Legal Politics Formation of the Supervisory Board of the Corruption Eradication Commission and its Position in Law Number: 19. 2019

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Abstract

The purpose of this study is to find out the Legal Politics of the Establishment of the Supervisory Board of the Corruption Eradication Commission of the Republic of Indonesia and the position of the Supervisory Board of the Corruption Eradication Commission in Law Number 19 of 2019 concerning the Second Amendment to Law Number 30 of 2002 concerning the Corruption Eradication Commission. This research was conducted using a normative juridical approach. This study examines written legal norms from various aspects such as from the theoretical aspect, formality, binding power of a law and the legal language used. The normative approach is library research, namely research on secondary data. Normative research is also known as doctrinal research, namely research on laws that are conceptualized and developed on the basis of the doctrines adopted and developed. Based on the object of the research, the approaches used in this research are the statue approach and the conceptual approach. The results of this study indicate that the legal politics of establishing the KPK Supervisory Board is a way to exercise control over the actions taken by the KPK as part of its duties and authorities. In order to strengthen the mandate of the law carried out by the KPK, the legal politics of establishing the KPK Supervisory Board is needed as part of the checks and balances on the performance of the KPK while still upholding the principle of justice. If it is interpreted from the perspective of the Trias Politica concept presented by Montesquieu, that state power must be separated into several parts, namely executive, legislative and judicial powers.

Keywords: Legal Politics, Position of the Supervisory Board

Abstrak

Tujuan dari penelitian ini adalah untuk mengetahui Politik Hukum Pembentukan Dewan Pengawas Komisi Pemberantasan Korupsi Republik Indonesia dan kedudukan Dewan Pengawas Komisi Pemberantasan Korupsi dalam Undang-Undang Nomor 19 Tahun 2019 Tentang Perubahan Kedua Atas Undang-Undang Nomor 30 Tahun 2002 Tentang Komisi Pemberantasan Tindak Pidana Korupsi. Penelitian ini dilakukan dengan metode pendekatan Yuridis Normatif. Penelitian ini mengkaji norma hukum yang tertulis dari berbagai aspek seperti dari aspek teori, formalitas, kekuatan mengikat suatu undang-undang serta bahasa hukum yang digunakan. Pendekatan normatif merupakan penelitian kepustakaan, yaitu penelitian terhadap data sekunder. Penelitian normatif juga dikenal dengan penelitian *doctrinal*, yaitu penelitian terhadap hukum yang dikonsepsikan dan dikembangkan atas dasar doktrin yang dianut dan dikembangkan. Berdasarkan objek penelitannya, pendekatan yang digunakan dalam penelitian ini adalah pendekatan perundang-undangan *(statue approach)* dan pendekatan konsep (*conceptual approach*). Hasil penelitian ini menunjukkan bahwa Politik hukum pembentukan Dewan Pengawas KPK adalah cara untuk melakukan kontrol atas tindakan yang dilakukan oleh KPK sebagai bagian dari tugas dan kewenangannya. Dalam rangka memperkuat amanah undang-undang yang diemban oleh KPK, maka politik hukum pembentukan Dewan Pengawas KPK diperlukan sebagai bagian dari *check and balances* atas kinerja KPK dengan tetap menjunjung tinggi asas keadilan. Bila dimaknai dari sisi konsep *Trias Politica* yang disampaikan oleh Montesquieu, bahwa kekuasaan negara harus dipisahkan menjadi beberapa bagian, yaitu kekuasaan eksekutif, legislatif dan yudikatif.

Kata kunci: Politik Hukum, Kedudukan Dewan Pengawas

A. Background of Research

National development aims to create a complete Indonesian people and Indonesian society as a whole that is just, prosperous and orderly based on Pancasila and the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945). In order to realize a just, prosperous and prosperous Indonesian society, it is necessary to continuously improve the prevention and eradication of criminal acts in general and corruption in particular.[1]

Corruption has become a very serious problem because it has penetrated into all lines of people's lives which is carried out systematically. Corruption is a societal disease that damages people's welfare and hinders the implementation of national development, damages the image of a clean and authoritative state apparatus, ignores morals and damages the image and quality of humans and the environment..[2]

That law enforcement in Indonesia has progressed rapidly. The Corruption Eradication Commission as an independent institution has shown a significant role in preventing and eradicating corruption. The Corruption Eradication Commission, which was born from the reforms that took place in the Republic of Indonesia, has colored the development of law enforcement in Indonesia.

Eradication of criminal acts of corruption is still the main agenda in law enforcement in Indonesia. The Indonesian government has long laid the foundation for policies to make Indonesia free from corruption. The basis of the policy, among others, is contained in the laws and regulations, among others in Law Number 3 of 1971 concerning the Eradication of Criminal Acts of Corruption; Decree of the People's Consultative Assembly of the Republic of Indonesia Number XI/MPR/1998 concerning State Administrators that are Clean and Free of Corruption, Collusion and Nepotism; Law Number 28 of 1999 concerning the Implementation of a Clean and Free State of Corruption, Collusion, and Nepotism, as well as Law Number 31 of 1999 concerning Eradication of Criminal Acts of Corruption as amended by Law Number 20 of 2001 concerning Amendments to Law Law Number 31 of 1999 concerning Eradication of Criminal Acts of Corruption.[3] Peristiwa bersejarah 1998 merupakan puncak dari akibat

[1]Penjelasan Umum, *UU No. 31 Tahun 1999 Tentang Pemberantasan Tindak Pidana Korupsi*

[2] Pudjiarto, Harum, 1996, *Memahami Politik Hukum di Indonesia* (Undang-Undang Nomor 3 Tahun 1971), Universitas Atma Jaya, Yogyakarta, hal. 31.

[3] Djaja, Ermansyah, 2009, *Memberantas korupsi bersama KPK*, Sinar Grafika, Jakarta, hal. 183.

belum terealisasinya harapan bangsa dalam memberantas korupsi sampai ke akar-akarnya, menjadi salah satu alasan rakyat semakin gelisah, marah dan menuntut reformasi pada saat itu. Imbasnya, dalam perjalanan ketatanegaraan Indonesia, Undang-Undang Dasar Negara Republik Indonesia 1945 (selanjutnya disebut UUD 1945) telah mengalami empat kali perubahan dalam kurun waktu empat tahun, yang secara berantai dilakukan oleh MPR RI, sejak 1999 hingga 2002. Akibat dari empat kali perubahan atau amandemen tersebut adalah berdirinya lembaga-lembaga negara baru berupa Dewan (*council*), Komisi (*commission*), Komite (*committee*), Badan (*board*), atau Otorita (*authority*). Lembaga-lembaga tersebut dikenal sebagai *auxiliary* organ atau *auxiliary institutions* yang diartikan lembaga negara yang bersifat penunjang atau bisa juga diartikan sebagai lembaga negara yang independen.[4]

One of the institutions that was born from the spirit and spirit of reform, the Corruption Eradication Commission was formed based on Law Number 30 of 2002 concerning the Corruption Eradication Commission which was subsequently amended by Law no. 19 of 2019 concerning the second amendment to Law no. 30 of 2002 concerning the Corruption Eradication Commission, hereinafter referred to as the KPK. That the birth of the Corruption Eradication Commission (hereinafter referred to as the Corruption Eradication Commission/KPK) has become the foundation of new hope for the eradication of Corruption in Indonesia. The Corruption Eradication Commission as an institution that is independent and free from intervention by any power is the desire of the people from the upper and lower classes who are tired and apathetic to the condition of the country that has been undermined by individuals who commit corruption..

The duties and authorities of the KPK that so characterize the development of law enforcement in Indonesia are in the spotlight of the wider community. What has been done by the KPK has been questioned by various groups, including politicians, academics and the general public. Many have questioned whether related to their duties and authorities, it is feared that the KPK will act outside the limits of its authority without any party exercising control. As a follow-up to what is developing in society, in 2019 Law

[4]Asshiddiqie, Jimly, 2010, *Perkembangan Dan Konsolidasi Lembaga Negara Pasca Reformasi*, Sinar Grafika, hal. 6.

number 19 of 2019 concerning Amendments to Law Number 30 of 2002 concerning the Eradication of Corruption Crimes was issued.

The Law on the Corruption Eradication Commission has caused polemics in the community, both from students, politicians and the general public after the revision. Many people said that the revision of the KPK Law had a detrimental effect on the KPK as the user of the law. It is feared that the new KPK Law will castrate the nature of independence that has been the hallmark of the KPK. However, not a few people also think that the revision of the KPK Law will provide clarity on the future of the KPK and the future of eradicating corruption itself.

When viewed from the revision of the KPK Law, this new Law has many pros and cons related to the independence of the KPK's performance, one of which is regarding the existence of a new device in the KPK institution, namely the Supervisory Board. The reason for the formation of the KPK Supervisory Board, according to Agus Haryadi (Coordinator of Expert Staff to the Minister of Law and Human Rights), is because constitutionally, the KPK, which previously could not be controlled by any government power or institution, is very much against the Indonesian government system. So it should be that state institutions have a system of checks and balances as a form of their 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 Supervisory Board was also born as a form of government effort to avoid public distrust. At the same time creating a system of transparency in efforts to eradicate corruption.[5]

B. Focus of Problem

From the background, the problem is formulated as follows::

1. What is the Legal Policy for the Establishment of the Supervisory Board of the Corruption Eradication Commission of the Republic of Indonesia?
2. What is the position of the Supervisory Board of the Corruption Eradication Commission in Law Number 19 of 2019?

[5]Fitria Chusna Farisa, *Di Sidang MK, Pemerintah Sebut Alasan Pentingnya Dewan Pengawas KPK*, (Kompas.com, 19 September 2019), tersedia di <https://nasional.kompas.com/read/2019/11/19/18175761/di-sidang-mk-pemerintah-sebut-alasan-pentingnya-dewan-pengawas-kpk?page=all> , diakses pada tanggal 12 September 2021, Pukul 11.31 WIB.

C. Methodology of Research

1. Character of Research

This research is classified as normative juridical research (doctrinal research). This normative legal research is a procedure and method of scientific research to find the truth based on the logic of legal science from a normative perspective.[6]

This study examines written legal norms from various aspects such as from the theoretical aspect, formality, binding power of a law and the legal language used. This research begins with the process of tracing and analyzing relevant legal materials, both in the form of laws and regulations and other legal materials. Furthermore, the legal materials that have been successfully inventoried will be analyzed deductively to be drawn as a conclusion.

2. Approach of Research

In a legal research, approaches are needed to solve the legal issues being studied.[7] This research was conducted using a combination of statutory approach, conceptual approach and comparative approach..[8]

3. Data of Research

Related to the data sources used in writing this thesis, it can be said that this thesis uses secondary data sources. According to its binding strength, secondary data consists of three sources of legal material, such as ::

a. Primary Legal Material

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[6] Ibrahim, Johnny, 2006, "*Teori dan Metodologi Penelitian Hukum Normatif*", Bayu Media Publishing, Malang, hal. 57.

[7] Penjelasan lebih dalam tentang macam-macam pendekatan dalam penelitian hukum normatif lihat Soerjono Soekanto dan Sri Mamuji, 2001, *Penelitian Hukum Normatif (Suatu Tinjauan Singkat)*, Rajawali Pers, Jakarta, hal. 14. Bandingkan dengan Peter Mahmud Marzuki, 2005, *Penelitian Hukum*, Jakarta, Kencana, hal. 93-137.

[8] Johnny Ibrahim berpendapat bahwa dalam suatu penelitian hukum normatif dapat digunakan beberapa pendekatan, yaitu: 1] Pendekatan Perundang-Undangan (*Statute Approach*), 2] Pendekatan Konsep (*Conceptual Approach*), 3] Pendekatan Analitis (*Analytical Approach*], 4] Pendekatan Perbandingan (*Comparative Approach*), 5] Pendekatan Historis (*Historical Approach*), 6] Pendekatan Filsafat (*Philosophical Approach*), dan 7] Pendekatan Kasus (*Case Approach*). Berbagai pendekatan ini dapat dikombinasikan antara satu dengan lainnya dalam sebuah penelitian hukum normatif. Bahkan dalam suatu penelitian hukum normatif akan selalu digunakan pendekatan perundang-undangan (statute approach] mengingat bahwa penelitian hukum normatif selalu berdasar pada norma-norma hukum yang ada. Lihat Johnny Ibrahim, Op. Cit., hal. 301-302.

The primary sources of legal materials used in writing this thesis are binding legal materials such as Law Number 19 of 2019 concerning the Second Amendment to Law Number 30 of 2002 concerning the Corruption Eradication Commission, as well as other regulations related to the thesis..

b. Secondary Legal Material

Sources of secondary legal materials used in writing this thesis are materials that provide an explanation of primary law, such as research results, legal journals, books, dictates, decisions of the Constitutional Court and other appropriate literature materials related to this thesis research. ..

c. Tertiary Law Material

The sources of tertiary legal materials used in writing this thesis are supporting materials or data that explain and provide instructions or explanations for primary legal data and secondary legal data such as legal dictionaries, internet media, manuals or handbooks, encyclopedias and a book on the terms used in corruption (Tipikor).).

D. Finding & Discussion

1. Theoritical Reference

According to Julius Stahl, the concept of the rule of law which he calls the term rechtsstaat includes four important elements, such as

a. Protection of human rights;
b. Power sharing;
c. Government by law..
d. State Administrative Court.[9]

A country can be said to be a state of law if it fulfills the elements of a state of law. Friedrich Julius Stahl put forward the characteristics of a rule of law as follows::

a. There is recognition of basic human rights;
b. There is a division of power;
c. Government based on regulations;
d. The existence of a State Administrative Court.[10]

[9]Utrecht, 1962, *Pengantar Hukum Administrasi Negara Indonesia*, Ichtiar Jakarta, hal. 3.

[10]Oemar Seno Adji, 1966, *Prasarana Dalam Indonesia Negara Hukum*, Simposium UI, Jakarta, hal. 24.

According to Satjipto Rahardjo, legal thought needs to return to the basic philosophy, namely law for humans.[11] This philosophy makes humans the determinant and point of legal orientation. The law was commissioned to serve humans, not the other way around. Therefore, the law is not an institution that is separated from human interests. The quality of law is determined by its ability to serve human welfare. This makes progressive law an adherent of a pro-justice and pro-people legal 'ideology'.[12] progressive law an adherent of a pro-justice and pro-people legal 'ideology'. Progressive law arises because of doubts about the perfection of juridical logic in responding to social needs and interests in society. So that the benefits of the law can be felt, the services of creative legal actors are needed in translating the law into the framework of social interests that should be served..[13]

As a continuation of the concept of a state of law, the law gives authority to state apparatus in enforcing the law. Juridically, the notion of authority is the ability given by laws and regulations to cause legal consequences.[14] Meanwhile, the definition of authority according to H.D. Stoud is: "*bevoegheid wet kan worden omscrevenals het geheel van bestuurechttelijke bevoegheden door publiekrechtelijke rechtssubjecten in het bestuurechttelijke rechtsverkeer"* that authority can be explained as a whole of rules relating to the acquisition and use of government authority by subjects of public law in public law

2. Philosofis References

The use of this theory of justice is based that justice must be given to anyone in any case in accordance with their rights which is carried out professionally and does not violate the law.

"The term justice (iustitia) comes from the word "fair" which means impartial, impartial, siding with the right, proper, not arbitrary. It can be concluded that the notion of justice is all things that are concerned with attitudes and actions in human relations, justice contains a demand that people treat each other according to their rights and obligations, treat them indiscriminately or favoritism, but rather, all people are treated equally according to

[11] Bernard L, Tanya, Yoan N Simanjuntak, Markus Y. Hage, "*Teori Hukum, Strategi Tertib Manusia Lintas Ruang dan Generasi",* Jakarta, Genta Publishing, hal. 190.

[12] *Ibid.*

[13] *Ibid*, hal. 192.

[14]Indrohato, 1994, *Asas-Asas Umum Pemerintahan yang baik, dalam Paulus Efendie Lotulung, Himpunan Makalah Asas-Asas Umum Pemerintahan yang baik*, Citra Aditya Bakti, Bandung, hal. 65

their rights. and obligations. Everyone is treated equally according to their rights and obligations.".[15]

Aristotle's theory, he was a philosopher who first formulated the meaning of justice. He said that justice is giving to everyone what is due or (fiat justitia bereat mundus). Furthermore, he divides justice into two forms, such as ;

a. Distributive justice is justice determined by legislators, the distribution of which includes services, rights, and goodness for members of society according to the principle of proportional equality.
b. corrective justice is justice that guarantees, monitors and maintains this distribution against illegal attacks

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3. Legal Policy

In terms of terminology, Imam Syaukani and A. Ahsin Thohari explained that legal politics can be studied with two approaches. First, legal politics can be understood by giving the respective meanings of the words "politics" and "law" (divergent), then combining the two terms (convergent). Second, an approach that directly interprets in one unit as a phrase that has a complete meaning. The phrase legal politics has a broader meaning than legal policy, law formation, and law enforcement. That is, as a phrase, the understanding of legal politics is the entire activity as intended.[16]

Basically, the understanding of legal politics is defined differently by experts, although the difference does not show a significant difference, but basically the experts define legal politics as a policy made by the government as a foothold or basis in determining the direction of national law development in Indonesia. order to achieve the goals of Indonesia. According to Satjipto Rahardjo: "legal politics as an activity of choosing and the method to be used to achieve a social goal with certain laws in society, the scope of which includes answers to several basic questions, namely:

a. What goals are to be achieved through the existing system;
b. What methods and which ones are considered the best to be used in achieving these goals;
c. When and in what manner the law needs to be changed;

[15]Manullang E Fernando M, 2007, *Menggapai Hukum Berkeadilan*, Kompas, Jakarta, hal. 57.
[16] Imam Syaukani dan A. Ahsin Thohari dalam Elfia Farida, *Arti dan Ruang Lingkup Politik Hukum dalam Taksonomi Ilmu*….hal. 90

d. Can a standard and established pattern be formulated to assist in deciding the process of selecting goals and ways to achieve these goals properly?.[17]

4. Legal Policy of State Institution

State institutions are institutions that are not formed as community institutions. Practically speaking, it can be said that a state institution or organ can be distinguished from private organs or institutions, community institutions, or called non-governmental organizations. State institutions can be included in the legislative, executive, judicial, or mixed.[18]

The formation of a state institution is motivated by the tasks and functions of state administration. Regarding the theory and practice of grouping the functions of state administration, it began long before the emergence of the Trias Politica theory introduced by Montesquieu. Around the sixteenth century, the French government had divided the functions of power into five special sections, namely the land function, financial function, diplomatic function, justice function, and policy function. By John Locke, these functions were then reviewed and narrowed down to three functions of power, namely the legislative, executive and federative functions. For the judicial function is placed in the executive power.[19]

Furthermore, from John Loke's opinion about the function of power, it was redeveloped by Montesquieu. Montesquieu argues that the judicial function needs to be separated separately and the federative function is part of the executive function. So Montesquieu's Trias Politica Theory consists of executive, legislative, and judicial functions. Furthermore, these three functions are developed in three state organs to carry out their respective functions, namely government, parliament, and courts. Over time and the development of the government system, and with the emergence and evelopment of the welfare state doctrine, the three simple state organs began to develop with the formation of various new state institutions..[20]

[17] Satjipto Rahardjo, 1991, Ilmu Hukum, Citra Aditya Bakti, Bandung, Cet.III hal. 352-353.

[18]Jimly Asshidiqie, 2016, *Perkembangan dan Konsolidasi Lembaga Negara Pasca Reformasi*, Jakarta, hal. 31.

[19]Annie Londa, Aditya Nuriya S., dkk., 2015, *Kajian Kelembagaan Sekretariat Komisi Informasi*, Komisi Informasi Pusat RI , Jakarta, hal. 13.

[20]*Ibid*, [hal]. 11-12.

Supporting state institutions or auxiliary state institutions are translated into two types, namely independent regulatory agencies or commonly called independent commissions and branch commissions from government (executive), namely executive branch agencies. . It can be said that ideally, the two commissions are independent because they are outside the executive, legislative and judicial powers.[21]

5. Legal Policy of The Commission of Corrupt Eradication(KPK)

The Corruption Eradication Commission of the Republic of Indonesia (hereinafter referred to as KPK RI) was established on December 29, 2003. The Corruption Eradication Commission as an independent institution has shown a significant role in preventing and eradicating corruption. The Corruption Eradication Commission, which was born from the reforms that took place in the Republic of Indonesia, has colored the development of law enforcement in Indonesia.

Established based on Law Number 30 of 2002 concerning the Corruption Eradication Commission which was subsequently amended by Law no. 19 of 2019 concerning the second amendment to Law no. 30 of 2002 concerning the Corruption Eradication Commission, the Corruption Eradication Commission (KPK) is mandated by law to carry out intensive, professional and sustainable eradication of corruption. The law states that the KPK is a state institution within the executive power clump which in carrying out its duties and authorities is independent and free from the influence of any power..[22]

The establishment of the KPK was not to take over the task of eradicating corruption from the previous institutions. The explanation of the law mentions the role 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..

In carrying out its duties, the KPK is guided by six principles, namely:

a. legal certainty;

b. openness;

[21]Luthfi Widagdo Eddyono, 2013, *Penyelesaian Sengketa* ***Kewenangan Lembaga Negara oleh Mahkamah Konstitusi***, Yogyakarta, hal. 17-18.

[22] https://www.kpk.go.id/id/tentang-kpk/sekilas-komisi-pemberantasan-korupsi, diakses pada tanggal 26 Mei 2022, pukul 23.01 WIB.

c. accountability;

d. public interest;

e. proportionality: and

f. respect for human rights.

6. Legal Policy of Supervisory Council of Corruption (DP- KPK)

Based on the Law of the Republic of Indonesia Number 30 of 2002 concerning the Corruption Eradication Commission, it was at that time that the Corruption Eradication Commission (KPK) was established. After the KPK was established, many people hoped that the KPK would be able to solve various corruption cases and encourage the formation of a clean government. So far, the government has always been shrouded in long-rooted corruption. These conditions disrupt the order of life and the country's economy, even the character of bureaucrats and society is also damaged.[23]

Legal politics regarding the establishment of the KPK Supervisory Board should be based on a strong foundation in efforts to eradicate corruption. Corruption is an extraordinary crime, of course, its eradication must also be done in a different way..

Legal politics in the legal discipline moves at the level of ethics and techniques of law formation and legal discovery activities. Legal politics speaks at the functional empirical level using the teleological-constructive method.[24]

This means that legal politics in the sense of ethics and techniques for forming and fulfilling legal activities is more directed to see the extent to which the laws that are formed have use values and movements in the process of transforming the desired society. The process that involves elements that support the process must be considered, including in this case the influence of ideology or political teachings, even though the influence is small..[25]

In Article 37B paragraph (1) of Law Number 19 of 2019 concerning the Second Amendment to Law Number 30 of 2002 concerning the Corruption Eradication Commission, it is stated about the duties of the KPK Supervisory Board. The KPK Supervisory Board is tasked with::

[23]Burhanuddin Abe & Faisyal, 2009, *Antasari KPK & Belita Cinta Segi Tiga,* Idola QTA, Yogyakarta, Hal. 1-4.

[24]Sri Soemantri, 2006, *Prosedur dan Sistem Perubahan Konstitusi Dalam Batang Tubuh UUD 45 (sebelum dan sesudah Perubahan UUD 45),* Alumni, Bandung, Hal. 40.

[25]*Ibid.*

a. supervising the implementation of the duties and authorities of the Corruption Eradication Commission;
b. granting permission or not giving permission for wiretapping, search, and/or confiscation;
c. formulate and stipulate a code of ethics for the Leaders and Employees of the Corruption Eradication Commission;
d. receive and follow up on reports from the public regarding alleged violations of the code of ethics by the Leaders and Employees of the Corruption Eradication Commission or violations of the provisions of this Law;
e. holding a hearing to examine the alleged violation of the code of ethics by the Leaders and Employees of the Corruption Eradication Commission; and
f. evaluate the performance of the Corruption Eradication Commission Leaders and Employees periodically 1 (one) time in 1 (one) year.

E. Conclusion

1. The legal politics of establishing the KPK Supervisory Board is a method or state policy to exercise control over the actions taken by the KPK as part of its duties and authorities. In order to strengthen the mandate of the law carried out by the KPK, the legal politics of establishing the KPK Supervisory Board is needed as part of the checks and balances on the performance of the KPK while still upholding the principle of justice. The authority specifically given to the KPK certainly has a tremendous effect on its implementation. Therefore, it is necessary to establish a special institution or organ to control and balance the performance of the Corruption Eradication Commission.
2. If interpreted from the concept of Trias Politica presented by Montesquieu, that state power must be separated into several parts, namely executive, legislative and judicial powers. Article 3 of the KPK Law states that the Corruption Eradication Commission is a state institution within the executive power clump which in carrying out its duties and authorities is independent and free from the influence of any power. The Supervisory Board as the internal organ of the KPK which was formed based on Law Number 19 of 2019 is part of the KPK institution which has an equal position with the leadership of

the Corruption Eradication Commission and both reports the results of the implementation of their duties to the President and the House of Representatives.

F. Recommendation

1. That from the initial process of the existence of the report to the conduct of the ethics session, everything is carried out by the Supervisory Board. The results of the examination up to the decision of the ethics trial, the level of objectivity is at stake. This is because everything is done by the Supervisory Board of the Corruption Eradication Commission. There should be a realignment of the duties and authorities of the Supervisory Board by making the Inspectorate a task partner to enforce the code of ethics and code of conduct of the Corruption Eradication Commission's personnel.
2. The KPK Supervisory Board as the internal organ of the KPK was established based on Law Number 19 of 2019 which is part of the KPK institution and the results of the implementation of its duties are reported periodically to the President and the House of Representatives. The synergy between the KPK leadership and the KPK Supervisory Board should be prioritized and always maintained for maximum law enforcement

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