

The Institutional Position of the Corruption Eradication Commission Based on the Constitutional Court Decision Number 36/PUU-XV/ 2017 in Terms of the State Institutional Structure

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ABSTRACT

Corruption Eradication Commission as an anti-corruption institution in Indonesia is a state institution that is independent in carrying out its duties and authority to eradicate corruption. But with the Constitutional Court Decision Number 36 / PUU-XV / 2017, the constitutional judge considers that the Corruption Eradication Commission is an executive institution because it has the same duties and authority as the police and prosecutors based on the Trias Politica theory. In fact, the theory is no longer relevant to the development of constitutional law at this time. There are supporting state institutions which are outside the conventional branches of power as referred to in the trias politica theory and are independent. Such institutions are often called "quasi-judicial" or "quasi-executive". Embedding the word "quasi" means the institution is not in any power, but has a task that can be half-executive or judicial. Therefore, it is inappropriate to classify the Corruption Eradication Commission as an executive institution by only looking at its duties and authorities, bearing in mind that so far the Corruption Eradication Commission has fulfilled the criteria as an independent institution formed due to under-optimal performance of the police.

Keywords : *Corruption Eradication Commission, Auxiliary State Organ, State Independent Body, State Institutional Structure*

1. INTRODUCTION

The Constitutional Court is a state institution that obtains direct power from the constitution. The Constitutional Court is an instrument of completeness of judicial power which is a constitutional organ. At present the Constitutional Court is a state institution that has the authority to interpret the purity of the institution so that the Constitutional Court is referred to as the sole interpreter of the constitution and constitutional guardians.¹ Like the judiciary in general, the Constitutional Court also issued a legal product in the form of a decision. Based on Article 24C paragraph (1) of the 1945 Constitution of the Republic of Indonesia, Constitutional Court has the authority to adjudicate at the first and last level whose decisions are final². It means that the Constitutional Court's decision immediately obtained permanent legal force since it was pronounced and no further legal remedies can be taken.³ Then, there is a controversial Constitutional

Court's decision that namely Constitutional Court Decision Number 36 / PUU-XV-2017 which makes the Corruption Eradication Commission as a state institution in the executive agency, so that it can become the object of the House of Representatives' inquiry right. In this case, the Parliament interpret of the inquiry rights other than what is regulated in Article 79 paragraph (3) of Law Number 17 of 2014 regarding the People's Consultative Assembly, the House of Representatives, the Regional Representative Council and the Regional People's Representative Council and the explanation. The Parliament means that the implementation of a law and/or government policy is a choice, that is the choice between the implementation of a law that means all state institutions as the executor of the law or government's policy. Therefore, the Parliament formed a Inquiry Committee to conduct an investigation of the Corruption Eradication Commission because it was considered as implementing the law. In this case, the Constitutional Court in its decision rejected all of the petitioner's request.⁴ The panel of judges believe that the

Corruption Eradication Commission is tasked with conducting investigations, investigations and prosecutions of acts of corruption which are under the authority of the police. Therefore, based on the trias politica theory, the Corruption Eradication Commission belongs to the realm of executive power. This decision was considered contrary to the previous Constitutional Court's decision which stated that the Corruption Eradication Commission was an independent institution. In fact, the theory of Trias Politica, pioneered by John Locke and Montesquieu, is no longer relevant to the development of existing state administration law. This theory separates power into 3 (three) branches of power, namely the executive power, the legislative power, and the judicial power.⁵ Currently, there is no country in this world whose government system according to the concept that developed by John Locke and Montesquieu.⁶ There is an independent State institution that is not under any power, so in carrying out their duties more freely and cannot be intervered.⁷ With the establishment of Corruption Eradication Commission as an institution of the executive agency, so that it can be supervised by the Board of Trustees selected by the Parliament, then Corruption Eradication Commission as an independent institution that has a criminal offence prevention effort is assessed to lose its independence. Without institutional independence, the main capital and conditions for the success of the anti-corruption Commission were absent from the beginning, it would not succeed in carrying out his duties in combating corruption.⁸ So Based on the background described above, it is necessary to discuss the institutional position of the Corruption Eradication Commission after the issuance of the Constitutional Court Decision Number 36 / PUU-XV / 2017 in terms of the state institutional structure and the legal consequence of the Constitutional Court Decision Number 36 / PUU-XV / 2017 on the independence of the Corruption Eradication Commission as a state institution.

2. METHODS

This research uses descriptive analytical normative research methods that describe the data obtained deductively.

3. DISCUSSIONS

3.1 The Institutional Position of the Corruption Eradication Commission after the issuance of the Constitutional Court Decision Number 36 / PUU-XV / 2017 in terms of the state institutional structure.

The state as an organization has equipment to realize the goals and desires of the state (staatswill).⁹ State equipment can be called state organs, state institutions, or state bodies. It can be said that a state institution is a

tool to run the state institutional system. Hans Kelsen explained that organs which carry out functions that originate from a legal system are called state institutions.¹⁰ Discussing about state institutions then it is closely related to power. Montesquieu in his theory called separation of power divides the power of government into three branches, namely the power to make laws (legislative), the power to administer laws (executive) and the power of judging violations of the law (judicative).¹¹ The separation of power theory in fact can not be implemented absolutely. It is impossible for a state institution not to intersect with another state institution because it will cause an absolute and untouched power. Therefore, a system called checks and balances was formed. The checks and balances system or the system of supervising and balancing between state institutions narrowed the space for institutions to carry out their functions, duties, rights and powers to enter into the practice of abuse of power and detournement de pouvoir.¹² Likewise with Jimly Asshiddiqie's opinion, the existence of a checks and balances system results in state power being regulated, limited and even controlled as well as possible, so that abuse of power by state administration apparatuses occupying positions in state institutions can be properly prevented and dealt with.¹³ Related to the issues discussed in this case, starting with a judicial review of Article 79 paragraph (3) of Law Number 17 of 2014 which discusses the Parliament's inquiry rights. Summarily, the inquiry rights is the right owned by the House of Representatives in order to run a checks and balances system to supervise the executive in running the government. However, the Parliament used its inquiry right to supervise the Corruption Eradication Commission on the grounds that there was not a single state institution that could not be monitored. The Parliament interprets Article 79 paragraph (3) of MD3 Law in excess of what is in the explanation. The Parliament believe that the implementation of a law and/or government policy is a choice between law executor or a government policy. According to Refly Harun, if seen from history of inquiry rights, it is an impeachment to the president. The expansion of the meaning of Article 79 paragraph (3) of Law Number 17 of 2014 conducted by the parliament is not true. From the explanation in that article, it can be assessed that what can be investigation by the parliament is the executive agency. If under the pretext that the parliament can use the right of inquiry to the Corruption Eradication Commission because the Corruption Eradication Commission is an institutions that implements the law, then the actual meaning of the implementation of a law is very unlimited. Not only the executive, the House of Representatives as a legislative body must also implement a law, as well as the Constitutional Court and even all Indonesian people implement a law. Constitutional Court Decision Number 36 / PUU-XV / 2017 provides information that

the Corruption Eradication Commission is a state institution in the executive power because the Corruption Eradication Commission has the authority to conduct investigations and prosecutions like the police and prosecutors, so the Parliament can use its inquiry rights against the Corruption Eradication Commission. The placement of the Corruption Eradication Commission as an institution in the executive power is a further form of implementation of the *trias politica* concept adopted by Indonesia. This was found in the consideration of judges who considered that the Corruption Eradication Comm had duties in corruption criminal cases which were originally the duties and authorities of the Police and / or Prosecutors Office, and remember that the Corruption Eradication Commission functioned to realize optimal eradication of corruption, then the Parliament could use the right of inquiry against the KPK in the context of carrying out its supervisory functions but is limited to the implementation of duties and authority, not to the implementation of duties as law enforcers who can carry out investigations, investigations and prosecutions. Before that, then have to discuss the group of state institutions. According to Sri Soemantri, when viewed from the duties and authority of state institutions, it can be divided into two groups, namely the Main State's Organs and state institutions that have a service function called the Auxiliary State's Organs.¹⁴ The main state institutions are institutions that are formed based on or because they are given authority by the Basic Law, some are formed and get their power from the Law, and some are even formed based on Presidential Decree.¹⁵ According to Muchlis Hamdi, Auxiliary State Organ is the institutions that function to support the main state institutions in the context of the effectiveness of the exercise of power which is the responsibility of the main state institutions.¹⁶ Also, almost all countries have supporting state institutions called "auxiliary states bodies". Furthermore, John Alder explained that supporting state institutions function as a quasi governmental world of appointed bodies and are non departmental agencies. It is quasi or semi-governmental, and is given a single function or sometimes a mixed function such as on the one side as a regulator, but also punishes like a judiciary mixed with the legislature.¹⁷ Therefore, these institutions besides being called auxiliary states organs are also referred to as independent supervisory bodies or institutions that carry out mixed functions. Embedding the word "quasi" means that independent institutions are not included in any branch of power, only their duties are related to one of the existing branches of power. Based on this, Corruption Eradication Commission is a supporting state institution or often referred to as an auxiliary states organ. The Corruption Eradication Commission was formed because the police were considered less than optimal in carrying out their duties in eradicating

corruption, causing public distrust of the police. Corruption Eradication Commission is quasi-executive and quasi-judicial in carrying out its duties. This is reasonable, considering the reasons for the formation of the Corruption Eradication Commission itself to assist the police in eradicating corruption. Therefore, placing the Corruption Eradication Commission as an institution in the executive domain based on the *trias politica* doctrine is not appropriate. The decision was not in accordance with the development of modern state administration law which no longer divided the branches of government power into 3 branches of power as intended by Montesquieu. According to Jimly, the presence of an independent institution is already familiar. The birth of this independent institution has a larger association of functions related to the functions of the executive, legislative, and even the judiciary institutions transferred to the functions of independent organs that are independent.¹⁸ So, it is no longer correct to argue that the anti-corruption commission is positioned as an executive based on executive logic by looking at the task side.¹⁹ S And if this interpretation continues, the Parliament can use its inquiry right to all other independent supporting state institutions. That of course can lead to problems in the state administration later. Based on Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, it has been determined that the State of Indonesia is a state of law. The term concerning the rule of law is the concept of a state that is no longer exercised using power but must be based on law. In the concept of the rule of law, it is idealized that what must be made commander in the life of a state is law.²⁰ V Dicey argues that the rule of law has several elements, namely supremacy law, equity before the law, and constitution based on human right.²¹ So based on this theory, the Constitutional Court Decision Number 36 / PUU-XV / 2017 relating to the expansion of the meaning of Article 79 paragraph (3) of of Law Number 17 of 2014, is clearly contrary to the supremacy of law. The expansion of the meaning of the article that is not in accordance with the explanation also contrary to the principle of legal certainty, which causes multiple interpretations of a statutory article. Both legally and doctrinally, the Parliament as the legislator should be more obedient to the restrictions contained in the explanation of the article. Based on attachment II of Law Number 12 of 2011 regarding Formation of Regulations and Regulations as amended by Law Number 15 of 2019 regarding Amendments to Law Number 12 of 2011 regarding Formation of Regulations, it is explained that the explanation is a means to clarify norms in torso and may not result in obscurity of the norm. Even judges who try cases must submit to authentic interpretations that have been determined from a law, except after a judicial review conducted by the Constitutional Court which states that the norms in a law are contrary to the 1945 Constitution of the Republic of Indonesia and do not have binding

legal force. By not recognizing that the Corruption Eradication Commission is an independent commission, this contradicts the main idea of a rule of law that guarantees the independence of an independent state institution in the current democratic system. Forcing the classification of the Corruption Eradication Commission as a state institution in the executive power means the state does not recognize the KPK as an independent institution, but the KPK must comply with one of the existing conventional branches of power.

3.2 Legal Consequence of the Constitutional Court Decision Number 36 / PUU-XV / 2017 On The Independence Of The Corruption Eradication Commission As A State Institution.

The Corruption Eradication Commission as a law enforcement officer functionally has duties and authorities related to law enforcement, namely conducting investigations, investigations and prosecution of corruption. Based on Law Number 30 of 2002, structurally it has been determined that the Corruption Eradication Commission is a state institution that in carrying out its duties and authorities is independent and free from the influence of any power. The basic definition of "independent" is independence which means freedom, independence, can also be said to be autonomous (autonomy), and not in personal or institutional domination.²² So there is the implementation of free will that can be realized without any influence that significantly changes its position to make decisions or policies.²³ The reason for the formation of an independent institution is because this institution in carrying out its functions and duties does not get pressure from political forces which can have a negative impact in terms of carrying out their duties. For independent state institutions, the goal for the benefit of the nation and state is the only binding for its independence²⁴. So, the certainty of impartiality and without political control is very important in terms of carrying out its duties and authority. As explained before, the basis for the formation of the Corruption Eradication Commission is due to public distrust of conventional state institutions, namely the police. Public distrust encourages the formation of a desirable state commission to provide a new and more reliable performance.²⁵ At that time, the eradication of corruption could not be carried out optimally because the government institutions that handled corruption cases had not functioned effectively and efficiently in combating corruption. Starting from the history of the formation of the Corruption Eradication Commission, Law Number 30 of 2002 on the Corruption Eradication Commission was born, the law has stipulated that the Corruption Eradication Commission is an independent state institution in carrying out its duties and authority to eradicate corruption. Then after the issuance of the Constitutional Court Decision Number 36 / PUU-XV /

2017, in its consideration section it has been determined that the KPK is a state institution within the executive power family. The Constitutional Court's decision was made political legitimacy by the Parliament as the legislator to form Law Number 19 of 2019 which is a change to Law Number 30 of 2002. Based on Article 3 of Law Number 19 of 2019, structurally it has been determined that the Corruption Eradication Commission is a state institution in executive power which in carrying out its duties and authorities is independent and free from the influence of any power. This of course resulted in the Corruption Eradication Commission being intervened by other branches of power so that the meaning of the KPK's independence was lost. What we want to achieve from independence is:²⁶

1. Free from political pressure and influence of any political interests
2. Free from the tasks / functions entrusted by any institution that confuses its main role.

Based on the above theory, then of course the Corruption Eradication Commission based on Law Number 19 of 2019 does not meet the standards as an independent institution. In the first point, it is clear that the Corruption Eradication Commission is influenced by the executive. Even before the changes in the Corruption Eradication Commission Law, the Corruption Eradication Commission was an independent institution regardless of any intervention from the branch of power. The form of intervention on the Corruption Eradication Commission that caused the independence of the KPK was disrupted by Article 12B paragraph (1) of Law Number 19 of 2019, which stipulates that "Tapping as referred to in Article 12 paragraph (1), is carried out after obtaining written permission from the Board of Trustee". The Board of Trustee is appointed by the President, this is because the Constitutional Court has determined in the decision of the Constitutional Court Number 36 / PUU-XV / 2017 which is used as political legitimacy by the House of Representatives, that the KPK is in executive clusters. Bearing this in mind, it is apparent that the Corruption Eradication Commission has intervened from the executive branch of power so that the KPK is no longer independent in carrying out its duties, namely in terms of law enforcement. Law Number 19 of 2019 is in fact not in line with the Constitutional Court Decision Number 36 / PUU-XV / 2017. The Constitutional Court's Decision stipulates that the Corruption Eradication Commission is a state institution in the executive power, but is independent in carrying out its duties and authorities. In fact, in Law Number 19 of 2019, the Corruption Eradication Commission was intervened in the matter of handling its case in which the KPK had to ask permission from the Board of Trustee before tapping as explained above. The main problem of an independent state commission is the meaning of independence itself. It must be emphasized that independence does not mean without supervision. In the conception of independence

actually contains a system of accountability that must be strengthened. Independent does not mean without control.²⁷ Although the Corruption Eradication Commission is independent in the sense of being free from the influence of executive and legislative power, the Corruption Eradication Commission can still be monitored. Basically, independence is also related to accountability. Every activity and the final results of Corruption Eradication Commission activities can be accounted to the public as the highest holder of sovereignty. This is stated in Article 20 paragraph (1) of Law Number 30 of 2002 which stipulates that, "The Corruption Eradication Commission is responsible to the public for the implementation of its duties and reports openly and periodically to the President of the Republic of Indonesia, the House of Representatives of the Republic of Indonesia, and Audit Board of the Republic of Indonesia."

4. CONCLUSION

Based on the discussion above, it can be concluded: Constitutional Court Decision Number 36 / PUU-XV / 2017 has changed the Corruption Eradication Commission's institutional position into a state institution in the executive branch. Constitutional judges consider that the Corruption Eradication Commission has the same duties as the police or prosecutors, so in making this decision the constitutional judge uses the separation of power theory which divides 3 (three) branches of power namely executive power, legislative power, and judicial power. However, in reality this theory is no longer relevant to present life. In modern times, there are other branches of power that are outside of the three existing conventional branches, namely state institutions called state independent bodies or state auxiliary agencies that function to support a major state institution which is considered not optimal in carrying out its quasi-governmental duties. Therefore, it is not true to force to classify a state institution into a conventional branch of power based only on the similarity of duties and authority. Constitutional Court Decision Number 36 / PUU-XV / 2017 is related to the expansion of the meaning of the explanation of Article 79 paragraph (3) of Law Number 17 of 2014, so that it is clearly contrary to the rule of law. Expansion of the meaning of the article that is not in accordance with the explanation is contrary to the principle of legal certainty, causing multi-interpretation of a statutory article. In the consideration section of the Constitutional Court Decision Number 36 / PUU-XV / 2017, it has been determined that the Corruption Eradication Commission is a state institution in the branch of executive power that carries out its duties and authorities as independent and free from the influence of any power. The Constitutional Court's decision was made political legitimacy by the Parliament to form Law Number 19 of 2019 which is a change to Law Number 30 of 2002. The latest Law stipulates that in conducting wiretapping, the Audit Board of the

Republic of Indonesia must get permission from the Board of Trustee first. This is in fact is not in line with the intention of the Constitutional Court Decision Number 36 / PUU-XV / 2017 which stipulates that in carrying out the Corruption Eradication Commission's law enforcement duties it remains independent. With the intervention of the Corruption Eradication Commission by other branches of power so that the meaning of the independence of the Corruption Eradication Commission itself has been lost. Independent does not mean without control, basically independence is also related to accountability. Every activity and the final results of Audit Board of the Republic of Indonesia activities can be accounted to the public as the highest holder of sovereignty, the Corruption Eradication Commission is also tasked to submit its reports openly and periodically to the President, Parliament and Audit Board. Therefore, by placing the Corruption Eradication Commission as a state institution in the branch of executive power, so that it can be monitored by the Board of Trustee, proving that the Constitutional Court Decision Number 36 / PUU-XV / 2017 caused the loss of the Corruption Eradication Commission 's independence as a law enforcement agency.

5. SUGGESTION

Based on the results of the above research, the authors argue that the Constitutional Court as an institution authorized to conduct judicial review must be wise in making decisions, by discussing law theories relating to existing problems, law developments needed now, also paying attention to the previous Constitutional Court Decision, so as not to cause multiple interpretations of all decisions and the Constitutional Court needs to develop the concept of the Parliament's inquiry rights so that in the future it does not cross the boundaries set by the law and conducts a review of Law Number 19 of 2019 which results in the Corruption Eradication Commission's independence as a state law enforcement agency being disrupted.

REFERENCES

- ¹⁾ Firmansyah Arifin et al., *Lembaga Negara dan Perselisihan Kewenangan Antar Lembaga Negara*, (Jakarta: Konsorsium Reformasi Hukum Nasional (KRHN), 2005).
- ²⁾ Jimly Asshiddiqie, *Perkembangan & Konsolidasi Lembaga Negara Pasca Reformasi, (Edisi Kedua, Cetakan Kedua)*, (Jakarta: Sinar Grafika, 2012).
- ³⁾ Indonesia. *Undang-Undang Negara Republik Indonesia Tahun 1945*, Pasal 24.
- ⁴⁾ Mohammad Agus Maulidi, "Problematika Hukum Implementasi Putusan Final dan Mengikat Mahkamah Konstitusi Perspektif Negara Hukum", *Jh Ius Quia Iustum*, No.4 Vol.24, Oktober 2017.
- ⁵⁾ Ihsanuddin. "MK Tolak Gugatan Hak Angket KPK, 4 Hakim Beda Pendapat". <https://www.google.co.id/amp/s/amp.kompas.com/>

nasional/read/2018/02/08/15254161/mk-tolak-gugatan-hak-angket-kpk-4-hakim-beda-pendapat.

Kompas.com. 08 Februari 2018

⁶⁾ Jimly Asshiddiqie, *Pengantar Ilmu Hukum Tata Negara Jilid II*, (Jakarta:Konstitusi Press,2006).

⁷⁾ W. Nugroho, "Implementasi Trias Politica dalam Sistem Pemerintahan di Indonesia", *Gema Keadilan*, Vol.1, No.1, Pp. 49-54, Oct. 2014..

⁸⁾ Denny Indrayana, *Jangan Bunuh KPK*, (Malang : Intrans Publishing, 2016).

⁹⁾ Denny Indrayana, *Jangan Bunuh KPK*, (Malang : Intrans Publishing, 2016).

¹⁰⁾ Hendra Nurtjahjo, "Lembaga, Badan, dan Komisi Negara Independen (State Auxiliary Agencies) di Indonesia: Tinjauan Hukum Tata Negara", *Jurnal Hukum dan Pembangunan*, 2006.

¹¹⁾ Tim Antarkementrian Pengkajian Penataan Lembaga Non Struktural, *Kajian Penataan Lembaga Non Structural: Analisis Terhadap Eksistensi 11 Lembaga Non Structural*, (Jakarta: Sekretariat Negara, 2010).

¹²⁾ Indra Rahmatullah, "Rejunivasi Sistem Check And Balances Dalam Sistem Ketatanegaraan Di Indonesia", *Jurnal Cita Hukum*, Vol.1 No.2 Desember 2013.

¹³⁾ Hezky Fernando Pitoy, "Mekanisme Check And Balances Antara Presiden Dan DPR Dalam Sistem Pemerintahan Preisdensial Di Indonesia", *Lex Et Societatis*, Vol.II/No.5/Juni/2014.

¹⁴⁾ Jimly Asshiddiqie, *Konstitusi dan Konstitusionalisme Indonesia*, (Jakarta: Sekretariat Jenderal dan Kepaniteraan Mahkamah Konstitusi RI, 2006).

¹⁵⁾ Ahmad Basarah, "Kajian Teoritis Terhadap Auxiliary State`S Organ Dalam Struktur Ketatanegaraan Indonesia", *MMH*, Jilid 43 No. 1 Januari 2014.

¹⁶⁾ Jimly Asshiddiqie, *Perkembangan & Konsolidasi Lembaga Negara Pasca Amandemen*, (Jakarta: Sinar Grafika, 2010).

¹⁷⁾ Ahmad Basarah, "Kajian Teoritis Terhadap Auxiliary State`S Organ Dalam Struktur Ketatanegaraan Indonesia", *MMH*, Jilid 43 No. 1 Januari 2014

¹⁸⁾ Ahmad Basarah, "Kajian Teoritis Terhadap Auxiliary State`S Organ Dalam Struktur Ketatanegaraan Indonesia", *MMH*, Jilid 43 No. 1 Januari 2014

¹⁹⁾ Ismail Aris, "Kedudukan KPK Dalam Sistem Ketatanegaraan Dalam Perspektif The New Separation Of Power", *Jurnal Jurisprudence*. Vol 5 nomor 1 juni 2018.

²⁰⁾ Ismail Aris, "Kedudukan KPK Dalam Sistem Ketatanegaraan Dalam Perspektif The New Separation Of Power", *Jurnal Jurisprudence*. Vol 5 nomor 1 juni 2018.

²¹⁾ Asmaeny Azis Izlindawati, *Constitutional Complaint Dan Constitutional Question Dalam Negara Hukum*. (Jakarta: Kencana, 2018)..

²²⁾ Diana Halim Koentjoro, *Hukum Administrasi Negara*, (Bogor: Ghalia Indonesia, 2004).

²³⁾ Ahmad Basarah, "Kajian Teoritis Terhadap Auxiliary State`S Organ Dalam Struktur Ketatanegaraan Indonesia", *MMH*, Jilid 43 No. 1 Januari 2014

²⁴⁾ Ahmad Basarah, "Kajian Teoritis Terhadap Auxiliary State`S Organ Dalam Struktur Ketatanegaraan Indonesia", *MMH*, Jilid 43 No. 1 Januari 2014

²⁵⁾ Hendra Nurtjahjo, "Lembaga, Badan, Dan Komisi Negara Independen (State Auxiliary Agencies) Di Indonesia: Tinjauan Hukum Tata Negara", *Jurnal Hukum dan Pembangunan*, Tahun Ke-35 No.3 Juli Septermber 2005, hal.281.

²⁶⁾ Arief Hidayat et al., *Penataan Auxillary State Organs*. (Semarang: Badan Penerbit Universaitas Diponogoro,2011).

²⁷⁾ Arief Hidayat et al., *Penataan Auxillary State Organs*. (Semarang: Badan Penerbit Universaitas Diponogoro,2011).

²⁸⁾ Denny Indrayana, *Jangan Bunuh KPK*, (Malang: Intrans Publishing, 2016).