

STATUS OF THE CORRUPTION ERADICATION COMMISSION IN CREATING GOOD GOVERNANCE IN INDONESIA

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**STATUS OF THE CORRUPTION ERADICATION COMMISSION
IN CREATING GOOD GOVERNANCE IN INDONESIA**

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The Corruption Eradication Commission (KPK) was formed in Indonesia in 2003 to address, tackle and eliminate corruption in the country. This Commission was established based on Law of the Republic of Indonesia No 30 of 2002. Eradication of corruption needs to be done, so that the state apparatus can act honestly and not commit illegal acts abusing its official position. In the future, it can create good governance where the state apparatus is free from acts of corruption in carrying out public services. The duties and authorities of the Commission in eradicating acts of corruption are fully regulated in the law. This KPK institution is expected to be able to create a state apparatus that is clean from acts of corruption, and the Commission has a position that can be expected to create good governance in the country.

Keywords: corruption, Corruption Eradication Commission, good governance, Indonesia.

**РОЛЬ КОМИССИИ ПО ИСКОРЕНЕНИЮ КОРРУПЦИИ В
ОБЕСПЕЧЕНИИ ЭФФЕКТИВНОГО УПРАВЛЕНИЯ В ИНДОНЕЗИИ**

Азис Сетьягама, Ваван Сусило

Комиссия по искоренению коррупции (КПИК) была создана в Индонезии в 2003 г. для расследования, пресечения и устранения коррупции в стране. Эта Комиссия была образована на основании Закона Республики Индонезия № 30 от 2002 г. Необходимо искоренять коррупцию, чтобы государственный аппарат мог действовать честно и не совершать противоправных деяний, злоупотребляя своим служебным положением. В будущем это может способствовать эффективному управлению, при котором государственный аппарат будет свободен от актов коррупции при оказании социальных услуг. Функции и полномочия Комиссии по искоренению коррупции полностью

регламентированы законом. Предполагается, что КПИК поможет сформировать очищенный от коррупции государственный аппарат, и у Комиссии есть возможности, которые, как ожидается, будут способствовать обеспечению эффективного управления в стране.

Ключевые слова: коррупция, Комиссия по искоренению коррупции, эффективное управление, Индонезия.

Introduction

³⁵ The Corruption Eradication Commission (KPK) as an independent state commission that is given the authority to take action against corruption has so far been criticized by legal experts regarding its “independent” institutional status. For instance, Romli Atmasasmita’s opinion is that the KPK is an ad hoc institution, ¹ so that in carrying out its duties and functions it must encourage ⁵ the police and the Attorney General’s Office to eradicate corruption as stipulated in Law No 30 of 2002 [13] concerning the KPK [1, p. 43]. In the elucidation of Law No 19 of 2019 as the ¹⁷ second amendment to Law No 30 of 2002 it is stated that the many shortcomings of the Commission’s performance so far are related to weak coordination between law enforcers (police and prosecutors), allegations of overlapping authorities, with absence of supervisory agency [9]. So that it regulates the KPK as a unitary apparatus of government institutions together with ⁵⁸ the police and the Prosecutor’s Office ¹² to make integrated efforts in preventing and eradicating criminal acts of corruption and reducing the imbalance in inter-institutional relations of law enforcement agencies by not monopolizing and diversifying tasks one another.

Corruption has become an epidemic that does not end in Indonesia. Its existence seems to be the antithesis of the long history of the Indonesian nation’s journey, which even took hundreds of years to reach a point called independence. Through various mass media, both print and electronic media, news about corruption seems to never run out and even tends to thrive. Corruption seems to be a culture that is unique to the Indonesian nation itself. In fact, not a few of the Indonesian people have grown up with a stigma that to get rich, the most appropriate way to do this is

through corruption. And in fact this assumption cannot be ruled out because indeed corruption is a phenomenon that is very closely related to social life. Starting from ordinary people, community leaders, public officials, even religious figures, were all dragged into this vortex. Corrupt attitudes and actions still exist and continue to occur everywhere, some of which work in a systematic and structured manner within the system of power and the social system of society. Eradication of corruption is still often used as political jargon for power by some circles, although others make eradicating corruption a priority that seriously needs to be done to build good governance through reform movements or governance improvements reforms. An interesting context in the problem of corruption in Indonesia and efforts to eradicate it is when at the same time it is indicated that corrupt behaviour and acts are increasing.

This fact results in two things at once. First, a fatalist attitude develops which concludes that corruption is indeed difficult to eradicate and difficult to handle, so that the permissive attitude to participate in corruption increases. Second, there are various creative efforts to continue building anti-corruption movement efforts within the social system of society by forming anti-corruption zones. In the current situation, it is necessary to fight corruption as early as possible from the small to the large level, from the family to the country [12, p. 137].

The Indonesian Government's efforts to deal with corruption outbreaks have actually started a long time ago. If we examine for a moment the history of the journey of the Indonesian nation in 1998, which was full of turmoil, one of the demands that reverberated in the big reform campaign at that time was that the country must be free from all practices ⁶⁰ of corruption, collusion and nepotism. This was due to the widespread corruption practices that were so strong at that time, that a change that was no less strong was needed to break free from the trap of corruption. ¹² In order to realize the rule of law, the Government has laid a strong policy foundation in fighting corruption. These policies are contained in various laws and regulations, among others in the Decree ¹⁹ of the Indonesian People's Consultative Assembly No XI/MPR/1998 concerning state organizers who are clean and free from corruption, ³¹ collusion and nepotism; Law No 28 of 1999 concerning the same issues; Law No 20

of 2001 as amendments to Law No 31 of 1999 concerning eradication of corruption crimes, and Law No 46 of 2009 concerning courts of corruption crimes [3, p. 255]

The preamble to Law No 20 of 2001 states that criminal acts of corruption which have been widespread so far have not only harmed state finances, but have also been a violation of social rights and the economy of society in general, so that corruption needs to be classified as a crime whose eradication must be carried out in an extraordinary way. Guided by these considerations, the fruit of the spirit of reform in eradicating acts of corruption begins with creating an organ within the institutional structure of the Indonesian state. An independent state institution, with all the values attached to it, is expected to be at the forefront of the big mission of eradicating corruption in Indonesia. According to Bagir Manan, the presence of state institutions inside and outside the 1945 Constitution is one of the “products” of the reforms that have been rolling since 1998. Prior to the amendment to the 1945 Constitution, even throughout Indonesia’s journey, there were no state institutions regulated outside the Constitution. There are several possibilities for the presence of a number of state institutions that are regulated and created by law. First, legislators do not really understand the constitutional position of state institutions as organs of state organizations (organs of state) or state administrators acting for and on behalf of the state. Second, creating state institutions (even though they are not regulated in the Constitution), is a way of granting status and privileges similar to state institutions regulated in the Constitution. Third, giving an agency the status of a state institution, allows the agency to exercise power as an element of the state organization. Fourth, the formation of new state institutions through amendments to the Constitution is not easy, compared to if regulated by law. Fifth, the notion of state institutions is not only limited to the legislative, executive and judiciary bodies. Since the beginning, state institutions in the 1945 Constitution were not only the executive, legislative and judiciary. Something similar is found, for example, in France, the Netherlands and Germany. Sixth, there is an impression that the status of state institutions is linked to “independence” of state institutions regulated in the Constitution [q.v.: 5].

From various sets of rules to realize the rule of law in efforts to eradicate corruption in Indonesia, as well as forms of embodiment of the legitimacy of the spirit of reform that was rolled out by all Indonesian people in 1998, Law No 30 of 2002 concerning the Corruption Eradication Commission (KPK) was born [13]. In accordance with the provisions in Article 3 of the Corruption Eradication Commission Law, the KPK is mandated to eradicate corruption professionally, intensively and continuously and is an independent state institution, free from any power in carrying out its duties and authorities. Also explicitly related to the authority of the KPK itself, Article 6 letter c of the Law states that the Commission has the authority to conduct investigations and prosecutions of criminal acts of corruption. But behind the existence of the KPK as an anti-corruption institution in Indonesia, its existence as a state institution is often seen as a super body institution. This is because according to some circles the KPK has a considerable amount of authority in the process of handling a criminal act of corruption. Seeing the existence of the Corruption Eradication Commission and its powers listed in Article 6 letter c of the KPK Law, there is concern that the amount of authority they have will be misused in the later realization process.

Results and discussion

The position and authority of the KPK in Indonesian state administration

Andi Hamzah stressed that in the first six months after the formation of the new KPK, they wanted to find out what had to be done. Actually, to carry out its role, the KPK was given extraordinary powers as regulated in Article 6 points b, c, d and e of the Law No 30 of 2002 concerning the Corruption Eradication Commission that this institution can act from:

1. Supervise agencies authorized to commit acts of corruption.
2. Carry out investigations, investigations and prosecutions of criminal acts of corruption.
3. Take action to prevent corruption.
4. Monitor the administration of state government.

In handling cases, the KPK was given the authority to shorten bureaucratic lines and processes in prosecutions. So the KPK takes on two roles at once, namely the duties of the police and the Attorney General's Office, which have so far been powerless in fighting corruption. In addition, the KPK is given the authority to conduct supervision, research or review of agencies that carry out tasks and authorities related to eradicating corruption and agencies that carry out public services (article 8 paragraph 1). Furthermore, the KPK takes over corruption cases that are being handled by the police or the prosecutor if:

1. Public reports regarding criminal acts of corruption are not followed up.
2. The process of handling corruption has made no progress/protracted/delayed without justifiable reasons.
3. The handling of criminal acts of corruption is aimed at protecting the real perpetrators of corruption.
4. The handling of criminal acts of corruption contains elements of corruption.
5. There are obstacles in the handling of criminal acts of corruption due to interference from the executive, judiciary or legislature.
6. Other circumstances where according to the consideration of the police or the prosecutor's office, the handling of criminal acts of corruption is difficult to carry out properly and can be accounted for.

In Article 11 of Law No 30 of 2002 the KPK is also given the authority to conduct investigations, investigations and prosecutions of criminal acts of corruption which: a) Involve law enforcement officials, state administrators and other people who are related to criminal acts of corruption committed by law enforcement officials and state administrators; b) Getting attention and disturbing the community, and/or: c) Concerning state losses of at least IDR 1,000,000,000 (one billion rupiah).

In order to combat corruption which is categorized as an extraordinary crime, the KPK is given additional powers that other institutions do not have, namely: a) Wiretapping and recording conversations; b) Order the relevant agencies to prohibit someone from traveling abroad; c) Ask for information from banks or other financial institutions about the financial condition of the suspect or defendant who is being

investigated; d) Order banks or other financial institutions to block accounts suspected of being the result of corruption belonging to suspects, defendants or other related parties; e) Ask for data on assets and taxation data of suspects or defendants from relevant agencies; f) Temporarily suspend financial transactions, trade transactions and other agreements or temporarily revoke permits, licenses and concessions made or owned by suspects or defendants who are suspected based on sufficient initial evidence to have something to do with the corruption crime being investigated; g) Request assistance from Indonesian Interpol or law enforcement agencies of other countries to conduct searches, arrests and confiscation of evidence abroad; h) Request assistance from the police or other relevant agencies to carry out arrests, detentions, searches and confiscations in cases of corruption that are being handled.

Seeing the authority of the KPK it is not surprising that legal circles call it a super institution (super body). In addition, the role of the KPK extends beyond that of the police and the Attorney General's Office where authorities can issue warrants for termination of investigation and prosecution (SPPP) in cases of criminal acts of corruption, on the contrary based on Article 40 of Law No 30 of 2002. The KPK is not authorized to issue SPPP to prevent corruption, flirting between suspects and KPK officials. With this super authority, the KPK is able to conceptually and systematically eliminate corruption. The public does not want to know about the KPK's complaints regarding the lack of personnel and the Commission's loneliness in dealing with criminal acts of corruption [q.v.: 10].

According to Article 6 of Law No 19 of 2019 concerning the Corruption Eradication Commission, the KPK is tasked with carrying out: preventive measures so that corruption does not occur; coordination with agencies authorized to eradicate corruption and agencies tasked with implementing public services; monitor the administration of state government; supervision of agencies authorized to eradicate corruption; investigation, investigation and prosecution of criminal acts of corruption; and actions to carry out the determination of judges and court decisions that have obtained permanent legal force.

The authorities of the KPK according to Article 7 of Law No 19 of 2019, include: a) Carry out registration and examination of reports on assets of state administrators; b) Receive reports and determine gratuity status; c) Organize anti-corruption education programs in each educational network; d) Planning and implementing a socialization program for the eradication of corruption crimes; e) Conduct anti-corruption campaigns to the public; f) Carry out bilateral or multilateral cooperation in the Eradication of Corruption Crimes.

As a state institution that was born from a clear spirit and purpose, namely to eradicate corruption, it is very important to place the KPK in a position that is free from the influence of any interests. The basic understanding of the term independent is the existence of freedom, independence, independence, autonomy, not under personal or institutional domination. Thus, there is an exercise of free will that can be realized without any influence that significantly changes one's stance to make decisions or policies. Philosophically, an independent (autonomous) person or institution is limited by noble goals that are self-determined or determined by a higher authority (more authorized) which in subsequent operations is no longer able to interfere with the implementation of its independent functions [q.v.: 8].

The independence of the KPK is a very important entity, so that in carrying out its duties and authorities the Commission is able to work without having to be held hostage by the interests of certain institutions or parties. This has also been clearly stated through the mandate of Article 3 of the KPK Law, which states that: "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". However, what is being questioned and debated by various groups is related to the position of the KPK in the constitutional constellation in Indonesia. With its status as an independent state institution, where is the position of the KPK in the Indonesian constitutional structure? With the label of independence, where is the position of the KPK when referring to the existing three branches of power (executive, legislative and judicial)? This is important, because then the answer to the question will be a bright spot in the current problem, namely whether efforts to oversee the KPK's

authority, which is currently being discussed by the DPR RI, can actually be carried out or not.

Various views regarding the position of the KPK in the structure one of which came from experts in constitutional law in Indonesia. Professor ⁴⁶ Mahfud MD, former Chief Justice of the Constitutional Court for the 2008-2013 period, was one of the many parties who also expressed their views on this matter. He stated that the position of the KPK is in a judicial coalition, where the Commission is related to judicial institutions. So that the discourse on oversight of the KPK which will be carried out by ⁵ the People's Representative Council (DPR) through the right of inquiry is considered by him to be an inappropriate step. If you still want to carry out supervision of the KPK, the DPR can use another method, not through the right of inquiry.

On a different side, Professor Yusril Ihza Mahendra, an expert on constitutional law and former Minister of Law and Human Rights during the era of President Megawati Soekarnoputri, stated that the KPK is in the realm of the executive. This is because the Commission's duties are in accordance with the mandate of the KPK Law itself, which states that it ³⁵ has the authority to carry out investigations and prosecutions, which are tasks rather than the realm of the executive. So according to him, supervision by the DPR on the KPK through the right of inquiry can be carried out because the Commission is in the realm of the executive and is the object of the right of inquiry.

Concept of thought about good governance

Good governance is an issue that arises in the management of public administration. This is reflected in, among other things, the incessant demand from the public for state administrators, both in the government, the representative council and the judiciary to carry out good governance. This demand does not only come from the people of Indonesia but also from the international community. Based on this understanding of governance, there are three domains of governance institutions that interact with each other, namely the state or government (state), business world (private sector) and society (society). These three institutions must be interrelated and

work with the principles of equality, without any attempt to dominate one party over another. Meanwhile, the meaning of good in good governance implies values that uphold the will/will of the people to be able to increase their ability to achieve independence goals, sustainable development and social justice. Good also implies that there are functional aspects of carrying out their duties to achieve these goals. In terms of the functional aspect [7, p. 2], governance can be viewed from whether the government has functioned effectively in an effort to achieve the goals that have been set or vice versa.

⁵⁵ Based on the understanding of good governance and the problems surrounding corruption and nepotism, as previously stated, the problems associated with corruption and nepotism, which are big problems, must be handled proportionally. Good governance, which in general aims to help organize and achieve national goals, is one of the basic foundations that must be implemented immediately. The implementation of good governance will be able to assist efforts to eradicate and prevent corruption and nepotism. Referring to some of the characteristics of good governance, it should be that if the principles of efficiency, effectiveness, accountability for law enforcement, equity (justice) can be upheld, then practices of abuse of authority can be minimized.

Based on the facts, practices of abuse of authority give rise to a tendency for corrupt practices to occur. We certainly agree that corruption will lead to inefficiencies in the use of very limited national resources. Likewise, if we mismanage resources, it is certain that the goals to be achieved will disappear or in other words, ineffectiveness will occur. Therefore, it is not excessive if one of the characteristics of good governance is realized then the problem of corruption can be minimized. In this case, the discussion of the principles of accountability and law enforcement is carried out.

Efforts to realize good governance in Indonesia are a priority in order to create a more prosperous society, nation and state, far from corruption, collusion and nepotism, because in reality society is still far from living a decent life, corruption is still rampant. However, the struggle in creating a clean government must not stop, it

must continue and be made as much as possible so that one day the dignity of a nation, that has commitment, responsibility and self-respect will be felt. One of the good governance programs ¹² is the eradication of corruption, collusion and nepotism.

Corruption, according to Klitgaard, arises because there is monopoly, power and discretion that is so large. As long as there is centralization of power and unclear rules and no public accountability, there will be opportunities for corruption. In Indonesia, we can see that the opportunities for corruption are so great, the bureaucracy is so long, the salaries of civil servants are small, there is no public complaint system and almost all political movements are looking for money to grow their parties. Because corruption is a rational crime, people will commit corruption if the benefits are many and the risks are small. In Indonesia this opportunity is wide open, there is no clear punishment, there is no threat of ostracism or ridicule. The threat of punishment becomes unclear because the courts are already controlled by the mafia, the law is always traded and court decisions are always won by the higher bidder.

Since the reform era rolled around in the middle of 1998, the problem of corruption has become an interesting study to be discussed and raised to the surface. Efforts to eradicate corruption in Indonesia legally began in 1957 with the issuance of the Corruption Eradication Regulations, Regulation of the Military Authority of the Army and Navy No Prt/PM/06/1957 and Regulation of the Central War Authority (Peperpu) No 13, which later became ³⁹ Law No 24/Prp/1960 concerning investigation, prosecution and examination of corruption crimes.

Corruption is a form of unlawful act, which is very dangerous to the state's financial situation, and will result in delays in development, because many of the funds that are released are not in accordance with the development itself, so that the expected goals are not achieved. Therefore, it is necessary to improve policies and law enforcement measures in the form of taking action against cases of corruption, abuse of authority and so on.

Along with efforts to prevent and eradicate corruption, collusion and nepotism (KKN), as well as the role of society to prevent and eradicate it, the Indonesian

government has issued various laws and regulations, including: 1) Law No 3 of 1971 concerning eradication of corruption crimes; 2) Law No 11 of 1980 concerning the eradication of the crime of bribery; 3) Law No 28 of 1999 concerning clean state administration and free from corruption, collusion and nepotism; 4) Law No 31 of 1999 concerning eradication of corruption crimes; 5) Law No 20 of 2001 as amendments to Law No 31 of 1999 concerning eradication of corruption crimes; 6) Law No 30 of 2002 concerning the commission for the eradication of crime corruption; 7) Government Regulation No 30 of 1980 concerning civil servant discipline; 8) Government Regulation No 71 of 2000 concerning procedures for implementation of participation society and giving awards in the prevention and eradication of acts corruption crime; 9) Presidential Instruction No 5 of 2004 concerning the acceleration of corruption eradication.

With the formation of the KPK based on Law No 30 of 2002, the State Officials Wealth Examination Commission (KPKPN) as regulated in Law No 28 of 1999 became part of the Corruption Eradication Commission. According to *Transparency International*, corruption is “the behaviour of public officials, both political and civil servants, who unfairly and illegally enrich themselves or enrich those close to them by abusing the public power entrusted to them [2].

There are many definitions of corruption, in a broad sense, corruption means using one’s position for personal gain. A person is given the authority or power to act on behalf of the institution. The institution can be a private institution, a government agency, or a non-profit organization. Corruption means charging money for services that are supposed to be provided, or using authority to achieve illegitimate ends. Corruption is failure to carry out one's duties due to negligence or on purpose [6, p. 3].

Corruption can also be expressed as a gift. In practice, corruption is better known as receiving money related to a position without any administrative records. Legally, the notion of corruption is a criminal act as referred to in the provisions of laws and regulations governing criminal acts of corruption. For this paper the notion

of corruption is more emphasized on actions that are detrimental to the public interest or the wider community for personal or group interests.

According to Andi Hamzah, there are several causes of corruption, namely: a) The lack of civil servant salaries compared to the increasing needs increase. b) Cultural background or Indonesian culture which is the source or cause of widespread corruption. c) Poor management and less effective and efficient controls, which giving people opportunities for corruption. d) Modernization of breeding corruption [4, p. 36].

From the point of view of the required legal approach, the legal basis for eradicating corruption in Indonesia can actually be said to be adequate, because a number of anti-corruption laws and regulations have been enacted, including those mentioned above. However, in practice it turns out that the problem of eradicating corruption is not enough to be carried out solely with a legal approach, because this disease has spread widely throughout social and government systems in almost all countries. Therefore, the approach used is not merely repressive, but should also be preventive and rehabilitative. An effective preventive approach includes creating a healthy work climate within the scope of governmental tasks, both at the central and regional levels. Without these preventive measures, the eradication of corruption will only be successful in overcoming the "symptoms" and not destroying the root causes and sources of corruption which actually thrives in society.

Corruption Eradication Commission (KPK) in creating good governance

Efforts are needed to apply the principles of law enforcement indiscriminately as a form of implementing the principles of good governance. The eradication of criminal acts of corruption can only be carried out effectively and optimally by law enforcers who are qualified and have integrity. To produce law enforcers with integrity and quality, it must start with rearranging the human resource management system within law enforcement, namely starting from the process of recruitment, coaching, education, career, rewards and punishments. However, it must be realized that in fact the process of good resource management is universal in nature and must

be applied to all levels of state administrators and government. It is hoped that with high integrity, law enforcement can be carried out in a responsible and fair manner.

As with the concept of forming a supporting state institution in general, the legal politics of the formation of the Corruption Eradication Committee cannot be separated from the legal politics of supporting state institutions in general. The basis for the formation of the KPK was the distrust of existing state institutions. This is due to the proven assumption that corruption is deep-rooted and difficult to eradicate. Police agencies and prosecutors have lost confidence in eradicating corruption. The police and prosecutors are considered to have failed in eradicating corruption. In order to restore public trust in law enforcement, the government established the KPK as a new state institution, which is expected to restore the image of law enforcement in Indonesia. The high workload of existing institutions requires a new institution as a complement. In order to achieve optimal public services for the community, the government deems it necessary to form a new institution. In this case, the workload of the police and prosecutors is considered too much so that there are many cases of arrears.

As a measure for the country's adjustment to the development of the constitutional system and the demands of society, changes to the constitutional system of the Republic of Indonesia forced the state to carry out reforms in various lines, including institutional reform. Several non-structural institutions were formed to accommodate this, including upholding the rule of law and improving the image of the court. The development of authority in certain areas of government, which is carried out by government organizations is increasingly complex, so that it is no longer possible to manage it regularly within the organization concerned in order to implement good governance (good governance). The thought arose that the establishment of additional non-structural institutions would open up more opportunities in implementing the principles of good governance. It should be realized that the formation of the KPK departs from the assumption that corruption in Indonesia is considered an extraordinary crime, so that an extraordinary institution with extraordinary powers is needed [11, p. 517].

In the midst of the sub-optimal performance of the police and prosecutors in dealing with corruption cases, the existence of the KPK must be maintained. This is because saving the Commission means saving the country from destruction. KPK should not run out of enthusiasm and motivation. In Indonesia, distrust of the services of state officials gave birth to the KPK. The country began to enter a period of state commission inflation, which is a saturation point that can actually reduce the urgency of the existence of the commission itself. New state commissions have been born whose functions and roles tend to be unclear or overlap with one another.

KPK is ⁵ a state institution that is regulated in the law or known as a statutory organ in the realm of disputes over the authority of state institutions involving it. The Commission does not have legal standing in its cases before the Constitutional Court.

The existence of the KPK as a state institution that is not regulated in the Constitution has an effect on carrying out its functions. The role of the KPK in realizing its duties, obligations and authorities in eradicating corruption in Indonesia is still very limited. This is due to the limited space for the KPK to move in statutory regulations. Based on Law No 30 of 2002 in carrying out its activities the KPK is supervised by the President, the House of Representatives and the Supreme Audit Agency. This proves that the role of the KPK is still limited by these three institutions. On the other hand, this fact will create a problem if the target of eradicating corruption by the KPK is one of these institutions. For this reason, in order to support the optimization of the performance and productivity it is not only necessary to reform internally within the Commission, but also to expand the space for the KPK to move in statutory regulations.

Conclusion

The Corruption Eradication Commission is an institution that was formed as a part of the eradication of corruption which is one of the most important eradication in reforming good governance in Indonesia.

The existence of a state institution called the KPK itself is very important for ⁶ a country with a high level of corruption by state apparatus. Therefore, even though its regulation and formation is only based on laws, it is not determined solely in the

Constitution. But the KPK existence as a state institution has what is called constitutional importance, which is the same as other state institutions which are explicitly stated in the 1945 Constitution.

²⁷ The Corruption Eradication Commission was born due to the rise of acts or acts of corruption that only concerned themselves without paying attention to the interests of others. Therefore, those who carried out the state apparatus which should protect and protect the community but the interests of society were corrupted for their own interests. So that the KPK institution was born as efforts to create good governance for the sake of public services to the community.

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