

## Reconstructing Independence of Indonesia's Corruption Eradication Commission After Supervisory Board Reform in Criminal Justice

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### Abstract

*The Corruption Eradication Commission (Komisi Pemberantasan Korupsi/KPK) was established as an independent state institution under Law No. 30 of 2002 to address corruption as an extraordinary crime. However, its institutional independence experienced a significant shift following the enactment of Law No. 19 of 2019, particularly through the establishment of the Supervisory Board with authority to grant prior approval for pro justitia actions such as wiretapping, searches, and seizures. This article aims to analyze the implications of the Supervisory Board's authority on the independence of the KPK and to formulate a normative reconstruction model that balances accountability and effectiveness within the Indonesian criminal justice system. Using normative legal research with statutory and conceptual approaches, this study examines national legislation, Constitutional Court Decision No. 70/PUU-XVII/2019, international standards under the 2003 United Nations Convention against Corruption (UNCAC), and comparative practices of anti-corruption agencies in Hong Kong and Singapore. The findings demonstrate that the ex-ante control model exercised by the Supervisory Board has the potential to undermine operational independence, efficiency, and confidentiality in corruption law enforcement. This article concludes that reconstructing KPK independence requires reformulating the Supervisory Board's authority toward an ex-post oversight model, reaffirming the KPK's independent constitutional position, and harmonizing oversight mechanisms with principles of good governance. Such reconstruction is essential to preserve public trust and ensure the effectiveness of corruption eradication in Indonesia.*

**Keywords:** *Corruption Eradication Commission, Supervisory Board, Independence, Reconstruction, Criminal Justice System.*

### Abstrak

Komisi Pemberantasan Korupsi (KPK) dibentuk sebagai lembaga negara independen berdasarkan UU No. 30 Tahun 2002 untuk menangani korupsi sebagai tindak pidana luar biasa. Namun, independensi kelembagaannya mengalami pergeseran yang signifikan setelah diberlakukannya UU No. 19 Tahun 2019, khususnya melalui pembentukan Dewan Pengawas yang berwenang memberikan persetujuan terlebih dahulu atas tindakan pro justitia seperti penyadapan, penggeledahan, dan penyitaan. Artikel ini bertujuan untuk menganalisis implikasi kewenangan Dewan Pengawas terhadap independensi KPK dan merumuskan model rekonstruksi normatif yang menyeimbangkan akuntabilitas dan efektivitas dalam sistem peradilan pidana Indonesia. Dengan menggunakan penelitian hukum normatif dengan pendekatan undang-undang dan konseptual, penelitian ini mengkaji peraturan perundang-undangan nasional, Putusan Mahkamah Konstitusi No. 70/PUU-XVII/2019, standar internasional berdasarkan United Nations Convention Anti Corruption (UNCAC) 2003, dan praktik komparatif lembaga antikorupsi di



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Hong Kong dan Singapura. Temuan tersebut menunjukkan bahwa model pengendalian ex-ante yang dilakukan oleh Dewan Pengawas berpotensi merusak independensi, efisiensi, dan kerahasiaan operasional dalam penegakan hukum korupsi. Pasal ini menyimpulkan bahwa rekonstruksi independensi KPK membutuhkan perumusan ulang kewenangan Dewan Pengawas menuju model pengawasan ex-post, penegasan kembali posisi konstitusional independen KPK, dan menyelaraskan mekanisme pengawasan dengan prinsip-prinsip tata kelola pemerintahan yang baik. Rekonstruksi semacam itu sangat penting untuk menjaga kepercayaan publik dan memastikan efektivitas pemberantasan korupsi di Indonesia.

**Kata Kunci:** Komisi Pemberantasan Korupsi, Dewan Pengawas, Independensi, Rekonstruksi, Sistem Peradilan Pidana.

## INTRODUCTION

The Corruption Eradication Commission (KPK) plays a strategic role as an independent institution mandated to eradicate corruption.<sup>1</sup> Article 6 of Law Number 19 of 2019 stipulates that the KPK carries out the functions of investigating, inquiring, and prosecuting corruption crimes involving law enforcement officers, state officials, or other related parties.<sup>2</sup> This function distinguishes the KPK from other law enforcement agencies because it is equipped with special, extraordinary powers to address crimes of an extraordinary nature.<sup>3</sup> The KPK's independence is a key foundation for preventing interference by political forces or vested interests (Priyudha et al., 2025). The institution's existence stems from the realization that corruption cannot be eradicated solely through conventional legal instruments. The status of the Corruption Eradication Commission (KPK) has changed significantly after Law Number 30 of 2002 was revised and subsequently established in Law Number 19 of 2019.<sup>4</sup> This revision had significant implications for the KPK's institutional structure, shifting its status to the executive branch.<sup>5</sup> This shift sparked debate among academics, legal practitioners, and civil society, as it was perceived to reduce institutional autonomy. This new status placed the KPK administratively under the President, creating the potential for intervention by the authorities in law enforcement.<sup>6</sup> The loss of its independent position meant the KPK was no longer as strong as it was when it was first established, an institution independent of any branch of government.

The establishment of the Supervisory Board as a new organ, based on Articles 37A to 37I of Law Number 19 of 2019, emphasized the change in the KPK's institutional

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<sup>1</sup> D.F. Abdulkarim, "Kedudukan Hukum Komisi Pemberantasan Korupsi Dalam Kewenangannya Berdasarkan Undang-Undang Tindak Pidana Korupsi," *Journal Scientia De Lex* 10, no. 3 (2022).

<sup>2</sup> G.W. Utama et al., "Optimalisasi Kewenangan Komisi Pemberantasan Korupsi (KPK) Terhadap Penyidikan Dan Penuntutan Tindak Pidana Korupsi Dalam Rangka Penegakan Hukum," *Juris Studia: Jurnal Kajian Hukum* 5, no. 2 (2024): 595–603.

<sup>3</sup> E. Erwin and A. Rahman, "Efektivitas Fungsi Intelijen Kepolisian dalam Mendeteksi Kasus Korupsi di Polda Sulawesi Selatan," *Journal of Lex Philosophy (JLP)* 5, no. 2 (2024): 2159–75.

<sup>4</sup> A. Putra, "Pembentukan peraturan perundang-undangan yang baik dalam revisi Undang-Undang tentang Komisi Pemberantasan Korupsi," *Supremasi Hukum: Jurnal Penelitian Hukum* 30, no. 2 (2021): 108–27.

<sup>5</sup> M.A. Bagaswara et al., "Implikasi perubahan undang-undang KPK terhadap Independensi KPK (kajian yuridis normatif independensi dalam perspektif kelembagaan)," *Borobudur Law and Society Journal* 1, no. 6 (2022): 32–44.

<sup>6</sup> S.O. Manullang et al., "Problematika hukum atas pembentukan perubahan kedua atas UU KPK," *Journal on Education* 5, no. 2 (2023): 4885–97.

direction.<sup>7</sup> The council is given significant authority, including granting permission for pro justitia actions such as wiretapping, searches, and seizures.<sup>8</sup> This authority has sparked debate due to concerns that it could hamper the effectiveness of the Corruption Eradication Commission (KPK), which requires speed and confidentiality in handling corruption cases. Many believe that overly strict oversight actually weakens the KPK's impactful power.<sup>9</sup> This institutional design is considered contrary to the principle of independence that underpins the anti-corruption agency's existence.

The urgency of reconstructing the KPK's independence has become increasingly apparent with the increasing complexity of corruption in Indonesia.<sup>10</sup> Reconstruction is necessary to ensure the KPK continues to carry out its duties without excessive political or administrative interference. The rule of law principle demands that law enforcement agencies operate based on the law, not on the interests of power.<sup>11</sup> The Indonesian criminal justice system requires an institution that is truly free from pressure to ensure fair law enforcement.<sup>12</sup> Strong independence is an absolute requirement for the Corruption Eradication Commission (KPK) to continue to be at the forefront of corruption eradication.

Law Number 30 of 2002, which was subsequently revised by Law Number 19 of 2019, established the legal foundation for the KPK. This legal basis asserts that the KPK was founded as an independent state organization immune from the influence of any power in carrying out its duties and authorities.<sup>13</sup> Article 6 of Law Number 19 of 2019 states that the KPK carries out coordination, supervision, investigation, inquiry, and prosecution functions. This function places the KPK in a unique position because it combines authorities typically distributed among the police and the prosecutor's office.<sup>14</sup> It demonstrates the KPK's strategic role in the Indonesian criminal justice system.

The KPK's position in the criminal justice system is not merely as a technical function but also a symbol of the state's commitment to eradicating corruption. The KPK's existence strengthens public confidence that the law can still be a tool for upholding justice. The Corruption Eradication Commission (KPK) is expected to fill the void left by other law enforcement institutions deemed ineffective in handling corruption cases. The KPK's role as both a supervisor and an enforcer provides balance in the criminal justice system. Thus, the KPK aims to ensure law enforcement is conducted following the principles of justice and integrity.<sup>15</sup>

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<sup>7</sup> S.K. Mnvi, "Implikasi Yuridis Dewan Pengawas Kpk Dalam Undangundang Nomor 19 Tahun 2019 Perubahan Kedua Atas Undangundang Nomor 30 Tahun 2002 Tentang Tentang Komisi Pemberantasan Tindak Pidana Korupsi," *Dinamika* 27, no. 21 (2021): 3011–34.

<sup>8</sup> B. Harefa and N.Z. Syakina, "Problematika Izin Penyadapan Dewan Pengawas Dalam Pemberantasan Tindak Pidana Korupsi," *Lex Prudentium Law Journal* 1, no. 1 (2022): 15–25.

<sup>9</sup> S.Z. Fernanda, "Dampak revisi Undang-Undang KPK terhadap independensi dan efektivitas KPK dalam pemberantasan korupsi," *PALAR (Pakuan Law Review)* 10, no. 2 (2024): 133–41.

<sup>10</sup> W.P. Putra, "Analisis Peranan Komisi Pemberantasan Korupsi (KPK) Dalam Menanggulangi Tindak Korupsi Di Indonesia," *Legal Advice Journal of Law* 1, no. 1 (2024): 41–50.

<sup>11</sup> M. Syafitri and A.J. Santos, "Tantangan dan Solusi Penerapan Prinsip Rule of Law dalam Sistem Hukum Indonesia," *Karimah Tauhid* 4, no. 4 (2025).

<sup>12</sup> Y. Krismen, *Sistem peradilan pidana Indonesia* (PT. RajaGrafindo Persada, 2022).

<sup>13</sup> N.S. Putra and G.R. Samhudi, "Analisis Kewenangan Lembaga Negara Di Bawah Kekuasaan Eksekutif Sebagai Pelaksana Undang-Undang," *Collegium Studiosum Journal* 8, no. 1 (2025): 113–22.

<sup>14</sup> H. Alwi, "Implikasi Hukum Hilangnya Kewenangan Penyidikan dan Penuntutan Pimpinan Komisi Pemberantasan Korupsi," *Mimbar Keadilan* 15, no. 1 (2022): 149–63.

<sup>15</sup> E. Danil, *Korupsi: Konsep, Tindak Pidana Dan Pemberantasannya* (PT. RajaGrafindo Persada, 2021).

Prior to the amendment of Law Number 19 of 2019, the Corruption Eradication Commission's (KPK) independence was comparatively safe. Political intervention is limited by this institution's separation from the legislative, executive, and judicial departments of government. The KPK's swift, effective, and confidential working mechanisms have enabled it to uncover numerous major cases involving high-ranking state officials.<sup>16</sup> This success demonstrates that independence is a determining factor in the effectiveness of anti-corruption institutions.<sup>17</sup> Public trust in the KPK has also increased, as it is perceived as capable of operating without the approval of those in power.

The KPK's previously maintained independence has changed when it was elevated to the rank of an executive branch entity. Since the KPK is now under the President, it appears that the organization no longer has the freedom to exercise its power independently. The risk of political intervention has increased, as every law enforcement action could be influenced by the interests of those in power. The shift has implications for the previously well-maintained system of checks and balances.<sup>18</sup> Civil society believes these changes undermine hopes for an independent institution free from political interference.

The impact of the shift in the Corruption Eradication Commission (KPK)'s independence on the system of checks and balances is significant. Before the revision of the law, the KPK served as a counterweight to other institutions with law enforcement authority. Following the changes, the KPK's position is considered weakened due to its vulnerability to influence by executive power. The loss of this balancing function has led to a decline in public trust in the fight against corruption (Simatupang, 2025). This situation has the potential to weaken the entire criminal justice system, as one of its main pillars loses its distinctive autonomy.

The concept of independence in both constitutional and criminal law consistently emphasizes the freedom of law enforcement agencies from the influence of external powers. Independence is not merely a matter of legal status but also a guarantee that decisions are based strictly on law and facts. The theory of independence asserts that institutions tasked with handling extraordinary crimes such as corruption must have room to operate free from political interference.<sup>19</sup> This principle applies not only nationally but is also recognized in international law. The success of an anti-corruption agency is largely determined by its ability to maintain its integrity and independence. International standards stipulated in the 2003 United Nations Convention against Corruption (UNCAC) provide guidelines regarding the independence of anti-corruption institutions. Article 6 of the UNCAC stipulates that each state party must ensure the existence of an independent body or bodies to prevent corruption.<sup>20</sup> This guarantee includes legal protection so that

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<sup>16</sup> G. Jundari, "Analisis Terhadap Peran Komisi Pemberantasan Korupsi (KPK) dalam Pemberantasan Tindak Pidana Korupsi di Indonesia," *AL-DALIL: Jurnal Ilmu Sosial, Politik, dan Hukum* 2, no. 3 (2024): 56–61.

<sup>17</sup> M. Viranti et al., *Analisis Faktor-Faktor yang Mempengaruhi Efektivitas Penegakan Hukum Terhadap Korupsi Berdasarkan UU No. 1 Tahun 2023*, vol. 3, no. 2 (Jurnal Ilmu Hukum dan Administrasi Negara, 2025).

<sup>18</sup> E.B. Sandoval and Y. Kornelis, "Putusan Mahkamah Konstitusi Nomor 70/PUU-XVII/2019: Hancurkan Independensi KPK?," *Journal of Judicial Review* 24, no. 1 (2022): 105–34.

<sup>19</sup> S.N. Annisa, "Konsep Independensi Kejaksaan Republik Indonesia Dalam Perspektif Teori The New Separation Of Power Bruce Ackerman," *JIL: Journal of Indonesian Law* 2, no. 2 (2021): 226–48.

<sup>20</sup> K.R. Lutfi and R.A. Putri, "Optimalisasi peran bantuan hukum timbal balik dalam pengembalian aset hasil tindak pidana korupsi," *Undang: Jurnal Hukum* 3, no. 1 (2020): 33–57.

the body can function effectively and be free from undue influence. Indonesia, as a state party to the UNCAC, has a moral and legal obligation to ensure the Corruption Eradication Commission (KPK) is truly independent. Implementing this international standard is crucial to strengthening Indonesia's credibility in its anti-corruption efforts globally.

## **RESEARCH METHODS**

Normative legal research, which focuses on analyzing positive legal norms and legal conceptions pertinent to the question of the Corruption Eradication Commission's independence after the Supervisory Board was established, is the research methodology employed in this work. The two methods that are employed are the conceptual approach and the legislation approach. The statutory approach is conducted by examining in depth various applicable legal provisions, such as Law No. 30 of 2002 concerning the Corruption Eradication Commission (KPK), Law No. 19 of 2019 as its revision, Law No. 2 of 2002 concerning the Police, Law No. 11 of 2021 concerning the Prosecutor's Office, as well as relevant international instruments such as the 2003 United Nations Convention Against Corruption (UNCAC), which has been ratified through Law No. 7 of 2006. This regulatory analysis aims to identify disharmonies, gaps, and weaknesses in norms that affect the independence of the KPK in carrying out its duties. Meanwhile, a conceptual approach is used to examine the principles of anti-corruption agency independence, the theory of checks and balances, and international standards regarding effective and accountable institutional design. Through the combination of these two approaches, the research seeks to develop a comprehensive legal argument regarding the importance of reconstructing the independence of the Corruption Eradication Commission (KPK), both through the reformulation of the authority of the Supervisory Board and through the restructuring of the KPK's position within the national criminal justice system, to provide normative and theoretical recommendations for strengthening anti-corruption agencies in Indonesia.

## **RESULTS AND DISCUSSION**

### **Formulation of the Supervisory Board's Authority and Its Impact on the KPK's Independence**

The history of the Supervisory Board's formation is inextricably linked to the revision of Law Number 30 of 2002, which was later enacted as Law Number 19 of 2019. One of the political reasons behind the law's creation was criticism of the Corruption Eradication Commission (KPK)'s authority, which was deemed excessive without adequate oversight mechanisms. The government and the House of Representatives (DPR) expressed the view that the KPK must adhere to the principle of accountability, necessitating the establishment of a special body to oversee the performance of KPK leaders and employees. This rationale was intended to balance the KPK's power, particularly in the use of extraordinary powers such as wiretapping and detention. The political legitimacy was then formalized by the inclusion of new articles concerning the Supervisory Board in the revised law.

The official narrative from the lawmakers emphasized that oversight of the KPK should not be viewed as weakening, but rather as strengthening accountability. In this view, oversight is considered capable of preventing potential abuse of authority, particularly related to pro-justitia actions. Article 37A of Law Number 19 of 2019 stipulates that the Supervisory Board is established as a new body within the KPK's institutional structure. The existence of this body is claimed to guarantee that all legal actions by the Corruption Eradication Commission (KPK) remain within the framework

of criminal procedural law. This argument is positioned as an effort to prevent human rights violations in the law enforcement process.

Harsh criticism has emerged from civil society, academics, and legal practitioners since the deliberations on the revised law. The establishment of the Supervisory Board is seen as a step that actually weakens the KPK's independence. Critics argue that its oversight function should be carried out through internal mechanisms and public accountability, not through a new body that could potentially become a tool of political control. Public debate indicates that the majority of the public is concerned about restrictions on the KPK's authority to conduct investigations and inquiries. This opposition has also been evident in various mass demonstrations demanding that the KPK's independence not be curtailed.

The legal basis clarifying the existence of the Supervisory Board can be found in Articles 37A to 37I of Law Number 19 of 2019. Article 37A stipulates that the Supervisory Board consists of five members appointed by the President with the approval of the House of Representatives (DPR). Article 37D states that the Supervisory Board's term of office is four years, with re-election possible for one subsequent term. Article 37E grants the Supervisory Board the authority to grant or withhold permission for wiretapping, searches, and seizures. These articles emphasize that the Supervisory Board plays a central role in determining the course of legal proceedings at the Corruption Eradication Commission (KPK).

The authority to grant permission for *pro justitia* actions is further regulated in Article 12B of Law Number 19 of 2019. This article states that wiretapping, searches, and seizures may only be done after obtaining written permission from the Supervisory Board. This type of permitting mechanism adds another layer of bureaucracy that has the potential to slow down the handling of corruption cases. In fact, wiretapping has been the KPK's primary weapon in uncovering major cases involving high-ranking officials. Concerns have arisen that the permitting procedure will compromise the effectiveness and confidentiality of KPK operations.

The ethical oversight function is also a crucial part of the Supervisory Board's authority. Article 37F paragraph (1) of Law Number 19 of 2019 states that the Supervisory Board has the authority to establish a code of ethics for KPK leaders and employees and to conduct investigations into alleged ethical violations. Ethical sanctions imposed by the Supervisory Board can range from verbal warnings, written warnings, to recommendations for dismissal. This oversight is intended to maintain the integrity and professionalism of KPK officials. While its normative purpose is to enforce discipline, many believe this authority has the potential to restrict the independence of KPK leadership in decision-making.

The Supervisory Board's authority also includes receiving public reports regarding alleged ethical violations or alleged abuse of authority by KPK leaders or employees. Article 37G of Law Number 19 of 2019 provides a legal basis for public involvement in overseeing KPK performance. While this mechanism can be viewed as a form of public participation, it can also be used as an instrument to weaken or pressure the KPK through politically motivated reports. The effectiveness of this mechanism depends heavily on the independence and professionalism of the Supervisory Board in following up on reports.

A comparative analysis shows that the oversight model implemented by the Supervisory Board is not exactly found in other law enforcement agencies. The Prosecutor's Office, under Law Number 11 of 2021, only recognizes internal oversight through the Deputy Attorney General for Supervision, while the National Police, under

Law Number 2 of 2002, has a Propam Division. Neither institution requires permission from the supervisory body to conduct investigations or wiretaps. This discrepancy raises questions about why only the Corruption Eradication Commission (KPK) is given such strict oversight, given that the KPK's role is a specialized institution that handles corruption independently. This imbalance is considered a factor weakening the KPK's bargaining power within the criminal justice system.

The effectiveness of investigations and wiretapping has become a crucial issue since the Supervisory Board was granted licensing authority. Wiretapping, which requires high speed, can lose momentum if it has to wait for written permission. Operational secrecy is threatened as more parties become aware of wiretapping plans. This obstacle can indirectly benefit those under investigation, as they have time to anticipate or destroy evidence. This situation indicates that the existence of the Supervisory Board significantly impacts the KPK's operational independence. The potential for conflicts of interest is also worth considering, as members of the Supervisory Board are directly appointed by the President with the approval of the House of Representatives (DPR), as stipulated in Article 37A paragraph (3). This selection mechanism raises questions about whether the Supervisory Board can operate impartially when corruption cases involve parties close to those in power. The bureaucratization of law enforcement arising from the licensing requirement also reinforces the suspicion that the KPK is increasingly vulnerable to political interference. Constitutional Court Decision No. 70/PUU-XVII/2019 affirms the constitutionality of the Supervisory Board, but the Constitutional Court also emphasized the need to ensure the KPK's independence is maintained. This Constitutional Court interpretation indicates room for evaluation of the oversight design in place.

Academic evaluations indicate that the existence of the Supervisory Board creates a dualism between accountability and independence. On the one hand, the Supervisory Board has the potential to strengthen the KPK's accountability because it provides a clear control mechanism for the use of its authority. On the other hand, an overly strict control mechanism could actually reduce the KPK's independence, a key requirement for the success of an anti-corruption agency. The debate continues among academics and legal practitioners, given that eradicating corruption requires a balance between oversight and operational freedom. The fundamental question is whether the Supervisory Board strengthens the KPK or makes it weaker than before.

### **Legal Implications of the Application of Restorative Justice to Narcotics Crimes in the Context of Realizing Substantive Justice and Rehabilitation of Perpetrators**

The independence of the Corruption Eradication Commission (KPK) is an absolute requirement for this institution to function as the vanguard of corruption eradication. Before the establishment of the Supervisory Board, the KPK's oversight system emphasized internal and external mechanisms. Internally, the KPK had an ethics council and a public oversight mechanism through transparent performance reports. Externally, the KPK was overseen by the House of Representatives (DPR) through its budgetary and oversight functions, by the Supreme Audit Agency (BPK) through financial audits, and by civil society through active participation. This oversight model is relatively less bureaucratic, yet still maintains a balance between the institution's independence and accountability.

Oversight at the KPK is comparable to that of other law enforcement agencies, such as the Attorney General's Office. Based on Law Number 11 of 2021 concerning Amendments to the Law on the Attorney General's Office of the Republic of Indonesia, the Attorney General holds the position of supreme controller of prosecution (*dominus*

litis) and internal supervisor. This oversight function is strengthened by the existence of a supervisory division within the Attorney General's Office tasked with handling public reports and alleged ethical violations. Meanwhile, the Indonesian National Police, based on Law Number 2 of 2002 concerning the Indonesian National Police, has an internal oversight mechanism through the Propam Division and an external mechanism through the National Police Commission (Kopolnas). This comparison demonstrates that oversight of law enforcement officers can take the form of ethical oversight without diminishing *pro justitia* authority.

An evaluation of the oversight model shows that the addition of a Supervisory Board to the Corruption Eradication Commission (KPK) through Law Number 19 of 2019 creates fundamental differences compared to the Prosecutor's Office and the National Police. The Supervisory Board not only deals with ethical matters but also regulates strategic authorities such as granting permission for wiretapping, searches, and seizures, as stipulated in Article 12B. Such a mechanism has the potential to reduce the KPK's agility in conducting sting operations, which has long been a hallmark of the institution. As a result, the KPK's oversight model tends to excessively limit its independence compared to other institutions that also function to enforce the law.

An alternative to reconstructing the KPK's independence could begin by reformulating the Supervisory Board's function. The principle of checks and balances remains crucial for maintaining accountability, but must be positioned in a way that does not hinder the effectiveness of enforcement efforts. One model that could be considered is shifting the role of the Supervisory Board from *ex-ante* control to *ex-post* control, allowing the KPK to continue exercising its authority expeditiously, while the Supervisory Board can evaluate actions after they have been taken. This way, the risk of abuse can be minimized without compromising operational agility.

The reformulation of the Supervisory Board's authority also needs to be clarified to be more oriented toward ethical oversight, rather than controlling *pro justitia* actions. The granting of wiretapping permits should be an internal authority of the KPK with strict procedural standards, rather than an administrative authorization from the Supervisory Board. Ethical oversight would be more effective if it focused on the behavior of KPK leaders and employees, including through a mechanism for imposing proportionate ethical sanctions. Thus, the Supervisory Board would retain its important function of maintaining the institution's integrity, but would no longer act as an obstacle to law enforcement authority.

The KPK's independence could also be strengthened by affirming its position within the national legal system. Currently, the KPK's position is based solely on laws that are relatively easy to amend, as evidenced by the significant changes made through Law No. 19 of 2019. To be stronger, the Corruption Eradication Commission (KPK) can be positioned as an institution explicitly regulated in the 1945 Constitution or at least made an organic law with special guarantees. This affirmation aligns with Article 24 paragraph (3) of the 1945 Constitution, which regulates the independence of the judiciary, making the existence of an independent anti-corruption institution a crucial instrument in upholding the principles of a state based on the rule of law.

The ideal reconstruction of KPK independence requires reference to international standards, particularly the 2003 United Nations Convention Against Corruption (UNCAC), which Indonesia ratified through Law No. 7 of 2006. Article 6 of the UNCAC emphasizes that every country must ensure the existence of an independent anti-corruption institution, while Article 36 emphasizes the independence of law enforcement

officials in handling corruption cases. These standards demonstrate that independence is not only a national requirement but also an international commitment that Indonesia must fulfill within the framework of global cooperation against corruption.

Practices in other countries can serve as references in designing a model for the Corruption Eradication Commission (KPK)'s independence. The Independent Commission Against Corruption (ICAC) in Hong Kong has full investigative authority without requiring permission from an external oversight body, but remains supervised by an ethics and public accountability commission. The Corrupt Practices Investigation Bureau (CPIB) in Singapore reports directly to the Prime Minister but retains operational independence in investigations. Both models demonstrate that the independence of an anti-corruption agency can be combined with accountability mechanisms without creating a multi-layered bureaucracy.

The ideal design of the KPK's Supervisory Board could be directed toward a more independent and transparent recruitment mechanism. The selection of Supervisory Board members should not be solely the prerogative of the President, but should involve public participation, due diligence, and checks and balances from the legislative body. The Supervisory Board's role should focus on ethical oversight, transparency, and receiving public reports, rather than granting *pro justitia* permits. Such a design would maintain the neutrality of the Supervisory Board while strengthening the KPK's accountability without compromising its independence.

Institutional reform of the Corruption Eradication Commission (KPK) through the reconstruction of its independence must be directed toward a hybrid model, one that balances the need for accountability and integrity with the need for speed and confidentiality in enforcement. This model does not eliminate the Supervisory Board, but rather limits its role to prevent it from entering the technical realm of enforcement. This way, the KPK can continue to function as an independent, effective, and publicly trusted institution, while remaining within the framework of a democratic and accountable criminal justice system.

## **CONCLUSION**

The independence of the Corruption Eradication Commission (KPK) has undergone a significant shift since the enactment of Law Number 19 of 2019, which established a Supervisory Board. This change not only shifted the KPK's position from an independent institution to part of the executive branch, but also added layers of bureaucracy to every *pro justitia* action, such as wiretapping, searches, and seizures, as stipulated in Article 12B of Law Number 19 of 2019. This situation poses potential obstacles to the effectiveness of the KPK's work, because the nature of operations that should be fast and confidential is instead bound by additional administrative procedures. Public debate, academic criticism, and legal dynamics following the Constitutional Court Decision No. 70/PUU-XVII/2019 indicate that these restrictions on independence have the potential to reduce the KPK's impact in eradicating corruption, even though this institution was formed to address the weakness of conventional law enforcement. Reconstructing the KPK's independence is urgently needed to ensure its functions remain aligned with the principles of the rule of law, the integrity of the criminal justice system, and Indonesia's international commitments through the 2003 UNCAC.

Institutional reform can be directed at revising Law No. 19 of 2019 to clarify the boundaries of the Supervisory Board's authority, emphasizing that oversight focuses on ethical and accountability aspects, rather than technical enforcement. Establishing the KPK as a constitutionally independent institution is also crucial to ensure its position is

more robust and less easily weakened through ordinary legislative amendments. Furthermore, the KPK's oversight system should be aligned with the principles of good governance, which prioritize transparency, accountability, and effectiveness, so that the institution can continue to carry out its duties professionally without political interference. Harmonizing the oversight model with international practices such as Hong Kong's ICAC or Singapore's CPIB can serve as a reference for developing an ideal institutional design, one that is independent yet accountable. This reconstruction effort is part of an effort to strengthen democracy and ensure that the eradication of corruption continues to be effective, transparent, and equitable.

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