

Authorities and Functions of The Corruption Eradication Commission (KPK)

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Abstract. Corruption in Indonesia, which has been classified as an extraordinary crime, requires the availability of legal instruments and extraordinary law enforcement institutions, which are things that need to be prioritized. Criminals who commit acts of corruption, in general, are the activities a small group of community members who seek refuge in a specific authority or power that's also linked with office power for this reason, it must be eradicated in a systematic and structured manner. For this reason, the state created an institution to eradicate The Corruption Eradication Commission was established by Law 30 of 2002, is accountable with criminal acts based on the provisions of the Corruption Eradication Commission or KPK for short. The problems raised in this paper, how is the functional authority of the Corruption Eradication Commission (KPK) in eradicating corruption? The problem-solving approach method uses a normative legal study approach, and is analyzed descriptively. Discussion on solving problems related to the authority and function of the KPK in eradicating corruption crimes that; Broadly speaking, the authorities and functions of the KPK are divided into four areas, namely Enforcement, Prevention, Coordination and Supervision, and Monitoring. The field of prosecution is more about giving sanctions. The purpose of this action is to provide a deterrent effect on the community. The Coordination and Supervision Sector is the authority of the KPK to meet the target achievement by involving other institutions. The following are the duties of the Corruption Eradication Commission: Coordination with institutions tasked with fighting corruption. Institutions tasked with combating corruption were monitored. Conduct investigations, investigations, and prosecutions of graft offenses. Prevent corruption by taking prevention action. Monitor state government administration and coordinate corruption investigations, investigations, and prosecutions. The KPK also has the authority to take over cases of criminal corruption that are currently being investigated by other law enforcement agencies per Law Number 30 of 2002. Expropriation is, of course, carried out in accordance with legal provisions that must be observed.

Keywords: Authority; Function of KPK

1 Introduction

The law regulates and is needed in almost each aspect of social life in the order of state life. It is because the law is based on the community's desire to behave in a certain way. In various forms of various civilizations of society, it is not necessarily that the law is always obeyed or obeyed by community members. Thus, resulting in violations and crimes (crimes) that are

committed individually, in groups, in an organized or unorganized manner. One type of crime is referred to as a Corruption Crime.

Rampant Corruption is a form of disobedience of the law perpetrated by a group of person or a group of communities who hide behind power or authority in order to further their personal interests at the expense of the state's finances [1], In Indonesia, the crime of corruption harms the state and can make people suffer. Generally, the modus operandi is in the form of enriching oneself by abusing one's position on the state's trust, which has been since the country's inception. Corruption seems to have become part of a deviant cultural behavior in many governments and state bureaucratic institutions, harming the state and the people's sense of welfare justice.[2]

Protecting the community interest (social concern) by law, especially related to the behavior of It is necessary to have a law capable of protecting state losses in providing welfare for the people in regards to criminal acts of corruption. Corruption must be eradicated, as it is the behavior of a small group of citizens who hide behind authorities or powers that can be used against them associated with office power in a structured and systematic manner.[3]

Given that corruption has been categorized as an extraordinary crime or extraordinary crime, since the reform era in 2002, the state established an institution called KPK refers again for The Commission on Corruption Eradication is charged with eradicating corruption. The provisions the establishment of the commission is legalized under Under Law Number 30 of 2002, the Corruption Eradication Commission was established.

Research Question

The problem of this paper is the problem that is raised in this paper is “What is the Corruption Eradication Commission's operating authority (KPK) in eradicating corruption?” The problem-solving approach method uses a normative legal study approach and is analyzed descriptively.

2 Discussion

The Corruption is a criminal act defined as behavior that is inconsistent with government's normal obligations and state administrative agencies, which can result in harming state finances. The deviation is generally for personal gain, which is carried out by violating the laws and regulations. It includes acts, such as bribery (giving gifts to divert someone in their official position); nepotism (particularly in the awarding of rank or providing protection on the grounds of the original relationship rather than based on merit considerations); and misuse or illegally use state income sources for personal interests/needs)[4].

The formulation of the definition of corruption illustrates that corruption involves moral aspects, abuse of office abuse of power in government agencies or apparatus as a result of gifts, Factors such as economics, and also familial placement in services under the authority of their fathers position, being part of the modus operandi of corruption crimes.

Meanwhile, corruption in Indonesia is classified as an extraordinary crime that requires the availability of legal instruments, extraordinary law enforcement institutions, which need to be prioritized by the state. A less comprehensive pro policy, that concentrates more on punitive measures, has an impact as well. Moreover, if repressive actions are taken partially, they will be unsuccessful at fighting corruption. As part of developing good governance, firm and consistent repressive actions should be accompanied by preventive measures to improve the government management system, increase supervision, improve public service standards, government administration transparency and openness, and public accountability. [5]

Bribery, extortion, nepotism, and embezzlement define every public duties done in a corrupt government system. As a result, removing corruption needs strong political will on the part of the power holders, as well as hard legal instruments to show that the law is concerned about legal community's rights and obligations. In terms of appreciating legal interests, in the end, the law will produce conceptual legal products for legitimate purposes that are related to formally realized legal objectives and are a concrete form of the legal function.

To solve the legal impasse in eradicating criminal acts of corruption, a legal product concept is needed in the form of legislation and regulations needed, especially to carry out legal efforts and actions to eradicate corruption. Indonesia, as a legislation country (rechtstaat), has made a set of significant efforts to combat corruption by issuing a number of legal products in the form of laws and regulations. Because corruption is classified as an extraordinary crime, institutions having extraordinary abilities are needed to combat it, considering Indonesia's widespread corruption. As a consequence, The powers of The Corruption Eradication Commission is built on the foundations of Law 31 of 1999 on Criminal Acts of Corruption and Law 30 of 2002 on the Corruption Eradication Commission (KPK). [6]

Combating In Indonesia, fighting corruption necessitates a strong commitment to law enforcement in done to avoid these crimes in growing. Legal empowerment is needed in Indonesian law enforcement, either meaningfully or structurally, to carry out its functions and objectives forth by the law, including the empowerment of institutions or institutions with authority to take legal action against perpetrators of criminal acts of corruption without compromise.

The organisation The Corruption Eradication Commission (KPK) is created in response to the state's Law Number. 30 of 2002 concerning the Corruption Eradication Commission appreciation of the rule of law, eradicating corruption, and realizing good governance and good governance during in the reform era.

In Constitutional The Corruption Eradication Commission (KPK), created by law and state administrative law, is a form of reform and legal regulation. The The relationship between the performance of its authorities related to the KPK's Investigation and Prosecution can be managed and supervised with The Corruption Eradication Commission, which was founded by Law No. 30 of 2002, regulated the police and prosecutor's offices following articles.

According to article 6 of Law Number 30 of 2002:

The following are the duties of a Corruption Eradication Commission:

- a. collaboration with agencies charged with fighting corruption
- b. supervision of agencies charged for fighting criminal corruption;
- c. conduct crony investigations, investigations, and prosecutions;
- d. take precautions to prevent peculation; and
- e. keep a close eye on how the state government was working.

Furthermore, The Corruption Eradication Commission is capable of carrying out the coordination task referred to in Article 6 letter a has the authority to:

- a. coordinate investigations, investigations, and prosecutions of corruption crimes;
- b. establish a reporting system in corruption eradication activities;
- c. request from relevant agencies information on pro activities;
- d. hold a hearing or meetings with officials responsible with fighting corruption; and
- e. request a report on the prevention of corruption from the appropriate agency.

Furthermore, according to article 11, In order to carry In order to carry out the obligations stated to in Article 6 letter c, the Corruption Eradication Commission has the jurisdiction to conduct investigations, investigations, and prosecutions of criminal acts of corruption:

- a. involving law enforcement, state administrators, and others who are linked to criminal acts of corruption by law enforcement or state administrators;
- b. receive the attention that disturbs the public; and/or
- c. concerning state losses of at least Rp. 1.000.000.000,00 (one billion rupiah). [7]

The authority of The Corruption Eradication Commission (KPK) is an officially valid institution. The Corruption Eradication Commission, which has virtually the same operational responsibilities as police investigators whenever it comes to leading legal investigations and prosecutions of corrupt people, is described in Law Number 30 of 2002 concerning the KPK's authority. By furthermore, the Corruption Eradication Commission (KPK) has the authority to take over investigations into alleged corruption and prosecutor's office.

The moral obligation By Law Number 30 of 2002, the Corruption Eradication Commission (KPK) is authorized to carry out its authority in accordance with legal laws and the law's moral principles. The KPK institution was created to increase its efficiency and effectiveness in fighting corruption, as well as in carrying out its tasks and powers in a way that respects legal certainty, openness, accountability, public interest, and proportionality.

The scope of authority and functions carried out by the KPK is legal legitimacy in the name of state power, as is the scope of state administrative authority which is given a role in the field of executive power, the field of judicial power, and the field of legislative power, which in general are all administrative resources as well as the administration of government administration is commonly referred to as the state apparatus.

As a consequence of the legal function of state administration existence, state administrators or state apparatus have a mandated responsibility to carry out the authorities and duties that arise, as ordered by law. The authority of the KPK, which gives birth to the duties and functions of an institution or organization, as outlined or regulated by law, is a legitimate authority under the law.

The implementation of the authority possessed by the state apparatus obligations was carried out consistently following applicable legal provisions, including the application of the authorization carried out by the KPK based on legal legality, namely based on The A Law 30 of 2002 created the Corruption Eradication Commission. (KPK).

Implementing the authorities and functions based on the provisions of the legislation, which are The Corruption Eradication Commission is regulated by KPK Law Number. 30 of 2002. must organize and strengthen the organizational structure internally, to provide structured guidelines for building proportional and professional good performance.

Since its establishment, the KPK's authority has been broadly divided into four areas, namely Enforcement, Prevention, Coordination and Supervision, and Monitoring. The duties and authorities of Articles 6 and 7 of Law Number. 30 of 2002 apply to the KPK. are;

The following are the duties of the Corruption Eradication Commission:

- a. Cooperation with agencies charged with fighting corruption.
- b. Oversight of agencies tasked with combating corruption
- c. Conducting corruption inquiries, investigations, and prosecutions
- d. Taking anti-corruption measures
- e. The monitor is in charge of state government execution.

Article 7

The The Commission on The Office for Corruption Eradication is in terms of handling out the coordination task stated in Article 5 letter a to:

- a. Coordinate corruption investigations, investigations, and prosecutions crimes
- b. Establishing a reporting system in corruption eradication activities
- c. Requesting information from the relevant agencies on pro activities.

- d. Conduct hearings or meetings with institutions charged with fighting corruption.
- e. Request reports on pro efforts from relevant agencies.

Another authority, in dealing with corruption cases, the KPK can take over cases whose handling is protracted legal certainty must be given immediately.

The terms of the Takeover of the Article 30 of Law Number 30 of 2002 regulates both investigation and prosecution process 9 are;

The takeover of the investigation and prosecution The The work referred to in Article is taken out by Corruption Eradication Commission 8 for the following reasons:

- a. Public corruption reports are not followed up on.
- b. The investigation and trial of corruption cases take an awful lot of time or is delayed for little or no apparent reason.
- c. The aim of fighting against corruption is to protect the real criminals.
- d. There are elements of corruption in the handling of graft criminal acts.
- e. Interference from the executive, judiciary, or parliament that makes it very difficult to pursue corruption charges.
- f. Another situation in which, in the opinion of the police or prosecutor's office, successfully combats corruption is more difficult than being accountable.

However, it seems that this supervisory authority has not been used optimally by the KPK. It means that the KPK uses its authority to supervise when the supervision by the Police or the Prosecutor's Office is not yet maximal.

3 Conclusion

Normatively, the regulation of the KPK's authority does not cause a conflict between the KPK. The authority and function of the KPK are to build a strong cooperation network and not monopolize the task of investigating, investigating, and prosecuting corruption. The authority of the KPK based on its authority and function is to place other law enforcement agencies as counter partners means that the KPK does not have a monopoly on the duties and authorities of investigation, investigation, and prosecution. The KPK is intended as a kind of trigger and empowerment for existing law enforcement agencies so that its implementation can take place more quickly and firmly. The authority and function of the KPK in eliminating corruption have a legal basis, namely Articles 6, 7, 8, 9, 10, and 11 of Law No. 31 of 1999 Concerning the Eradication of Graft Criminal Acts, as amended by Law No. 20 of 2001 Concerning Amendments to Law No. 31 Concerning the Eradication of Graft Criminal Acts.

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