

The Independence of the Corruption Eradication Commission after the Revision of Law No. 19 of 2019: The Perspective of the Theory of Separation of Powers and Its Implications

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Received : 13 May 2025

Revised : 29 June 2025

Accepted : 01 July 2025

Citation : Probo Pribadi S.M. & Michael Wijaya Simatupang (2025). The Independence of the Corruption Eradication Commission after the Revision of Law No. 19 of 2019: The Perspective of the Theory of Separation of Powers and Its Implications. *Journal of Legal Contemplation*, 1(2), 60-70.

 : [10.63288/jlc.v1i2.6](https://doi.org/10.63288/jlc.v1i2.6)

Abstract: After the issuance of Law No. 19/2019, which amended Law No. 30/2002 on the Corruption Eradication Commission, there were significant changes in the position and function of the KPK. The main objective of this study is to analyze changes in the position and authority of the Corruption Eradication Commission (KPK) after the enactment of Law No. 19 of 2019, whether it still fulfills the principle of independence of state institutions from the perspective of the theory of separation of powers (*trias politica*) as well as the legal and constitutional impacts of the transfer of the KPK to the executive branch of power on the principle of checks and balances and the effectiveness of corruption eradication in Indonesia. This research uses a normative legal research method that relies on a statutory approach and a conceptual approach. The results show that the Revision of KPK Law has serious consequences for the independence of KPK and shows significant constitutional impacts which reflect a shift in balance. The imbalance has the potential to weaken the quality of democracy while disrupting the principles of clean and accountable governance. KPK risks transforming into an administrative instrument that is vulnerable to the interests of executive power.

Keywords: Independence; Corruption Eradication Commission; Separation of Powers Theory

A. Introduction

In the ever-moving dynamics of the times, modern organizations are experiencing rapid development, especially with the presence of various innovations that cannot be avoided. In Indonesia, this change was also felt along with the opening of democratic space after the reformation. This situation encouraged the birth of new state institutions in response to the needs of the times. They take various forms, ranging from councils, commissions, committees, bodies, to authorities that carry out special functions in the constitutional system.¹ Over time, many new state institutions were established with the aim of supporting the running of the government more effectively. Among these institutions, the Corruption Eradication Commission (KPK) was born as a product of reform that marked the spirit of change. The presence of the KPK was a response to public unrest over rampant corrupt practices. This

¹ Nimatul Huda, *Hukum Tata Negara Indonesia* (Jakarta: Rajawali Pers, 2011).



institution has also become the spearhead in the big agenda of improving governance in Indonesia.²

Unchecked corruption not only undermines the foundation of the country's economy, but also disrupts the fabric of society at large. Its impact extends to various aspects of life, including the violation of people's social and economic rights. As the practice of corruption becomes more widespread, it can no longer be seen as an ordinary crime. Now, corruption has turned into an extraordinary crime that demands special and comprehensive handling.³ In late 2002, President Megawati Soekarnoputri made an important step in the history of corruption eradication in Indonesia. This step was born out of concern over the weak performance of law enforcement officials in cracking down on corruption cases. However, the idea of establishing an anti-corruption institution has actually been initiated since the time of President B.J. Habibie, when Indonesia was in transition. After a long journey, the people's hope for justice was realized through the establishment of the Corruption Eradication Commission (KPK), which later became a symbol of the struggle against corruption.⁴

Looking at the current conditions that are increasingly concerning, corruption in Indonesia has spread widely and is difficult to control. No wonder this crime is categorized as an "extraordinary crime" because of its enormous impact. There is a phrase that adequately describes the journey of corruption in this country: in the Old Order era, corruption was done secretly; during the New Order, the practice began openly. While in the reform era, corruption is even more blatant and involves all parties at the same table.⁵ KPK was established on the basis that efforts to eradicate corruption by existing government institutions have not been effective and efficient. For this reason, a more professional, intensive and sustainable approach is needed in dealing with corruption crimes that have harmed state finances and hampered development. Widespread corruption demands serious handling in order to save the national economy. However, the existence of the KPK also demands clarity in the division of tasks and authorities to avoid overlapping with other state institutions.

Referring to MPR Decree No. VIII/MPR/2001, the establishment of the KPK Law is an important part of the strategy to eradicate corruption, collusion and nepotism. The existence of the KPK is considered vital to accelerate and increase the effectiveness of efforts to prevent and prosecute corruption. Since its establishment in 2002 until early 2019, the system built by KPK was considered quite successful in suppressing corrupt practices. However, after the enactment of Law No. 19/2019 as a revision of the KPK Law, the direction and system of eradicating corruption has changed significantly. In carrying out its duties, the KPK is authorized to coordinate with other state institutions in efforts to eradicate corruption. In addition, the KPK also has the authority to conduct investigations and prosecutions against perpetrators of corruption crimes. This makes KPK an institution that acts as a coordinator in handling corruption cases, including when dealing with other institutions such as the Police

² Tjokorda Gde Indraputra and I. Nyoman Bagiastra, "Kedudukan Komisi Pemberantasan Korupsi Sebagai Lembaga Negara Bantu (State Auxiliary Institutions)," *Kertha Negara : Jurnal Ilmu Hukum* 2, no. 5 (2014): 1–5.

³ Denny Indrayana, *Jangan Bunuh KPK* (Yogyakarta: Adamssein Media, 2017).

⁴ Kartika Sasi Wahyuningrum, Hari Sutra Disemadi, and Nyoman Serikat Putra Jaya, "Independensi Komisi Pemberantasan Korupsi: Benarkah Ada?," *Refleksi Hukum: Jurnal Ilmu Hukum* 4, no. 2 (July 8, 2020): 239–58, <https://doi.org/10.24246/jrh.2020.v4.i2.p239-258>.

⁵ Endarto E, "Kendala KPK Dalam Pemberantasan Korupsi Di Indonesia," *Jurnal Lingkar Widayaiswara* 1, no. 3 (2014): 6–15.

and the Attorney General's Office. In every step, KPK adheres to the principles of legal certainty, public interest, openness, accountability, and proportionality.⁶

From 2020 to 2024, the KPK has named 691 suspects in corruption cases, with 2024 recording the highest number of suspects. During this period, the KPK conducted 36 arrest operations (OTT) and resolved 510 corruption cases. The existence of the KPK has been a strategic step in efforts to eradicate corruption in Indonesia.⁷ However, despite its many achievements, the KPK still faces challenges, including indications of weakening seen in several important events. Following the issuance of Law No. 19/2019, which amended Law No. 30/2002 on the Corruption Eradication Commission, there have been significant changes to the position and function of the KPK. Previously, the KPK served as an ad-hoc state institution that aimed to encourage law enforcement by the Police and the Attorney General's Office, and was beyond the influence of other state institutions. However, with these changes, the KPK is now included in the executive domain, which raises questions about the impact on its independence. This change risks interference from the executive, which could threaten the legal certainty and autonomy of the KPK.

The revision of the KPK Law also created a new organ, the Supervisory Board, which became part of the KPK along with the leadership and employees. The Supervisory Board was first established by the President without selection by an independent committee or team. The appointment process of the Supervisory Board was also done by the President without any approval or consideration from the DPR. This raises concerns about transparency and accountability in the formation of the supervisory organ. Changes in Law No. 30/2002 on the Corruption Eradication Commission have created legal uncertainty in the Indonesian constitutional system regarding the eradication of corruption. These changes affect the independence and effectiveness of the KPK in carrying out its duties. The background previously described is the main basis for formulating the problems that will be discussed in this research. These problems arise in response to fundamental changes in the regulations governing the KPK.

What is the focus in formulating the problem formulations in this study include: 1) How does the position and authority of the Corruption Eradication Commission (KPK) change after the enactment of Law Number 19 of 2019; 2) Does the revision of Law No. 19/2019 mean that the KPK still fulfills the principle of independence of state institutions from the perspective of the theory of separation of powers (*trias politica*); and 3) What are the juridical and constitutional impacts of the KPK's shift to the executive branch of power on the principle of checks and balances and the effectiveness of corruption eradication in Indonesia?

B. Methodology

This research uses a normative juridical method, which is an approach that focuses on analyzing legal norms that apply in writing, especially those contained in laws and regulations.⁸ The statute approach was chosen because this study aims to examine changes in legal norms relating to the position and authority of the Corruption Eradication Commission (KPK) after the enactment of Law No. 19 of 2019. By using this approach, the researcher examines how the

⁶ Bambang Widjojanto and Abdul Fickar Hadjar, *Reformasi Dikurupsi, KPK Dihabisi: Sebuah Catatan Kritis* (Malang: Intrans Publishing, 2020).

⁷ Haryanti Puspa Sari and Ihsanuddin, "KPK Gelar 36 OTT Sepanjang 2020-2024, Tetapkan 691 Tersangka," December 18, 2024, <https://nasional.kompas.com/read/2024/12/18/07374371/kpk-gelar-36-ott-sepanjang-2020-2024-tetapkan-691-tersangka>.

⁸ Soerjono Soekanto and Sri Mamudji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat* (Jakarta: Sinar Grafika, 2004), 24.

new legal provisions affect the institutional position of the KPK in the constitutional structure. This research also uses a conceptual approach, by examining experts' thoughts on the principle of independence of state institutions within the framework of the theory of separation of powers.⁹ In addition, the statute approach is used to examine the dynamics of regulatory changes from the previous KPK Law to the 2019 revision.¹⁰ On the other hand, a case approach is used to analyze the Constitutional Court's decisions related to the position and authority of the KPK, especially in relevant judicial review cases. This research only uses secondary data in the form of primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials include the 1945 Constitution, relevant laws, and court decisions. Secondary legal materials include scientific journals, books, and papers from constitutional law experts. The tertiary legal materials consist of legal dictionaries and legal encyclopedias where all legal materials are analyzed qualitatively normative, namely by describing, interpreting, and drawing legal conclusions from applicable norms and principles.¹¹

C. Results and Discussion

Changes in KPK's Position and Authority after KPK Law Revision

The revision of the KPK Law from Number 30 of 2002 to Law Number 19 of 2019 has changed many things in the corruption eradication system in Indonesia. These changes not only touch on technical aspects, but also shake up the KPK's legal position in the constitutional structure. Not surprisingly, the revision has caused a wave of criticism and concern from various circles, especially because it is considered to threaten the independence of this institution. Many consider that the effectiveness of the KPK's work is now at a vulnerable point due to regulatory interventions that are considered political.¹² One of the key points that sparked attention in the amendments to the KPK Law was the shift in the institution's position from being independent to being part of the executive branch. Previously, the KPK stood on its own and was not subject to the executive, legislative or judicial branches of government, giving it more flexibility in carrying out its duties. Its autonomous existence guarantees that corruption eradication efforts will not be affected by political interests or pressure from any power. This provision was explicitly stipulated in Article 3 of the KPK Law before the revision, which emphasized the institution's independent position.

In the revision of the KPK Law, one of the significant changes is the establishment of a Supervisory Board that has the authority to supervise and grant permission for wiretapping, searches, and seizures carried out by the KPK. The existence of this Supervisory Board has drawn various criticisms as it is perceived to potentially slow down the investigative and prosecutorial processes in handling corruption cases. Previously, the KPK had the freedom to act swiftly without having to go through complex authorization mechanisms. Therefore, many parties believe that the addition of this oversight could hinder the institution's effectiveness in combating corruption.¹³ Because of the many interests that will occur, the authority in question

⁹ Jimly Asshiddiqie, *Pengantar Ilmu Hukum Tata Negara* (Jakarta: Konstitusi Perss, 2011).

¹⁰ Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana, 2017).

¹¹ H. Zainuddin Ali, *Metode Penelitian Hukum* (Jakarta: Sinar Grafika, 2019).

¹² Komisi Pemberantasan Korupsi (KPK), "Politik Antikorupsi Pasca Revisi Undang-Undang KPK: Arah Baru," dalam: Wijayanto et al., *NESTAPA DEMOKRASI DI MASA PANDEMI: REFLEKSI 2020, OUTLOOK 2021* (LP3ES, 2021), 125.

¹³ Moh Fadhill, "Komisi Pemberantasan Korupsi, Politik Hukum Antikorupsi Dan Delegitimasi Pemberantasan Korupsi," *Al Ahkam* 15, no. 2 (2019): 7–36, <https://doi.org/10.37035/ajh.v15i2.2203>.

will only hamper the process of resolving corruption crimes that have been carried out by the KPK.¹⁴

With the passing of Law No. 19/2019, the KPK was indirectly placed within the executive framework, although there is no provision that explicitly mentions this. This placement can be seen from changes in employment status, where KPK employees are now part of the state civil apparatus (ASN). In addition, the new supervisory mechanism also indicates a closer relationship between the KPK and the executive power. This is clearly different from the KPK's previous position, which stood independently outside of any power structure.¹⁵ Changes in KPK's institutional status and staffing also affect coordination between KPK and other law enforcement agencies, such as the Attorney General's Office and the Police. Coordination that was once more flexible has now become more administrative, which could reduce the effectiveness of inter-agency collaboration. In the context of the constitutional system, these changes have the potential to alter the dynamics of the KPK's role in the checks and balances mechanism, leading to a weakening of its oversight function over executive power. Some see the strengthening of oversight of the KPK in this revision as a positive step to prevent abuse of authority, but there are doubts about the effectiveness and neutrality of such oversight.¹⁶

This new oversight mechanism has the potential to disrupt the smooth handling of cases, especially given the covert nature of corruption. Corruption crimes often involve very tight networks, requiring swift action and secrecy. Without the ability to move quickly, the KPK could struggle to gather sufficient evidence to solve cases. Therefore, many are concerned that lengthy permit procedures could weaken the KPK's effectiveness in combating corruption.¹⁷ In the revision of the KPK Law, the institution was given significant new authority, namely the right to issue an Order to Terminate Investigation (SP3). Previously, this authority was not part of the KPK's main duties, but now it can be issued if the investigation cannot find sufficient evidence within two years. Although SP3 is a common authority for other law enforcement agencies, the presence of this authority in the KPK has raised concerns. Many are worried that this authority could potentially stop large strategic cases that are in the public spotlight.

Table 1.
Changes in the Position and Authority of the KPK After the Revision of Law No. 19 of 2019

Aspect	Before the Revision (UU No. 30/2002)	After Revision (UU No. 19/2019)
Position of KPK	Independent and self-standing institution	State institutions within the executive branch and KPK employees are civil servants
Wiretapping	Can be carried out directly by the KPK without prior approval	Prior approval from the KPK Supervisory Board is required

¹⁴ Ardi Hajuan, Nurul Aini, and Saifullah Fadel, "Legal Analysis of the Authority of the Supervisory Board in Law Number 19 of 2019 Concerning the Corruption Eradication Commission," *Journal of Legal Contemplation* 1, no. 1 (March 14, 2025): 27–36, <https://doi.org/10.63288/jlc.v1i1.3>.

¹⁵ Mohammad Zulfahmi and Rosalia Dika Agustanti, "Cacat Mekanisme Pelaksanaan Revisi UU KPK 2019 Dan Perbandingan Substansi Serta Dampak Terhadap Kinerja KPK," *Perahu (Penerangan Hukum) : Jurnal Ilmu Hukum* 12, no. 1 (May 15, 2024), <https://doi.org/10.51826/perahu.v12i1.976>.

¹⁶ Sultan Zora Fernanda, "Dampak Revisi Undang-Undang Kpk Terhadap Independensi Dan Efektivitas Kpk Dalam Pemberantasan Korupsi," *PALAR (Pakuan Law Review)* 10, no. 2 (June 27, 2024): 133–41, <https://doi.org/10.33751/palar.v10i2.10251>.

¹⁷ Ayu Kholifah, "Pembenahan Muatan Kebijakan Pembangunan Hukum Nasional Melalui Policy Screening Tool Terhadap Rancangan Undang-Undang," *Jurnal Legislasi Indonesia* 19, no. 2 (July 1, 2022): 148–64, <https://doi.org/10.54629/jli.v19i2.837>.

Seizure and Search	Can be carried out directly by the KPK	Requires authorization from the Supervisory Board
Formation of the Supervisory Board	None	Established and appointed by the President
SP3 (Investigation Termination Order)	Does not acknowledge the mechanism of case termination (SP3)	The Corruption Eradication Commission (KPK) is authorized to issue an SP3 if the investigation is not concluded within a two-year period.
Staff members of the Corruption Eradication Commission (KPK)	Independent and not subject to any civil service system	Holds the status of a State Civil Apparatus, in accordance with Indonesian law
Investigators and Detectives	The KPK may appoint its own investigators and examiners	Must be sourced from Polri or other governmental institutions.
Coordination and Supervision	Coordination with law enforcement officers (APH) is conducted actively and independently	Still exists, but in practice is more limited due to bureaucracy
Role in Corruption Prevention Education	Actively engages in campaigning, education, and the prevention of corruption.	Still carried out, but criticized due to diminished independence.

Table 2.
Handling of KPK Cases (2004–2024)

Year	Investigation	Inquiry	Prosecution	Inkracht	Execution
2004	23	2	2	-	-
2005	29	19	17	5	4
2006	36	27	23	14	13
2007	70	24	19	19	23
2008	70	47	35	23	24
2009	67	37	32	37	37
2010	54	40	32	34	36
2011	78	39	40	34	34
2012	77	48	36	28	32
2013	81	70	41	40	44
2014	80	58	50	45	48
2015	87	57	62	38	38
2016	96	99	76	71	81
2017	123	121	103	84	83
2018	164	199	151	109	113
2019	142	145	153	142	136
2020	111	91	75	92	108
2021	119	108	88	87	89
2022	113	120	133	141	101
2023	39	161	40	42	33
2024	16	68	44	34	27

The revision of the KPK Law through Law No. 19/2019 has changed the position of the KPK from an independent institution to part of the executive family. This change was also accompanied by the establishment of a Supervisory Board that has the authority to grant permission for wiretapping, search and seizure. Previously, the KPK was free to carry out these actions without the approval of any party. In addition, the status of KPK employees, who were previously independent, was changed to State Civil Apparatus, raising concerns about neutrality and structural pressure.

The authority to issue SP3 is also a new thing that is considered as a loophole to weaken the law enforcement process. Data from 2020 to 2024 shows a drastic decline in the number of investigations and prosecutions of corruption cases. The trend indicates a decline in effectiveness after the revision of the law was enacted. Overall, the revision of the KPK Law has changed the face of corruption eradication in Indonesia by limiting the space for the anti-graft agency to move.

According to the researcher's opinion, it can be concluded that the revision of the KPK Law has a major impact on the position and authority of the KPK, which directly affects the effectiveness of corruption eradication in Indonesia. These changes mark the KPK's shift from a previously independent institution to a more bureaucratic one, with a position closer to executive power. The revision represents a major challenge in maintaining the independence of law enforcement agencies, especially amidst the political tensions at the national level. This is a crucial issue in keeping the KPK effective in its work.

The Independence of the KPK After the Revision of Law No. 19 of 2019 in the Perspective of the Separation of Powers Theory (Trias Politica)

In modern constitutional practice, we witness the birth of a number of independent state institutions that are not under the authority of the executive, legislature or judiciary. The emergence of these institutions cannot be separated from the failure of classical institutions to carry out their duties effectively and accountably. Therefore, some of the functions previously attached to the three main branches of power were then transferred to specialized, independent bodies. The aim is to create a working mechanism that is more neutral, focused, and not easily influenced by political power.¹⁸

Trias Politica is an idea introduced by Montesquieu in his book *The Spirit of the Laws* in the 18th century, where he emphasized the need for the division of state power into three: executive, legislative, and judicial. The three powers should not interfere with each other, in order to create a balance and avoid domination of one over the other. If one institution controls everything, the freedom of citizens will be threatened because power tends to be abused. For this reason, the separation of powers is considered an important cornerstone in safeguarding the democratic system and the rights of the people.¹⁹

Montesquieu's idea of separation of powers in "The Spirit of the Laws" emphasizes the importance of dividing state power into three main pillars: legislative, executive and judicial. This division is intended to prevent power from being centralized in one hand, which can lead to abuse of authority. In the midst of this system, independent institutions such as the KPK are

¹⁸ Zainal Arifin Mochtar, "Independensi Komisi Pemberantasan Korupsi Pasca Undang-Undang Nomor 19 Tahun 2019," *Jurnal Konstitusi* 18, no. 2 (November 12, 2021): 321–44, <https://doi.org/10.31078/jk1823>.

¹⁹ Montesquieu, *The Spirit of the Laws* (New York: Hafner, 1949), 293–94.

present to carry out a neutral oversight function. KPK must be free from the influence of any power in order to maintain a balance in the running of a democratic government.²⁰

In the researcher's opinion, when linked to the Trias Politica introduced by Montesquieu, it can be concluded that the independence of the KPK is an important foundation in fighting entrenched corruption practices in this country. The revision of Law No. 19/2019 raises concerns that executive interference could weaken the institution's role. If the KPK is no longer independent, the integrity of law enforcement could be compromised. Therefore, distancing the KPK from the influence of any power is absolute so that its function continues to run optimally in accordance with the spirit of democracy.

Juridical and Constitutional Impacts of KPK's Shift into Executive Power on the Principle of Checks and Balances and Effectiveness of Corruption Eradication

Since Law No. 19/2019 was enacted, the position of the Corruption Eradication Commission has undergone fundamental changes. It no longer stands as a fully independent institution as previously affirmed by the Constitutional Court in several of its decisions. One of the striking changes can be seen in Article 3 of the Law, which states that the KPK is now within the executive power. This position indicates that the KPK is no longer outside the government structure, but rather an inherent part of the President's power.

Regulative changes to the KPK after the revision of Law No. 19/2019 not only impacted the institutional structure, but also fundamentally overhauled the staffing system. All KPK employees who previously had independent status are now transferred to the State Civil Apparatus (ASN), making them subject to bureaucratic mechanisms under the executive authority. The consequence of this change is the erosion of the institution's internal independence, as the ASN structure places employees in a subordinate position to the government hierarchy. In fact, from the beginning of its formation, the KPK was designed to stand parallel and not under the domination of one of the branches of state power, in order to maintain objectivity and integrity in carrying out the function of eradicating corruption.

The institutional autonomy that has been the main foundation of KPK's independence has been significantly degraded after the regulatory changes. In the practice of carrying out its duties and authorities, KPK has increasingly shown vulnerability to external influences, especially from the executive power. The previously independent internal supervisory mechanism has been replaced by the Supervisory Board as a permanent supervisory organ. The existence of the Board, whose members are directly appointed by the President, raises concerns over the increasingly dominant role of the executive in determining the direction of KPK's policies and strategic decision-making.²¹

The principle of checks and balances is a key concept in Montesquieu's theory of trias politica, as the basis for the division of power in a modern democratic system. This mechanism aims to create supervision and balance between state institutions in order to minimize the risk of abuse of power. In this context, the Corruption Eradication Commission (KPK) was initially established as an independent institution, functioning as a special supervisor of the exercise of executive power in the field of corruption eradication. The KPK is expected to be able to

²⁰ Muhammad Arif 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 (November 30, 2022): 32–44, <https://doi.org/10.31603/7682>.

²¹ Sena Kogam Mnvi, "Implikasi Yuridis Dewan Pengawas Kpk Dalam Undangundang Nomor 19 Tahun 2019 Perubahan Kedua Atas Undangundang Nomor 30 Tahun 2002 Tentang Komisi Pemberantasan Tindak Pidana Korupsi," *Dinamika* 27, no. 21 (August 5, 2021): 3011–34.

carry out its oversight function free from political pressure and intervention from other institutions so as to become an effective counterweight in the constitutional system.²²

In the researcher's opinion, when linked to the principle of checks and balances, which is the main concept in the trias politica theory proposed by Montesquieu, it can be concluded that the presence of the KPK as an independent institution actually reflects the application of the principle of checks and balances in the Indonesian constitutional system, but the change in its status to the scope of executive power has significant consequences for the effectiveness of this mechanism. The KPK's position is no longer neutral in fully supervising corrupt practices within the executive, while the appointment and dismissal of the Supervisory Board and KPK leadership are under the direct influence of the President, which has the potential to create conflicts of interest and erode the institution's independence. In addition, KPK's strategic powers such as wiretapping, search and seizure must be approved by the Supervisory Board, which is affiliated with the executive power, opening up opportunities for delays and political intervention in the implementation of its duties. This condition clearly weakens the control mechanism between branches of power and raises concerns that supervision of the executive will be less effective because the supervisory body is under the influence of the supervised branch.

D. Conclusion

After the passing of Law No. 19/2019, there has been a fundamental shift in the position and authority of the Corruption Eradication Commission (KPK). This revision has serious consequences for the independence of the KPK as a state institution that previously had high autonomy in carrying out the task of eradicating corruption. Structurally and functionally, the existence of the KPK is now closer to the executive power, especially through the mechanism of appointing the Supervisory Board by the President. In addition, the change in the status of KPK employees to State Civil Apparatus (ASN) has also narrowed the space for the institution's independence in carrying out its constitutional mandate.

From the perspective of the theory of separation of powers (Trias Politica), the revision of the KPK Law reflects a shift in the balance of power between the branches of government. This imbalance has the potential to weaken the quality of democracy as well as disrupt the principles of clean and accountable governance. KPK, which was originally established as an independent institution to maintain the integrity of the state, has now significantly degraded its role. Under these conditions, the KPK risks transforming into an administrative instrument that is vulnerable to the interests of executive power.

The revision of the KPK Law has a significant constitutional impact, especially on the principle of checks and balances in Indonesia's constitutional structure. When a supervisory institution loses its independence, its ability to control potential abuses of power is weakened. As a result, the integrity of the supervisory system in the rule of law becomes less effective in carrying out its preventive role. Moreover, the eradication of corruption, which ideally should be fast, independent and professional, is now hampered by increasingly convoluted administrative procedures.

References

Ardi Hajuan, Nurul Aini, and Saifullah Fadel. "Legal Analysis of the Authority of the Supervisory Board in Law Number 19 of 2019 Concerning the Corruption Eradication Commission."

²² AYU SAFITRI RIKTAVIANI, "Dampak Peralihan Status Pegawai KPK Menjadi Aparatur Sipil Negara Terhadap Independensi KPK" (diploma, UIN RADEN INTAN LAMPUNG, 2023), <https://repository.radenintan.ac.id/30843/>.

- Journal of Legal Contemplation* 1, no. 1 (March 14, 2025): 27–36. <https://doi.org/10.63288/jlc.v1i1.3>.
- Ayu Kholifah. “Pembenahan Muatan Kebijakan Pembangunan Hukum Nasional Melalui Policy Screening Tool Terhadap Rancangan Undang-Undang.” *Jurnal Legislasi Indonesia* 19, no. 2 (July 1, 2022): 148–64. <https://doi.org/10.54629/jli.v19i2.837>.
- AYU SAFITRI RIKTAVIANI. “Dampak Peralihan Status Pegawai KPK Menjadi Aparatur Sipil Negara Terhadap Independensi KPK.” Diploma, UIN RADEN INTAN LAMPUNG, 2023. <https://repository.radenintan.ac.id/30843/>.
- Bambang Widjojanto and Abdul Fickar Hadjar. *Reformasi Dikurupsi, KPK Dihabisi: Sebuah Catatan Kritis*. Malang: Intrans Publishing, 2020.
- Denny Indrayana. *Jangan Bunuh KPK*. Yogyakarta: Adamssein Media, 2017.
- Endarto E. “Kendala KPK Dalam Pemberantasan Korupsi Di Indonesia.” *Jurnal Lingkar Widyaishwara* 1, no. 3 (2014): 6–15.
- H. Zainuddin Ali. *Metode Penelitian Hukum*. Jakarta: Sinar Grafika, 2019.
- Haryanti Puspa Sari and Ihsanuddin. “KPK Gelar 36 OTT Sepanjang 2020-2024, Tetapkan 691 Tersangka,” December 18, 2024. <https://nasional.kompas.com/read/2024/12/18/07374371/kpk-gelar-36-ott-sepanjang-2020-2024-tetapkan-691-tersangka>.
- Jimly Asshiddiqie. *Pengantar Ilmu Hukum Tata Negara*. Jakarta: Konstitusi Perss, 2011.
- Kartika Sasi Wahyuningrum, Hari Sutra Disemadi, and Nyoman Serikat Putra Jaya. “Independensi Komisi Pemberantasan Korupsi: Benarkah Ada?” *Refleksi Hukum: Jurnal Ilmu Hukum* 4, no. 2 (July 8, 2020): 239–58. <https://doi.org/10.24246/jrh.2020.v4.i2.p239-258>.
- Moh Fadhil. “Komisi Pemberantasan Korupsi, Politik Hukum Antikorupsi Dan Delegitimasi Pemberantasan Korupsi.” *Al Ahkam* 15, no. 2 (2019): 7–36. <https://doi.org/10.37035/ajh.v15i2.2203>.
- Mohammad Zulfahmi and Rosalia Dika Agustanti. “Cacat Mekanisme Pelaksanaan Revisi UU KPK 2019 Dan Perbandingan Substansi Serta Dampak Terhadap Kinerja KPK.” *Perahu (Penerangan Hukum): Jurnal Ilmu Hukum* 12, no. 1 (May 15, 2024). <https://doi.org/10.51826/perahu.v12i1.976>.
- Montesquieu. *The Spirit of the Laws*. New York: Hafner, 1949.
- Muhammad Arif Bagaswara, Suharso Suharso, Dyah Adriantini Sintha Dewi, and Habib Muhsin Syafingi. “Implikasi Perubahan Undang-Undang KPK Terhadap Independensi KPK (Kajian Yuridis Normatif Independensi Dalam Perspektif Kelembagaan).” *Borobudur Law and Society Journal* 1, no. 6 (November 30, 2022): 32–44. <https://doi.org/10.31603/7682>.
- Nimatul Huda. *Hukum Tata Negara Indonesia*. Jakarta: Rajawali Pers, 2011.
- Peter Mahmud Marzuki. *Penelitian Hukum*. Jakarta: Kencana, 2017.
- Sena Kogam 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 (August 5, 2021): 3011–34.
- Soerjono Soekanto and Sri Mamudji. *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*. Jakarta: Sinar Grafika, 2004.
- Sultan Zora Fernanda. “Dampak Revisi Undang-Undang Kpk Terhadap Independensi Dan Efektivitas Kpk Dalam Pemberantasan Korupsi.” *PALAR (Pakuan Law Review)* 10, no. 2 (June 27, 2024): 133–41. <https://doi.org/10.33751/palar.v10i2.10251>.

- Tjokorda Gde Indraputra and I. Nyoman Bagiastra. "Kedudukan Komisi Pemberantasan Korupsi Sebagai Lembaga Negara Bantu (State Auxiliary Institutions)." *Kertha Negara : Journal Ilmu Hukum* 2, no. 5 (2014): 1–5.
- Wijayanto, Malik Ruslan, Fachru Nofrian Bakarudin, Herlambang P. Wiratraman, Fajar Nursahid, Aisah Putri Budiatri, and Ismail Fahmi. *NESTAPA DEMOKRASI DI MASA PANDEMI: REFLEKSI 2020, OUTLOOK 2021*. LP3ES, 2021.
- Zainal Arifin Mochtar. "Independensi Komisi Pemberantasan Korupsi Pasca Undang-Undang Nomor 19 Tahun 2019." *Jurnal Konstitusi* 18, no. 2 (November 12, 2021): 321–44. <https://doi.org/10.31078/jk1823>.