the establishment of the KPK based on Law no. 30 of 2002.

The opinions of experts as referred to above can be explained as follows, according to Feri Amsari, Zainal Arifin Mochtar, Bivitri Susanti, and Refly Harun, assessing the revision of the law on the Corruption Eradication Commission as a step to weaken the Corruption Eradication Commission, the Corruption Eradication Commission, which is now part of the Corruption Eradication Commission. within the executive power clump may eliminate the independence of the Corruption Eradication Commission in carrying out its duties and authorities. The Supervisory Board which has very broad powers is not needed by the KPK, because the internal scope of the KPK already has an ethics board. In addition, large cases that take a long time to handle can be ruled out with the authority of the KPK in Issuing a Letter of Termination of Case Investigation (SP3).³⁹

In contrast to previous experts, according to Yusril Ihza Mahendra, Fahri Bachmid and Chairul Huda, the revision of the KPK Law is needed as a step to strengthen the KPK,

³⁶ Hasil wawancara dengan Pukat UGM.

³⁷ Nehru Asyikin, and Adam Setiawan, "Kedudukan KPK Dalam Sistem Ketatanegaraan Pasca Diterbitkannya Revisi Undang-Undang KPK," *Justitia Jurnal Hukum* 4, no.1 (2020): 126.

³⁸ Hasil wawancara Pukat UGM.

³⁹ Asyikin, and Setiawan, "Kedudukan KPK Dalam Sistem Ketatanegaraan Pasca Diterbitkannya Revisi Undang-Undang KPK. 126

and states that the KPK's agreement has entered the realm of the executive power clump, so that the KPK does not make its own rules and regulated matters. can be accounted for. on the grounds that the KPK does not abuse its authority in carrying out its duties. The authority to issue a Letter of Termination of Case Investigation (SP3) as a step to provide legal certainty, so that suspects in cases do not languish waiting for legal proceedings. And if new evidence is found, it can cancel the reason for stopping the investigation and prosecution.⁴⁰

The KPK, which is authorized by law to solve the problem of corruption in Indonesia, the authority given to the KPK is attribution authority, namely the granting of authority by the legislators themselves to a government organ, both existing and new. The attribution authority is given by legislators, namely as lawmakers, so that the KPK has duties and responsibilities like other state institutions. Therefore, the KPK has its own independent working system without the intervention of other parties, this system is the independent nature of the KPK to maintain the purity and authenticity of the results of its investigations. In addition to the authority given by attribution, it must be recognized that the independence of the KPK has two meanings, namely institutional or institutional independence and functional independence. Institutional or institutional independence has the meaning as an independent institution and must be free from intervention by other parties outside the system, these parties and systems must be explained in detail in the KPK Law. Based on the history of the formation of regulations in preventing corruption, the KPK was formed which is regulated in the Law.⁴¹

Article 3 of the KPK Law states that the KPK has an independent nature in carrying out its duties and authorities, so that it is not influenced by any power. The characteristics of independence is not influenced by any power in this case, namely the investigation, investigation and prosecution assigned by the KPK Law. If viewed from the functions and authorities of the KPK, it can be said that it has an executive function. Meanwhile, the KPK institution structurally must be viewed from the perspective of state institutions. Based on the KPK Law, the KPK institution is a *sampiran* or semi-state institution or a supporting institution.⁴²

The appointment of a supervisory board that can slow down the work of the KPK and the amendment of the contents of Article 3 of the KPK Law, which initially had an independent character and was free from the influence of any power, was amended in the revision of Article 3 of the KPK Law to become KPK is a state institution within the executive power clump that carries out preventive tasks. and eradication of corruption that is independent in carrying out its duties and authorities. In addition to changing the contents of Article 3 of the KPK Law, a supervisory board is also formed which can intervene in the performance of the KPK, which can eliminate its independent nature. With the removal of the KPK's privileges, in carrying out its duties and authorities, all must obtain permission from the supervisory board.⁴³ This is in accordance with the

⁴⁰ Asyikin, and Setiawan, "Kedudukan KPK Dalam Sistem Ketatanegaraan Pasca Diterbitkannya Revisi Undang-Undang KPK. 126.

⁴¹ ⁴¹Wahyuningrum, Disemadi, and Jaya, "Independensi Komisi Pemberantasan Korupsi: Benarkah Ada?'. 248.

⁴²Wahyuningrum, Disemadi, and Jaya, "Independensi Komisi Pemberantasan Korupsi: Benarkah Ada?'

⁴³ Ahmad Rofiq, Hari Sutra Disemadi, and Nyoman Serikat Putra Jaya, "Criminal Objectives Integrity in the Indonesian Criminal Justice System," *Al-Risalah* 19, no. 2 (2019): 180.

opinion of Pukat UGM which states that with the existence of a supervisory board, the duties and functions of the KPK are greatly hampered and become procedural, for example for wiretapping which requires written permission from the supervisory board with a long procedure.⁴⁴

With the revision of the KPK Law, its functional and structural independence has a different meaning when compared to the KPK Law. In this case, the KPK institution structurally must be viewed from the point of view of state institutions. Based on the revision of the KPK Law, the KPK is structurally an executive institution (Article 3 of the revision of the KPK Law). While functional independence is independence in carrying out its duties and functions in this case, namely the investigation, investigation and prosecution assigned by the KPK Law, if viewed from the functions and authorities of the KPK, it can be said to have an executive function because the functions of investigation, investigation and prosecution belong to the police and the prosecutor's office. which is an executive agency.⁴⁵

In functional theory, independent institutions should not be intervened by other institutions. In the KPK Law, it is clear that the KPK is only responsible for making reports to the President, the Regional Representatives Council and the Financial Supervisory Agency (Article 7 paragraph 2 of the KPK Law). However, with the formation of a supervisory board that is directly elected by the President, the KPK must report all activities to the supervisory board, which results in reporting and requesting permission to conduct wiretapping to be hampered and not fast.⁴⁶It is very clear that the KPK has an independent nature which is regulated by law, although its independence is not absolute independence when viewed from the two theories above. This is because of the overlapping authority in eradicating corruption with other institutions such as the Police and the Prosecutor's Office. The impurity of the KPK's independence is because its independence is only legal or dogmatic, namely written and regulated by law, but technically in carrying out its duties and authorities the KPK is not free because it must rely on a special permit to conduct wiretapping.

The basic understanding of the word independent is the existence of freedom, independence, independence, autonomy (autonomy), so that it is not in personal or institutional domination. With independence, the implementation of free will can be realized without any influence that significantly amends its position to make decisions or policies. Philosophically, an independent (autonomous) person or institution is limited by noble goals that are self-determined or set by a higher (more competent) authority which in subsequent operations can no longer interfere with the implementation of independent functions.

Based on the explanation above, the independence of the KPK is normatively or dogmatically independent but powerless. This is different from the opinion of Pukat UGM which states that the KPK is no longer independent, this is based on several criteria, including those related to filling the position of KPK leadership originating from the elements of the police and prosecutors, staffing status factors, and budget factors that no longer characterize KPK as an independent institution. This has resulted in the

⁴⁴Hasil wawancara Pukat UGM

⁴⁵*Ibid.*, hal. 249.

⁴⁶ A. Sakti Ramdhon Syah R, *Dasar-Dasar Hukum Tata Negara: Suatu Kajian Pengantar Hukum Tata Negara dalam Perspektif Teoritis Filosofis* (Jakarta: Social Politic Genius, 2019), 128.

implementation of its duties and authorities, the KPK remains as an independent agency, but the implementation of its authority becomes more difficult. This has resulted in many pros and cons to the revision of the KPK Law.

3.2. The Role of KPK Before and After The Revision of The KPK Law

Law of the Republic of Indonesia Number 19 of 2019 concerning the Second Amendment to Law Number 30 of 2002 concerning the Corruption Eradication Commission arises because the performance of the Corruption Eradication Commission is regarded to be ineffective, weak coordination between law enforcement lines, violations of the code of ethics by the leadership and the staff of the Corruption Eradication Commission, as well as problems in the implementation of duties and authorities, namely the implementation of the duties and authorities of the Corruption Eradication Commission that are different from the provisions of the criminal procedure law, weak coordination with fellow law enforcement officers, wiretapping problems, poorly coordinated management of investigators and investigators. There is an overlapping authority with various law enforcement agencies, as well as the weakness of the absence of a supervisory agency capable of supervising the implementation of the duties and authorities of the Corruption Eradication Commission, thus allowing for flaws and lack of accountability in the implementation of the duties and authorities of the government. the fight against corruption by the Corruption Eradication Commission.

For this reason, legal reform is carried out so that the prevention and eradication of corruption acts in an effective and integrated manner so that it can prevent and reduce state losses that continue to grow due to corruption. Strengthening the Corruption Eradication Commission in prevention activities does not mean that corruption eradication activities are ignored. In fact, the strengthening is intended to make the activities of the Corruption Eradication Commission in carrying out their duties and authorities better and more comprehensive. Legal reform is also carried out by arranging the institution of the Corruption Eradication Commission and strengthening preventive measures so that state administrators and the public are aware of not committing criminal acts of corruption that can harm state finances.

The KPK exists based on Law Number 30 of 2002 concerning the Corruption Eradication Commission. This regulation is considered by many parties to be qualified to maximize the eradication of corruption. It would not even be wrong to say that the presence of the KPK in the law enforcement system in Indonesia brings a positive climate for eradicating corruption. Evidently, many actors who have been known to be above the law can be handled properly by the KPK.

However, over time the obstacles to eradicating corruption were clearly visible to the public. Corruption eradication institutions often come under attack from various parties, ranging from the submission of the DPR's right of inquiry, attacks on KPK employees or leaders, to revising the KPK Law.

The points of the revision of the KPK Law that have been agreed upon by the DPR and the government are, first, related to the position of the KPK as a law enforcement agency, which is in the executive branch which in carrying out its authorities and duties remains independent. Second, regarding the establishment of the KPK Supervisory Board. Third, related to the implementation of the wiretapping function. Fourth, regarding the mechanism for issuing an Investigation Termination Order (SP3) in corruption cases

by the KPK. Fifth, related to the institutional coordination of the KPK with law enforcement in accordance with the criminal procedure law, the police, the prosecutor's office, and other ministries or institutions in carrying out investigations, investigations, and prosecutions of corruption cases. Sixth, regarding the search and seizure mechanism. Seventh, related to the KPK staffing system.

Based on the KPK achievement table above, during 2019 the KPK carried out 21 hand arrest operations (OTT) and saved potential state losses of Rp 32.24 trillion. There are approximately 160 cases of corruption investigated by the KPK. Of the 160 corruption crimes, the KPK has examined approximately 3,512 witnesses. The most dominant case of OTT results is the bribery of a project. There are a total of eight OTT cases. Meanwhile, bribery in three cases, bribery in the procurement of goods and services in three cases, bribery in licensing three cases, and bribery in handling cases in two cases.

The year 2020 also shows the weak performance of the KPK in the enforcement sector. Based on data obtained by ICW, practically all enforcement performance sectors have experienced a drastic decline, starting from the number of investigations, prosecutions, to the execution of decisions. Not only that, the Firli era KPK was very poor in carrying out enforcement performance, as evidenced by the decreasing number of OTT, unclear resolution of arrears in cases, failure to apprehend fugitives, problems in supervision and takeover of cases, and never ensnaring any law enforcement officers. However, the role of the KPK in eradicating corruption has not been degraded within the Corruption Eradication Commission (KPK). In fact, a number of positive achievements were achieved in one semester under the leadership of the Chairman of the Corruption Eradication Commission (KPK), only in eradicating corruption.

The amendment in the main set has succeeded in reducing corruption by the KPK in the era of Firli Bahuri by improving the education system and approach and continuing to take action and build a commitment to transparency, professionalism and accountability. achievements in the field of investigation, investigation, prosecution and asset tracking work units as well as the management of evidence and executions (Labuksi) of the KPK from January to the end of July 2020.

4. Conclusion

The Police, the Prosecutor's Office and the Corruption Eradication Commission both play a role in law enforcement to eradicate corruption. The difference between them is that the Police institution is explicitly mentioned in the 1945 Constitution, the Prosecutor's Office is implicitly mentioned in the 1945 Constitution, and while the KPK is not mentioned in the 1945 Constitution. Then the role of the Police and the KPK is more emphasized on investigation and investigation, while the Prosecutor's Office is on prosecution. Furthermore, the KPK takes over corruption cases that are being handled by the police or prosecutors if public reports regarding corruption are not followed up, and other several reasons. As for the existence of Law Number 19 of 2019 there are several amendments in the KPK, (1) position of the KPK as a law enforcement agency in the executive branch, (2) establishment of the KPK Supervisory Board, (3) implementation of the wiretapping function, (4) mechanism for issuing an Investigation Termination Order (SP3) (5) institutional coordination of the KPK with other law enforcement (6) search and seizure mechanism, and (7) KPK staffing system.

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