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**The Corruption Eradication Commission (KPK) Supervisory Board's Role
as a Grantor of Permits in Corruption Crimes**

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Abstract

The existence of the **Corruption Eradication Commission** or **Komisi Pemberantasan Korupsi (KPK)**'s **Supervisory Board** to oversee **KPK's** work is the result of the **KPK Law Number 19 of 2019**. This new legislation mandates the **KPK Supervisory Board** to perform four primary duties. One of the duties of the **Board's** authority, permitting or not permitting **KPK** to conduct wiretapping, search, and/or seizure corruption crimes, sparked public outrage due to the fear of attempts to weaken **KPK**. This research is served for determining whether the role of the **KPK Supervisory Board** as a licensee for wiretapping, search, and seizure of criminal acts of corruption is functional and will run effectively and efficiently in **tackling the eradication of corruption**. The research method used is **qualitative research with descriptive presentation and a normative juridical approach**. According to the findings, the **pro-justice authority** delegated by law to the **KPK Supervisory Board**, namely granting permits for wiretapping, search, and confiscation of criminal acts of corruption, has proven to be effective and efficient in combating corruption. It **is concluded** because, in principle, it **is**



assumed that balancing all the powers of state institutions through supervision is a natural thing to do.

A. Introduction

Various legal issues impact social institutions, implying a direct link between law and social change. Corruption is an unresolved issue in Indonesia, affecting people's perceptions of justice. Corruption keeps society's levels in place, with lower-level corruption being a microcosm of higher-level corruption.¹ Since the reform era, the public's sense of justice toward eradicating corruption has been inextricably linked to the desire for social change.² Social change in eradicating corruption will form a new legal culture, namely whether there is already a network of values and behaviours that determine when and in which direction people will turn to the law or government or leave it. The legal culture has been built since the reform era to eradicate corruption, including establishing the KPK as an independent institution in 2003, based on Law Number 30 of 2002 concerning the Corruption Eradication Commission (UU KPK).

Bureaucracy reform is desired by many parties, but it is difficult to implement. There are numerous theories about improving bureaucracy for better governance; however, implementation necessitates hard work and strong commitment from all parties involved, including not only bureaucrats but also citizens.³ The Corruption Eradication Commission (*Komisi Pemberantasan Korupsi*/ KPK) is a prime example of a state auxiliary body established in the spirit of reformation to compensate for the failure of existing law enforcement agencies to combat rampant corruption. The Corruption Eradication Commission Law 30/2002 (henceforth, 'the KPK Law') establishes an agency with operational autonomy, but the KPK was not formed in a vacuum.⁴ When it was formed, the community had very high hopes for the KPK to resolve corruption cases that disrupted the stability of the dynamics of the state in Indonesia. There were indications of public distrust in law enforcement agencies that had the authority to eradicate corruption, namely the police and the prosecutor's office. The Corruption Eradication Commission in Indonesia, with several special powers, especially the authority to investigate and prosecute, is expected to create expectations for a legal culture of anti-bribery and corruption, collusion and nepotism.⁵

The KPK was formed as a trigger mechanism in efforts to eradicate corruption. The establishment of the KPK is not intended to eradicate corruption from existing institutions in the context of institutional formation. According to the law's explanation, the KPK is a trigger mechanism, which means it acts as a means to encourage or as a stimulus to make existing institutions' efforts to eradicate corruption more effective and efficient. However, with

¹ James Lewis, "Social Impacts of Corruption upon Community Resilience and Poverty," *Jamba* 9, no. 1 (2017): 392, <https://doi.org/10.4102/jamba.v9i1.391>.

² Oktavia Wulandari, Muhammad Sabaruddin Sinapoy, and Kamaruddin Jafar, "Izin Dewan Pengawas Dalam Kewenangan Penyadapan Komisi Pemberantasan Tindak Pidana Korupsi," *Halu Oleo Legal Research* 2, no. 3 (September 21, 2020): 172–86, <https://doi.org/10.33772/HOLRESCH.V2I3.14082>.

³ Lalu Angkasah, Huala Adolf, and Gatot Dwi Hendro Wibowo, "Bureaucratic Reform in the Perspective of State Administration Law," *Mediterranean Journal of Social Sciences* 8, no. 5–1 (2018): 35–41, <https://doi.org/10.2478/mjss-2018-0094>.

⁴ Sofie Arjon Schütte, "Appointing Top Officials in a Democratic Indonesia: The Corruption Eradication Commission," *Bulletin of Indonesian Economic Studies* 47, no. 3 (2011): 355–379, <https://doi.org/10.1080/00074918.2011.619052>.

⁵ Marten Bunga et al., "URGENSI PERAN SERTA MASYARAKAT DALAM UPAYA PENCEGAHAN DAN PEMBERANTASAN TINDAK PIDANA KORUPSI," *LAW REFORM* 15, no. 1 (May 27, 2019): 85, <https://doi.org/10.14710/Lr.v15i1.23356>.

increasing public trust and encouragement in the KPK's performance in eradicating corruption, the trigger mechanism model has been effectively sidelined.⁶

Since ²⁴ establishment in 2004, the KPK has successfully implemented three anti-corruption strategies—repression, prevention, and public relations—which is consistent with strong public support for and trust in the KPK.⁷ The Corruption Eradication Commission has handled many corruption cases involving high-ranking officials, state agency officials, members of the DPRD, DPRD, and regional heads. The highest number of corruption crimes in a year handled by the KPK occurred in 2018, which reached 260 cases. As of September 30, 2019, 1,125 cases of corruption were recorded.⁸ During 2004-2019, 39 high-ranking officials, including heads of institutions/ministry, ambassadors, and commissioners, were involved in corruption. During 2004-2019, 257 DPR and DPRD were involved in corruption cases, included in 73 cases. From 2004-2019, at least 119 regional heads (Governor, Regent, and Mayor) were processed by the KPK related to allegations of corruption. A total of 47 of them result from hand-catching operations (OTT). West Java is the province with the most corruption committed by regional heads. From 2006 to 2019, there were mayors, regents, or their repr¹⁵ntatives involved in corruption cases every year.⁹

Despite an ever-increasing number of arrests of elite politicians by Indonesia's anticorruption commission, the country's levels of political corruption remain stubbornly high.¹⁰ The public still doubts the seriousness of this nation and state in seriously eradicating corruption. The public's doubts are since the eradication of corruption gives the impression that selective discrimination, especially those involving political elites and former officials, are not touched, there are still legal officers who are indicated a²² caught in the act of corruption. Based on this sociological and political situation, the inherent existence of the KPK and the leadership of the KPK, has become a symbol of people's resistance to corrupt power. Facing the symbolization of the KPK and its leadership as a symbol of justice in eradicating corruption, the law should not be seen as an independent organism. Still, it should be seen as an integral part of the social system.¹¹

After 8 (eight) years of existence, the KPK has not been able to eradicate the culture of corruption that has persisted for decades. People still believe that eradicating corruption is limited to the lower middle class and does not affect the political elite and power holders, including law enforcement, the police, and the prosecutor's office. It is even possible to argue that there has been almost no change in the culture of those who enjoy KKN. Corruption persists, with a more massive, sophisticated, and widespread modus operandi involving

⁶ Cindy Rizka and Tirzani Koesoemo, "EKSISTENSI KOMISI PEMBERANTASAN KORUPSI (KPK) DALAM PENANGANAN PENYIDIKAN DAN PENUNTUTAN TINDAK PIDANA KORUPSI," *LEX CRIMEN*, vol. VI, February 16, 2017, <http://www.kpk.go.id/id/berita-sub/2641-kpk->.

⁷ Jin Wook Choi, "Measuring the Performance of an Anticorruption Agency: The Case of the KPK in Indonesia," *Http://Dx.Doi.Org/10.1080/12294659.2011.10805207* 16, no. 3 (2014): 45–63, <https://doi.org/10.1080/12294659.2011.10805207>.

⁸ Diding Rahmat, "Formulasi Kebijakan Pidana Denda Dan Uang Pengganti Dalam Penegakan Tindak Pidana Korupsi Di Indonesia," *Jurnal IUS Kajian Hukum Dan Keadilan* 8, no. 1 (April 25, 2020): 79, <https://doi.org/10.29303/ius.v8i1.686>.

⁹ Ridwan Arifin, Oemara Syarif, and Devanda Prastiyo, "Korupsi Kolektif (Korupsi Berjamaah) Di Indonesia: Antara Faktor Penyebab Dan Penegakan Hukum," *Jurnal Hukum Respublica* 18, no. 1 (2018): 1–13, <https://doi.org/10.31849/RESPUBLICA.V18I1.3947>.

¹⁰ Marcus Mietzi, "Dysfunction by Design: Political Finance and Corruption in Indonesia," *Critical Asian Studies* 47, no. 4 (2015): 587–610, <https://doi.org/10.1080/14672715.2015.1079991>.

¹¹ Arina Manna Sikana Akbar, "Efektifitas Kewenangan Dewan Pengawas Komisi Pemberantasan Korupsi (KPK) Berdasarkan Norma Hukum Pasal 37B UU No. 19 Tahun 2019 Perspektif Masalah Mursalah," *Al-Balad: Journal of Constitutional Law*, vol. 2, April 30, 2020, <https://www.kpk.go.id/id/tentangkpk/sekilaskomisipemberantasankorupsi>.

officials, former officials, and the political elite. The KPK has only recently been able to eliminate corruption among the political elite and power holders.¹⁹

The legal commotion occurred at the end of 2019 with the promulgation of Law Number 19 of 2019 due to the revision of Law Number 30 of 2002 concerning the Corruption Eradication Commission (KPK).¹² The establishment of the KPK supervisory board is a progressive step made by the DPR and the government. The KPK institution itself is an alternative solution that can be taken to eradicate corruption. The policy taken by the DPR and the government to form the KPK Supervisory Board emphasizes that the law does not only focus on positivism, but there must be a progressive side in seeing and fixing the law itself. According to the problem of eradicating corruption in Indonesia, the steps taken by the DPR and the government by presenting the KPK Supervisory Board in the KPK Bill can be seen in a progressive legal approach. Law is not a final scheme (*Finite Scheme*) but continues to move, changing according to the dynamics of human life. Therefore, the law must continue to dissect and explore through progressive efforts to reach the light of truth in achieving justice.¹³

On the other hand, the public is sceptical of the intentions of the House of Representatives and the President of the Republic of Indonesia behind the effort to revise the Law because the formation of a supervisory board rather than an advisory board is not simply a change in nomenclature. Still, it is suspected that there has been a significant change in the main tasks and duties. The function of the advisory board later became the supervisory board. From the aspect of the political process, the revision of this Law was deemed to have been carried out in a hurry. The material aspect explains that the most controversial change that resulted in rejection from various elements of society and sparked anger leading to demonstrations was the establishment of a new organ within the Corruption Eradication Commission (KPK), namely the Supervisory Board with its duties and authorities in Article 37B Paragraph (1) letter b of the Law. - Law Number 19 of 2019 reads, "Giving permission or not permitting wiretapping, search and/or confiscation".¹⁴

The public has undoubtedly suspected that there will be political interests in this revision process because the KPK is the hope of the people who have succeeded in eradicating corruption in Indonesia. With the existence of the KPK as a Trigger Mechanism which means encouraging or as a stimulus so that efforts to eradicate corruption by existing institutions become more effective and efficient, the public has begun to place high hopes on the KPK in eradicating corruption until now.

B. Discussions

1. The KPK Supervisory Board and its Authority⁹

The Corruption Eradication Commission has recorded its golden ink to save state finances both preventively and repressively. At least the level of public satisfaction with the Corruption Eradication Commission is entirely satisfactory. Many corruption perpetrators have been tried and convicted and saved billions of rupiahs in state assets.¹⁵ However, it is undeniable that after more than a decade, the Corruption Eradication Commission does not escape from various things that have caused the loss of proportionality and credibility in guarding the eradication of corruption. The assessment of the KPK's disproportionateness and poor performance is based on several factors: the corruption eradication commission's weak supervision and coordination,

¹² Dalinama Telaumbanua, "Restriktif Status Dewan Pengawas KPK," *Education and Development* 8, no. 1 (2020): 258–61, <https://doi.org/10.31228/osf.io/ysju2>.

¹³ Lutfil Ansori, "REFORMASI PENEGAKAN HUKUM PERSPEKTIF HUKUM PROGRESIF," *Jurnal Yuridis* 4, no. 2 (January 11, 2018): 148–63, <https://ejournal.upnvj.ac.id/index.php/Yuridis/article/view/244>.

¹⁴ Pasal 37 B ayat 1 huruf b Undang-undang Nomor 19 Tahun 2019 Tentang Komisi Pemberantasan Korupsi.

¹⁵ Ermasjah Djaja, *Memberantas Korupsi Bersama Komisi Pemberantasan Korupsi*, 2nd ed. (Jakarta: Sinar Grafika, 2010): 91.

which is thought to have caused inequality⁸ between law enforcement agencies due to the breadth of authority possessed by the corruption eradication commission.

At the end of 2019, Law Number 19 of 2019 was promulgated as a revision of Law Number 30 of 2002 concerning the Corruption Eradication Commission as a government effort to strengthen the KPK in eradicating corruption. Despite harsh criticism from various stakeholders, including¹ the KPK, the House passed the bill to amend the KPK Law on September 17, 2019. After the House¹ passes the bill, the Constitution gives the President¹⁰ 30 days to sign it into law. Because the President did not sign the bill within 30 days, the government officially enacted Law No. 19 of 2019 on the Second Amendment to Law No. 30 of 2019 on The Corruption Eradication Commission ("Law 19/2019") on the same date. Thus Law 19/2019 came into effect under Article 20 (5) of the Constitution.¹⁶ ⁷

The government amended the KPK Law because the KPK's position prior to the revision of the KPK Law, which placed the KPK as an unlimited independent institution outside of the legislative, executive, and judicial realms, was felt by the government to be very contrary to the *trias politica* principle as a source of state law in the Republic of Indonesia. Previously, under KPK law, the KPK was defined as a state agency that was independent and free of third-party influence in carrying out its duties and exercising¹ authority. The KPK, however, is now considered an executive agency under Law 19/2019. Although Article 3 of Law 19/2019¹ clearly states that the KPK will remain independent and free of any influence, making the KPK an executive agency may jeopardise the KPK's independence by third parties.

From the political aspect, the revision of the KPK Law is considered hasty. Meanwhile, the most contentious of the many changes that have sparked rejection from various elements of society and sparked anger leading to demonstrations is the establishment of a new organ within the KPK. It's the Supervisory Board, which has duties and authorities that include supervising and granting or denying permission. Wiretapping permits carried out by the¹³ KPK. The task of this supervisory board is considered to be a threat to the weakening of the Corruption Eradication Commission (KPK).¹⁷

There have been several changes in the body of the KPK and its authorities, one of which is the KPK Supervisory Board and its authority as the giver of permits for wiretapping, searches and seizures of criminal acts of corruption. According to the draft KPK Law agreed upon by the DPR and the government, the supervisory board is governed by CHAPTER VA. Articles 37A to 37G contain provisions relating to members of the supervisory board, including duties, who can serve, and election procedures. This supervisory board also takes the place of a KPK advisor. The supervisory board consists of five members, with one serving as chairman. They are appointed and determined by the president through a selection made by the committee. The president also forms the selection committee for council members, different from the procedure for selecting KPK leaders. The president is only required to send the names of candidates for the supervisory board to be elected by the DPR for consultation purposes.

The KPK Supervisory Board is required by law to perform four major functions. First, the Board must monitor KPK's performance of his or her duties and authority. Second, the Board has the authority to authorize or deny KPK's wiretapping, search, and/or seizure. The amended KPK Law, which differs from the previous arrangement, specifically regulates wiretapping. The agreement has sparked a debate about the effectiveness of wiretapping laws regarding the characteristics of corruption. The advantages of clear wiretapping procedures for fulfilling human rights, particularly the right to privacy, are emphasized by the proponents. The KPK Law, on the other hand, reduces the independence and effectiveness of dealing with corruption

¹⁶ "New Amendment to Indonesia's KPK Law," In-House Community, 2020, <https://www.inhousecommunity.com/article/new-amendment-indonesias-kpk-law/>.

¹⁷ Djaja, *Memberantas Korupsi Bersama Komisi Pemberantasan Korupsi*.

cases.¹⁸ Third, the Board is responsible for developing and issuing a code of ethics, receiving and processing reports on any alleged violation of the code of ethics by KPK leaders or employees, and holding trials to investigate such allegations. Fourth, the Board must evaluate the performance of KPK leaders and employees on a regular basis. Aspects of checks and balances are often used as words that adorn the course of the rule of law doctrine, wherein this aspect of each branch balances the strengths of the other branches. It is hoped that there will be no abuse of power in any of the organs of power with the balance of power. In principle, the assumption is that carrying out supervision will balance all of the strengths of state institutions; this is reasonable. A study released by Indonesia Corruption Watch states that there are three types of supervisory agency models, namely the internal control model, the semi-internal supervision model, and the external supervision model.¹⁹

Everyone takes on a variety of roles due to social life patterns. When a person fulfils their rights and responsibilities in accordance with their position, they are playing a role. It also implies that his role influences what he does for the community. The role focuses on function, adjustment, and the process as a whole. According to Soerjono Soekanto's role theory, an ideal role is played by a person or institution based on ideal values or one that his position in a system should play. A person or institution plays the ideal role based on ideal values or what should be done given his position in a system.²⁰ Even though its functions are not part of the criminal justice system, the KPK Supervisory Board replaces the role and function of the judiciary in carrying out its roles and functions, particularly regarding the entire law enforcement process, including permits for wiretapping, searches, and confiscations. According to Mahfud MD, Coordinating Minister for Political, Legal, and Human Rights, the KPK Supervisory Board is required to reduce the possibility of abuse of authority and to promote good governance processes.²¹

According to the findings of an interview with a criminal law lecturer at the University of Lampung's law faculty, the role of the KPK Supervisory Board administratively facilitates KPK investigators' requests for permission. Because the KPK Supervisory Board is already in one place with the KPK, this is a form of optimizing the KPK's work in terms of working efficiency in uncovering criminal acts of corruption. As a result, granting permission should be simpler and more efficient. Furthermore, the pro-justice authority granted to the KPK Supervisory Board by law can be used wisely to aid the KPK's performance in eradicating corruption. As believed by the researchers, the pro-justice authority mandated by law to the KPK Supervisory Board, namely granting permits for wiretapping, search, and confiscation of criminal acts of corruption, is effective and efficient in tackling the eradication of corruption. Because the KPK Supervisory Board is a balance of power that oversees the KPK institution, it is hoped that there will be no abuse of power in each of these organs of power. In general, the assumption is that proper supervision will balance all of the powers of state institutions.

The political dimension of law, which is an enforcement policy, is very dominant in developing countries, where the government uses laws and regulations as political instruments for negative or positive things. The concept of legislation with dimensions like this is dominant in Indonesia, which opens the door for the entry of new corruption practices through the weakening of legislation. In general, legal politics is closely related to the interests of the rulers

¹⁸ Hwian Christianto, "From Crime Control Model to Due Process Model: A Critical Study of Wiretapping Arrangement by the Corruption Eradication Commission of Indonesia," *Padjajaran Journal of Law* 7, no. 3 (2020): 423, <https://doi.org/10.22304/pjih.v7n3.a7>.

¹⁹ Wulandari, Sinapoy, and Jafar, "Izin Dewan Pengawas Dalam Kewenangan Penyadapan Komisi Pemberantasan Tindak Pidana Korupsi."

²⁰ Soerjono Soekanto, *Teori Peranan* (Jakarta: Bumi Aksara, 2002).

²¹ Mahfud dalam Yokotani Yokotani and Ndaru Satrio, "Mekanisme Seleksi Dewan Pengawas Komisi Pemberantasan Korupsi Dalam Perspektif Cita Hukum Pancasila," *PROGRESIF: Jurnal Hukum* 13, no. 2 (December 2, 2019): 115–33, <https://doi.org/10.33019/progresif.v13i2.1452>.

and those outside the authorities. In the hands of bureaucrats, many big affairs are related to the interests of small people. When there is a neglect of the interests of tiny people, such practices can be categorized as dehumanization by bureaucrats. As a result, the little people receive misery in layers.

The supervisory system, in theory, explains that supervision is wholly directed to avoid possible deviations or deviations from the objectives to be achieved. Supervision can also detect the extent to which leadership policies are implemented at ¹² deviations that occur in the implementation of the work.²² According to Saiful Anwar, supervision or control over the actions of government officials is needed so that the implementation of the assigned tasks can achieve the objectives and avoid deviations.²³ The establishment of supervision is necessary for this corruption eradication institution because it is new hope for eradicating corruption. On the other hand, the community hopes that the role of the KPK Supervisory Board can be a concrete step in fixing corruption ⁷ in law enforcement, not a setback in corruption law enforcement itself. The legal steps taken by the DPR and the government are good in encouraging the growth of progressive law enforcement facing the challenges of such a massive era.

2. The Authority of the Supervisory Board in Supervising *Pro-Justitia* Technical Matters.

In the book *Legal Dictionary: Complete Edition*, the author claims that *Pro-Justitia* means for the sake of law, law, or legislation in Dutch-Indonesian-English. In practice, the term *pro-Justitia* can be found in official police documents or letters and legal documents for the prosecutor's office in the investigation or prosecution process for the benefit of the legal process. In court decisions or decisions, the term *pro-Justitia* is also used. The phrase "For the sake of Justice Based on the One Godhead" is used to refer to the term *pro-Justitia* in the determination or decision. Administratively, the use of the phrase *pro-justitia* indicates that the actions taken by law enforcement officers are legal and have binding legal force. Substantively, based on legal documents that read *pro-justitia*, every legal action taken as stated in the letter is carried out in the interest of law enforcement and justice.²⁴

The KPK has primary authority as a front-gate for its existence, namely ¹⁶ at the investigation stage to find sufficient preliminary evidence which is determined by at least two pieces of evidence, including but not limited to information or data that is spoken, sent, received, or stored either usually or in a manner electronic or optical, can also request information from the bank regarding the suspect's financial condition (without a permit from Bank Indonesia), tap/record conversations from system developments and others. ¹³

Based on the evaluation and implementation of its regulatory practice, ¹³ the existence of the Supervisory Board is to strengthen the weakness of the KPK's enforcement system in the existing criminal justice system, particularly against the implementation of coercive measures, whether in the process of searching, confiscation, obtaining a minimum of two pieces of evidence, determining suspects, and so on. The evaluation and implementation of this practice only want to explain weaknesses or deficiencies in the internal supervision of adjudication in the vertical structure of the KPK's institutional structure. All of this indicates that there are

²² Arman Tjoneng, Christin Septina Basani, and Novalita Sidabutar, "PENGGELEDAHAN SEBAGAI TINDAKAN MERINTANGI PROSES PENYIDIKAN (OBSTRUCTION OF JUSTICE)," *Esensi Hukum* 2, no. 2 (December 31, 2020): 48–63, <https://journal.upnvj.ac.id/index.php/esensihukum/index>.

²³ Saiful Anwar dalam Elvi Zahara Lubis, "Dampak Melawan Hukum Dalam Tindak Pidana Korupsi," *Jurnal Administrasi Publik: Public Administration Journal* 7, no. 2 (January 12, 2018): 107, <https://ojs.umsida.ac.id/index.php/jap/v7i2.1332>.

²⁴ Arif Maulana, "Apa Itu Pro Justitia?," *Hukum Online*, 2019, <https://www.hukumonline.com/klinik/detail/ulasan/t5e006f96d6231/apa-itu-ipro-justitia-i/>.

weaknesses in the existing monitoring system. Therefore, the existence of the Supervisory Board is a natural necessity.²⁵

The Supervisory Board's authority over technical *pro-Justitia* is a problem. It should be noted that extraordinary special powers have become the KPK's institutional foundation, including those related to Articles 12 and 44 of the KPK Law, which have been preserved in the revision of the KPK Law. Article 44 of the KPK Law is an enforcement action that places the KPK in the investigation stage, where it is authorized to obtain sufficient preliminary evidence with a minimum of two pieces of evidence.

The wiretapping of the Corruption Eradication Commission is based on a legal, regulated method that still has oversight over the implementation of this authority while also providing legitimacy for the obligation to evaluate this action. And, of course, it differs from wiretapping, which is based on a legal court order with the requirement of obtaining court permission. Wiretapping without a court order is outside the KPK's authority, which is based on legal by regulation rather than legal by court order. There is always a distinction between the technical tasks of prosecuting the government and the supervision of the authorities. The issue of obtaining Supervisory Board authorization to conduct wiretapping/recording conversations, searches, seizures, and the issuance of SP3 is a facet pattern of criminal law and constitutional law based on the distribution of power in the criminal justice system.

The facet of criminal law and constitutional law related to the criminal justice system, especially supervision of coercive measures, does not recognize the separation of power, namely an absolute separation that does not recognize the checks and balances system between the three pillars of power. However, instead of placing a distribution base of power that recognizes the contribution of authority among institutional powers by providing a basis for strengthening the function of authority through checks and balances system to avoid abuse of power from great powers. This distribution of authority is not a concept of weakening but the legitimacy of strengthening the supervisory system of a broad and extraordinary power.

According to the author, the position of the KPK before the revision of the KPK Law, which placed the KPK as an unlimited independent institution that was not in the legislative, executive or judicial spheres, was very contrary to the *trias politica* principle as a source of state law in the Republic of Indonesia. The KPK, which any government power or institution cannot control, is against the Indonesian government system. As stated in the 1945 Constitution, state institutions should have a system of checks and balances as a form of accountability. The system of checks and balances aims to create institutions that work and interact with each other towards achieving the goals of state administration.

The emergence of the revision of the KPK Law by bringing up the existence of a supervisory board, bringing the KPK closer as an implementing institution, with norms based on the Indonesian government system in the check and balances model, which aims to control government actions in the field of eradicating corruption. The supervisory board was also created as a form of government effort to avoid public distrust by creating a transparency system to eradicate corruption. From the government's perspective, the author believes that the position of the KPK supervisory board should not be viewed as a weakening of the KPK, but rather as a strengthening of the government system in the check and balances model in the field of eradicating corruption so that it does not conflict with the 1945 Constitution.

C. Conclusion

The role of the KPK Supervisory Board as a licensee for wiretapping, searching, and confiscating criminal acts of corruption in its implementation is included in the scope of factual roles, which are roles performed by a person or institution based on ideal values or that should

²⁵ Indriyanto Seno Adji, "KPK: Dewan Pengawas Dan Pro Justitia," Sindo News, 2019, <https://nasional.sindonews.com/berita/1445141/18/kpk-dewan-pengawas-dan-pro-justitia>.

be carried out in accordance with their position in an organizational system. The KPK Supervisory Board is required to reduce the possibility of abuse of authority. This is meant to be a good governance process. The KPK Supervisory Board is a power balance that oversees the KPK institution, and it is hoped that no abuse of power will occur in any of the organs of power. In principle, the assumption is that carrying out supervision will balance all of the strengths of state institutions, which is reasonable.

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