



Volume 37 No 2, May 2022  
DOI: 10.20473/ydk.v37i2.36277

Fakultas Hukum Universitas Airlangga, Jalan Dharmawangsa Dalam Selatan  
Surabaya, 60286 Indonesia, +6231-5023151/5023252  
Fax +6231-5020454, E-mail: yuridika@fh.unair.ac.id  
Yuridika (ISSN: 0215-840X | e-ISSN: 2528-3103)  
by <http://e-journal.unair.ac.id/index.php/YDK/index> under a Creative  
Commons Attribution 4.0 International license.

FAKULTAS HUKUM UNIVERSITAS AIRLANGGA



Article history: Submitted 14 January 2022; Accepted 16 April 2022; Available Online 1 May 2022.

## Conceptual Ideal Supervision of the Corruption Eradication Commission in Eradicating Corruption Crimes

Atty Novyanty

Atty.novyanty@kpk.go.id

Kejaksaan Agung Republik Indonesia

### Abstract

One law enforcement agency that has the authority to carry out full supervision and investigation of corruption cases is the Corruption Eradication Commission. Article 50, paragraph (1) is problematic where the arrangement is incomplete and seems unclear. There is also a problem in the implementation of article 50, paragraph (3) concerning the phrase ‘The police or the prosecutor's office is no longer authorised to conduct a full investigation’. Article 50, paragraph (1) of Law No 30/2002 on the Commission for the Eradication of Corruption Crime (‘KPK Law’) provides that ‘in the event that a corruption crime occurs and the Corruption Eradication Commission has not conducted a full investigation, while the case has been fully investigated by the police or the prosecutor's office’. Article 10, paragraph (2) of Law No 19/2019 on the Second Amendment to Law No 30/2002 on the Commission for the Eradication of Corruption Crime (‘Law No 19/2019 on the Second Amendment to the KPK Law’) causes a problem because the provisions on the implementation of supervision duties should be regulated in the form of government regulations by referring to an adherence to the principle. **Keywords:** Corruption Eradication; Corruption Crimes; Corruption Regulation.

### Introduction

National development aims to realise all Indonesian people who are just, safe, prosperous, and orderly in accordance with Pancasila and the 1945 Constitution of the Republic of Indonesia’s (‘1945 Constitution’) efforts to prevent and eradicate criminal acts in general and corruption in particular. Amid national development efforts in various fields, people’s aspirations to eradicate corruption and other crimes are increasing. The existence of corruption has caused enormous losses to the State, which in turn could impact the emergence of crises in various fields. Therefore, efforts to prevent and eradicate corruption need to be renewed and intensified

while still upholding human rights and the interests of the community. Prevention and eradication of corruption is a government concern in almost every developed country because corruption is increasingly widespread.

One law enforcement agency that has the authority to carry out full supervision and investigation of corruption cases is the Corruption Eradication Commission. The Corruption Eradication Commission was formed based on Law No 30/2002 concerning the Corruption Eradication Commission ('KPK Law'), later amended by Law No 19/2019.

The Corruption Eradication Commission was established on the basis that government agencies are unable to eradicate corruption crimes properly, efficiently and effectively.<sup>1</sup> The Corruption Eradication Commission is guided by six principles: legal certainty, transparency, accountability, public interest, proportionality and respect for human rights. The task of the Corruption Eradication Commission is stated in the KPK Law and was subsequently amended by Law No 19/2019 on the Second Amendment to Law No 30/2002 ('Law No 19/2019 on the Second Amendment to the KPK Law').<sup>2</sup>

In the explanation to Law No 19/2019 on the Second Amendment to the KPK Law, the performance of the Corruption Eradication Commission is described as ineffective, the coordination between law enforcement lines is considered weak, the code of ethics has been violated by the leaders and staff of the Corruption Eradication Commission, and the implementation of duties and authorities has problems. The law was revised so that the prevention and eradication of corruption crimes run effectively and are integrated to prevent and reduce the growing State losses due to corruption.

The organisation of the Corruption Eradication Commission institutions has been carried out according to Constitutional Court Decision No 36/PUU-

---

<sup>1</sup> Lilik Mulyadi, *Tindak Pidana Korupsi Di Indonesia, Normatif, Teoritis, Praktik Dan Masalahnya* (PT Alumni 2007).

<sup>2</sup> Bambang Hartono, 'Corruption Eradication Policy Judging from the Politics of Criminal Law (Law Number 19 of 2019 Concerning the Second Amendment to Law Number 30 of 2002 Concerning the Corruption Eradication Commission)' in *Proceedings of the International Conference on Law, Economics and Health* (Springer Nature 2020).

XV/2017. It is stated that the Corruption Eradication Commission is part of the branch of government power. The Corruption Eradication Commission belongs to the executive power, which is often called a government agency (*regeringsorganen*). This setup is intended to make the position of the Corruption Eradication Commission in the Indonesian constitutional system clear, namely as part of the *executive power*.

Article 50, paragraph (1) is problematic where the arrangement is incomplete and seems unclear: what if the police or the prosecutor's office does not deliver the Notification of the Commencement of an Investigation (SPDP)<sup>3</sup> to the Corruption Eradication Commission no later than 14 working days from the date of commencement of the investigation? Furthermore, a problem is found in the implementation of article 50, paragraph (3) concerning the phrase 'The police or the prosecutor's office is no longer authorised to conduct a full investigation'. The rule raises legal uncertainty as occurred in a double full investigation on the corruption case of SIM Simulator procurement in the Traffic Corps (Korlantas) Police Headquarters.

Based on the background given above, the three main issues for discussion in this article are as follows:

1. How does the construction of article 10 of Law No 19/2019 on the Second Amendment to the KPK Law actualise the principle of *contante justitie* in eradicating corruption by the Corruption Eradication Commission?
2. How does the construction of article 26 of the KPK Law actualise the principle of *contante justitie* in eradicating corruption crimes by the Corruption Eradication Commission?
3. How does the construction of article 50 of the KPK Law actualise the principle of *contante justitie* in eradicating corruption crimes by the Corruption Eradication Commission?

---

<sup>3</sup> Farida Kaplele, 'Notification Letter to Begin Investigation (SPDP) as Supervision and Control Function of Criminal Acts of Corruption Case Investigation' (2018) 3(1) Papua Law Journal 62.

**Construction of Article 10, Paragraph (2) of the KPK Law**

Article 10 of Law No 19/2019 on the Second Amendment to the KPK Law provides:

- (1) In carrying out the duties of supervision as referred to in Article 6 letter d, the Corruption Eradication Commission is authorised to conduct supervision, research, or review of the agencies that carry out their duties and authorities related to the Eradication of Corruption crimes.
- (2) Provisions regarding the implementation of supervision duties as referred to in paragraph (1) are regulated by the Presidential Regulation.

Article 10, paragraph (2) of Law No 19/2019 on the Second Amendment to the KPK Law<sup>4</sup> is problematic because the provisions on implementing supervision duties should be regulated in the form of Government Regulations by referring to an adherence to the principle. Furthermore, the provisions on implementing supervision duties regulate three law enforcement agencies: the Corruption Eradication Commission, the prosecutor's office and the police.

This is also in line with the mandate of article 5, paragraph (2) of the 1945 Constitution, which provides that 'The president establishes government regulations to run the law as appropriate'. Government Regulations are laws and regulations established by the president to carry out the law as appropriate. The content of Government Regulations is material to run the law as appropriate.

The 1945 Constitution does not explain in detail what is meant by 'as appropriate', but it can be understood as an expectation that the operationalisation of Government Regulations must run completely. Therefore, it is necessary to have a Presidential Regulation or other implementing regulations. The Presidential Regulation is delegated to achieve perfect implementation of Government Regulations. However, the absence of delegated Presidential Regulations does not mean that Government Regulations do not apply.

---

<sup>4</sup> Taufiqurrohman Syahuri, Gazalba Saleh and Mayang Abrilianti, 'The Role of the Corruption Eradication Commission Supervisory Board within the Indonesian Constitutional Structure' (2022) 8(1) Cogent Social Sciences 2035913 <<https://doi.org/10.1080/23311886.2022.2035913>>.

Compared to Government Regulations that implement regulations for a law, the implementing regulations called Delegation Regulations aim to reduce difficulties and problems in the field.<sup>5</sup> Thus, to carry out Government Regulations as appropriate, there are often orders to regulate further in the form of Presidential Regulations or Ministerial Regulations. However, most Government Regulations articles do not provide further regulation in Presidential Regulations or Ministerial Regulations. The order for issuing Presidential Regulations in the form of Government Regulations means the government is obliged to issue Presidential Regulations. On the other hand, the implementation regulation is sometimes regulated because it is needed to implement state governance'.<sup>6</sup>

The provisions regarding the implementation of supervision duties regulating the three law enforcement agencies (ie the Corruption Eradication Commission, the prosecutor's office, and the police), which are the implementers of Law No 19/2019 on the Second Amendment to the KPK Law, take the form of Government Regulations and not Presidential Regulations. This setup has indirect effects on the implementation of the principle of *Contante Justitie* in relation to the supervision process of the Corruption Eradication Commission over the prosecutor's office or police agency.

The principle of *Contante Justitie* is the principle of a fast, simple, and low-cost judicial process. The principle adopted in the Criminal Procedure Law elaborates the Law on the Basic Provisions of the Judiciary. A fast judicial process (particularly to avoid long detentions before a judge's decision) is part of human rights. So too is the free, honest, and impartial judicial process highlighted in the law.<sup>7</sup> 'Principle' has three definitions: (1) basic law, (2) the basis of something on which to think and make an opinion and (3) the basis of ideals. Concrete regulations (eg laws) must not conflict with legal principles, as well as in the verdict, the law implementation and

---

<sup>5</sup> Yuliandri, *Asas-Asas Pembentukan Peraturan Perundang-Undangan Yang Baik, Gagasan Pembentukan Undang-Undang Berkelanjutan* (Rajawali Press 2010).

<sup>6</sup> Soehino, *Hukum Tata Negara, Teknik Perundang-Undangan (Setelah Dilakukan Perubahan Pertama Dan Perubahan Kedua Undang-Undang Dasar Negara Republik Indonesia* (Publishing Center of the Faculty of Economics UGM 2006).

<sup>7</sup> Andi Hamzah, *Hukum Acara Pidana Indonesia* (Sinar Grafika 2006).

the legal system.<sup>8</sup> Some experts who have defined legal principles include:<sup>9</sup>

1. Paton stated that legal principles would never lose their power just because they have established legal rules or regulations. Instead, legal principles will remain and continue to establish rules and regulations.
2. Satjipto Rahardjo wrote that legal principles contain ethical values and demands.
3. Van Eikema Hommes stated that legal principles should not be regarded as concrete legal norms but as the foundations of law or guidelines for applicable law. Therefore, the establishment of law needs to be oriented to legal principles. In other words, legal principles are the foundations or guidelines in the formation of positive law.

The functions of legal principles are:<sup>10</sup>

- a) Maintaining basic obedience or consistency,
- b) Resolving conflicts within the legal system,
- c) Serving as social engineering, both in the legal and judicial systems.

Legal principles are always related to the rules or norms of laws or written legal regulations. Legal principles are the foundation and key of concrete regulations as the basics of abstract notions, and they contain ethical values that must be embodied in written regulations.<sup>11</sup>

### **Construction of Article 26 of the KPK Law**

Article 26 of the KPK Law regulates the composition of the Corruption Eradication Commission, which oversees four departments: prevention, enforcement, information and data, and internal supervision and public complaints. The article was neither amended nor removed from Law No 19/2019 on the Second Amendment to the KPK Law. Therefore, departments situated in the Corruption Eradication Commission are the same as before, namely the Department of Prevention, Department of Enforcement, Department of Information and Data,

---

<sup>8</sup> Marwan Mas, *Pengantar Ilmu Hukum* (Ghalia Indonesia 2004).

<sup>9</sup> Achmad Ali, *Menguak Tabir Hukum (Suatu Kajian Filosofis Dan Sosiologis)* (Ghalia Indonesia 1990).

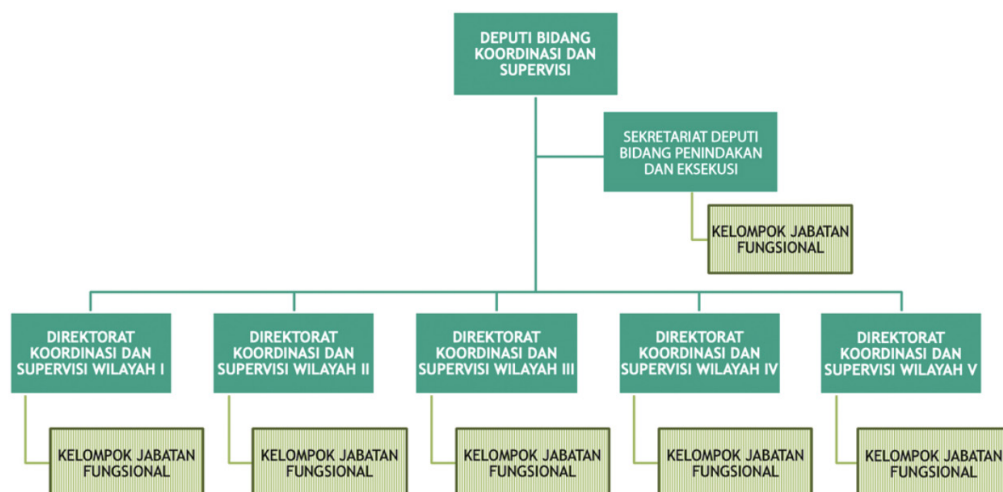
<sup>10</sup> *ibid.*

<sup>11</sup> *ibid.*

and the Department of Internal Supervision and Public Complaints. However, following the issuance of Regulation of Commission No 7/2020, there are additional departments: the Department of Education and Community Participation and the Department of Coordination and Supervision. Furthermore, because the Deputy of Internal Control has been removed from the structure, this certainly raises significant problems from the regulatory side.

Overhauling the internal structure in a way that contradicts the law and its effectiveness will also lead to fundamental problems. *Beleid*, signed by the chairman of the Corruption Eradication Commission, changed, added, and eliminated a number of positions that existed in the previous structure. In the previous structure under Commission Regulation No 3/2018, there were four deputies and 12 directorates. The new structure contains five deputies and 21 directorates. On *beleid*, the new organisation is designed with dozens of new positions. In particular, there are two new deputies, the Deputy for Education and Community Participation and the Deputy for Coordination and Supervision. Thus, the portion of the Corruption Eradication Commission that handles the supervision in terms of regulation of organ formation has created a fragile legal basis.

The Corruption Eradication Commission website explains that the Deputy for the Department of Coordination and Supervision is responsible for preparing the department's formulation and implementation policies for handling corruption cases. In carrying out the duties as intended,





By referring to the provisions of article 26 of the KPK Law, the Corruption Eradication Commission has supervision authority, but both the KPK Law and Law No 19/2019 on the Second Amendment to the KPK Law lack a structure responsible for the supervision function. Today, the Deputy for the Department of Coordination and Supervision is only regulated in the form of a Commission Regulation, specifically Commission Regulation No 7/2020 on the Organisation and Work Procedures of the Commission for the Corruption Eradication, which is supplemented by Presidential Regulation No 102/2020 on the Implementation of Supervision for the Eradication of Corruption Crime. Its implementation will cause problems, especially related to the implementation of the principle of *Contante Justitie*, due to the absence of structural organs responsible for supervision functions.

### **Construction of Article 50 of the KPK Law**

The re-emergence of news about corruption cases in the central and regional mass media seems to have originated from the weak sanctions imposed by the judicial body against the corrupt. Since 1957, efforts have been made to eradicate corruptors by drafting and enacting regulations that are then revised for refinement. However, the results have not yet reached the target – and corruption continues.<sup>12</sup> The eradication of corruption is associated with the trends of corruption crimes in Indonesia, which continue to increase. Indonesia is ranked the second-most corrupt country in Asia and the sixth in the world.<sup>13</sup>

Law enforcement is one of the efforts to create order, security and peace in society, whether as a preventive effort or eradication or enforcement after the violation of the law. In other words, law enforcement is preventive and repressive. If the laws as the legal basis for the measures and actions taken by law enforcement

---

<sup>12</sup> Ilham Gunawan, *Posture of Corruption in Indonesia; Juridical, Sociological, Cultural and Political Review* (Angkasa 1993).

<sup>13</sup> IGM Nurdjana, *The Criminal Law System and the Latent Danger of Corruption* (1st edn, Puataka Pelajar 2010).



agencies are not in accordance with the basic philosophy of the State and the outlook on life of the nation, it is inevitable that law enforcement will not reach the target. Therefore, it is necessary to have other regulations in addition to criminal law to maintain the order and security of the State. The perpetrator can only be brought before the court through particular procedures regulated by separate regulations.<sup>14</sup>

Article 50 of the KPK Law regulates one form of coordination and supervision of the KPK as follows:

- (1) In the event that corruption crimes occur and the Corruption Eradication Commission has not conducted a full investigation, while the case has been fully investigated by the police or the prosecutor's office, the agency is obliged to notify the Corruption Eradication Commission no later than 14 (fourteen) working days from the date of commencement of the full investigation.
- (2) The full investigation conducted by the police or the prosecutor's office as referred to in paragraph (1) must be coordinated continuously with the Corruption Eradication Commission.
- (3) In the event that the Corruption Eradication Commission has begun to conduct a full investigation as referred to in paragraph (1), the police or the prosecutor's office is no longer authorised to conduct the full investigation.
- (4) In the event that the full investigation is conducted simultaneously by the police and/or prosecutor's office and the Corruption Eradication Commission, the full investigation conducted by the police or the prosecutor's office is immediately terminated.

Article 50, paragraph (1) has a problem where the arrangement is incomplete and seems unclear. What if the police or the prosecutor's office does not deliver the Notification of the Commencement of an Investigation (SPDP) to the Corruption Eradication Commission no later than 14 working days from the date of commencement of the investigation?.

A problem is also found in the implementation of article 50, paragraph (3) concerning the phrase 'The police or the prosecutor's office is no longer authorised to conduct a full investigation'. The provision raises legal uncertainty as occurred in a double full investigation on the corruption case of SIM Simulator procurement in the Traffic Corps (Korlantas) Police Headquarters.

---

<sup>14</sup> Wirah Dwi Pangestu, 'Regulation of the Principle of Contante Justitie (Fast, Simple, and Low Cost Judicial Process Principles in Indonesian Criminal Procedure Law)' (Universitas Sebelas Maret 2008).

For more details, the author will first describe the formulation and interpretation of corruption in Indonesia. In *Black's Law Dictionary*, 'corruption' is defined as an act done with an intention to obtain some advantage inconsistent with official duty and the rights of others. It is the act of an official or fiduciary person who unlawfully and wrongfully uses his station or character to procure some benefit for himself or another person, contrary to duty and the rights of others.

According to article 3 of Law No 31/1999, corruption is defined as any person who has the purpose of benefiting himself or others or a corporation, abuses the authority, opportunity or means available to him because of the station or position that can harm the State's finances or the country's economy. Furthermore, in accordance with 30 articles in Law No 31/1999 *juncto* Law No 20/2001 on the Eradication of Corruption, corruption can be categorised into seven types: state financial losses, bribery, extortion, embezzlement in office, fraud, conflict of interest in the procurement of goods and services, and gratification.

In the context of criminology or the scientific study of crime, there are several types of corruption:<sup>15</sup>

1. Political bribery;
2. Political kickbacks;
3. Election fraud;
4. Corrupt campaign practice;
5. Discretionary corruption;
6. Illegal corruption;
7. Ideological corruption;
8. Mercenary corruption.

The criminal sanctions stipulated in chapter III of articles 21–24 of the PTPK law are from points (A) to (d). Article 50, paragraph (1) of the KPK Law provides that 'in the event that a corruption crime occurs and the Corruption Eradication Commission has not conducted a full investigation, while the case has been fully investigated by the police or the prosecutor's office, the agency shall notify the Corruption Eradication Commission no later than 14 (fourteen) working days from the date of commencement

---

<sup>15</sup> KPK, *Corruption Crime Material Module*.

of the investigation'. Based on this regulation, the regulation is incomplete and seems unclear. Therefore, it is necessary to add a paragraph to article 50 providing that 'if the police or the prosecutor's office does not deliver the Notification of the Commencement of an Investigation (SPDP) to the Corruption Eradication Commission no later than 14 (fourteen) working days from the date of commencement of the full investigation, then the Corruption Eradication can exercise their authority to do supervision, so the corruption cases can be handled by implementing the principle of *Contante Justitie*, which directly has efficiency both in terms of time and financial and does not burden the State's finance.

In addition, article 50, paragraph (3) of the KPK Law stipulates that 'in the event that the Corruption Eradication Commission has begun to conduct an investigation as referred to in paragraph (1), the police or the prosecutor's office is no longer authorised to conduct an investigation'. Article 50, paragraph (3) contains the phrase 'The police or the prosecutor's office is no longer authorised to conduct a full investigation' raises legal uncertainty as occurred in a double full investigation on the corruption case of SIM Simulator procurement in the Traffic Corps (Korlantas) at the Police Headquarters. This phrase is contrary to article 1, paragraph (3) of the 1945 Constitution. The phrase 'the police or the prosecutor's office is no longer authorised to conduct a full investigation' should be interpreted as 'the authority of the police or the prosecutor's office to conduct a full investigation in the case'.

As seen from corruption crimes recorded in the SPDP electronic report from other law enforcement officers (police and prosecutors) from 2018 to October 2020, there were full investigations of 236 cases.<sup>16</sup> There were many cases in which the investigation was carried over to the following year, for example, TPK on overseas travel activities at the Department of Tourism and Culture Minahasa TA 2016, in which the reporting was recorded by the letter number: B/8/I/2018/POLRES MINAHASA dated 29 January 2018 and the reporting of SPDP received by the

---

<sup>16</sup> KPK, 'SPDP', *KPK* <[https://spdponline.kpk.go.id/user/penyidikan/draft?last\\_update=2021-02-16](https://spdponline.kpk.go.id/user/penyidikan/draft?last_update=2021-02-16)> accessed .

KPK on 8 February 2018 (more than 14 days). The Minahasa Police Precinct North Sulawesi had just officially designated the former Head of the Culture and Tourism Office (Disbudpar) of Minahasa regency as a suspect (TSK) for alleged corruption in the management of official travel funds to Russia to participate in a choir competition in Shouci City on 20 May 2021.<sup>17</sup> The state losses caused by alleged acts of corruption were estimated at approximately IDR 1.96 billion. The fund was managed by Disparbud Minahasa and led by DB as Head of Department. Therefore, the KPK should be able to coordinate with the police (especially the Minahasa Police Precinct) so that the full investigation can be effective and productive in terms of time. This is in line with the principle of *Contante Justitie*, where the length of handling and determination of suspects does not leave from KPK supervision for three years (2018–2021).

### Conclusions

The conclusion that can be drawn from the three main problems in this research is that article 10, paragraph (2) of Law No 19/2019 on the Second Amendment to the KPK Law is a problem. The provisions on the implementation of supervision duties should be regulated in the form of Government Regulations by referring to the adherence to the principle of *Contante Justitie*. Furthermore, the provisions on the implementation of supervision duties regulate three law enforcement agencies: the Corruption Eradication Commission, the prosecutor's office and the police.

This is also in line with the provision mandated by article 5, paragraph (2) of the 1945 Constitution, which provides that 'The president establishes government regulations to run the law as appropriate'. So, Government Regulations are laws and regulations established by the president to carry out the law as appropriate. The content of Government Regulations is the material to run the law as appropriate. The 1945 Constitution does not explain in detail what is meant by 'as appropriate', but it can be understood as an expectation that the operationalisation of Government Regulations must run completely.

---

<sup>17</sup> Adrianus RP, 'Jadi TSK Dugaan Korupsi Perjalanan Dinas Ke Rusia 2016, Ini Penjelasan Debby' (*SulutNews.com*, 2021).

It is thus necessary to have Presidential Regulations or other implementation regulations. The Presidential Regulation is delegated to achieve perfect implementation of Government Regulations. However, the absence of delegated Presidential Regulations does not mean that Government Regulations do not apply. Therefore, the provisions regarding the implementation of supervision duties regulate three law enforcement agencies – the Corruption Eradication Commission, the prosecutor’s office, and the police – which are the implementers of Law No 19/2019 on the Second Amendment to the KPK Law in the form of Government Regulations and not Presidential Regulations. This also provides indirect effects on the implementation of the principle of *Contante Justitie* in relation to the supervision process of the Corruption Eradication Commission against the prosecutor’s office and/or police agency.

Under article 26 of the KPK Law, the Corruption Eradication Commission has supervision authority, but in the KPK Law and Law No 19/2019 on the Second Amendment to the KPK Law, there are no structures responsible for the supervision function. Today, the structure of the Deputy for Department of Coordination and Supervision is only regulated in the form of a Commission Regulation, specifically Commission Regulation No 7/2020 on the Organisation and Work Procedures of the Corruption Eradication Commission, which is then supplemented by Presidential Regulation No 102/2020 on the Implementation of Supervision for the Eradication of Corruption crimes. Its implementation certainly will not provide legal certainty related to the implementation of the principle of *Contante Justitie* due to the absence of the structural organs responsible for supervisory functions.

Article 50, paragraph (1) of the KPK Law provides that ‘in the event that a corruption crime occurs and the Corruption Eradication Commission has not conducted a full investigation, while the case has been fully investigated by the police or the prosecutor’s office, the agency shall notify the Corruption Eradication Commission no later than 14 (fourteen) working days from the date of commencement of the investigation’. Based on this regulation, the regulation is incomplete and seems unclear. So, it is necessary to add one paragraph to

article 50, 'if the police or the prosecutor's office does not deliver the letter of Notification of the Commencement of an Investigation (SPDP) to the Corruption Eradication Commission no later than 14 (fourteen) working days from the date of commencement of the full investigation, then the Corruption Eradication can exercise their authority to do the supervision, so the corruption cases can be handled by implementing the principle of *Contante Justitie*, which directly has efficiency both in terms of time and financial and does not burden the state finances. In addition, article 50, paragraph (3) of the KPK Law stipulates that 'in the event that the Corruption Eradication Commission has begun to conduct an investigation as referred to in paragraph (1), the police or the prosecutor's office is no longer authorised to conduct an investigation'. The provision in article 50, paragraph (3) that 'The police or the prosecutor's office is no longer authorised to conduct a full investigation' raises legal uncertainty as occurred in a double full investigation on the corruption case of SIM Simulator procurement in the Traffic Corps (Korlantas) at the Police Headquarters. This phrase is contrary to article 1, paragraph (3) of the 1945 Constitution. The phrase 'the police or the prosecutor's office is no longer authorised to conduct a full investigation' should be interpreted as 'the authority of the police or the prosecutor's office to conduct a full investigation in the case'.

Based on the conclusion that answers the existing problems, the author recommends three reforms as follows:

1. Article 10, paragraph (2) of Law No 19/2019 on the Second Amendment to the KPK Law should regulate that the provisions regarding the implementation of supervision duties are regulated in the form of Government Regulations and not in the form of Presidential Regulations. This is also in line as mandated by article 5, paragraph (2) of the 1945 Constitution.
2. The establishment of structural organs responsible for supervision functions must be regulated under the KPK Law.
3. It is necessary to add one paragraph in article 50 of the KPK Law providing that 'if the police or the prosecutor's office does not deliver the Notification of the Commencement of an Investigation (SPDP) to the Corruption Eradication

Commission no later than 14 (fourteen) working days from the date of commencement of the full investigation, then the Corruption Eradication can exercise their authority to do supervision. Article 50, paragraph (3) related to the phrase ‘the police or prosecutor’s office is no longer authorised to conduct a full investigation is interpreted should be amended as ‘the authority of the police or prosecutor’s office to conduct a full investigation in the case’.

### **Bibliography**

Ali A, *Menguak Tabir Hukum (Suatu Kajian Filosofis Dan Sosiologis)* (Ghalia Indonesia 1990).

Gunawan I, *Posture of Corruption in Indonesia; Juridical, Sociological, Cultural and Political Review* (Angkasa 1993).

Hamzah A, *Hukum Acara Pidana Indonesia* (Sinar Grafika 2006).

Hartono B, ‘Corruption Eradication Policy Judging from the Politics of Criminal Law (Law Number 19 of 2019 Concerning the Second Amendment to Law Number 30 of 2002 Concerning the Corruption Eradication Commission)’ in *Proceedings of the International Conference on Law, Economics and Health* (Springer Nature 2020).

IGM Nurdjana, *The Criminal Law System and the Latent Danger of Corruption* (1st edn, Puataka Pelajar 2010).

Kaplele F, ‘Notification Letter to Begin Investigation (SPDP) as Supervision and Control Function of Criminal Acts of Corruption Case Investigation’ (2018) 3(1) Papua Law Journal 62.

KPK, *Corruption Crime Material Module*.

KPK, ‘SPDP’, *KPK* <[https://spdponline.kpk.go.id/user/penyidikan/draft?last\\_update=2021-02-16](https://spdponline.kpk.go.id/user/penyidikan/draft?last_update=2021-02-16)>.

Mulyadi L, *Tindak Pidana Korupsi Di Indonesia, Normatif, Teoritis, Praktik Dan Masalahnya* (PT Alumni 2007).

Mas M, *Pengantar Ilmu Hukum* (Ghalia Indonesia 2004).

Pangestu WD, ‘Regulation of the Principle of Contante Justitie (Fast, Simple, and Low Cost Judicial Process Principles in Indonesian Criminal Procedure Law)’



(Universitas Sebelas Maret 2008).

RP A, 'Jadi TSK Dugaan Korupsi Perjalanan Dinas Ke Rusia 2016, Ini Penjelasan Debby' (*SulutNews.com*, 2021).

Soehino, *Hukum Tata Negara, Teknik Perundang-Undangan (Setelah Dilakukan Perubahan Pertama Dan Perubahan Kedua Undang-Undang Dasar Negara Republik Indonesia* (Publishing Center of the Faculty of Economics UGM 2006).

Syahuri T, Saleh G and Abrilianti M, 'The Role of the Corruption Eradication Commission Supervisory Board within the Indonesian Constitutional Structure' (2022) 8(1) *Cogent Social Sciences* 2035913 <<https://doi.org/10.1080/23311886.2022.2035913>>.

Yuliandri, *Asas-Asas Pembentukan Peraturan Perundang-Undangan Yang Baik, Gagasan Pembentukan Undang-Undang Berkelanjutan* (Rajawali Press, 2010).

**HOW TO CITE:** Atty Novyanty, 'Conceptual Ideal Supervision of the Corruption Eradication Commission in Eradicating Corruption Crimes' (2022) 37 *Yuridika*.