

## The Existence of the Corruption Eradication Commission in the Dynamics of Indonesian Constitutional



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**ABSTRACT:** The Indonesian constitutional system recognizes the existence of state institutions that are not expressly defined in the 1945 Constitution. These institutions are known as state auxiliary organs or state auxiliary institutions or auxiliary state institutions which are state institutions that are supporting. One of the auxiliary institutions formed during the reform era in Indonesia is the Corruption Eradication Commission. This institution was formed as a part of the corruption eradication agenda which is one of the most important agendas in reforming governance in Indonesia. The problem regarding the existence of the Corruption Eradication Commission as an independent state institution in the dynamic structure of the Indonesian constitutional, and the research method used is legal research. The results of this study explain that the Eradication Commission is a state institution whose form does not derive from the 1945 Constitution but is a constitutional organ/constitutionally entrusted power, because it was formed on the basis of a constitutional order. The existence and position of the Corruption Eradication Commission is as an independent state institution within the constitutional system of the Republic of Indonesia according to the 1945 Constitution. The independence of the Corruption Eradication Commission is expressly stated by the legislators of the law. Its authority is independent and free from the influence of any power.

**KEYWORDS:** State Institutions; Constitutional Law; Corruption.

### INTRODUCTION

Since Indonesia became independent seventy-seven years ago, it has experienced various important events in the field of constitutional. Community upheaval in the regions, the transfer of government power to amendments to the state's basic law (constitution) have become an inseparable part of the history of the Indonesian state (Asshiddiqie, 2006a). One of the prominent developments from a constitutional perspective began when this country experienced turmoil in constitutional life which resulted in a monetary crisis, and the fall of President Soeharto from power in 1998.

After going through a transitional period led by President B.J. Habibie for about two years, the demands for a better constitutional system began to be realized by high-ranking officials in this country. The concept of separation of powers of state institutions is also carried out by following the theories of separation of powers of state institutions. For quite a long time, the classic concept of *trias politica* which was developed since the 18th century by Baron de Montesquieu was widely known and used in many countries as the basis for the formation of state structures. This concept divides the three functions of power, namely legislative, executive, and judicial (Asshiddiqie, 2006b). Montesquieu, as explained again by Asshiddiqie (2006b) idealizes the three functions of state power to be institutionalized respectively in three different state organs. Each organ carries out one function and one organ with other organs may not interfere with each other's affairs in an absolute sense. This, although not explicitly, Indonesia adopted this form of *trias politica* (Asshiddiqie, 2006b).

With the development of ideas regarding the state, the concept of *trias politica* is no longer relevant considering that it is impossible to maintain the exclusivity of each organ in carrying out its respective functions separately. The fact shows that the relationship between branches of power in practice must touch each other. The positions of the three organs are equal and they control one another in accordance with the principle of checks and balances (Asshiddiqie, 2006b). An increasingly developing society actually wants the state to have an organizational structure that is more responsive to their demands. The realization of effectiveness and efficiency both in the implementation of public services and in achieving the goals of administering government is also the hope of the people which is pinned on the state. These developments have had an impact on the organizational structure of the state, including the forms and functions of state institutions. The demands of the development of the constitutional life,

## The Existence of the Corruption Eradication Commission in the Dynamics of Indonesian Constitutional

then the establishment of new state institutions that differ in type, position and authority in the form of councils, commissions, committees, boards, authorities (Asshiddiqie, 2006b), or institutions.

The emergence of new state institutions occurred as a consequence of amendments to the 1945 Constitution. The new institutions in question were institutions that were not expressly or explicitly specified in the 1945 Constitution. These new institutions were usually known as state auxiliary organs or state auxiliary institutions which in Indonesian are defined as "Auxiliary State Institutions" and are state institutions that are supporting in nature (Asshiddiqie, 2006b). One of the auxiliary institutions formed during the reform era in Indonesia is the Corruption Eradication Commission. This institution was formed as a part of the corruption eradication agenda which is one of the most important agendas in reforming governance in Indonesia (Muslim, 2004). The existence of the Corruption Eradication Commission in carrying out its functions does not clearly position itself as one of the three *trias politica* institutions. The position of the institution in the form of the Corruption Eradication Commission is not in the executive, legislative, or judicial branches of power. However, these institutions are also not treated as private organizations or non-governmental organizations. The Corruption Eradication Commission was born because the eradication of corruption carried out by existing law enforcement agencies was not optimal. Therefore, by interpreting the term "law enforcement" in the 1945 Constitution, so that it is necessary to form a new institution whose task and authority is the eradication of corruption, then an institution called the Corruption Eradication Commission is born.

However, along the way, the existence and position of the Corruption Eradication Commission in the structure of the Indonesian state began to be questioned by various parties. Duties, authorities and obligations legitimized by Law no. 30 of 2002 concerning the Corruption Eradication Commission indeed makes this commission seem like a super body institution. Furthermore, Law No. 30 of 2002 was then replaced by Law No. 19 of 2019 concerning the Second Amendment to Law No. 30 of 2002 concerning the Corruption Eradication Commission. The birth of Law No. 19 of 2019 began to be questioned about the duties and powers possessed by the Corruption Eradication Commission. With this law, the eradication of corruption carried out by the Corruption Eradication Commission is not optimal and it is as if the Corruption Eradication Commission is unable to eradicate corruption crimes.

As a state organ whose name is not mentioned in the 1945 Constitution, the Corruption Eradication Commission is considered by some to be an extra-constitutional institution (the Corruption Eradication Commission is an extra-constitutional institution because it has taken over the authority of other institutions obtained from the 1945 Constitution which has actually been completely divided into executive, legislative and , and judicial) (*Putusan Nomor 012-016-019/PUU-IV/2006*, 2006). The nature of being independent and free from the influence of any power is feared to make this institution have absolute power in its scope of work. In addition, the special authority in the form of unifying the functions of investigation, investigation and prosecution in one organ also reinforces the argument that the existence of the Corruption Eradication Commission tends to deviate from the principles of applicable law, and does not rule out the possibility of contravening the constitution (Mahkamah Konstitusi, 2006). However, the Corruption Eradication Commission is currently also being debated, because its status as an institution is less credible in terms of eradicating corruption, because its authority through the new law has begun to be reduced. Apart from that, the performance of the leadership of the Corruption Eradication Commission is considered to have softened in relation to the handling of corruption cases (Kompas.com, 2020).

Thus, the existence and position of a state institution whose name is the Corruption Eradication Commission as an independent institution in the constitutional system adopted by Indonesia is still an interesting topic for discussion, because this independent state institution, the Corruption Eradication Commission, is one of the law enforcement agencies in eradicating corruption crimes. in Indonesia. Philosophically and practically, the position and legitimacy of law enforcement is an entry point for both law enforcement and state governance (Soekanto, n.d.).

This research will discuss the issue regarding the existence of the Corruption Eradication Commission as an independent state institution within the Indonesian constitutional structure, as viewed from the 1945 Constitution, and also based on various opinions of experts in the field of constitutional law. The research method used is legal research by using the Corruption Eradication Commission as an example of an independent state institution.

## DISCUSSION

### State Commission in Indonesian Constitutional Structure

Changes and the formation of new institutions or institutions in the system and structure of state power are the implications of demands for reform and aspirations for justice that are developing in society. Reform requires changes in all fields, so that changes are needed in the life of the nation, state and society. This includes changes in the constitutional structure that require fundamental changes, as well as an effort to encourage the realization of the ideals of the state desired in this reform era, namely

## The Existence of the Corruption Eradication Commission in the Dynamics of Indonesian Constitutional

upholding democracy and realizing human rights and just law, as well as clean and transparent government. responsible (Arifin, et al., 2005).

The development of a new institution which became known as a state commission is an interesting new phenomenon in the context of a democracy-based country, and the development of a new institution has become a norm and a necessity. The need for new institutions in Indonesia's constitutional structure is a public request as a demand for reform (Arifin, et al., 2005). Thus, the strengthening of democracy and human rights which are very significant in the development and formation of democratic institutions requires the establishment of an independent state commission.

The fact that is widely practiced in several countries and the historical experience of the Indonesian state, it is estimated that the development of the implementation of democracy is not enough to rely solely on the branches of power introduced in Montesquieu's teachings. Government run by the executive (President), legislative (Parliament), and judiciary (Judiciary) powers develop in line with the problems that arise. The branches of power are seen as incapable and no longer effective in solving existing problems. It is these branches of power which are the main problem of undemocratic running government, even the executive branch of power is very dominant (Huda, 2007).

The complexity of the problems in governance and the changing social system has implications for the Indonesian constitutional structure. This coincides with the addition of new ideas or concepts from the world globally which more or less affect the situation of society and the state in Indonesia. So, in essence, countries that are in a transitional situation towards democracy such as Indonesia are starting to rearrange their constitutional structures as a precondition towards creating a country with a good and transparent government system by upholding democracy and upholding human rights through oversight of people's representative institutions, and society, civil society, and the upholding of human rights (Huda, 2007).

The formation of independent state institutions illustrates the occurrence of major and very fundamental changes in the style and composition of the constitutional structure of a country today. According to Jimly Asshiddiqie, the institutional style of state organizations with the complexity of their administrative system has developed very far (Asshiddiqie, 2006b). The existence of a state commission in the constitutional system becomes very important when the commission will carry out its functions, duties and authorities as a state auxiliary institution around which state institutions have been established which are clear to one another. Whether or not a commission is strategic will be determined by whether or not the commission's position is strong against other state institutions, so that it is equal to other existing institutions or institutions that have been determined or mentioned in the 1945 Constitution.

Independent state commissions as independent state institutions are considered important to guarantee the upholding of democracy. This independent state commission is an idealized independent state institution in the sense that it is free from the interference of any branch of power, because it is outside the executive, legislative, and judicial powers. However, at the same time, this Independent State Commission has functions and characteristics that are a combination of the three (Huda, 2007). Thus, the independence, position and scope of authority of the independent state commissions are different, so that it can be said that there are no benchmarks of similarity in theory to establish the characteristics of independence, position and scope of authority of these institutions. In addition, the legal basis for its formation can originate from the constitution or law, and some of these institutions are permanent and ad hoc in nature (Huda, 2007). The characteristics of the independence of an independent state commission are specifically related to a number of things, for example independence which is closely related to the dismissal of members of the commission which can only be carried out based on the reasons stipulated in the law on the formation of the commission in question. This is not as usual in administrative agencies which can be dismissed by the President at any time because they are part of the executive branch.

The independence of the commission is expressly stated by the legislators, namely the law on the commission. Independent, in the sense of being free from the influence, will or control of the executive branch of power. This is categorized as a condition that must exist if a state institution is categorized as an independent state commission. The dismissal and appointment of commission members uses certain mechanisms that are specifically regulated, not the will of the President.

The basic assumption about the existence of independent judicial institutions is to support judicial power. Thus, how important and how wide the authority possessed by independent institutions (independent state commissions) cannot replace the position and function of existing judicial power implementing institutions (Supreme Court and Constitutional Court) (Huda, 2007). Independent state commissions that have the function of supporting judicial power, and having quasi-judicative authority, such as the Corruption Eradication Commission and other institutions, have a special position in the legal system in Indonesia, and may change in the future, either increasing or decreasing in existence and authority. That is for sure, everything functions to ensure that law and justice can be upheld and realized in the best way possible.

Thus, the position of an independent state commission in the constitutional structure of the Republic of Indonesia which is based on the 1945 Constitution is still positioned below other state institutions, and is considered an additional or supporting

## **The Existence of the Corruption Eradication Commission in the Dynamics of Indonesian Constitutional**

state institution. This not entirely correct concept should be deconstructed again. This is important for institutional consolidation on a large scale in order to reorganize the state institutional system of the Republic of Indonesia in accordance with the mandate of the 1945 Constitution. One way is through the restructuring and revitalization of independent state commissions, among others by making them constitutional organs through subsequent amendments to the 1945 Constitution (Asshiddiqie, 2006b).

### **The Idea of forming the Corruption Eradication Commission**

In the Indonesian context, the presence of auxiliary state institutions mushroomed after the amendment to the 1945 Constitution. These various auxiliary state institutions were not formed on a uniform legal basis. Some of them were founded on constitutional mandates, but some obtained legitimacy based on laws or presidential decrees (Huda, 2007). One of the auxiliary state institutions established by law is the Corruption Eradication Commission. This, even though it is independent and free from any power, the Corruption Eradication Commission still depends on the executive power in relation to organizational matters, and has a special relationship with the judicial power in terms of the prosecution and trial of corruption cases (Wijaya, 2008).

The reform era which should have shown significant changes in all areas of life, in fact, corrupt practices did not just disappear, so that the eradication of corruption in Indonesia has always been the main focus for both academics and practitioners. Many efforts continue to be made to eradicate criminal acts of corruption which are increasing. One of the efforts to eradicate corruption is to form new state institutions, as state auxiliary institutions, known as independent state commissions, namely the Corruption Eradication Commission. The establishment of the Corruption Eradication Commission as a supporting state institution or independent state commission aims to assist the implementation of tasks that have been carried out by state institutions that have so far been less effective (Hakim, 2010).

Initially, the eradication of corruption in Indonesia was carried out by the Police and the Attorney General's Office. However, in the development of public trust in the Police and the Attorney General's Office has decreased in eradicating corruption in Indonesia. Various efforts continue to be made by the government in the context of eradicating corruption. One of these efforts was carried out by establishing a new state institution, namely the Corruption Eradication Commission. Historically the Corruption Eradication Commission was born from an assumption that law enforcement carried out by the Police and the Attorney General's Office was not running effectively. The high rate of corruption in Indonesia has made people lose trust in existing institutions, and the government responded by forming the Corruption Eradication Commission (Huda, 2005).

The birth of the Corruption Eradication Commission is a new, better hope from the public for eradicating corruption in Indonesia, a new institution with authority which is often referred to as a super-body institution that has extra authority compared to other state institutions. At the beginning the Corruption Eradication Commission received a fairly good reception from the public. Various corruption cases were able to be resolved by the Corruption Eradication Commission. This situation prompted public opinion to establish the Corruption Eradication Commission as a permanent institution, and some experts even suggested that the position of the Corruption Eradication Commission be regulated in the constitution like other countries, for example South Africa (Pedomannew.com, 2011).

Functionally, state institutions can be divided into two parts, namely primary state institutions, namely state institutions that must exist in every country because they are a reflection of the existence of a country. There are also secondary state institutions, namely state institutions that carry out derivative functions from existing state institutions or supporting state institutions. Corruption Eradication Commission as regulated in Law no. 30 of 2002 concerning the Corruption Eradication Commission as amended by Law no. 19 of 2019, when viewed in terms of authority, the authority that exists in this institution is an authority that is derived from the authority of the executive branch (President), namely in the field of law enforcement. Viewed from the side of authority, the authority now owned by the Corruption Eradication Commission is the authority that was previously in the hands of the Police and the Attorney General's Office (Pedomannew.com, 2011). The authority of the police is the authority in terms of investigations and investigations in the event of a criminal act of corruption. Meanwhile, the Attorney General's authority, which has now been taken over by the Corruption Eradication Commission, is the authority for prosecution in cases of criminal acts of corruption, which are limited in nature. Prosecution authority previously rested with the prosecutor's office. Now the authority of the prosecutor's office is to prosecute except for criminal acts of corruption which have been regulated in a limited manner in the Corruption Eradication Commission Law and other laws and regulations. The Corruption Eradication Commission's relationship with the Police and the Attorney General's Office is a partnership, namely the Corruption Eradication Commission as a support for the performance of the Police and the Attorney General's Office in eradicating criminal acts of corruption. The Corruption Eradication Commission was established with the assumption that the Police and the Attorney General's Office were less effective in eradicating corruption (Pedomannew.com, 2011). The formation of the Corruption Eradication Commission was also due to the lack of trust from the public in eradicating corruption, as well as the high workload of the police and prosecutors

## **The Existence of the Corruption Eradication Commission in the Dynamics of Indonesian Constitutional**

so that a new institution called the Corruption Eradication Commission was needed to complement state institutions in the field of corruption eradication.

The Corruption Eradication Commission was formed with the main mission of enforcing the law, namely in terms of eradicating corruption. The establishment of this institution was due to the notion that conventional law enforcement agencies, such as the Attorney General's Office and the Police, were deemed unable to eradicate corruption (Widoyoko, 2005). The police and the Attorney General's Office have lost confidence in eradicating corruption, they have failed to eradicate corruption (Tauda, 2012). Therefore, it is necessary to establish a special institution that has broad and independent authority and is free from any power. In addition, with the increasing sophistication of how people commit corruption, conventional law enforcement agencies are increasingly unable to disclose and bring major corruption cases to justice. In particular, the urgency of forming the Corruption Eradication Commission can be seen from the main ideas of forming the Corruption Eradication Commission (Widoyoko, 2005).

In this premise it is explained that corruption in Indonesia is already a systematic and widespread crime that not only harms state finances, but also violates the economic and social rights of the people. Therefore, the settlement of corruption cannot be carried out using only conventional methods and institutions, but must use new methods and new institutions (Atmasasmita, 2002). The Corruption Eradication Commission exists as an institution that has a very big task. The public has pinned their hopes on eradicating corruption on the Corruption Eradication Commission. Therefore, the Corruption Eradication Commission has enormous authority, namely conducting investigations, investigations and prosecutions as well as cases of criminal acts of corruption.

The importance of establishing special anti-corruption agencies is also required in international provisions, namely Article 6 of the 2003 United Nations Convention Against Corruption which reads as follows: Preventive Anti-Corruption Body or Bodies "Each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of bodies or bodies, as appropriate, that prevent corruption by such means as..." (Islam.com, 2012).

These provisions indicate the importance of a special institution that has the authority to eradicate corruption, not only in Indonesia. An independent anti-corruption body is a popular reform proposal in developing countries (Rose-Ackerman, 2006), although it does not rule out the possibility of developed countries having such institutions. Anti-corruption bodies are also present in various countries, including Australia, Hong Kong, Malaysia, Singapore, Thailand, South Korea, China, Vietnam, the Philippines, Egypt, Ecuador, Latvia, Lithuania and Botswana (Hamzah, 2005). However, even though the institution mentioned above has been established, criminal acts of corruption continue to increase or in other words the institution has failed in eradicating corruption. The ineffectiveness of this institution became a lesson in the formation of the Corruption Eradication Commission. Thus, the Corruption Eradication Commission is guaranteed independence and broad authority, it is hoped that the Corruption Eradication Commission can operate effectively in eradicating corruption.

### **Authorities of the Corruption Eradication Commission**

The eradication of corruption in Indonesia has always been the main focus, both among academics and practitioners. Various efforts continue to be made to eradicate criminal acts of corruption which are increasing. One of the efforts to eradicate corruption is to form a new state institution, namely the Corruption Eradication Commission as a state auxiliary institution. The establishment of these supporting state institutions aims to assist the implementation of tasks that have been carried out by existing state institutions so far that have been felt to be less effective (Hamzah, 2005).

The Corruption Eradication Commission is an institution formed by Law no. 30 of 2002 concerning the Corruption Eradication Commission, later amended by Law no. 19 of 2019 concerning the Second Amendment to Law no. 30 of 2002 concerning the Corruption Eradication Commission. The authority contained in the law explains that the institution has the task of carrying out inquiries, investigations and prosecutions of criminal acts of corruption. This authority synergizes with police agencies and the prosecutor's office in handling corruption cases. Thus, the synergy between the police, the prosecutor's office and the Corruption Eradication Commission as institutions that handle corruption cases needs to be increased so that each can be efficient and effective in efforts to eradicate corruption based on the principle of equality of authority and protection of human rights.

The Corruption Eradication Commission 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 (Article 3 of Law no. 19 of 2019); (Pope, 2003). So far, the eradication of corruption carried out by various institutions such as the Attorney General's Office and the Police as well as other agencies has experienced various obstacles (due to executive, legislative or judicial interference). For this reason, an extraordinary law enforcement method is needed through the establishment of a special body, namely the Corruption Eradication Commission which has broad authority (covering the authority of inquiries, investigations and prosecutions) and is independent



## The Existence of the Corruption Eradication Commission in the Dynamics of Indonesian Constitutional

(independent, free from any power), with the aim of increasing the efficiency and results for efforts to eradicate corruption (Ruki, 2007).

The Corruption Eradication Commission is a state institution which in carrying out its duties and authorities is independent and free from the influence of any power, but must coordinate with agencies authorized to eradicate corruption, supervise agencies authorized to eradicate corruption, conduct inquiries, investigations, and prosecuting criminal acts of corruption, taking measures to prevent criminal acts of corruption, and monitoring the administration of state government. The birth of the Corruption Eradication Commission is proof that the Indonesian state respects human rights and upholds justice and law. Law as a system can work properly in society if the implementing instruments are designed properly too. According to L.M. Friedmann (1975) that the legal system is composed of legal subsystems in the form of legal substance, legal structure and legal culture. related to the legal substance and legal structure above, the existence of the performance of the Corruption Eradication Commission is important.

The authority possessed by the Corruption Eradication Commission according to the law, the Corruption Eradication Commission as a corruption eradication institution has a strong position and is not outside the constitutional system, but is placed in a juridical manner within the constitutional system according to the 1945 Constitution. The independent and self-reliant constitutional system which is the character of the Corruption Eradication Commission is also realized through other tasks, namely monitoring the implementation of state government. In carrying out all of its duties, powers and responsibilities in accordance with the mandate of the law, the Corruption Eradication Commission is also obliged to prepare an annual report and submit it to the President, the People's Representative Council and the Supreme Audit Agency. Because it is not under executive, legislative or judicial powers, the Corruption Eradication Commission is directly responsible to the public for carrying out its duties. This public accountability is carried out through means such as mandatory audits of performance and financial accountability in accordance with the work program.

In the context of preventing and prosecuting criminal acts of corruption, the Corruption Eradication Commission can also cooperate, both with government agencies such as the police and prosecutors, as well as other institutions and organizations that are expected to assist the Corruption Eradication Commission in carrying out its task of eradicating corruption. This cooperation is carried out by making a memorandum of understanding (MOU) which aims to improve coordination between the Corruption Eradication Commission and institutions that are partners in cooperation.

### CONCLUSION

The Corruption Eradication Commission is a state institution whose form does not derive from the 1945 Constitution but is a constitutional organ/constitutionally entrusted power, because it was formed on the basis of a constitutional order that is to interpret the word "law enforcement". Through various interpretations to find the form of state institutions, the Corruption Eradication Commission is an independent constitutional institution that is not influenced by any institution. The existence and position of the Corruption Eradication Commission is as an independent state institution within the constitutional system of the Republic of Indonesia according to the 1945 Constitution. Independent Corruption Eradication Commission is expressly stated by the legislator, because in carrying out its duties and authorities it is independent and free from the influence of power anywhere. The Corruption Eradication Commission is publicly responsible for carrying out its duties and submits its reports openly and periodically to the President of the Republic of Indonesia, the People's Representative Council of the Republic of Indonesia and the Supreme Audit Agency of the Republic of Indonesia.

The author suggests, if the 1945 Constitution is amended again, then the Corruption Eradication Commission should be regulated or mentioned in the 1945 Constitution as a permanent institution in the context of eradicating criminal acts of corruption, bearing in mind that corruption is still a crime that endangers state finances.

### REFERENCES

- 1) Asshiddiqie, Jimly. (2006a). *Pengantar Ilmu Hukum Tata Negara Jilid I*. Sekjend.
- 2) Asshiddiqie, Jimly. (2006b). *Perkembangan dan Konsolidasi Lembaga Negara Pasca Reformasi*. Jakarta: Sekertaris Jenderal dan Kepaniteraan Mahkamah Konstitusi Republik Indonesia.
- 3) Atmasasmita, Romli. (2002). *Korupsi, Good Governance, dan Komisi Anti Korupsi di Indonesia*. Percetakan Negara Republik Indonesia.
- 4) Firmansyah Arifin, et al. (2005). *Lembaga Negara dan Sengketa Kewenangan Antarlembaga Negara*. Konsorsium Reformasi Hukum Nasional bekerjasama dengan Mahkamah Konstitusi Republik Indonesia.
- 5) Friedmann, L. M. (1975). *The Legal System; A Socience Perspektive*. Russel Sage Foundation.
- 6) Hakim, Lukman. (2010). *Kedudukan Hukum Komisi Negara di Indonesia*. PPS Unibraw.

## The Existence of the Corruption Eradication Commission in the Dynamics of Indonesian Constitutional

- 7) Hamzah, Andi. (2005). *Perbandingan Pemberantasan Korupsi di Berbagai Negara*. Sinar Grafika.
- 8) Huda, Ni'matul. (2005). *Hukum Tata Negara Indonesia*. Raja Grafindo Persada.
- 9) Huda, Ni'matul. (2007). *Lembaga Negara dalam Masa Transisi Menuju Demokrasi*. UII Press.
- 10) Islam.com. (2012). *Ide Pembentukan Komisi*. <http://www.islamedia.com/2011/10/islam-edia-pembentukan-komisi.html>.
- 11) Kompas.com. (2020). *Kritik Lemahnya Pemberantasan Korupsi, ICW: KPK Memasuki Era "New Normal" Artikel ini telah tayang di Kompas.com dengan judul "Kritik Lemahnya Pemberantasan Korupsi, ICW: KPK Memasuki Era "New Normal", Klik untuk baca:*  
<https://nasional.kompas.com/read/2020/05/28/22431861/kritik-lemahnya-pemberantasan-korupsi-icw-kpk-memasuki-era-new-normal?page=all>.
- 12) Mahkamah Konstitusi Republik Indonesia, *Putusan Nomor 012-016-019/PUU-IV/2006*, 33 (2006) (testimony of Mahkamah Konstitusi).
- 13) Muslim, Mahmudin. (2004). *Jalan Panjang Menuju KPTPK*. Gerakan Rakyat Anti Korupsi (GeRAK) Indonesia.
- 14) Pedomannnews.com. (2011). *Jimly Pastikan KPK Permanen*. <http://pedomannnews.com/nasional/berita-nasional/politik-a-hukum/8561-jimly-pastikan-kpk-permanen>.
- 15) Pope, Jeremy. (2003). *Strategi Memberantas Korupsi Elemen Sistem Integritas Nasional*. Transparency Internasional Indonesia dan Yayasan Obor Indonesia.
- 16) Rose-Ackerman, Susan. (2006). *Korupsi dan Pemerintahan Sebab, Akibat dan Reformasi*. Sinar Harapan.
- 17) Ruki, Taufiequrahman. (2007). *Laporan Tahunan 2006: Corruption Eradicator Commission Republic of Indonesia*. Komisi Pemberantasan Korupsi (KPK).
- 18) Soekanto, Soerjono. (n.d.). *Ilmu-ilmu Hukum dan Pembangunan Hukum, Analisis Pendidikan*.
- 19) Tauda, Gunawan. A. (2012). *Komisi Negara Independen, Eksistensi Independent Agencies Sebagai Cabang Kekuasaan Baru Dalam Sistem Ketatanegaraan*. Genta Press.
- 20) Undang-undang Negara Republik Indonesia Nomor 19 Tahun 2019 tentang Perubahan Kedua Atas Undang-undang Nomor 30 Tahun 2002 tentang Komisi Pemberantasan Tindak Pidana Korupsi.
- 21) Widoyoko, Teten Mzsduki & Danang. (2005). Menunggu Gebrakan KPK. *Jantera*, 8(III), 42.
- 22) Wijaya, Firman. (2008). *Peradilan Korupsi Teori dan Praktek*. Maharani Press.



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