

The Auxiliary State Organ Authorities in Indonesia: The Constitutional Implications of Law No. 19 of 2019 Concerning KPK

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ABSTRACT

This article examines an auxiliary state organ that has mixed functions in carrying out its duties, namely semi-legislative and regulatory, semi-administrative, and even semi-judicative. The KPK has a relationship with the legislature in terms of selecting its membership apparatus. This research analyzes the KPK authority in Indonesia after Law No. 19 of 2019 concerning the KPK and the constitutional implications of Law No. 19 of 2019 concerning the Corruption Eradication Committee. The Law No. 19 of 2019 concerning the Corruption Eradication Committee was used as the main source to answer the research questions. The results of this research explain that KPK is an auxiliary state organ whose position is under the independent executive family, free from any interference in carrying out its functions and authority. This is an implication of Constitutional Court Decision Number 36/PUU-XV/2017, which was then used as the basis for the creation of Law No. 19 of 2019 concerning the second amendment to Law No. 30 of 2002 concerning KPK, and the implication of changing the position of the KPK is that the functions and authorities of the KPK also change, thus eroding the functions and authorities of the KPK that existed before, coupled with the existence of a Supervisory Board, which is considered to further weaken its functions and authorities.

Keywords: KPK; Auxiliary State Organ; Law.

INTRODUCTION

The journey of the development of Indonesia's constitutional system after the national reformation in 1998 which was followed by changes to the 1945 Constitution, has been fundamentally four times, namely in 1999, 2000, 2001, and 2002 which fundamentally changed Indonesia's constitutional structure in the future (Asshiddiqie, 2006a).

The process of amending the 1945 Constitution has changed the new constitutional structure, even changing the paradigm of the exercise of power. The affirmation of the principle of checks and balances in the exercise of power has increasingly opened up space for disputes to arise (Roznai, 2017). On the other hand, to strengthen the principles of constitutionalism, democracy, and respect for human rights, new state institutions were formed either through the Constitution or other laws and regulations. Formation of State institutions and relations between State institutions (Agustiwi, 2014).

Regarding the development of state institutions in the context of constitutional reform as disclosed by Jimly Asshiddiqie cited by Hendra Nurtjahjo (2005) in the journal *Law and Development* identified the following:

“At the first level, there is a growing awareness that certain state bodies such as the Army, Police, and the Attorney General's Office and the Central Bank (Bank Indonesia) must be developed independently. The independence of these institutions is necessary in the interests of ensuring a more effective limitation of power and democratization. At the second level, developments have also emerged with regard to special institutions such as KOMNAS HAM, KPU, Ombudsman Commission, KPPU, KPKN, KPK, TRC, and other state institutions. It is always idealized that commissions or institutions of this kind are independent and often have intervening functions. Namely semi-legislative and regulatory, semi-administrative and even semi-judicial. In fact, in connection with this, the term independent and self-regulatory bodies has emerged, which has also developed in many countries.”

It can be concluded that at the first level, military institutions or organizations, police organizations, prosecutors' organizations, and Central Bank organizations are the first institutions that must be encouraged to become independent, free from the domination and dominant control (intervention) of the Head of Government (President). Meanwhile, the second level is to create supporting institutions (state auxiliary or derivative organs) that are independent, not co-opted by the executive or legislative powers. This effort to provide independence to state institutions, agencies, and commissions is a step towards the democratization of institutions that carry out government tasks in the context of the state (Nurtjahjo, 2005).

The tendency for the emergence of new state institutions occurred as a consequence of changes to the 1945 Constitution. These new institutions are commonly known as state auxiliary organs or state auxiliary institutions, which in Indonesia are defined as supporting state institutions. One of the supporting state institutions formed during the reform era in Indonesia is the Corruption Eradication Commission (KPK).

The KPK is an auxiliary state institution whose position can be equated with the state institutions contained in the 1945 Constitution, because it has the same organizational structure as state institutions such as the Judicial Commission. It can be said that its position is equal to the Supreme Court and the Constitutional Court, but functionally, its role is auxiliary to the judicial power institution. The judicial commission, although its function is related to judicial power, does not carry out the function of judicial power (Fitria, 2012).

According to Jhon Alder (2014), some institutions are called public corporations or nationalized industries, and some are called Quangos (quasi-autonomous non-government bodies). However, in general, according to Alder, it is called non-departmental bodies, public agencies, commissions, boards, and authorities. Therefore, these institutions generally function as a quasi-governmental world of appointed bodies and are non-departmental agencies, single-purpose authorities, and mixed public-private institutions. It is quasi or semi-governmental in nature and is given a single function or sometimes a mixed function, such as, on the one hand, as a regulator, but also punishing, such as the judiciary, which is mixed with the legislature. Therefore, apart from being called auxiliary state organs, these institutions are also referred to as self-regulatory agencies, independent supervisory bodies, or institutions that carry out mixed functions (Basarah, 2014).

It can be concluded that the KPK is a state institution that has mixed functions in carrying out its duties, but in this matter, the author himself has his own questions. Among others, the KPK is a state institution that has mixed functions. Is the KPK included in the executive or legislative and or judicial institutions? This dominates the KPK's functions, so Law Number 19 of 2019, Article 3, states that the Corruption Eradication Commission (KPK) is a state institution within the executive power cluster which, in carrying out its duties and authorities, is independent and free from the influence of any power. The following describes the practice of eradicating corruption in various countries are: *First*, Hongkong, Independent Commission Against Corruption (ICAC). The spearhead of eradicating corruption in Hong Kong is ICAC. ICAC is to build trust in both the community and the government itself. ICAC then implements laws and regulations related to corruption including ICAC; *second*, Singapura, Corrupt Practices Investigation Bureau (CIPB). Corruption is a common practice in Singapore. Currently, Singapore is classified as a prosperous and orderly country with the least amount of corruption. However, the Singapore government continues to run an anti-corruption body called the CPIB; *third*, Australia, Independent Commission Against Corruption (ICAC). The independent institution tasked with eradicating

corruption in Australia, especially the state of New South Wales, is the Independent Commission Against Corruption (ICAC). ICAC operates within the New South Wales public sector environment. Other bodies operating in the public sector are the Ombudsman and the New South Wales Auditor General. ICAC is a commission for examination that focuses specifically on criminal acts of corruption (Heilbrunn & Commissions, 2004).

Looking at the second point, namely separation of power and division of power. The separation of powers is divided into two. Namely, the separation of powers is horizontal in the sense that power is divided into functions that are reflected in state institutions that are equal and balance each other (checks and balances). While the division of powers is vertical in the sense that the embodiment of power is distributed vertically down to high state institutions under the institutions holding power, which is vertical, not the separation of powers, which is horizontal.

John Locke, in his book "Two Treatises of Government", divided state power into three functions, but differed in content. According to Locke, the functions of state power consist of legislative functions, executive functions, and federative functions (Locke, 1947). By following the line of thought of John Locke, Montesquieu in his book "L'Esprit des Lois" written in 1748 or the English version known as "The Spirit of the Laws" (De Secondat & De Montesquieu, 2022), classifies state power into three branches, namely:

1. Legislative power as law maker
2. Executive power to implement Act
3. The judicial power to judge.
4. Absolute and eternal of a republic. Bodin considers that sovereignty gives you the right to be able to do anything at any time and to be responsible only to God in the event of any violation of divine law or natural law. Such an arrangement, in Bodin's view, would eliminate the essence of sovereignty, because sovereignty cannot be divided. Sovereignty can indeed be held by a number of people or communities, but it cannot be divided and cannot be distributed among several separate people without eliminating or destroying the sovereignty itself. The doctrine of no separation of powers is found in Bodin's legal and political philosophy.
5. This is inversely proportional to the upholding of the principles of people's sovereignty, the principle of Checks and Balances. The term checks and balances is the principle of mutual sharing and supervision between branches of state power.

Apart from the above, related to studies in the field of political corruption, there are many research results that examine the relationship between power and corruption. From several literatures that have been published in the form of journals and books, special studies on political corruption are currently developing in several countries in the West. *First*, regarding Political Corruption in Nigeria: Theoretical

Perspectives and Some Explanations, written by Ilufoye Sarafa Ogundiya (2009) from the Department of Political Science, Usmanu Danfodiyo University, Sokoto State, Nigeria. The author reveals the results of his research findings from socio-political facts related to political corruption that is developing in Nigeria. Ilufoye in this article explains that corruption is the bane of power, democratic stability and socio-economic and political development in Nigeria.

METHODS

This study used a qualitative research method with a type of library research. Qualitative research, according to Kirk and Miller, is a certain tradition in social science that fundamentally depends on observing humans in their own impressions and relating to these people in their language and in their terms. In this study, the data collected was based on literature studies. The approach used in this research is a juridical-normative approach. a) juridical-normative approach is an approach carried out by studying library materials, which are secondary data using laws and regulations, which are the object of the research study. In this research, the authors take the primary legal source, namely based on Law No. 19 of 2019 concerning the second amendment to Law No. 30 of 2002 concerning the Corruption Eradication Commission. In this research, to solve a problem, legal research sources are needed. So this research uses three sources of legal research, including: a. Primary legal sources Primary legal sources are legal sources whose ingredients consist of legislation. And in this research, the primary legal source is legislation. In this research, the author used primary legal sources, namely Law No. 19 of 2019 concerning the second amendment to Law No. 30 of 2002 concerning the Corruption Eradication Commission. b) Secondary legal sources Secondary legal sources are legal sources in the form of all publications about law that are not official documents, for example, textbooks, legal dictionaries, legal journals, and so on. In this research, secondary legal sources were taken from law books and legal journals. c) Tertiary sources of law. Tertiary legal sources are materials that provide instructions and explanations for primary legal materials and secondary legal materials. In this research, researchers used tertiary sources of legal materials from the internet and non-legal books.

RESULT AND DISCUSSION

The KPK: Between an Auxiliary State Organ and Ad Hoc State Organ

Corruption has appeared for a long time, almost simultaneously with the presence of humans on earth. From 3000 BC to 1000 AD until now, corruption has developed according to its times. Power tends to corrupt, absolute power corrupts absolutely (power tends to corrupt, and absolute power tends to absolute corruption), as said by Lord Acton in Gati, which means that "power is very vulnerable to abuse, and the greater the power, the more violent the deviation and corruption". The power that should be exercised with full trust but, in fact, is often misused for the benefit of oneself and the group (Umar, 2017).

The presence of new institutions or supporting institutions (auxiliary state organs) has developed in established democratic countries in the last three decades of the 20th century. The growing number of independent institutions and commissions as well as corporations is a symptom of the worldwide, in the sense that not only in Indonesia, as in the case of developments in the UK and the United States, there are institutions or commissions that are still within the realm of executive power and there are also independent ones that are outside the realm of executive power, legislative and judicial. In general, the formation of these independent institutions was driven by the fact that the bureaucracy in the government environment was considered unable to meet the demands of public needs and services with increasing quality standards and was expected to be more effective and efficient (Asshiddiqie, 2006b).

In Indonesia, there are many independent state institutions formed during the reform period, one of which is the Corruption Eradication Commission. This institution was formed based on the need to eradicate corruption quickly. KPK as a trigger mechanism (trigger mechanism) has the authority to prevent and take action in which there are functions of investigation, investigation, and prosecution. Twenty years after the reform, the KPK has turned into an institution that is quite reliable at eradicating corruption. In line with that, various kinds of discourse emerged regarding the position and authority of the KPK in the state administration system. As a newly established institution, the KPK has great authority and contribution to eradicating corruption. The responsibility carried by the KPK is that, as one of the reform mandates in eradicating corruption, it has not found the right pattern in terms of the position and authority of the KPK. Because of this, there have been several trials of the KPK Law related to the KPK's authority (Agustine et al., 2019). From several decisions of the Constitutional Court regarding the review of laws relating to criminal acts of corruption, among others, the decisions of the Constitutional Court are as follows:

Table 1. Constitutional Court's Decisions on Criminal Acts of Corruption

No	No. Decisions	Review Of Law	Decisions	Implications
1	6/PUU-I/2003	Review of Law no. 30 of 2002 concerning the Corruption Eradication Commission (KPTPK)	Rejected And Unacceptable	The formation of the Corruption Eradication Commission based on Law Number 30 of 2002 has fulfilled the provisions under the 1945 Constitution.
2	12-16-19/PUU-IV/2006	Review of Law no. 30 of 2002 concerning the Corruption Eradication	Partially Acceptable	Affirmation of the importance of the establishment of the KPK whose function is related to judicial power

The Auxiliary State Organ Authorities in Indonesia: The Constitutional Implications of Law No. 19 of 2019 Concerning KPK

Ahmad Zaini, Moh. Zainor Ridho

		Commission (KPTPK)		as referred to in article 24 paragraph 3 of the 1945 Constitution.
3	19/PUU-V/2007	Review of Law no. 30 of 2002 concerning the Corruption Eradication Commission (KPTPK)	Rejected	Confirmation of the Corruption Eradication Commission as an independent state institution that, in carrying out its duties and authority, is free from intervention by any power (legislative, executive, judicial) or other independent agencies. So there is a need for the principle of checks and balances in permanently dismissing the KPK leadership using a court decision that has permanent legal force.
4	16/PUU-XII/2014	Testing of Law No. 18 Concerning Amendments to Law No. 22 of 2004 Concerning the Judicial Commission and Law No. 30 of 2002 Concerning the Corruption Eradication Commission	Partially Acceptable	Giving authority to the President to nominate candidates for leadership, being members of the Corruption Eradication Committee, and giving authority to the DPR to select candidates proposed by the President are within the realm of law-making policy. To emphasize its independence and impartiality, it is necessary to add to the requirements for being a KPK leader not to come from a particular political party. Or even if you have been a member of a certain political party, there must be at least a gap of

5	36/PUU-XV/2017	Testing of Law No. 17 of 2014 concerning the People's Consultative Assembly, the People's Representative Council, the Regional Representative Council, and the Regional People's Representative Council.	Rejected	<p>5 years, for example, before you can nominate yourself as a KPK commissioner.</p> <p>The KPK is a state institution that, in carrying out its duties and authority, is independent and free from the influence of any power. The position of the Corruption Eradication Commission is under independent executive power, is free from the influence of any other power, and is responsible to the DPR in carrying out the tasks and authority of the Corruption Eradication Commission, except for the implementation of judicial tasks and authority.</p>
6	37/PUU-XV/2017	Testing of Law No. 17 of 2014 concerning the People's Consultative Assembly, the People's Representative Council, the Regional Representative Council, and the Regional People's Representative Council	Unacceptable	<p>The KPK is a state institution that, in carrying out its duties and authority, is independent and free from the influence of any power. The position of the Corruption Eradication Commission is under independent executive power, is free from the influence of any other power, and is responsible to the DPR in carrying out the tasks and authority of the Corruption Eradication Commission, except for the implementation of</p>

judicial tasks and
authority.

Source: <https://www.mkri.id/>

It can be seen that there have been efforts to strengthen the KPK's authority by reviewing laws at the Constitutional Court. Moving on from several MK decisions regarding the KPK's authority, it is hoped that this will become a legal reform to perfect the KPK's authority in the future.

One of the consequences of making changes to the 1945 Constitution is the emergence of various interpretations of "state institutions" due to the ambiguity of the 1945 Constitution in regulating state institutions. This can be seen from the absence of criteria to determine whether an institution can be regulated or not in the Constitution. Of the various existing interpretations, one of them is an interpretation that divides state institutions into main state organs (main state organs) and auxiliary state organs (auxiliary state organs). Based on the Constitutional Court in decision Number 012-016-019/PUU-IV/2006 states that "the KPK is a constitutionally important institution and includes institutions related to judicial power" as stipulated in Article 24 (3) of the 1945 Constitution. Thus, the Constitutional Court actually confirmed the existence of the KPK and the strengthening of this institution in accordance with what was desired by the Constitution. The nature of being independent, self-sufficient, and free from the influence of any power makes the KPK a strong institution in eradicating corruption (Agustine et al., 2019).

In Asimov's opinion, state commissions can be divided into two categories: First, an independent state commission, namely a state organ that is ideally independent and therefore outside the branches of executive, legislative and judicial power, but instead has a mixed function of the three. Second, ordinary state commissions, namely state commissions, are state commissions that are part of the branch of executive power and do not have a too important role (Tutik, 2016).

The basic understanding of the term independent is the existence of autonomous freedom and independence which is under personal and institutional domination, so that there is the exercise of free will that can be realized without any influence that significantly changes one's stance on independent decisions or policies.

Recently there was a legal renewal against an auxiliary state organ, namely the Corruption Eradication Commission (KPK), which at first was an independent institution and free from any interference, this is in accordance with article 3 of Law no. 30 of 2002 concerning the Corruption Eradication Commission, which later resulted in a revision of the Law which changed to Law no. 19 of 2019 concerning the Corruption Eradication Commission, which in article 3 of Law no. 19 of 2019 explains; "The Corruption Eradication Commission is a state institution in the executive branch which in carrying out its duties and authorities is independent and

The Auxiliary State Organ Authorities in Indonesia: The Constitutional Implications of Law No. 19 of 2019 Concerning KPK

Ahmad Zaini, Moh. Zainor Ridho

free from the influence of any power" In this case, of course, it becomes a new polemic in the Indonesian constitutional system. Because constitutional law experts argue that an independent state commission is a state organ (state organ) that is ideally independent and therefore is outside the executive, legislative and judicial branches of power, but still has the essence of all three.

The main problem with independent commissions is the meaning of independence itself. It must be emphasized that independence does not mean being without supervision. The concept of independence actually includes an accountability system that must be strengthened. Independence does not mean being without control. On the other hand, in independence, the best internal control system must be built, so that the external control model, although it still exists, can be minimized. Self-control is the main key for independent state institutions, which allows such institutions to reduce external oversight elements which, in the wrong degree and manner, constitute a form of intervention, and therefore relations with independent state commissions are prohibited.

Zainal Arifin Mochtar in his dissertation formulated 8 (eight) characters of independent state commissions, namely (Ramadani, 2020):

1. An institution that is born and located is not part of the existing branch of power, even though at the same time it is an independent institution that carries out tasks previously held by the government.
2. The election process through selection does not come from political appointees (based on politics) or through special rules, not through one particular branch of power, but involves other state institutions within the framework of the function of checks and balances. It can also be left entirely up to certain segments of the public to elect their representatives, essentially not involving political power.
3. The process of selecting and dismissing them can only be carried out based on the mechanism determined by the underlying rules.
4. Although holding power as a tool of the state, the process of deliberation is very strong so that membership, the election process and reporting on performance are brought closer to the people as holders of state sovereignty, both directly to the people and indirectly through parliament.
5. Leadership that is collegial and collective in making every institutional decision related to its duties and functions.
6. It is not the main state institution in which the state without its existence would be impossible to operate. But that doesn't mean it isn't important. Its existence remains important because of the demands of the transitional period as well as the increasingly complex constitutional needs.
7. It has more devolution authority, which is self-regulated in the sense that it can issue its own rules which also apply in general.
8. It has a basis of legitimacy in the rules of both the constitution and/or laws.

In the sense that there is a basis for legitimacy there, even though later it was formed by law only for institutions that are in the constitution and government regulations only for institutions that Based on the eight characteristics above, independent state institutions in Indonesia are:

1. the National Human Rights Commission (Komnas HAM)
2. Press Council) the Indonesian Broadcasting Commission (KPI)
3. the Judicial Commission (KY)
4. Indonesia Looking Commission (KPU)
5. The Ombudsman Commission of the Republic of Indonesia looking at the characteristics in point 2, the selection of KPK leaders and members is not chosen based on political appointees, but through selection.

Based on Article 30 paragraphs (1, 2, and 3) of Law No. 19 of 2019 concerning the KPK, it says that:

1. The leadership of the Corruption Eradication Commission as referred to in Article 21 paragraph (1) letter (a) is elected by the People's Representative Council of the Republic of Indonesia based on the candidate members proposed by the President of the Republic of Indonesia
2. To facilitate the selection and determination of candidates for the leadership of the Corruption Eradication Commission, the Government forms a selection committee whose task is to carry out the provisions stipulated in this Law.
3. Membership of the selection committee as referred to in paragraph (2) consists of government elements and community elements

Thus the authors conclude that the characteristics of point 2 are relevant to the characteristics of the KPK. The characteristics of point 3 are in accordance with the characteristics of the KPK because there are several special requirements, the selection process and dismissal of the KPK leadership are listed in articles 29, 30, 31, and 32 of Law No. 19 of 2019 concerning the KPK. Characteristics point 4 is in accordance with the KPK because in carrying out its authority the Corruption Eradication Commission is required to make an accountability report 1 time in 1 year to the President of the Republic of Indonesia, the People's Representative Council of the Republic of Indonesia, and the Supreme Audit Agency (article 7 paragraph 2 Law No. 19 of 2019 concerning the KPK). The characteristics of point 5 are listed in the KPK Law. The leadership of the Corruption Eradication Commission is collective and collegial. Looking at the characteristics of point 6, the KPK is not a major state institution. However, the existence of the KPK is very much needed in the Indonesian state administration in order to reduce the amount of corruption and prevent criminal acts of corruption in Indonesia. The KPK is not the main state institution whose name is clearly stated in the 1945 Constitution. But it is clearly stated in the law. On the characteristics of point 7, it is clear that the KPK has a rule that is self-regulated and can also issue its own rules which also apply in general. And as previously explained, the Constitutional Court mentions

the KPK as a constitutionally important institution and regulated in paragraph Article 24 (3) of the 1945 Constitution, and then confirmed by Law No. 19 of 2019 concerning the KPK, and according to the author, this is in accordance with the characteristics of the point 8.

The independence possessed by the Corruption Eradication Commission is not independence that is completely separated from government power, the independence that the Corruption Eradication Commission has is limited to being free from the influence of any power in carrying out its duties, functions, and authorities. The change in the status of the KPK, position itself is inseparable from the political dynamics in formulating the new KPK Law.

The decision of the Constitutional Court, Number 36/PUU-XV/2017 regarding the judicial review of Article 79, paragraph 3 of Law no. 17 of 2014 concerning the MPR, DPR, DPD, and DPRD (MD3) states that the KPK is part of the executive because it carries out executive functions. This is motivated by some of the KPK's powers, which are the authority of the Police and the Attorney General's Office, which have not been optimal in eradicating corruption. If the KPK is part of the executive branch, then the DPR's inquiry rights will apply based on article 79 paragraph 3 of Law No. 17 of 2014 concerning MPR, DPD, DPRD (MD3).

The right of inquiry as referred to in paragraph (1) letter b is the right of the DPR to conduct an investigation into the implementation of a Law and/or government policy relating to important, strategic matters and having a broad impact on the life of society, nation, and state, which are allegedly contradictory with statutory regulations. Thus, the KPK is an institution with a special function that encourages the eradication of corruption so that it can run effectively, efficiently, and optimally. Therefore, in carrying out its oversight function, the DPR can use its constitutional rights, including the right of inquiry against the KPK in addition to carrying out its duties and authorities related to its judicial authority duties (investigations, investigations, and prosecutions). In carrying out its duties and authorities related to judicial duties owned (investigating, investigating, prosecuting) by the Corruption Eradication Commission, which is free from the interference of any power. The reason why the KPK is included in the executive power is due to the similarities between the KPK and the Police and the Attorney General's Office, which carry out their functions and authorities in the executive realm, and the KPK is considered a law executing agency that is categorized as an executive agency. Its position in executive power does not mean that the KPK is not independent and free from the influence of any power. This was reinforced by the previous Constitutional Court decision Number 012-016-019/PUU-IV/2006, where the Constitutional Court stated that "the independence and freedom of the KPK from the influence of any power is limited to carrying out its duties and authorities". So, even though the KPK is indeed independent, the DPR as the people's representative has the right to hold accountable the implementation of the

KPK's duties and authorities, although the KPK is also responsible to the public except for the implementation of judicial duties and authorities

The Constitutional Implication of Law No. 19 of 2019 to KPK Authorities

Each state institution has its own functions and authorities, as well as the Corruption Eradication Commission, which has functions and authorities that, of course, can affect the institution's performance (Ramadani & Mamonto, 2018). Of the 69 countries studied, all countries gave prevention powers to their anti-corruption agencies, except for two countries, namely Croatia and Estonia, all 69 countries gave investigative powers (Jakovljević, 2015). Meanwhile, the prosecution authority is more varied. Namely, a minority of 28 countries provide prosecution authority, and the remaining 41 countries do not provide prosecution authority to their anti-corruption state institutions Indonesia is one of the lucky ones because it has three authorities, namely prevention, investigation, and prosecution. These three authorities certainly contributed to the success of the performance, which recorded a 10% conviction rate, so it should be maintained and not reduced. The function of the Corruption Eradication Commission is to prevent and eradicate criminal acts of corruption that will be or are being committed by state officials. 19 of 2019 article 6 namely; carry out prevention, coordination, monitoring, supervision, investigation, investigation, and prosecution, and carry out the decisions of judges and court decisions that have permanent legal force (Priyanto et al., 2023). The following are the functions and authorities of the Corruption Eradication Commission which have been listed in Law No. 19 of 2019 concerning the KPK:

1. In carrying out its preventive duties, the Corruption Eradication Commission (KPK) is required to make an accountability report one (1) time in one (1) year to the President of the Republic of Indonesia, the Representative Council of the Republic of Indonesia, and the Financial Supervisory Board. And in carrying out this preventive task, the Corruption Eradication Commission has the authority to a. Carry out registration and examination of reports on assets of state administrators. b. Receive reports and set gratuity status. c. Organizing anti-corruption education programs in each educational network. Planning and implementing a socialization program for the eradication of criminal acts of corruption. Conduct anti-corruption campaigns for the public. f. Carry out bilateral or multilateral cooperation in eradicating criminal acts of corruption
2. 2. Coordinate with agencies authorized to eradicate corruption and agencies tasked with implementing public services. In carrying out coordination, the Corruption Eradication Commission is authorized; a) Coordinating investigations, investigations, and prosecutions in the eradication of criminal acts of corruption. b) Establish a reporting system in activities to eradicate corruption) Requesting information on corruption eradication activities from the relevant agencies) Carry out hearings or meetings with the competent authorities in eradicating corruption and) Request a report

from the competent authority regarding prevention efforts so that corruption does not occur.

3. 3. Monitor the administration of the state government. In carrying out monitoring duties, the Corruption Eradication Commission is authorized to:
 - a) Conduct an assessment of the administrative management system in all state institutions and government agencies)
 - b. Provide advice to the heads of state institutions and government agencies to make changes if, based on the results of the study, the administrative management system has the potential to cause criminal acts of corruption and).
 - c. Report to the President of the Republic of Indonesia, the Representative Council of the Republic of Indonesia, and the Supreme Audit Agency, if the Corruption Eradication Commission's suggestions regarding the proposed changes are not implemented

CONCLUSION

The second amendment to Law No. 30 of 2002 concerning the Corruption Eradication Committee became Law No. 19 of 2019 concerning the Corruption Eradication Committee. This institution changes its position to become a state institution under the authority of the executive family, which in carrying out its functions and authorities is independent and free from any interference. This change in the position or position of the KPK is a consequence of changes to the 1945 Constitution which resulted in the emergence of various interpretations of state institutions because they were not explained explicitly in the 1945 Constitution regarding the rules for auxiliary state institutions. Changes in the position or position of the KPK as an auxiliary state institution in Indonesia are inseparable from the political dynamics that are occurring in Indonesia, and these changes have a major impact on the development of the Corruption Eradication Commission, which will further weaken the performance of the Corruption Eradication Commission. The implication of changing the position of the KPK to become an institution within the executive branch has greatly reduced the authority of the KPK, especially with the existence of a Supervisory Board. Even so, the KPK still has an independent nature, but the independence possessed by the KPK is only limited to carrying out its functions and authority, free from the influence of any power.

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