



Independence of the KPK Supervisory Board's Authority after the Amendment of Law No. 19 of 2019

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Abstract

In accordance with Article 3 of Law Number 30 of 2002 concerning the Eradication of Corruption Crimes, the Corruption Eradication Commission (KPK) operates independently and is not under the control of other entities. However, the revision of the law incorporated in Law Number 19 of 2019 makes it unclear what role the KPK should play as an autonomous institution. Therefore, the authors are encouraged to further examine this issue. This study aims to analyze the Independence of the Supervisory Board After the Amendment to Law Number 19 of 2019 Number 30 of 2002. This study uses statutory, conceptual, and comparative methods in its normative investigation of juridical law. The material is taken from primary, secondary and tertiary sources of legal knowledge. The new Corruption Eradication Commission Act includes recommendations for review by establishing a Supervisory Board as the internal supervisor. However, its function within the larger institutional framework remains unclear. The existence of the Supervisory Board also influences the institutional characteristics of the KPK, especially the institutional and functional autonomy of the KPK. While the decision of the Constitutional Court no. 36/PUU-XV/2017 does explain that the KPK is part of the executive body, Article 3 of the latest Corruption Eradication Commission Act explains that the Supervisory Board is not autonomous because its members are elected and nominated directly by the President.

Keywords: *Authority of the Supervisory Board; Corruption Eradication Commission; After the Enactment of Law No. 19 of 2019*

Introduction

Since its establishment in 2002, the KPK (Corruption Eradication Commission) has operated as an autonomous state institution, enabling the eradication of corruption with minimal or no interference from the government (Jimly, 2006). Given the significance of corruption throughout state institutions like the National Police and the Attorney General's Office, the government decided to establish this commission to address the matter. Due to this, various respected lawyers and activists in Indonesia now

sees corruption to be deeply ingrained in the country's political system (Fadillah & Chaerudin, 2009). Given that most people believe the National Police and the Attorney General's Office have not been able to effectively eradicate corruption, Law No. 30 of 2002 established the KPK to eradicate corruption as never before (Isra et al., 2017). Since this law has been passed, the National Police, the Attorney General's Office, and the Corruption Eradication Commission are now tasked with investigating allegations of corruption.

A significant turning point in shaping the future of Indonesia's judicial system occurred in 2019. The idea of forming a People's Representative Council (also known as DPR) for the 2014-2019 period raises several problems, such as the government's efforts to ratify various legal policy packages such as the Criminal Code (KUHP), prisons, wiretapping, corruption, etc. The two most controversial issues are the processes for gaining authority to conduct wiretaps, seizures, and searches, as well as the creation of a supervisory board. Consequently, it is reasonable for the public to question the motivations of the DPR and the President of the Republic of Indonesia in attempting to change the legislation. Meanwhile, the introduction of a new body inside the Corruption Eradication Committee, the Supervisory Board, was the most controversial of the many reforms that generated rejection by many members of the public and outrage that led to protests. Due to their responsibilities and authorities, the issue is not only supervision, but also the granting or withholding of authority. Permitting wiretapping by the KPK is viewed as a threat to the KPK's strength. The KPK is the best hope for eradicating corruption in Indonesia, and the public should approach the revision process with mistrust due to the impact of political interests. Other institutions with comparable roles and powers, including the National Police and the Attorney General's Office, have been established, but they have not been as effective as the KPK.

It is considered that the proportionality and efficacy of the KPK in combating corruption have diminished as a result of the numerous obstacles it has encountered thus far. It is also obvious that the KPK's efforts have contributed to the growth and development of the nation's economy. Article 21 paragraph (1) letter an of Law of the Republic of Indonesia Number 19 of 2019 regulating the Corruption Eradication Commission stipulates that the Corruption Eradication Commission's Supervisory Board consists of five individuals. In line with Article 37E, the President, with the assistance of the Selection Committee (also known as *Pansel*), is responsible for submitting candidates for the Supervisory Board to the DPR for elections.

The Supervisory Board is charged with overseeing the Corruption Eradication Commission's execution of its allocated responsibilities and authority. In line with Article 21 paragraph (1) of Law No. 19 of 2019 about the Corruption Eradication Commission, the Supervisory Board was established to supervise the Corruption Eradication Commission's tasks and powers. This was done in accordance with paragraph 1 of Article 37A of Law No. 19 of 2019. (1). Article 37B, so that a wiretapping, search, and confiscation matter is brought before the council and the granting or refusal of written authorization to request permission within one day and twenty-four hours is the responsibility of the supervisory board. The requirement to submit an application or receive a permit in order to carry out the KPK's own responsibilities and powers makes bureaucracy even more time-consuming. A notice period for getting a permit does not guarantee that undesirable occurrences will not occur, nor does it prevent the occurrence of such events.

In accordance with Law No. 30 of 2002 pertaining to the Corruption Eradication Commission, investigators are authorized to conduct searches, wiretaps, and confiscations with reasonable suspicion and without the approval of the institution's top administrator. The idea of independent state institutions is not entirely foreign to the idea of supervisory institutions; rather, the primary focus is on the construction of a supervisory system. The KPK has done a good job exercising its powers and responsibilities, especially when it comes to conducting searches, wiretaps, and confiscations. This may be illustrated in the instance of Wahyu Setiawan, who was the KPU commissioner about suspicions of receiving bribes.

Officers from the PDIP DPP detained the KPK investigative team because they were unable to produce and read the assignment letter. Late permits increase the risk of losing evidence, and the KPK investigation team needs a letter of confiscation and a search warrant from the Supervisory Agency to conduct their investigation in compliance with the requirements of Law Number 19 of 2019. In other words, the KPK is being hampered in its efforts to rid the country of corruption, and its ability to act independently within the scope of its responsibilities and authorities is being called into doubt.

Based on their research, Isra et al. (2017) determined that the KPK Supervisory Board is responsible for monitoring the performance of KPK's top executives and staff but not the KPK itself. Asyikin & Setiawan (2020) clarification of the KPK's status in light of the UUKPK reform (refers to Corruption Eradication Commission Act) is a respected institution within the ruling elite. Meanwhile, Hartono (2020) emphasizes the need for a new UUKPK, emphasizing the need to limit the KPK's ability to combat corruption. Investigating the constitutionality of the KPK's authority in situations of money laundering and revision concerns, Putra et al. (2020) said that provisions of UUKPK requiring this commission to communicate with the Attorney General's Office in carrying out prosecutions raise legal difficulties surrounding the jurisdiction of the commission, which has the potential to diminish the KPK's independence in law enforcement. By altering Law 30 of 2002, which created the Corruption Eradication Commission, Article 12A of Law 19 of 2019 threatens the KPK's independence in law enforcement. Dita et al. (2020) found that students all over Indonesia and the surrounding community organized and participated in a wide variety of community actions and movements, revealing the widespread concern of the Indonesian people for the principle of justice, which is being undermined on purpose by the current government decision.

Research Methods

This study uses a normative juridical approach, which is based on an examination of pre-existing legal norms and precedents relating to a particular issue. Several methods were used in this research, including legal, conceptual, and comparative analysis. The legal literature used includes primary, secondary and tertiary sources. The main legal authority for this analysis comes from Corruption Eradication Commission Law no. 30 of 2002 and Law no. 19 of 2019. Secondary legal sources, including periodicals, books, and periodicals. Reference works such as dictionaries and encyclopedias are considered tertiary sources of law.

In this case, we rely on secondary data obtained from legal sources and other studies in the literature. Literature research methods and legal issues were used in data collection with the aim of finding theories, opinions and conclusions that are directly relevant to the main research subject of the study. In conducting this research analysis, researchers used descriptive analysis techniques such as conducting analysis with exposure or describing relevant regulations. In addition to classifying, parsing, and organizing data, researchers are looking for appropriate themes to make it easier to understand the data. The findings of this study are rewritten into descriptive sentences with explanations, making them easier to read, understand, and make conclusions from.

Results and Discussion

The Position of the Supervisory Board Within the Organizational Structure of the KPK

An important part of any effective governance system is the oversight mechanism (Ranna, 2019). For there to be any sense of accountability, the details of all actions taken and outcomes achieved by state administrators must be made public in compliance with relevant rules and regulations (Muhajir, 2019).

The term "supervision" can be used to describe any activity whose primary purpose is to ensure that work or tasks are completed as planned (Antari, 2020). In its most fundamental form, the idea of supervision is founded on the premise that so long as an organization or a body of work is still governed by humans, there will always be the possibility of neglect, inaccuracy, and the misuse of power. One of the fundamental elements of the rule of law is that power should be restricted, and protecting people's civil liberties should be a top priority (Djafar, 2016). Among these considerations is the prevention of arbitrary government action. On this principle, even autonomous institutions like the KPK are not exempt from oversight.

From the perspective of supervisory theory, the KPK is typically accompanied by a robust supervision structure given its status as an institution with super body jurisdiction and significant independence. As a result, the government amended the Corruption Eradication Commission Act (UU No. 30 of 2002) to include a new "Supervisory Board" as one of its constituents. The two main conceptual forms of this control are internal and external. What is meant by "internal supervision" is the practice of supervision by a supervisory authority that is still part of the company being supervised (Trisnawati et al., 2018). On the other hand, in terms of "external supervision", the oversight unit is completely outside the executive branch. As a result, supervisors and those being supervised do not have a formal relationship (Setiawan, 2019).

Good governance requires a system of internal checks and balances consisting of audits, reviews, assessments, monitoring, and other supervisory activities to guarantee that the organization's tasks and functions are carried out correctly and efficiently. This concept is derived from 2008 Government Regulation No. 60, which defines Internal Control correspondingly (Novitasari & Prabowo, 2020).

The existence of this internal and external supervision system might be seen as a reference to the idea that the Supreme Audit Agency for Finance and Development (BPKP) and the Supreme Audit Agency (ABF), two agencies involved in overseeing state finances, work collaboratively. Specifically, Financial Audit Board (BPK) as an external auditor established by the Constitution and BPK as an internal auditor institution formed by a Presidential Regulation and within a government structure (Setiawan, 2019).

The KPK becomes a formalized internal and external supervision mechanism when the concept of oversight is tied to the original Corruption Eradication Commission Act (UU No. 30 of 2002). To enforce the Corruption Eradication Commission's Regulation No. 7 of 2013 on Basic Personal Values, Code of Ethics, and the Code of Ethics of the Corruption Eradication Commission, the KPK must form an Internal Oversight Directorate, an Ethics Committee, and a Personnel Council. The Directorate of Internal Oversight may provide suggestions to the Ethics Committee if the alleged violation involves KPK management. In the event that this is not the case, it may make recommendations to the Employee Advisory Council (Hutabarat et al., 2022).

The structure of external control is also created in a way that the KPK does not evade the scrutiny of other governmental branches, such the President and the DPR. The Corruption Eradication Committee is mandated under Article 7 paragraph (2) no. 30 of 2002 to submit periodic accountability reports to the President and the DPR, which must also be made public. In addition, in accordance with the decision handed down by the Supreme Court Law, the DPR has the ability to make a request for the right to launch an inquiry into the KPK's use of its authority if it is believed to be in violation of the terms of the relevant laws and regulations (Bima & Ramadani, 2019).

The Financial Audit Board (BPK) and other government organizations are increasingly keeping an eye on how the KPK spends its funds. The KPK often incorporates members of the public as well as non-governmental organizations dedicated to fighting corruption in its efforts to combat and eradicate the issue. Information and openness are thus more readily available to the general population. KPK is

therefore subject to both public criticism and institutional accountability. This raises the important question: Is there still belief that KPK acted arbitrarily during revision of Corruption Eradication Commission Act? If so, the government and DPR must be able to launch an investigation and implement corrective measures without delay. The Corruption Eradication Commission Act rules have constructed an internal supervision mechanism and established a defined pattern of supervisory ties between the KPK and other government agencies, making the assertion that the KPK lacks a supervisory board sound ambiguous. In this case, it is challenging to objectively accept the government's justifications for creating the Supervisory Board organs as outlined in the scholarly works and broad explanations of the newly enacted Corruption Eradication Commission Act that have been provided.

In pursuance of Article 37B, the Corruption Eradication Commission Act makes the Supervisory Board an essential component of the KPK's institutional framework, alongside the organs of the commissioners and KPK employees. Given its status and the nature of its responsibilities, the Supervisory Board can be described as the KPK's internal supervisory body or institution. There seems to be no issues with the arrangement and placement at first sight. On closer inspection, however, the Corruption Eradication Commission Act leaves a lot of room for interpretation and fails to provide precise explanations of several issues related to the position of this organ.

The first issue was presented by Telaumbanua, who claimed that the Corruption Eradication Commission Act was redundant in defining the position and objective of the KPK Council's supervision. This is in compliance with the requirements of Article 37A paragraph (1) and Article 37B paragraph (1) letter a, which state that the supervisory board must supervise "the execution of the KPK's duties and authorities." If it corresponds with Article 21, the Supervisory Board is an inherent part of the KPK's organizational structure, therefore its primary responsibility is to supervise itself (Telaumbanua, 2020).

Alexander Marwata, vice-chairman of the KPK, noted that the relationship between these organs is uncertain. He clarified that the new the Corruption Eradication Commission Act granted the Supervisory Board more authority than the commissioners. Nonetheless, Marwata also stated that he was unaware of the nature of the working relationships between the commissioners and the Supervisory Board, including who bears the most responsibility for the KPK.

Issues with inter-organ relationships eventually bring up the question of whether the Commissioners or the Supervisory Board should have control over the KPK institution's highest leadership organ. If the Commissioner is the highest authority, then it may not be necessary to get approval from other authorities before doing activities including wiretapping, searching, and seizing. Corruption Eradication Commission Act will inadvertently create *bicepalus* phenomenon (two heads in one institutional entity) if commissioners and supervisory board are treated as equals and operate together.

In addition to having other independent state agencies, the Financial Services Authority (OJK) also has an internal oversight body called the Ethics Committee. This body's structure is comparable to that of the KPK's Ethics Committee from the previous iteration. The Ethics Committee is responsible for monitoring the conduct of all OJK Board of Commissioners members, officials, and workers to ensure that they adhere to the organization's code of ethics, as outlined in Regulation 01/17/PDK/XII/2012. This committee's membership is often comprised of OJK leaders and professional/academic members, as chosen by the board of commissioners' meeting.

The current KPK Supervisory Board clearly has a different set of authorities than the KPK Board of Directors had before. The Corruption Eradication Commission Act establishes the KPK Supervisory Board as an institution with the authority to carry out strategic functions including wiretapping (Article 12B paragraph (1)), confiscation, and/or searches (Article 37B paragraph (1)), in addition to its traditional role as an ethics committee or supporting organ for KPK commissioners and employees.

As a result, the KPK governing board takes a stance that is distinct from other ethical organizations such as the Honorary Council of the DPR, the Ethics Council for Constitutional Justices, or the OJK Ethics Committee. The KPK Supervisory Board is charged with enforcing an ethical framework and has nearly complete executive authority over the KPK. The Supervisory Board's assumed authority to make such a decision stems from its possession of such powers. Commissioners had certain powers under the former Corruption Eradication Commission Act. Thus, indirectly the provisions of Article 37B regarding the authority of the Supervisory Board to carry out their duties show that the Supervisory Board has a higher position than all KPK personnel. This can be seen because the Supervisory Board is tasked with overseeing and controlling every action taken by the KPK in accordance with Law no. 19/2019. This action is the responsibility of the KPK leadership and KPK employees. Therefore, it makes sense to emphasize that the Supervisory Board occupies the most prominent position in the organizational structure of the KPK. According to Hadjar (2015), the Supervisory Board has the authority to dismiss KPK leaders and employees from their positions or impose sanctions if those concerned are proven to have violated both the code of ethics and applicable laws and regulations. Although the law provides that the KPK Supervisory Board can hold hearings to respond to public allegations of possible violations, in practice it is up to the President to decide whether or not to implement consequences, including the dismissal of the board leadership. It was also emphasized that the Supervisory Board cannot intervene in the judicial authority (*pro justitia*) which in this case grants permission for investigation and prosecution which according to the Constitutional Court decision number 70/PUU-XVII/2019.

To oversee the KPK's operations, the government has formed a five-member Supervisory Board with a four-year term and the opportunity for an extra term. The Supervisory Board consists of one government representative, one Supreme Court representative, and three civilians. In Article 37B of Law Number 19 of 2019, it is clearly stated that the KPK Supervisory Board is responsible for supervising the use of KPK obligations and experts; approving or disapproving wiretapping, fraud, and/or reallocation; compiling and constructing a code of ethics for the Pioneers and Representatives of the KPK; receiving and investigating allegations of violations of the code of ethics by KPK employees and leaders; convene a hearing to look into allegations of violations of the moral code by the administration and representatives of the Destruction Demolition Commission; periodic assessment of Pioneers and KPK Workers once a year; make a report on the implementation of tasks once a year, and submit the report to the President and the DPR-RI.

The Position of the KPK Supervisory Board in the Indonesian State Administration Structure

When it comes to carrying out its purpose, the anti-corruption agency's level of autonomy will be heavily influenced by where it sits in the administrative hierarchy of the state. Government anti-corruption agencies (executive authority holders) are often unbiased due to the inherent conflict of interest in their work (Bintoro & Ginting, 2014). Despite the amendments made by the new Corruption Eradication Commission Act, the role of the Supervisory Board in Indonesia's institutional framework remains unclear. Consequently, the Supervisory Board's participation had an impact on the KPK's formal and informal independence. The recently enacted reform of the Corruption Eradication Commission Act has a number of formal flaws, including a lack of public review, a closed legislative procedure, and the absence of the 2019 National Legislation Program (Prolegnas). The traditional *trias politica* paradigm, which divides the functions of government into the legislative, executive, and judicial branches, is no longer seen as a useful framework for analyzing power dynamics inside states. Hence, a government assistance program is required. Modifications made to the Republic of Indonesia's Constitution in 1945 affected the movement toward creating new governmental institutions. The Constitutional Court of Indonesia stated that the recent decentralization of state power and administrative reorganization were motivated by internal state pressures in the form of significant political, legal, and social reforms (Harun, 2010).

As a key component of the KPK, the Supervisory Board serves as an example of internal control. To carry out this paradigm, the administrative division of the KPK has been integrated into the appropriate institutions. One of the focuses is that the President appoints the KPK Supervisory Board through a selection committee with the required authority. According to ICW researchers (*Indonesia Corruption Watch*), Lalola Easter in (Syahuri et al., 2022), It is not quite obvious where the KPK Supervisory Board fits into the organizational framework of the Republic of Indonesia's constitution; hence, the Supervisory Board functions as a commissioner of the KPK while also exercising supervisory authority.

A former Constitutional Court judge who is now appointed as part of the Supervisory Board, Harjono rejects the notion that the Supervisory Board acted in an overlapping manner with the courts in granting investigation permits. Further, he claimed that the Supervisory Board only gave wiretapping permits after the issuance of an investigation permit. The Supervisory Board also ensures that it will not hinder the KPK's performance because it believes that the KPK has its own investigative authority that cannot be intervened by the Supervisory Board. According to him, one example of the independence of the KPK is the Arrest Hand Operation (also known as OTT). Harjono stressed that the KPK and the KPK Supervisory Board are clearly part of the executive branch as established by Constitutional Court Decision Number 36/PUU-XV/2017, while maintaining their independence in carrying out their functions and duties.

Article 37E stipulates that the President of the Republic of Indonesia is directly accountable for selecting the chairman and members of the KPK Supervisory Board by establishing a selection committee. This information makes it clear that the KPK Supervisory Board is the government's governing body. Harjono stated that, for the first time, the President will appoint the Chairman and members of the Supervisory Board directly. Therefore, their selection must also incorporate DPR-RI input. It is crucial to examine how the obligations and powers of the Corruption Eradication Commission are carried out, as well as if future arrangements have been established for the qualifications and selection of members of the Supervisory Board. This will ensure that only qualified candidates are permitted to run for election to the Board of Trustees members of the Supervisory Board and will create specialists who are qualified in their respective professions. In addition, the DPR-RI can administer a fitness and suitability test to ensure that the selection process for Supervisory Board members is conducted in a transparent, objective, accountable, and community-involved manner. This exam may be used by other government institutions to choose its members.

DPR Members' Perspectives on the Establishment of the KPK Supervisory Board

The KPK originated from Article 43 of Law No. 31 of 1999, which was introduced to combat corruption. On the basis of this document, Law Number 30 of 2002 establishing the Corruption Eradication Commission was drafted. As opposed to the Joint Corruption Eradication Team, the KPK is not supervised by Government Regulation Number 19 of 2000 regulating the Joint Corruption Eradication Team (also known as TGPTPK). By order of the Attorney General's Office, the TGPTPK is looking into charges of significant corruption for which there is no evidence. Corruption of state administrators in banking, taxation, capital markets, commerce and industry, commodities futures, or cross-sectoral monetary finance; utilization of cutting-edge technology; or involvement of suspects/defendants who are free of corruption, collusion, and nepotism.

According to the Corruption Eradication Commission Act preamble, paragraph (b), "Government agencies that handle corruption cases have not functioned effectively and efficiently," prompting the establishment of the Corruption Eradication Committee. The two main anti-corruption institutions are the National Police and the Attorney General's Office. The Attorney General's Office and the Police are two of the most visible branches of government, and the Corruption Eradication Commission was set up as an

active organization to supplement their conventional roles. If the Office of the Attorney General and the National Police are successful in rooting out corruption, then the KPK may become unnecessary (Kristanto & Suhandi, 2009).

With the assent of the President of the Republic of Indonesia, one of the institutional components of the Corruption Eradication Committee, namely the establishment of a Supervisory Board, is expected to serve as a check and balance. A good KPK governance structure relies on the Supervisory Board's oversight to prevent the likelihood of authority abuse. Because many of its leaders did not comprehend red-handed operations or OTT, Mahfud MD supported the expansion of the KPK Supervisory Board as a component of the Government. Nevertheless, there are many who believe that the KPK's attempts to enhance OTT have not discovered all the corruption issues that have been uncovered (Heilbrunn, 2004). Indonesia is placed 129th among democracies, only above Ecuador, the West Bank, Gaza, and India, and 183rd out of 183 nations according to the World Bank's index of ease of doing business. Since the foundation of OTT, a number of enormous controversies have been public knowledge. The mega-corruption and money laundering scandals that happened during the construction of the Hambalang Sports Training Center and the OTT of corruption case at the Ministry of Sports, which included the chairman and treasurer of one of the winning political parties in Indonesia, are two examples.

This problem of authority must be clarified since the application of criminal law in corruption cases has major implications for human rights. If an organization has the ability to enforce the law, it must also be subject to minimal oversight. This is required because criminal law adheres to the legality principle, which refers primarily to constraints in space and time for criminal termination in line with current rules. The KPK commissioners' violations of the code of ethics and the law are an additional factor in the necessity of forming a Supervisory Board. Clearly, this undermines the effectiveness of the superbody institution. Additionally, the KPK's authority is so expansive that the anti-racist institution might become a source of power abuse. Furthermore, such violations will affect the institution's reputation. It is crucial to highlight that the establishment of the Supervisory Board not only increases the work of the KPK, but also produces good governance because it allows for a system of checks and balances. It is highly possible that individuals in government would abuse limitless power.

The Status of Independence and Authority Confusion of the KPK Supervisory Board in the Internal Supervision of KPK Members

Article 37 E, first paragraph, of Law No. 19 of 2019 stipulates that the President names and determines the membership of the Supervisory Board. include the president and members Because the President will nominate members and determine their composition, it is alleged that the formation of the Supervisory Board would not be balanced. This is viewed as a sort of government intervention in the KPK's ongoing legal proceedings. Establishing a monitoring system is a crucial component of any autonomously operating state unit. The Deputy for Internal Oversight and Public Complaints is currently responsible for KPK's internal oversight. The Corruption Eradication Commission conducts an internal audit of the KPK to ensure compliance with the laws, regulations, and policies set by the leadership. Article 47, paragraph 4, of the Corruption Eradication Commission Regulation Number 03 of 2018 concerning the Organization and Working Procedures of the Corruption Eradication Commission stipulates that the Internal Oversight and Public Complaints Section is responsible for ensuring that the Commission complies with all applicable laws and regulations. The Supervisory Board's independence is questioned due to the KPK's use of internal supervisors prior to the formation of the Supervisory Board. The KPK Supervisory Board is a vital aspect of the KPK and directly accountable to the KPK leadership and KPK officials due to Article 21, paragraph 1. This implies that KPK institutions and operations cannot be considered distinct entities. Consequently, the effectiveness of checks and balances is highly questionable (Suntoro, 2020).

Based on the revision of the 2019 Corruption Eradication Commission Act, there have been several changes, one of which is the formation of a Supervisory Board by the President after receiving input from a selection team formed to select candidates who meet the requirements specified in Article 37. The initial authority of the Supervisory Board can be seen in the provisions of Article 37 B paragraph (1) letter b of the 2019 Corruption Eradication Commission Act revision above, it is clear that wiretapping can only be carried out by KPK investigators after obtaining written permission from the Supervisory Board.

All permit applications must come directly from the leadership of the KPK in writing (see paragraph (1). Written approval from the Supervisory Board can be expected within 1 x 24 (one twenty four) hours after the application (2). C to the Supervisory Board and receive written approval (Explanation) To be effective, any wiretapping permitted by the KPK leadership as referred to in paragraph (3) must be completed within 6 (six) months of receipt of the permit and can be extended once. C paragraph 2, wiretapping that has been completed must be reported to the KPK leadership and Supervisory Board no later than 14 (fourteen) working days after wiretapping is carried out.

For the purpose of eradicating corruption, wiretapping results carried out in accordance with Article 12(1) must be kept confidential. It is the KPK's policy to immediately dispose of wiretapping evidence that is not directly related to the TPK investigation. If Article 12D is not followed, the government and/or people who control the information obtained through wiretapping can be held responsible for any losses that may arise. All parties will be satisfied with the existence of the Supervisory Board if its main function is to approve or disapprove of investigations and investigative methods. To ensure that the Supervisory Board is not involved in implementing the law and only concentrates on reviewing the institutional authority of the KPK, the amendments to Article 37B paragraph (1) letter b of the 2019 Corruption Eradication Commission Act are repealed or deleted.

In order for the administration of the state to run according to plan, supervision is needed as stated by Israel (2010), One way of thinking about supervision in the context of government legislation is as an action taken to ensure that governance is carried out in accordance with the law. Constitutionally, supervision is all efforts to ensure that government agencies carry out something legally. The finer constitutional underpinnings that would ensure the continued operation of the KPK and other new state entities have yet to be developed (Desak & Brata, 2020).

Meanwhile, according to Delina, KPK leaders and personnel are the Supervisory Board, not the KPK Supervisory Board. Adopting the KPK language means that the KPK Supervisory Board carries out its own oversight. Because of this decision, the drafters of the anti-corruption bill need to make adjustments to its provisions. So that the final outcome of the anti-corruption law does not lead to conflicting interpretations and is used by certain groups to weaken the KPK and/or prevent the abolition of the TPK in Indonesia, these laws and regulations must be clear and unambiguous. Furthermore, it is suggested that the provisions of the Supervisory Board in the reform of the Corruption Eradication Law be reviewed by the court.

Delina's research in (Sukmareni et al., 2022), reveals that regulatory reform of the current KPK supervisory board is necessary, despite the fact that the institution is still relatively young. On the other hand, the community's requirements will be more fulfilled if the KPK Supervisory Board's understanding of performance and functions is adjusted to reflect the current law. According to Suparman, the establishment of new state institutions such as the Corruption Eradication Commission is aimed at solving complex legal issues that arise as a result of one of the main factors, namely individual moral factors which must be addressed through the implementation of extraordinary government policy laws (Suparman, 2020).

The presence of the KPK Supervisory Board is regarded to be an attempt by other authorities to interfere with the KPK's duties and powers, as the Supervisory Board is appointed by the President and

has broad supervision jurisdiction over the KPK's responsibilities. According to *Siyasa Dusturiyyah* in (Hikmah, 2020), the notion of supervision seeks to invite good and avoid evil, so it is very important to know that the supervisory authority must be consistent with the objectives of supervision. Here, we agree that the results will be different if the Supervisory Board is appointed by representatives of the people. If appointed by the President, it will affect the independence of the KPK itself. As stated by Wibowo (2015), independence means an institution that is independent and free from outside intervention. An independent State institution, at least on the basis of the law of its formation, declares its independence in relation to its duties and functions.

The position of the Supervisory Board as a supervisory institution placing it as a wiretapping permit is certainly contrary to legal theory/concept and also contradicts the secrecy of wiretapping because there is a high risk of leakage in the implementation of its main duties and functions will be greatly influenced by the authorities. This is in accordance with the findings by Wahyuningrum et al. (2020), who found that the formation of the Supervisory Board weakened the KPK institution, especially because KPK employees were required to come from the State Civil Apparatus, thus binding the KPK Institution to the central command and limiting its mobility.

Disappointment with the weakening of the KPK as stated in Law no. 19 of 2019 was slightly reduced with the issuance of Constitutional Court Decision Number 70/PUU-XVII/2019 dated June 4 2021 which states the articles governing the authority of the Supervisory Board in granting permits and accepting accountability. The implementation of wiretapping was declared non-binding because it was considered contrary to Article 28 of the 1945 Constitution, because the Supervisory Board is not a law enforcement officer, while the Supervisory Board's other duties remain binding. However, other lawsuits submitted to the Constitutional Court were rejected, such as issues of independence, transfer of status of KPK employees and investigators.

The authority to wiretapping must be preserved to prevent criminals and assist in the enforcement of corruption cases that have taken root in our beloved country. In order to fulfill these three components of authority, legislators must issue an Implementing Regulation (PP) on the Implementation of Wiretapping relating to the Telecommunications Law and the ITE Law as mandated by Constitutional Court Decision No. 012-016-019/PUU-IV /2006. This Implementing Regulation will primarily regulate mechanisms, processes and legal certainty in the implementation of wiretapping.

In terms of the legislative basis, there is a framework for the national legal system if there is a correlation between objectives, functions and state apparatus (Hakim, 2012). In order to avoid violations of human rights and to carry out the obligations of Article 28 F and G of the 1945 Constitution, clear wiretapping regulations are needed. Article 28 F, which protects "everyone's right to communicate and obtain information for the development of their personal and social environment, as well as the right to seek, obtain, possess, store, process and impart information using all available means," is not intended to monopolize handling corruption cases. The KPK aspires to become a "trigger" institution for current law enforcement agencies in dealing with corruption issues.

Conclusion

Article 37B establishes the Supervisory Board's power to perform its functions and places the Board above all KPK officials. The highest authority in the country is the KPK Supervisory Board. The KPK's efforts are bolstered by the presence of the Supervisory Board, which also fosters good governance by introducing a system of checks and balances, which is necessary because uncontrolled power in government is prone to abuse. The KPK Supervisory Board's ability to ensure that checks and balances are functioning properly remains under question.

Because the KPK Supervisory Board is appointed by the President and has broad supervision jurisdiction over the KPK's responsibilities, it is alleged that its existence represents an attempt by other authorities to impede the KPK's performance of its tasks and the exercise of its powers.

The scope of authority of the Supervisory Board regarding the revision of Law Number 19 of 2019 is very broad. This authority is not only limited to the administrative realm in the form of supervising the implementation of the duties and authorities of the KPK and those related to the code of ethics, starting from formulating, receiving reports of violations of the code of ethics, examining and resolving them, and evaluating the performance of KPK leadership and employees, but also extends to the realm of law enforcement in the form of granting exemptions from certain requirements. This authority is not limited to the administrative area because the Supervisory Board is responsible for issuing permits.

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