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The Problem of Supervisory Board in Existence in the Event of Corruption Cases in Accordance With the Law of Republic of Indonesia Number 19 of 2019

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The Problem of Supervisory Board in Existence in the Event of Corruption Cases in Accordance With the Law of Republic of Indonesia Number 19 of 2019

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ABSTRACT

The existence of KPK Supervisory Board according to the revision of the law of Republic Indonesia concerning KPK, raises a problem as some believe it will weaken KPK in the event of corruption cases. Furthermore, the obscurity of KPK supervisory board status, whether the objective of such board is for monitoring KPK entirely or some parts in KPK. Hence, this re-search is served for analyzing regarding the status of KPK Supervisory Board to show that KPK is an independent institution and is connected but not under with the jurisdiction of judicial. The establishment of KPK is for specific body that has a wide angle of jurisdiction and independent, meaning KPK is free from any kind of powers in terms of eradicating for corruption acts. The type of research used is normative research. The sources of data are from primary law, secondary law, tertiary law. Based on the result of research that the duties of KPK Supervisory board stated the law of Republik Indonesia Number 19 of 2019 is large. Therefore, a proper regulations shall be made. Also Supervisory board of KPK should have a clear limitations, considering that the change in such law is also implemented as one of the type of laws prevailed in Indonesia. These change should be DPR's jurisdiction with approval of president. These two institutions are the parties has the right in regulations making.

Keywords: *Issues, Supervisory board, KPK*

1. INTRODUCTION

1.1. Background

Article 1 Paragraph 3 of the 1945 Constitution of the Republic of Indonesia says "The State of Indonesia is a State of Law". The concept of the rule of law is understood as a philosophy or political theory that determines a number of fundamental reasons for law. For citizens, the concept of the rule of law is perspective and protective, because it can determine the actions required by law and determine that the government and citizens must act according to the law.

The 1945 Constitution of the Republic of Indonesia amendment version since 1999 is a form of change in the Indonesian constitution which focuses on limiting power. Montesquieu divides the state power into three types of power, namely the power of making laws (legislative), the power of implementing laws (executive), and the powers that adjudicate the violations of laws (judicative). On its progress, along with the complexity of the state administration problems faced by the state, born many new concepts in the practice of state

administration, which has implications for the increasingly varied branches of state institutional structures. This development was marked by the emergence of a number of independent state institutions or state auxiliary bodies such as National Commission of Human Rights, Indonesia's Corruption Eradication Commission, Indonesian Broadcasting Commission, The Business Competition Supervisory Commission and others. Article 24 Paragraphs (2) and (3) of the 1945 Constitution of the Republic of Indonesia state:

(2) "Judicial power shall be exercised by a Supreme Court and the judiciary which are subordinate to the general court, religious court, military court, state administrative court, and by a Constitutional Court."

(3) "Other bodies whose functions are related to judicial authority are regulated by law."

The phrase "other agencies" shows that there are independent supporting institutions and one of them is the Corruption Eradication Commission, abbreviated as KPK. The Corruption Eradication Commission is an institution that was born in the era of Indonesian reform and was formed based on the corruption eradication

agenda which is one of the most important agendas in improving government system in Indonesia. The KPK is a new independent institution with authority that is often referred to as a superbody institution that has more authority than other state institutions based on Law Number 30 of 2002 concerning the Corruption Eradication Commission. The Corruption Eradication Commission was formed not to take over the duties and authorities that previously existed, namely the Police and Prosecutors' institutions. The explanation of Law Number 30 Year 2002 mentions the role of KPK as a trigger mechanism, which means to encourage or as a stimulus for effective and efficient efforts to eradicate corruption by existing institutions. With a variety of basic tasks and functions, it was noted that the KPK wrote its golden ink during its journey to save state finances, both preventive and repressive. At least the level of public satisfaction with the Corruption Eradication Commission is quite satisfying, and there have been many corruption perpetrators tried and convicted and saved billions of rupiah in state assets. The KPK's journey so far was not spared from various things that are considered to cause a loss of proportionality and credibility in guarding the eradication of corruption. It appears from the various performance of the KPK, apart from that it is undeniable that it has made a large contribution in the development and economy of the country from corrupted behaviors. From this, born the concept of the Supervisory Board in the KPK institution stated in The Law of The Republic of Indonesia No 19 of 2019 concerning the Corruption Eradication Commission, abbreviated as Law Number 19 of 2019, Article 21 Paragraph (1) letter A which states the Corruption Eradication Commission consists of: A. Supervisory Board of 5 (five people). Furthermore Article 37E states that the Supervisory Board is elected by the legislative board (DPR) based on the President's proposal and is assisted by the Selection Committee (Pansel) in proposing candidates for the Supervisory Board members. In the 2019 Election, the names chosen to become the Supervisory Board were Artidjo Alkostar, Albertina Ho, Syamsuddin Haris, Harjono, Tumpak Hatorangan Panggabean. The duties of the Supervisory Board are to monitor the implementation of the duties and authority of the KPK, hold hearings to examine the alleged violation of the code of ethics by the leaders of the KPK, conduct periodic evaluations of KPK leaders, receive and act on public reports related to alleged violations of the code of ethics by KPK leaders. One of the tasks of the Supervisory Board which is the problem is overseeing the implementation of the duties and authority of the Corruption Eradication Commission. In

Article 37A paragraph (1) of Law Number 19 Year 2019 concerning the Corruption Eradication Commission states that in order to oversee the implementation of the duties and authorities of the Corruption Eradication Commission formed a Supervisory Board as referred to in Article 21 paragraph (1) letter A. Giving permission or not giving written permission for a permit request within 1 x 24 (one time twenty-four) hours and having to conduct a case title before a supervisory board is one form of part of the supervisory board's supervision. This makes the bureaucracy longer by having to apply for a permit or get permission to carry out the duties and authority of the KPK itself while there are likely to be undesirable things happening when there is a grace period to get the permit. If we refer to the Law Number 30 of 2002 concerning the Corruption Eradication Commission, investigations and or investigations in the form of confiscation, search, wiretapping can be carried out with sufficient preliminary evidence, and can carry out a seizure without permission from the Head of the District Court relating to his assignment. If seen from the results of the performance of the KPK prior to the amendment of the Law that should be appreciated which in its actions is the result of investigations continued to increase during the 2016-2018 period. There were 99 cases in 2016, 121 cases in 2017, and 199 cases in 2018. The total number of cases investigated by the end of 2018 was 419 cases, given the limitations of existing human resources and the KPK could still reveal hundreds of cases of corruption. The concept of an independent state institution is basically unfamiliar with supervisory institutions, but the focus is on building a monitoring system. Moreover, the KPK institution has been monitored by the public, in terms of its financial audit mechanism from the Supreme Audit Agency or BPK, the KPK's performance is monitored by the DPR through hearings, the KPK regularly reports its performance results to the President, and the KPK's enforcement measures are also seen by the institution of judicial power. The KPK itself is running well in carrying out its duties and authorities, especially in conducting confiscations, searches and tapping. This can be seen in the case of Wahyu Setiawan, a KPU commissioner for alleged bribery. The KPK investigation team was detained by the PDI-P DPP officer because the KPK investigation team was unable to show and read the assignment letter. The KPK investigating team must obtain a seizure and search warrant from the Supervisory Board in accordance with the provisions in Law No. 19 of 2019, while it is probable that there will be a loss of evidence due to the lag of time to have the permit. This means that in carrying out their duties, the KPK

institution is no longer free to eradicate corruption in this country and the independence of the KPK in carrying out its duties and authorities is questionable.

1.2. Formulation of the Issues

Based on the background that the author has described above, the authors raise the problem, as follows:

1. What is the problem with the Corruption Eradication Commission with the existence of a Board of Trustees in disclosing corruption cases based on Law Number 19 of 2019? what issue made by the existence of Supervisory Board for the Corruption Eradication Commission (KPK)?
2. What is the Government's effort to overcome the Corruption Eradication Commission's problems with the existence of a Supervisory Board based on Law Number 19 of 2019?

2. ANALYSIS

A. The issue raised for the Corruption Eradication Commission caused by the Existence of Supervisory Board in the event of the Disclosure of Corruption Cases

Whereas in this study the author explains the problems that exist in the Corruption Eradication Commission with the existence of an oversight organ called the Supervisory Board in the disclosure of corruption cases after the enactment of Law Number 19 Year 2019. The problematics originate from English "problematic" which means problem. The problem itself is an obstacle or problem that must be solved in other words the problem is the gap between reality and what is expected well, in order to achieve maximum results. There is also in the Indonesian Dictionary the word problematics means that it still causes problems; things that still cause problems that cannot be solved. In this case the visible gap is expected well by establishing an oversight within the KPK's organs by forming a Supervisory Board which aims to strengthen the KPK itself but in reality there are problems within the KPK internally which certainly have an impact on the KPK's function itself in carrying out its duties and authority as an institution to eradicate criminal acts of corruption. Problems arising after the existence of the Supervisory Board as an organ that functions to oversee the KPK are:

1. Dualism of leadership in the Corruption Eradication Commission

2. Slowing the prosecution of the Corruption Eradication Commission

3. The Corruption Eradication Commission is no longer an independent institution

These problems certainly born after the revision of Law Number 30 of 2002 concerning the Corruption Eradication Commission, which contains organs of the Supervisory Board. Then the writer will describe one by one the above problems.

Dualism of leadership in the Corruption Eradication Commission

Indirectly, the dualism of leadership in the Corruption Eradication Commission occurred between the leadership of the KPK and the Supervisory Board, especially with regard to measures to take action on corruption cases carried out by the KPK. This dualism of leadership in the KPK is due to the very large authority of the Supervisory Board which even exceeds the leadership of the KPK itself.

Before discussing the very large duties and authority of the KPK Supervisory Board, it is also necessary to consider the status or position of the Supervisory Board at the KPK. Authority as a concept of public law consists of at least three components; impact, legal basis and legal conformity.

1. The component of impact is that the use of authority is intended to control the behavior of legal subjects.
2. The basic component of law that the authority can always be demonstrated for legal basis.
3. Conformity component implies the existence of authority standards, namely general standards (all types of authority) and special standards (for certain types of authority).

From the concept of public law above, the Supervisory Board's authority consists of a component of impact which is to control the behavior of the Corruption Eradication Commission which consists of the KPK Leaders, KPK employees, and the KPK Supervisory Board itself in carrying out its duties and authorities. It seems odd whether the Supervisory Board supervises itself because there is no clear explanation about the position of the Supervisory Board within the KPK itself. The Supervisory Board was formed in order to oversee the implementation of the duties and authority of the Corruption Eradication Commission (KPK). This provision is reaffirmed in Article 37B Paragraph (1) letter A which specifies that one of the duties of the

Supervisory Board is to oversee the implementation of the duties and authority of the Corruption Eradication Commission. An important point of both articles is that the Supervisory Board is tasked for overseeing the implementation of the duties and authority of the KPK. While the Supervisory Board was part of the KPK in accordance with the provision of Article 21 of Law Number 19 of 2019. If the KPK as discussed is the KPK in accordance with the provisions in Article 21, then the Supervisory Board supervises itself as an organ, the leadership of the KPK, and KPK employees. However, if what is intended is the leadership and employees of the KPK, the provisions in Article 37A Paragraph (1) and Article 37B Paragraph (1) letter A must be changed. This can raise questions and lead to problems. In the case of the formation of legislative rules should be guided on the basics of the formation of good and ideal rules. This is intended to avoid mistakes and defects in the formation of norms. The Law of Republic of Indonesia No 12 of 2011 concerning the Formation of Legislative Regulations, reminds lawmakers to always pay attention to the basics of the formation of legal regulations. In formulating legislation, it should be done on the basis of the formation of legislative regulations, which include:

1. The clarity of purpose;
2. The proper forming institution;
3. The compatibility between the type, hierarchy, and material;
4. It can be implemented;
5. The usability and usefulness;
6. The clarity of the formula;
7. The openness.

So it is necessary for the corruption law formers to make changes again to the contents of the corruption law to avoid multiple interpretations which will later be abused by certain parties and / or holding up the eradication of corruption in Indonesia.

Furthermore, the Supervisory Board has a number of duties and authorities which are clearly stated in article 37B that the Duties of the Supervisory Board consist of as below.

1. Oversee the implementation of the duties and authority of the KPK;
2. Giving permission for wiretapping, search and / or confiscation;

3. Develop and establish the code of ethics for KPK leaders and employees

4. Receiving and following up on reports from the public regarding the alleged violation of the code of ethics by the KPK Leaders and Employees or violations of the provisions in this Law;

5. Holding hearings to examine suspected violations of the code of ethics by KPK leaders and employees;

6. Evaluating the performance of KPK leaders and employees periodically 1 (one) time in 1 (one) year.

This rule makes the authority of the Supervisory Board is so great in the KPK. They can enter into the technical handling of the case such as tapping, seizure, or search. While in Law Number 19 Year 2019 there is no explanation related to the authority of the KPK leadership. Referring to the Law Number 30 Year 2002 or the old Law, mentioned in Article 21, KPK leaders are investigators and public prosecutors. However, in Law Number 19 Year 2019, the regulation was deleted. This means that the Supervisory Board is visibly above the leadership of the KPK because they oversee the work of the KPK leadership, and with the duties of the Supervisory Board interfering in the corruption enforcement process. Now KPK leaders are administrative leaders, especially when their powers as investigators and prosecutors are revoked in this new law. The concept of authority in state administrative law is related to the principle of legality, where this principle is one of the main principles which is used as a basic ingredient in every government and state administration in every rule of law, especially for countries that adhere to the Continental European legal system. This principle is also called the power of law (*de heerschappij van de wet*). Or also known in criminal law (*nullum delictum sine previa lege peonale*) which means there is no punishment without law. In state administrative law the principle of legality means that the government subjects to the law. This principle is in the rule of law. In the end, the leader of KPK no longer works effectively because of the loss of the status of the investigator and prosecutor. We can imagine when the KPK leaders will sign a "sprindik" or an investigation warrant while the KPK leader will no longer be an investigator. Sprindik or investigation warrant is an administrative document that must be signed by the investigator. For example, to construct whether an act is categorized as corruption or not, whether the KPK leaders are entitled to take a case in the KPK while their status is not investigators and prosecutors, of course not. In the context of wiretapping conducted by the Corruption Eradication Commission,

accountability for the wiretapping process carried out by investigators must not only be conveyed to the KPK leaders but to the Supervisory Board. Article 12 D Paragraph 2 states that "Tapping as referred to in Article 12 letter A which has been completed must be accountable to the Chairperson of the Corruption Eradication Commission and the Supervisory Board no later than 14 (fourteen) working days from the end of the wiretapping." The Supervisory Board's authority over the enforcement function at the KPK that is too far away will lead to a conflict of authority. Not only because the Supervisory Board has an absolute function to limit the KPK's scope of action, but there is also a veto inherent in the Supervisory Board to approve or not to tap, search, seizure conducted by the KPK so that it creates obstacles for the KPK in carrying out work prosecution. From the various results described above, one of the problems that occurred within the KPK is the dualism of leadership between the KPK leaders and the Supervisory Board.

Slowing the prosecution of the Corruption Eradication Commission

Giving written permission to the permit request within 1 x 24 (one time twenty-four) hours and must do a case title before the supervisory board which is one form of part of the Supervisory Board's supervision. This makes the bureaucracy longer by having to apply for permits or get permission to carry out the duties and authority of the KPK itself. The Supervisory Board's authority is a very big authority if it is said to be a form of oversight of the duties and authority of the KPK because the judicial system is a system of handling cases since there are parties who feel disadvantaged or since the suspicion of someone has committed a crime to the implementation of a judge's decision. Specifically for the criminal justice system, as a network, the criminal justice system operates the criminal law as the main means, and in this case in the form of material criminal law, formal criminal law and criminal implementation law. Giving or not giving permission for confiscation, search and tapping is a *pro justitia* series which is the authority of the judiciary. In the Criminal Procedure Code (KUHAP) there are principles that serve as legal benchmarks in the application of law enforcement for the ranks of officials, namely the principle of functional differentiation in which the affirmation of the division of tasks between the ranks of law enforcement agencies internationally, the KUHAP puts a principle of clarification and authority between each law enforcement agencies. The clarification of the grouping is regulated in such a way that it is maintained of mutual tolerance and coordination

in the interrelated and ongoing law enforcement process between one agency and another. Consequently, the legality of the Supervisory Board will become a problem especially in the reality that the enforcement of corruption cases will further slow down, which previously was in the fast lane related to the actions of confiscation, search and confiscation. Now you must have permission from the five Supervisory Councils, hold a written case, and wait for the results for 1 x 24 hours (once twenty-four hours) between yes and not getting the permit. On the other hand, Corruption Crimes are increasingly developing, quickly spreading to almost all sectors of national and state life. The problem of corruption is not only at the national level but has become a transnational problem that is characterized by causes of various typologies, forms, types, and model of operation that can grow dynamically at any time. According to Pompe as quoted by Andi Hamzah can be understood in two criteria, namely special people, meaning special subjects or culprits and special actions. In addition, the specificity of the criminal law does not only materially deviate from the book I of the Criminal Code but also from the general criminal law (the Criminal Procedure Code / KUHAP). Corruption is a crime that is experiencing rapid development in Indonesia, Romli Atmasasmita revealed that corruption in Indonesia has been a flu virus that spreads throughout the government body since 1960 while eradication is very slow until now, this is because corruption is related to power and authority can abuse his power for personal, family and crony interests. Corruption itself is an extraordinary crime or extra ordinary crime which is an extreme crime that is quantitatively different from crime in general. This crime is serious, widespread and massive and is an enemy of humanity. According to Claude Pomerleau, in essence, extraordinary crime is a planned, systematized and organized behavior, action that targets its targets mostly to certain individuals and groups with discriminatory reasons. Bearing in mind that the eradication of corruption in reality is closely related to power politics and politics, so that the KPK is needed in its handling specifically, quickly, and independently. In the action and disclosure of Corruption Crime itself has its own level of difficulty or it can be said there are obstacles. According to Ramelan, non-technical juridical obstacles in disclosing corruption cases are:

1. The complexity of cases often requires comprehensive knowledge. For example in dealing with cases of corruption in the banking sector, besides having to know and understand knowledge in the criminal field, law enforcement officials must also know and understand knowledge in the field of finance and monetary traffic.

In this case often needed assistance from the experts to be asked for their opinions as expert witnesses.

2. Corruption in general involves a group of people who benefit from the crime. Thus they will work together to cover up their deeds. This makes it difficult for law enforcement officials to uncover available evidence.

3. The time for the occurrence of a criminal act of corruption is generally only revealed after a considerable grace period. This makes it difficult to collect or construct evidence that has been subsequently removed or destroyed. Besides that, witnesses or suspects who have already moved to other places also have a role to slow down the examination process.

4. With various efforts, perpetrators of criminal acts of corruption have spent the proceeds of corruption by using it themselves or deliberately diverting with other forms so that it will make it difficult to track corruption proceeds.

The Hong Kong ICAC is a commission for examinations that focuses specifically on the level of corrupt behavior with the task of investigating, helping to prevent corruption in the public sector and educating people in the public sector for the prevention of corruption. Hong Kong's ICAC, led by a Hong Kong Commissioner and ICAC, does not subject to the direction of politicians, bureaucracy, political parties or the government. Article 10 Chapter 204 "ICAC Ordinance" which regulates the authority of arrest and detention of the ICAC Commissioner, states that:

1. An official authorized by the Commissioner to make an arrest without an arrest warrant for a person suspected of violating the "ICAC Ordinance";
2. Investigations are carried out by the ICAC for someone suspected of violating "The Prevention of Bribery Ordinance" or other violations;
3. The official uses the authority under any circumstances, in the context of the arrest, including entering and searching a place if there is a reason that someone who is suspected or accused is in that place; and
4. Anyone may not enter the place referred to in item 3, except ICAC officers.

Same thing as the Australian Corruption Eradication Agency or ICAC New South Wales. ICAC NSW can carry out investigations on its own initiative or on the basis of complaints, reports or recommendations for conducting investigations. ICAC NSW can also conduct an investigation even though there are no public officials

or other people involved (independently). From the example above, corruption eradication institutions or bodies in other countries prioritize fast bureaucracy with existing mechanisms. The existence of a basis of suspicion or based on reports from the public related to criminal acts of corruption is followed by gathering preliminary evidence and reporting to the commissioners accompanied by prosecution without requesting permission and waiting for results between yes and no. This indicates that there is no foreign comparative literature where corruption eradication institutions have special supervision such as the Supervisory Board that occurred in Indonesia after the enactment of Law Number 19 Year 2019. Therefore the slowing down of the Corruption Eradication Commission's enforcement process is a problem that has occurred.

Corruption Eradication Commission is no longer an Independent Institution

KPK is a State commission which in carrying out its duties and authorities is independent and free from the influence of any power. The KPK was formed with the aim of increasing the effectiveness to eradicate corruption. The basic understanding of the term independent is the existence of freedom, independence, autonomy (autonomy), not in personal or institutional domination. So there is the implementation of freewill that can be realized without any influence that significantly changes its standpoint to make decisions or policies. Independence is a translation of the word independence which comes from English, which means "in an independent state", The meaning of the word independent means "not dependent or controlled by (other people or objects), not based on others, act or think according to the heart, free from the control of others, is not influenced by others. According to Agoes and I Cenik Ardana (2009: 146) Independence reflects an impartial attitude and is not under the influence or pressure of certain parties in making decisions and actions. There are 2 (two) international regulations that have been agreed by Indonesia that instruct the participating countries of the convention to ensure that the eradication of corruption eradication institutions are independent. These conventions are the United Nations Convention Against Corruption (2003) and the Jakarta Principle (2012). Based on Law Number 19 Year 2019 Article 3 Paragraph (1) states that, "The Corruption Eradication Commission is a state institution within the executive power group which in carrying out its duties and authorities is independent and free from the influence of any power." Whereas based on Article 37E

Paragraph (1) the Supervisory Board is an organ appointed and determined by the President of the Republic of Indonesia through a selection committee. With this method, the Supervisory Board is directly responsible to the President as the mandator. If it is related to the function and role of the Supervisory Board, it will cause other more serious problems. With the position of the Supervisory Board appointed and elected by the President, it places the performance evaluation function of the KPK leaders in an inappropriate position. With such a position of the Supervisory Board, then the act of evaluating the performance of the leaders is a form of executive interference with the KPK. The magnitude of the President's intervention to determine the people who will sit on the KPK Supervisory Board may facilitate political intervention in the KPK even though the KPK itself is inherent in being independent. The function seems to reconstruct the Supervisory Board's position which is one level above the leadership of the KPK. The dualism of the leadership of the Corruption Eradication Commission between the Supervisory Board and the KPK leadership and the slowing down of acts of corruption caused by one of the oversight authorities makes the KPK is not independent, supposedly to eradicate corruption related to power elites, extra ordinary crime, transnational crime, requires institutions to be independent. It is undeniable that after the dualism of leadership at the KPK will occur polarization of KPK itself. The polarization is that there will be 2 camps in the Corruption Eradication Commission between pro employees and the Supervisory Board and some who are pro with the KPK leaders. In the end the KPK is no longer an independent institution and is free from the influence of any power in carrying out its duties and authorities, especially because of a number of problems that occur internally in the KPK due to the existence of Supervisory Board.

B. Government Efforts to Overcome the Problems of the Corruption Eradication Commission With the Existence of a Board of Trustees

After knowing the problems that occur at the KPK, the next question is how the government's efforts to overcome the problems that occurred at the corruption eradication institution after the Supervisory Board. Based on Article 3 Paragraph (1) of Law Number 19 Year 2019 that the Corruption Eradication Commission is a state institution within the executive power group which in carrying out its duties and authorities is independent and free from the influence of any power. The meaning is that the KPK is now under executive

authority, so the President (government) has the authority to overcome this problem. From the start there had been an error with the wrong concept and there was no justification that could be done. Considering that there was a demonstration process carried out by students before Law Number 19 Year 2019 was ratified by the President, one of the problematic points was the existence of a Supervisory Board at the KPK but these efforts did not get results, and Law Number 19 Year 2019 was passed. Juridical problems faced by the KPK to access corruption eradication of state institutions whose legitimacy is a direct provision of the mandate of the 1945 Constitution of the Republic of Indonesia is very difficult. This is because the existence of the Corruption Eradication Commission was born from the Law and not from the 1945 Constitution of the Republic of Indonesia. It is understandable that the authority of the Corruption Eradication Commission that was born from the Law will experience obstacles in eradicating Corruption against state institutions whose authority is attributable. In order to prevent the paralysis of the KPK's authority, one strategy that can be done is to make the KPK an independent institution. An independent institution cannot be influenced or intervened in taking the attitude or policy that it predicts can bring benefit to the goals set for it. For independent state institutions, the goal for the benefit of the nation and state is the only binding for its independence. The emergence of an independent state institution is also intended to answer the demands of the community for the creation of democratic principles in every government administration through an accountable, independent and trustworthy institution. According to the author the right effort is to remove the authority of the Supervisory Board related to giving permission or not giving permission for wiretapping, search and / or confiscation. In the context of supervision, this is the only way to restore the ideal concept of supervision of the Corruption Eradication Commission.

3. CLOSING

A. Conclusion

Based on the description and analysis in the previous chapters, the following conclusions are presented which are the answers to the problems in this study as below.

1. The Supervisory Board's authority is given to two regions namely, one area of the ethical process and the two regions of law enforcement. From the authorities possessed by the Supervisory Board as the KPK supervisory organ, it causes problems in the Corruption Eradication Commission, especially in the disclosure of

corruption cases. Problems arising after the existence of the Supervisory Board include, among others, dualism of leadership in the KPK, the slowing down of the KPK action process, and the KPK is no longer an independent institution. Of course this problem can not be separated from the impact of the revision of Law Number 30 Year 2002 concerning the Corruption Eradication Commission.

2. Juridical problems faced by the KPK to access corruption eradication of state institutions whose legitimacy is a direct provision of the mandate of the 1945 Constitution of the Republic of Indonesia is very difficult. This is because the existence of the Corruption Eradication Commission was born from the Law and not from the 1945 Constitution of the Republic of Indonesia. It is understandable that the authority of the Corruption Eradication Commission that was born from the Law will experience obstacles in eradicating Corruption against state institutions whose authority is attributable. In order to prevent the paralysis of the KPK's authority, one of the strategies that can be carried out is to make the KPK an independent institution and remove the authority of the Supervisory Board related to granting permits or not giving permission for wiretapping, search, and / or confiscation. In the context of supervision, this is the only way to restore the ideal concept of supervision of the Corruption Eradication Commission.

B. Suggestions

1. For the Government to be able to amend the 1945 Constitution of the Republic of Indonesia by including the KPK in it, including in the Criminal Justice system because the KPK's constitutional position is unclear and the constitution is not final.

2. For members of the People's Legislative Assembly, corruption lawmakers should make further changes to the contents of the corruption law in avoidance multiple interpretations and can be misused by certain parties to weaken the KPK and / or inhibit the eradication of corruption in Indonesia because they see that Law Number 19 Year 2019 there are still errors in writing sentences.

3. For the President, in order to be able to issue Regulations in lieu of Law (PERPPU) for the near term because of seeing the situation and the existing response in the community towards Law Number 19 Year 2019.

4. For the KPK, in order to always be enthusiastic in eradicating Corruption in this country despite problems or Corruptor fight back.

5. For the community, to continue to think critically, foster an anti-corruption spirit, and make a material test of the provisions of the Supervisory Board in the revision of Law Number 19 Year 2019.

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SURAT TUGAS

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