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THE NATURE OF THE USE OF THE HOUSE OF REPRESENTATIVES RIGHT TO INQUIRE AGAINST THE CORRUPTION ERADICATION COMMISSION IN THE INDONESIAN STATE ADMINISTRATION SYSTEM

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Abstract

This study aims: (1). analyse and explain the DPR's inquiry rights in the Indonesian constitutional system; (2). analyse and explain the use of the DPR's Inquiry Rights against the Corruption Eradication Committee as an instrument of supervision; (3). analyse and explain the institutional position of the KPK in the Indonesian state administration structure. This research was conducted using doctrinal, normative legal research methods or library legal research, namely legal research conducted by examining library materials or secondary data consisting of primary legal materials, secondary legal materials and tertiary legal materials. These materials are arranged systematically and studied; then, a conclusion is drawn in relation to the problem under study. The results of this study: (1). The DPR's Inquiry Rights, functions and authorities are regulated in Article 20A of the 1945 Constitution that, in carrying out its functions, in addition to the rights regulated in other articles of this Constitution, the DPR has the right of interpellation, the right of inquiry, and the right to express opinions, the authors conclude that the DPR after the amendment to the KPK law, the DPR can exercise the right of inquiry against the KPK; (2). The Use of the DPR's Inquiry Right Against the Corruption Eradication Commission is an instrument of DPR supervision over the KPK which implements the law as a state institution, but not in the law enforcement process as research results show that even though the KPK has been emphasized in the law as an institution that belongs to the executive family, this does not mean that it can be questioned by the KPK. DPR without having a fundamental reason; (3). The position of the KPK is a state institution that is independent; on the other hand, based on the Constitutional Court Decision No. 36/PUU-XV/2017 that the KPK is part of the executive power family. Based on this decision, Law No. 30 of 2002 was revised into Law no. 19 of 2019 concerning the KPK. In the changes to the KPK Law, the KPK is positioned as an executive power institution. Suggestions for this research: (1). The urgency of improving the regulatory framework regarding the framework for implementing the DPR's inquiry rights in the Indonesian constitutional system so that the DPR in exercising its inquiry rights to an independent state institution does not touch authority that could undermine the independence of an institution; (2). The need to re-arrange the DPR's Inquiry Rights, one of which is the merger of laws related to the DPR's inquiry rights to minimise clashes with inquiry norms, given the many state institutions that have sprung up, which aim to maximise deficiencies and become a constitutional need for Indonesia; (3). The importance of restructuring and revitalising the commissions of independent state institutions, in this case, one of which is the Corruption Eradication Committee, among others, is to make it a constitutional organ through the 5th Amendment to the 1945 Constitution. Ideally, all independent state commissions are strictly regulated in the constitution, including regarding institutional status.

Keywords: Use of Inquiry Right, DPR, KPK, Indonesian State Administration

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INTRODUCTION

The state is an organisation that is present in human life to regulate and discipline people in order to achieve harmony, peace and prosperity on earth. Humans are inseparable from the interests of both group interests and individual interests and of course fellow human beings have different interests so that it can give birth to conflicts of interest between humans, so the state exists as an organization to resolve conflicts of interest between humans by regulating and orderly achieve a common goal. So that to achieve the goals of the country, it is necessary to have laws that regulate properly in order to achieve the goals of a country. In carrying out its functions, the People's Representative Council of the Republic of Indonesia, in addition to the rights regulated in other articles of this Constitution, the People's Representative Council has the Right of Interpellation (right to ask questions), Right of Inquiry (right to investigate), and Right to Express Opinion (Right of the House of Representatives People to express opinions on:

a. Government policy or regarding extraordinary events that occurred in the country or in the international world;
b. Follow up on the implementation of the Right of Interpellation as referred to in paragraph (2) and the Right of Inquiry as referred to in paragraph (3) or;
c. Allegations that the President and/or Vice President violated the law in the form of treason against the state, corruption, bribery, other serious crimes, or disgraceful acts, or the President and Vice President no longer meet the requirements as President and/or Vice President.

The Right of Inquiry in the life of the state in Indonesia is the right of the House of Representatives to conduct an investigation into the implementation of a law and/or government policy relating to important, strategic matters and having a broad impact on the life of society, nation and state which is suspected of being in conflict with regulations legislation. The duties and functions of the House of Representatives in carrying out their functions by using the authority they have as referred to in both the 1945 Constitution of the Republic of Indonesia and the laws concerning the People's Consultative Assembly, the People's Representative Council, the Regional Representatives Council, and the Regional People's Representative Council and provisions concerning the order of the DPR and various laws related to the duties and functions of the DPR

The right of inquiry in the 1945 Constitution of the Republic of Indonesia is present in the second amendment, namely in Article 20A. The background to the presence of this article is because the 1945 Constitution of the Republic of Indonesia before and after the amendment contained several principles that had fundamental differences, especially changes to the system of exercising power which were carried out through amendments to the 1945 Constitution were an attempt to cover up weaknesses in the 1945 Constitution. -The 1945 Constitution and weaknesses in previous constitutional practices, even though they are regulated in the provisions of the law, their implementation and enforcement are ineffective. Normatively the right to inquire is regulated in the 1945 Constitution Article 20A paragraph (2), then clarified by Law Number 27 of 2009 in conjunction with Law Number 17 of 2014

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concerning the People's Consultative Assembly, the People's Representative Council, the Regional Assembly Council, and Regional People's Representative Assembly.

The history of representative institutions in Indonesia since 1945 until now can be counted, several times these representative institutions have applied for the right of inquiry or the Right of Inquiry to control and supervise the policies of the government in power at that time. As with the Inquiry Right during the Ali Sastroamidjojo cabinet, which lasted two years, 1955-1955, until in the end, its fate was unclear. During the New Order era in 1980, the PDI faction and the PPP faction used the right to inquire about Pertamina, the results of which were rejected. In the post-reform House of Representatives, there has been another use of the Inquiry Right against President Abdurrahman Wahid, who is known as Buloggate, which in fact triggered President Abdurrahman Wahid's memorandum to dissolve Parliament. During the Susilo Bambang Yudhoyono era, the use of the Right of Inquiry regarding the 2005 fuel price increase, the 2006 rice imports, the 2008 haj pilgrimage, and the Inquiry Right regarding the 6.7 Trillion Century Bank. Therefore, if you look at the normative and historical rules of Inquiry Rights in Indonesia, namely to strengthen supervision over the ongoing government so that amendments to the 1955 Constitution are made, among other things, it reinforces several principles of the administration of state power prior to the change, namely the principle of the rule of law (rechtsstaat) and the principle of a constitutional system. The constitutional system, rearranging existing state institutions and forming several new state institutions to comply with the constitutional system and state principles based on law. From the description regarding the Right of Inquiry of the House of Representatives it is clear that it is the Government that can be inquired by the House of Representatives. However, in reality there is a different interpretation from the DPR with the previous interpretation regarding the meaning of the inquiry right through the DPR's inquiry right to the Corruption Eradication Commission. The Corruption Eradication Commission as an independent state commission can be seen in Law Number 30 of 2002 concerning the Corruption Eradication Commission, including:

1) Article 3 states that the Corruption Eradication Commission is a state institution which in carrying out its duties and authorities is independent and free from the influence of any power.
2) Article 20 paragraph (1) states that the Corruption Eradication Commission is responsible to the public for the implementation of its duties and submits reports openly and periodically to the President of the Republic of Indonesia, the Indonesian People's Representative Council and the Supreme Audit Agency, because the responsibility lies with the public, so it is free from interference from the executive and other powers.

Constitutionally, the institutional position of the Corruption Eradication Commission has been confirmed, including 3 (three) Constitutional Court Decisions, namely:

1) Decision Number 012-016-019/PUU-IV/2006, whose ruling explains that the institution handling corruption cases has not functioned effectively and efficiently in eradicating corruption so that the establishment of an institution like the KPK can be

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considered constitutionally important) and includes institutions whose functions are related to judicial power, as referred to in Article 24, paragraph (3) of the 1945 Constitution.

2) Decision Number 5/PUU-IX/2011, namely the ruling that the Corruption Eradication Commission is an independent state institution that is given special duties and authorities, among others, as a function related to judicial power to carry out investigations, investigations and prosecutions as well as to supervise the handling of corruption cases committed other state institutions.

3) Decision Number 49/PUU-XI/2013 in which the verdict is that the Establishment of institutions related to the function of judicial power including the KPK has a constitutional basis in Article 24 paragraph (3) of the 1945 Constitution which states other bodies whose functions are related to judicial power are regulated in law act.

In essence, the three decisions of the Constitutional Court stated that the Corruption Eradication Commission is a state institution that is related to or carries out the functions of judicial power. In the theory of separation of powers (Trias Politica), judicial power is the domain of the judiciary, not the executive. Nonetheless, the debate over the House of Representatives' inquiry rights to the Corruption Eradication Commission has ended based on the Constitutional Court decision dated 2 February 2018, Number 36/PUU-XV/2017. In its decision, the Constitutional Court stated that the KPK is part of the executive so that it can become the object of inquiry rights. The Constitutional Court stated that the Corruption Eradication Committee was a government support institution formed based on a law. Thus, the KPK is an executive institution. Carrying out investigative and prosecution functions. Besides that, in practice, every year, the Corruption Eradication Commission provides an open report regarding performance, budget usage and others to the public which can be accessed openly and also to related institutions. This is done based on the principle of accountability (Article 5 letter c of the KPK Law). The concept of accountability does not cover the principle of checks and balances, which forms the basis of relations between existing state institutions.

Thus the decision of the Constitutional Court, the Corruption Eradication Commission, as a law enforcement institution, must respect the decision of the Constitutional Court and carry out decisions that are final and binding as a consequence of the rule of law. However, there is no confirmation from the Constitutional Court's decision regarding the territorial boundaries of the House of Representatives Inquiry Rights against the Corruption Eradication Commission, whose institutional nature is independent and free from the influence of any power. So that it can become a polemic in the future for the Corruption Eradication Commission in carrying out its function as a commission institution that acts to eradicate corruption, collusion and nepotism. Also, with the passage of time, the institutional changes to the Corruption Eradication Commission are very significant, changes to Law Number 30 of 2002 to Law Number 19 the Year 2019 Concerning the Corruption Eradication Commission, dated September 17, 2019. Of course, in changing this law, more or less the institution of the Corruption Eradication Commission has changed. Based on the description above, this research was written by raising this matter as writing material with the title: "The Nature of the Use of the House of Representatives' Inquiry Right against the Corruption

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Eradication Commission in the Indonesian Administrative System".

RESEARCH METHODS

Research Type

This type of research in legal writing is normative legal research or library law research; normative legal research is legal research that is used by examining library materials or secondary data and consists of primary legal materials, secondary legal materials and tertiary legal materials. These materials are then arranged systematically, reviewed, then drawn conclusions in relation to the problem under study. 108 The research was conducted using an approach to legal norms or substances, legal principles, legal theory, legal arguments and comparative law. 109 Sources of data this research is library research, which examines various library books, journals, newspapers, dissertations and scientific works that have something to do with the object of research.

Research Approach

The approaches used in this normative legal research are the statutory approach, conceptual approach, historical approach, and philosophical approach. Each approach emphasising on a different study focus, namely as follows:

1. The statutory regulation approach is carried out by examining various legal regulations, which are the focus of the research. In this case, the statutory approach departs from statutory regulations that have correlation and coherence regarding the use of the Inquiry Rights, especially those that contain the authority of representative institutions, as well as other related materials that are part of this research study.
2. The conceptual approach is carried out by examining legal theories as well as the views of scholars, which are then analyzed for their relevance to the problem through the right of inquiry.
3. The historical approach is carried out by looking at the history of legal norms in Indonesia, democracy and the representative control system.

Types and Sources of Legal Materials

Types of Legal Materials

a) Primary Legal Materials are legal materials obtained from statutory regulations and treatises on drafting legislation

b) Secondary legal materials are materials that are closely related to primary legal materials and can help analyse and understand primary legal materials.

c) Tertiary Legal Materials, are materials that provide information on primary legal materials

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Sources of Legal Materials

a) Primary Legal Materials, including various original texts from various Constitutional Law Literature as well as the legislation of the Republic of Indonesia

b) Secondary Law Materials, including various publications of reviews, obtained from Law Books, Law Journals, Legal Papers or Views of Legal Experts which are published in the mass media, and internet sites.

c) Tertiary Legal Materials, including various data review publications obtained from the Legal Dictionary, as well as various Bibliography and Encyclopedias

Legal Material Collection Techniques

The technique of collecting legal materials used by the authors in this study is the staging of legal documents or library materials. The study of legal documents or library materials is carried out by the author by means of collecting related legal materials by means of:

1) Visiting the library to find relevant literature with the focus of this research.

2) Read, study and study literature and magazine articles, and find materials from the internet that are closely related to the main issues in this research.

3) Read and study the results of previous research in the form of theses, theses and dissertations that discuss the research in question.

Analysis of Legal Materials

The analysis obtained from primary and secondary legal materials will be processed and analysed based on the formulation of the problem so that a clear picture is expected to be obtained. The analysis of legal material used seeks to provide a clear picture and is then presented descriptively, namely explaining, describing, and describing in accordance with the problems that are closely related to this research. The research approach that is then used by the author is a theoretical approach (statute approach) conceptual approach (conceptual approach), as well as analytical approach (analytical approach). The theoretical approach is used to look at several theories which are used as the basis for looking at a problem and the statutory approach is automatically chosen because legal research studies are normative in nature, namely laws and regulations that are relevant to the function of the House of Representatives.

Interpretation techniques can be classified as grammatical, historical, systematic, teleological, contextual interpretation, and others. As for legal materials that have been processed through interpretation techniques, they will be elaborated with argumentation techniques. The argumentation technique is an assessment technique in the form of appropriate or incorrect, agree or disagree, true or false, valid or invalid by researchers on legal materials.

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RESEARCH RESULTS AND DISCUSSION

DPR's Anquet Rights in the Indonesian State Administration System

Representative institutions are a very practical way to enable community members to exercise their influence on people who carry out their state duties. Representative institutions arise because of the principle of direct democracy; according to Rousseau, it is no longer possible to run due to the increasing population, the size of the country's territory, and the increasing complexity of affairs. Statehood. In accordance with the concept of trias political in the 1945 Constitution, it is clearly illustrated that in the context of legislative, budgetary and oversight functions, the main institution is the DPR (People's Representative Council) which then acts as a representative body for the people so that in order to exercise its power, it must be based on the provisions as regulated in the Constitution 1945 as well as in Law Number 17 of 2014 concerning the composition and position of the People's Consultative Assembly, the People's Representative Council, the Regional Representative Council, the Regional People's Representative Council. (Law MD3).

To carry out the functions of the DPR (People's Representative Council), accompanied by several rights described in Article 20A paragraph (2) of the 1945 Constitution it explains that "In carrying out its functions, in addition to the rights regulated in other articles of this Constitution, the DPR has the right interpellation, right of inquiry, and right of expressing opinion". Regarding the question of the right of inquiry owned by the DPR (House of Representatives) is a very extraordinary right in carrying out its function to investigate several government actions which are then deemed to be deviant or the implementation of its policies outside the provisions of the laws and regulations.

Use of the DPR's Right to Inquire Against the Corruption Eradication Committee as an Instrument for Oversight

Use of Inquiry Rights

Arrangements regarding the internal mechanism in the House of Representatives begins with the submission of a proposal to use the right of inquiry. At the time when the two laws were still in use, there were different provisions regarding the proposal for Inquiry Rights. Based on the Inquiry Law, a proposal to use the DPR's inquiry right is submitted in writing by at least 10 members of the DPR. While in the Law on the People's Consultative Assembly, the People's Representative Council, the Regional Representatives Council, and the Regional People's Representative Council, the Right to Inquiry is proposed by at least 25 members of the People's Representative Council and more than one faction. With due observance of the statutory principle that the new Law overrides the old Law, the provisions of the Law concerning the People's Consultative Assembly, the People's Representative Council, the Regional Representative Council and the Regional People's Representative Council shall apply. For now, the Inquiry Law has been annulled, so the requirements for the proposal used are the Law on the People's Consultative Assembly, the People's Representative Council, the Regional Representative Council, and the Regional People's Representative Council.

Apart from the number of proposers, there are other formal requirements that must be met by proposers. Based on the Inquiry Law, the proposal must be discussed in advance in the section

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or sections (the current context is the commission or joint commissions) before making a decision in a plenary session. Whereas in the Law on the People's Consultative Assembly, the People's Representative Council, the Regional Representatives Council, and the Regional People's Representative Council, there is a requirement that proposals for the use of the Inquiry Right be accompanied by documents containing at least:

a. Policy materials and/or implementation of laws to be investigated; And

b. The reason for the research.

The essence of these arrangements shows the need for prior discussion and deepening of the proposed Inquiry Rights. This is understandable considering that the Inquiry Right is an advanced method of oversight owned by the House of Representatives when the oversight function carried out in the usual way through Work Meetings (Raker) or Hearing Meetings (RDP) is felt to be less effective. The focus of the investigation also needs to be discussed so that when making a decision, all factions understand the reasons and objectives for forming the Inquiry committee. Differences in the emphasis of the assessment between the Inquiry Law and the Law on the People's Consultative Assembly, the People's Representative Council, the Regional Representatives Council, and the Regional People's Representative Council shows that according to the Inquiry Law more emphasis is placed on substantial truth, while according to the Law on the People's Consultative Assembly, The People's Representative Council, the Regional Representative Council, and the Regional People's Representative Council place more emphasis on procedural correctness. The use of the Right of Inquiry at least goes through various stages according to statutory provisions that have been and are in effect with their respective advantages and disadvantages, starting from:

(i) Proposal from the initiator to the House of Representatives;

(ii) Determination whether or not the proposal can be continued;

(iii) Decision-making in the House of Representatives;

(iv) Fraction Representative in the Inquiry Committee.

(v) The working period of the Special Committee for Inquiry.

Decisions are made on the basis of the DPR's Inquiry Right according to the Law on the People's Consultative Assembly, the People's Representative Council, the Regional Representatives Council, and the Regional People's Representative Council to be carried out in a plenary session provided that more than half of the members of the People's Representative Council are present and decisions are taken by approval of more than half the number of members of the DPR present.

Based on these provisions, approval is only required from 30% + 1 of the total members of the DPR present at the plenary meeting. Compared to the proposal to express an opinion, the requirements for approval of the Right of Inquiry proposal are lighter. The proposal for the Right to Express Opinion is approved by the DPR if the plenary meeting of the DPR is attended by at least 2/3 (two-thirds) of the total members of the DPR and decisions are made with the approval of at least 23 (two thirds) of the total members of the DPR. Present. For

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example, if the current number of members of the DPR is 560 members, then for the discussion of the Right of Inquiry proposal, the plenary meeting must be attended by at least ½% x 560 = 281 members and if attended by this number, it must be approved by at least ½ x 281-141 members of the Agreement with a simple majority are the same as making a decision for the right of interpellation proposal and can be said to be less stringent, because there is no faction requirement, either in the quorum of the meeting or the quorum for the validity of the decision. With such provisions, propose. It is sufficient for the right to inquire to be approved by two factions, for example, for the current period of the House of Representatives. The PDI Perjuangan fraction with a total of 19 members and the Golkar Party faction with 91 members. It is not impossible that one day one of the political parties will be able to get 141 seats, so that the approval of 50% + 1 of the 50% + 1 present, if without the requirement that the faction cover of I fraction. Based on this, the requirement for Lifting Rights should be added to the quorum of the faction, which is attended and approved by more than ½ the number of factions at least the quorum is increased to 2/3 of the number of members and from 2/3 of the members present.

History and Mechanisms for Submitting Questions to the House of Representatives in Indonesian State Administration Practices

In the various constitutions that have been and are currently in force in Indonesia, not all of them recognise the Right to Inquire by the House of Representatives against the Government. The 1945 Constitution (original) does not regulate and does not recognise the Right of Inquiry by the House of Representatives against the Government, the 1945 Constitution of the United Republic of Indonesia and the 1950 Provisional Constitution with a Parliamentary system of government recognise and even regulate in separate laws. It is different from the 1945 Constitution of the Republic of Indonesia (amended), which strictly adheres to a Presidential system of government, but recognises the Right of Inquiry of the House of Representatives to the Government (Article 20A) of the Amended Constitution of the Republic of Indonesia. it even regulates the Susduk Law, the Law on the People's Consultative Assembly, the People's Representative Council, the Regional Representative Council, and the Regional People's Representative Council, even in the decisions of the People's Representative Council, Regional Representative Council, and the People's Consultative Assembly concerning. Each of them. The causative factor is the reason for the history of Indonesian constitutionalism.

The results of the writer's interview121 show that if we refer to our original constitution before the amendment. The Inquiry Right did not exist in the constitution before the amendment: When one reads the constitution, the things that were created or made by the Founders of this country are evident in the history of our constitution. The Inquiry Right only appeared when we used a Parliamentary Government system. In fact, we used to have the Law on Inquiry. This law has been countered by the Constitutional Court. The Constitutional Court even revoked the law because it was seen as inconsistent with the philosophy and spirit of our nation today. The Inquiry Rights Act exists twice if I'm not mistaken, but there has already been a Constitutional Court decision on an Inquiry, and the considerations are very good. Among other things, the Inquiry Law was designed to be implemented in a parliamentary system. In 1959 we returned to the 1945 Talius Constitution and this meant that we no longer

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used the right to inquire. If you read the constitution, due to the Constitutional Law that was enacted with

The Presidential Decree of 5 July 1959, did not have the Right to Inquire. The Inquiry Right only reappeared in the Constitution after the 1945 Constitution was amended. Why did the Inquiry Right appear? because in the past the amendment to the 1945 Constitution was built with assumptions and with the desire that how to strengthen the DPR was due to what was needed, none other than because the DPR at that time was criticized by many, which was judged by many people, whether it was from Researchers, observers and all kinds of things, that the People's Legislative Assembly was very weak during Pak Karno's era 1959-1966 and during Pak Harto's era from when he became President until his power ended. That's why people think that one of our problems as a nation at that time was because the People's Legislative Assembly was weak as a result of the President being too strong.

In the discourse in the House of Representatives. The People's Representative Council was weak and was controlled by Pak Harto during the New Order; we then changed the constitution. That's why one of the thoughts is that if you really want to change the constitution, one thing that must be strengthened is how to strengthen the People's Legislative Assembly. When you start combing through the articles concerning the People's Legislative Assembly, you want to change the question of how to make a law, change how to strengthen it; it's impossible not to strengthen it if you don't give rights that can strengthen it. On the basis of the above phenomenon, one of our references at that time was the experience of the Parliament in a Parliamentary System when there was a right of inquiry. We do have a Law on Inquiry. That is one thing, in my opinion, that later inspired the emergence of the Right to Inquiry in the amended Constitution. So the development is like that. Because the People's Legislative Assembly has been in a slump for a long time and played almost no role during Pak Harto's time. In fact, if you read Professor Yusril's book "Dinamics of State Administration", he said that from the beginning of Pak Harto until he wrote the book, in 1997 or 1998, he said that there had never been a single law initiated by the DPR. So when people turn it around again, the DPR has no power and becomes weak, so it is only natural that thoughts arise as a result of the experience of the New Order, where the president was very strong, and the DPR was very weak. So one of the efforts to change the constitution is how to limit the power of the President and then strengthen the House of Representatives. One of the efforts to strengthen this was by granting rights so that the House of Representatives would become stronger and one of our references at that time was the experience of the Parliament in the Parliamentary era. That's why the Right of Inquiry, the Right of Interpellation, and all kinds of things appear in the Constitution. In fact, the Inquiry Right is not our term. The default term is from - I forgot what language it was - but it's not our language, The Inquiry Right. So because this is inseparable from the long history of parliament. The parliament is the first parliamentary system. So when the American constitution is formulated, he wants to create a parliament too, but not on the British model, but with the rights that already exist in the British parliament as one of the oldest forms of parliament in the world.

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The Institutional Position of the KPK in the Indonesian State Administration Structure

The History of the Establishment of the Corruption Eradication Commission

The term corruption comes from a word in Latin, namely corruption or corrupts, which is translated into various languages, for example, copied in English becomes corruption or corrupt. In French, it is called corruption, and in Dutch, it is called the term corruption. Presumably, it was in the Dutch language that the word corruption was born in Indonesian (Andi Hamza[1], 1991:7). Literally the term means all kinds of bad deeds, as Andi Hamza said as rottenness, ugliness, depravity, dishonesty, bribery, immorality, deviant behaviour. Now in Indonesia, when people talk about corruption, they only think about bad deeds related to state finances and bribes. There are various approaches that can be taken to the problem of corruption, and the meaning remains appropriate even if we approach the problem from various aspects. For example, a sociological approach, as was done by Husain Alatas in his book The Sociology of Corruption, will have a different meaning if we take a normative approach, as well as politics or economics, for example by including nepotism, in corruption groups, in its classification (putting family or friends in government positions without fulfilling the requirements), which of course is difficult to find norms like that in criminal law.

The conclusion from the definition of corruption above is that in essence, corruption is an act that is not commendable or a disgraceful act committed by a human being which can result in the misery of many people because of this dishonourable human action, so acts of corruption need to be regulated in law and upheld in a court of law in order to prevent and to eradicate these actions that have harmed many people.

Until the formation of the Indonesian Corruption Eradication Commission (KPK) as a law-based country (Rechatstaat) in eradicating criminal acts of corruption since the 1990s, it has made various strategic efforts by issuing several legal products in the form of statutory regulations on corruption eradication. Reviewing the history of criminal corruption legislation, however, we also need to look far back, namely to the criminal code (Wetboek Van Strafrecht), which was in force since January 1, 1918. The criminal law code (Wetboek Van Strafrecht), as a codification and unification, applies to all groups in Indonesia in accordance with the principle concordance and promulgation of the 1915 Staatblad Number 752, October 15, 1915. Furthermore, after Indonesia proclaimed its independence on August 17, 1945 the existence of criminal acts of corruption was also regulated in Indonesian positive law, when the entire territory of the Republic of Indonesia was declared in a state of war based on law No. 74 1957 Junto Law No. 79 of 1957, in which in the context of eradicating criminal acts of corruption a regulation was issued regarding criminal acts of corruption for the first time, namely the regulation of the military authorities dated 9 April 1957 No. Prt/PM/06/1957, dated 27 May 1957 N0 Prt/PM/03/1957, and July 1, 1957, No Prt/PM/001/1957164 Consederan of the above regulations (9 April 1957 No Prt/PM/06/1957) stated the following; "That due to the lack of smoothness in efforts to eradicate actions that are detrimental to the country's finances and economy, which the general public calls corruption, it is necessary to immediately stipulate a work procedure to be able to break through the bottlenecks in efforts to eradicate corruption and so on" Judging from the words of the conscience above, the existence of this rule is one of the efforts to fix the problems of the state and the people in it

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to carry out activities properly and correctly in accordance with the laws and objectives of the Indonesian State.During the era of President Soekarno's government, the rulers of the war at that time because the country was in a state of military emergency due to unrest in certain areas. The chief of staff of the army as the central warlord with the arrangement of the central warlord with the ruler's arrangement dated 16 April 1958 No. Prt/peperpu/ 013/ 1958 which was later stated as a government regulation replacing law No. 24 of 1960 concerning investigation, depreciation, and examination of criminal acts of corruption (Moh. Hatta, 2014: 1). Regulation of the warlord center of the chief of staff of the army no. Prt/peperpu/013/1958 (State Gazette No. 40 of 1958) concerning regulations for eradicating corruption, which was then also enforced in the territory of the navy through a decree on the class of naval staff no. Prt/Z. 1/7 of April 17, 1958.

The material and content of the regulations of the warlords do not explain the term corruption, but what does exist is that it is differentiated into acts of criminal corruption and other acts of corruption. In the regulation of the central warlord, the chief of staff of the army Prt/peperpu/013, the term corruption crime is also unknown, but the term corruption crime was used for the first time in positive Indonesian law in a government regulation in lieu of Law (peperpu) Number 24 of 1960 concerning investigation, prosecution and examination of criminal acts of corruption. In the Preservation of this regulation in point a, it is stated: Whereas in criminal cases that use capital and or other concessions from the community, for example, banks, cooperatives, waqf and others or those related to the position of the contents of the criminal, it is necessary to make additional several criminal rules of investigation, examination, which can eradicate acts called corruption. Based on the contents of the considered in point above, it shows that the law governing the eradication of corruption as set forth in Perpu No. 24 of 1960 is considered inadequate, so it is necessary to add regulations governing the eradication of corruption so that state losses are more easily overcome through existing legal basis. Effective. From the outset, it can be seen that the central warlord's regulation on eradicating corruption is emergency, temporary, and based on the emergency law. Under normal circumstances, it needs to be repealed, and if there is still a need for corruption regulations as part of a special criminal law, it needs to be better in the form of a law. Temporary regulations for the sake of fulfilling personal or group interests, so that a law that regulates the eradication of corruption is needed.

Furthermore, regulations regarding the eradication of corruption will be regulated in Law Number 3 of 1971 concerning eradicating criminal acts of corruption because regulations through the form of laws are indeed very important so that they are permanent in nature so that they can gradually reduce corruption crimes in the country. Indonesia. Furthermore, the DPRGR approved the draft law on March 1971, which was later stipulated to become Law Number 3 of 1971 concerning criminal acts of corruption as well as revoking Law Number 24 Prp of 1960 concerning investigations, prosecutions, and examinations of criminal acts of corruption. Further arrangements regarding the eradication of corruption are regulated in the Decree of the People's Consultative Assembly of the Republic of Indonesia Number XI/MPR/1998 concerning state administrators who are clean and free of corruption, collusion and nepotism. According to MPR Decree No. XI/ MPR/ 1998, that in administering the state there have been business practices that are more profitable for certain groups which have

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fostered corruption, collusion and nepotism involving state officials and entrepreneurs thereby damaging the foundations of state administration in various aspects of national life. The People's Consultative Assembly is determined to function proportionally and properly with the existing state institutions so that state administration can take place in accordance with the 1945 Constitution. State administrators in the executive, legislative and judicial institutions must carry out their functions and duties properly and responsibly to society, nation and state. To carry out these functions and duties, state administrators must be honest, fair, open and reliable and able to free themselves from corruption, greed and nepotism. Efforts to eradicate corruption, collusion and nepotism must be carried out strictly by anyone, whether state officials, former state officials, their families and cronies or private parties/conglomerates including former president Suharto while still observing the principle of the presumption of innocence and human rights. To carry out the mandate of MPR Decree No. XI/ MPR/ 1998, Law Number 28 of 1999, was issued concerning the administration of a clean state that is free from corruption, collusion and nepotism. Through this law, the president as the head of state forms an inspection commission which has the duty and authority to conduct examinations of the wealth of state officials before, during and after taking office, including asking for information from former state officials, their families and cronies, as well as businessmen with permanent pay attention to the principles of presumption of innocence and human rights. The Examining Commission is an independent institution directly responsible to the president as the head of state. The duties and powers of the examining commission formed by the president as the head of state include:

The duties and powers of the examining commission according to article 17 of Law no. 28 of 1999 are:

1) Monitor and clarify the assets of state administrators;
2) Examining reports or complaints from the public, non-governmental organisations or government agencies regarding allegations of corruption, collusion and nepotism by state administrators;
3) Carry out investigations on their own initiative regarding the assets of state administrators based on indications of corruption, collusion and nepotism against the state administrators concerned;
4) Seeking and obtaining evidence, producing witnesses for investigations of state administrators who are suspected of committing corruption, collusion and nepotism or requesting documents from parties related to investigations of state administrators' assets;
5) If deemed necessary, in addition to requesting proof of ownership of part or all of the assets of state administrators allegedly obtained from corruption, collusion and nepotism while serving as state administrators, also request officials who have the authority to prove these allegations in accordance with the provisions of the applicable laws and regulations;

The results of the inspection commission's examination according to the provisions of article 18, submitted to the president, the People's Legislative Assembly, and the Special Audit

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Board. If the results of the inspection reveal indications of corruption, collusion and nepotism, then the results of the inspection will be submitted to the competent authority in accordance with the provisions of the applicable laws and regulations, for further action. People's aspirations to eradicate corruption and other forms of irregularities are increasing because, in reality, acts of corruption have caused enormous state losses, which in turn can have an impact on the emergence of crises in various fields. For this reason, efforts to prevent and eradicate corruption need to be increased and intensified while upholding human rights and the interests of society. To anticipate developments in the legal needs of society in order to prevent and eradicate more effectively every form of criminal corruption which is very detrimental to state finances or the country's economy in particular and society in general, the government on August 16, 1999, issued Law No. 31 of 1999 concerning the eradication of criminal acts of corruption which replaced law no. 3 of 1971 concerning the eradication of criminal acts of corruption. With the formation of Habibie's presidential cabinet, Muladi became minister of justice in 1998; it was announced to speed up the creation of laws. In a short period of time, less than two years, this administration created as many laws as the ten years of Suharto's administration. The creation of laws that take precedence includes amendments or replacements to Law No. 3 of 1971 concerning the eradication of criminal acts of corruption. It seems that the assumption that it is not perfect so that there is a lot of corruption is the law even though "the person" and "the system" According to the author, Habibie's government gave birth to a law product as a substitute for law no. 5 of 1971 concerning the eradication of criminal acts of corruption by issuing new laws that regulate corruption, namely Law No. 31 of 1999 concerning the eradication of criminal acts of corruption, which is considered as one of the efforts to eradicate corruption which is very widespread in Indonesia. Thus, law no. 31 of 1999 is the most stringent and onerous law in ASEAN; provisions regarding reversing the burden of proof are not accepted. On August 16, 1959, Law no. 31 of 1999 concerning the eradication of criminal acts of corruption replaced Law no. 31 of 1971. After Bahruddin Lopa took office as Minister of Justice around March 2001, his and the writer's dream to create provisions regarding reversing the burden of proof in the anti-corruption law was immediately realized by forming a team consisting of, among others, Baharuddin Lopa, Idrianto Seno Adji, Arifin and Oka Mahendra.171 This team was formed to amend law no. 31 of 1999 concerning eradicating corruption and changing several articles in it and adding several articles deemed necessary for the sake of eradicating corruption so that the results of the changes made by the team will give birth to law no. 2o of 2001 concerning amendments to Law Number 31 of 1999 concerning eradicating criminal acts of corruption. Eradication of corruption, which is already acute, is felt to be not enough just by expanding acts that are formulated as corruption and conventional methods; certain methods and methods are needed in order to be able to stem the spread of corruption. One way is to designate the crime of corruption as an extraordinary crime so that eradication is no longer carried out as usual. Because of this, an extraordinary law enforcement method is needed through the establishment of a special agency that handles the eradication of criminal acts of corruption. The authority of the special agent must be independent and free from any power in efforts to eradicate corruption, the implementation of which is carried out maximally, optimally, intensively, effectively, professionally and continuously. This special agency is called the Corruption Eradication Commission as regulated in Law No. 30 of 2002 concerning the commission for eradicating corruption. The

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Corruption Eradication Commission was formed based on the order of Law No. 31 of 1999 concerning the eradication of criminal acts of corruption mentioned in Article 43, paragraph (1) to paragraph (3).

Theory Relevance with Research Results

The rule of law theory

The term legal state in the Indonesian constitutional system has been emphasized in Article 1 Paragraph (3) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), which states that "Indonesia is a state based on law" which was stipulated on November 9, 2001, a formulation like this also contained in the 1949 RIS constitution and the 1950 UUDS. 181 Conceptually, there are five concepts of a rule of law state, namely: Rechtsstaat, Rule of Law, Socialist Legality, Islamic Nomocracy, and State of Law (Indonesia). 182 And the five terms of the rule of law each have their own characteristics. In the Indonesian literature, the translation of the rule of law is from the Dutch term "Rechtsstaat"183, although Continental European countries use different terms with regard to the rule of law. In France, for example, they use the term "Etat De Droit". While in Germany and the Netherlands, the same term is used, namely "Rechtsstaat". The terms etat de driot and rechtsstaat used in Continental Europe are terms that are different from the English legal system, although the expressions legal state or state according to law or the rule of law try to express an idea that is basically the same. In English terminology, it is known as the state according to law or according to the rule of law.

Historically, the emergence of the terms Rechtsstaat and the rule of law, in view of being born from a different legal system background. The term Rechtsstaat was born as a reaction against absolutism because it is revolutionary in nature and relies on the Continental legal system which is called Civil Law. This is clearly different from the term in the rule of law, whose development occurs in an evolutionary manner, and is based on the common law ideology or the legal system. However, in its development, differences in backgrounds need not be contested anymore because they aim at the same goal, which is to realise the protection of human rights. Apart from the notion of rechtsstaat and the rule of law, it is also known as the concept of socialist legality, which originates from communist understanding, by placing law as a tool to realise socialism by ignoring individual rights. Individual rights are integrated into the goal of socialism, which prioritises collectivism over individual interests. Therefore, in addition to the terms rechtsstaat and the rule of law in countries that adhere to the communist ideology, it is known by a separate term, namely the privilege of socialist legality. The rule of law is related to the notion of Rechtsstaat, and the rule of law, is also related to the notion of Nomocracy, which comes from the words nomos and crates; nomos means the norm, while cratos is power, namely power by norm or the rule of law. So in relation to the highest authority in a country, according to the notion of nomocracy, the highest power is in the norms, or the sovereign is the norm or law (in this case, the rule of law). The concept of the rule of law became popular in Europe in the nineteenth century in Continental Europe, where the rule of law was liberal. Its liberal nature is based on liberty, and the principle of democracy is based on equality. A democratic rule of law is a country where there is mutual trust between the people and the government. (Van Der Pot[2]- Donner). With the passage of time, the concept of the rule of law in this rechtsstaat understanding, in the 20th century, has undergone

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improvements that have received great attention from thinkers on the European continent. One of them is Paul Scholten, in his work Velzamelda Geschriften, put forward the notion of the rule of law by distinguishing the levels between the principles and aspects of the rule of law. The elements that are considered important are called legal "principles", which are derivatives called "aspects". nagara: the two restrictions on these rights are only by provisions of the law, in the form of regulations that apply generally. The elements of rechtsstaat put forward by Friedrich Julius Stahl from Continental Western European legal experts are as follows:

a) There is a separation of powers.

b) Recognize and protect human rights.

c) To protect these human rights, state administration must be based on the Trias Politica theory.

d) In carrying out its duties, the government is based on the Law (wetting bestuur).

e) If, in carrying out their duties and based on the law, the government still violates human rights (government interference in a person's private life), then the administrative court will settle it.

As for the elements of the rule of law presented by AV Dicey from among Anglo-Saxon legal experts as follows:

a) The rule of law, in the sense that there should be no arbitrariness, so that a person may only be punished if he breaks the law.

b) The same position before the law for both ordinary people and for officials.

c) Guaranteed human rights by laws and court decisions

Constitutional Theory

The word constitution comes from the French language "constituer", namely as an expression which means to form. Therefore, the use of the word constitution is better known for the purpose of establishing, compiling or declaring a state. In other words, in a simple way, it can be interpreted as a statement about the form and structure of a country, which was prepared before or after the establishment of the country concerned. But in terms of terminology, the constitution is not only understood in that simple sense. The constitution is understood more broadly, apart from its fundamental complexity that must be regulated by the state, it is also due to the development of scientific thinking in understanding the constitution as the basic law (Gronwet) in a country. Today's constitution is considered as a necessary concept for every modern state. The basis for the existence of a constitution is a general agreement or agreement (consensus) among the majority of the people regarding the ideal building with regard to the state. The state organisation is needed by members of the political community so that their common interests can be protected or promoted through the formation and use of a mechanism called the state. 192 The key word is consensus or general agreement. If the general agreement collapses, then the legitimacy of the power of the state concerned also collapses, and in turn, civil war or revolution can occur. This is where the strategic role of the constitution as a unifying nation can be seen. Everyone has the right to have views based on

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their own beliefs; the same is true for every group, ethnicity, or religion, which has the collective right to develop diversity according to a system of values and beliefs. However, in the interaction of social, national and state life, which involves all components nation, the constitution that has been mutually agreed to be the main and first reference. The notion of basic law is none other than the constitution, both in the sense of written text and in the sense of unwritten. This is where we recognise the term constitutional state, which is one of the important characteristics of a modern democratic state. Therefore, agreement in the system of rules is very important so that the constitution itself can be used as the supreme guide in deciding everything that must be based on law. Without such a consensus, the constitution will be useless because it will only function as a dead document, only has symbolic value and will not function or function as it should.

State Institution Theory

The state is an organisation formed in the life of a certain society to achieve mutually agreed goals, as befits an organisation. The state has organs formed to carry out certain functions in order to achieve state goals; these state organs are referred to as state institutions195. State institutions are government institutions or civilised organisations where these institutions are created by the state, from the state and for the state, which aims for the state itself. Institutions are divided into several types and have their respective duties. Meanwhile, Hans Kalsen[3] argues that anyone who carries out a function determined by the legal order is an organ; this function is either in the form of making norms or applying them. Based on this understanding, organs are individuals who carry out certain functions; the quality of a person as an organ is formed by its function. He is an organ because he carries out the function of making and implementing laws, but besides this concept, there is a narrower concept, namely the material concept. According to this material concept, a person is called an organ of the state if he personally occupies a certain legal position. The legal transaction, namely the agreement, is an act of making law as well as a court decision. According to Josef M. Monteiro[4], the meaning of position or a state institution can be seen from two sides, namely:

1. Position is interpreted as a position, namely the position of a state institution combined with other state institutions
2. The position of the institution is defined as the foundation based on its main function

Representative Theory

Constitutional law is not limited to discussing the provisions concerning the structure and function of the state and its parts and arranging them in a systematic manner, but also paying attention to how they are implemented in practice, whether there are irregularities, challenges and obstacles encountered in implementing them. Based on the description above, constitutional law can be defined as a permanent legal cover that regulates the power of various state organs (state organs), including the power of political sovereignty. State constitutional law examines how political power is regulated and divided, the functions of certain institutions, the political rights and obligations of members of society, as well as the rules for political activities that should apply. It should be remembered that the Right of Inquiry which is owned by the House of Representatives is part of the law governing the

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administration of the state. Democracy has an important meaning for the people who use it because with democracy the people's right to determine for themselves the course of state organisations is guaranteed. In this representative democracy, citizens exercise the same rights in the process of making decisions/public policies. However, this process is not carried out directly by all citizens of the community, but through representatives, and the representatives of these residents are responsible to the members of the community they represent. Representative democracy fully entrusts decision-making at the parliamentary level to elected representatives. There are at least three elements that are most essential to the type of representative democracy, namely first; separation between government and society; Second; periodically holding general elections (Pemilu) as a vehicle for citizens to control the government; Third; people who represent their rights politically they do not run out of political rights. Representative, in its simplest understanding, is the result of the appointment of several groups to meet with other groups to voice interests, negotiate and oversee the results of decisions made together. 201 Representatives are public media to emphasise participation, and the constitution can play an important role as a legal buffer. In fact, the institution of "representation" is the mainstay in the concept of a democratic state as a means and embodiment of people's sovereignty. In constitutional practice, several types of representation are known: First is geographically representative. In general, a representative body means that each member is a representative, meaning that each member is a representative of the entire nation. Thus it is only natural that the general public expects that parliament will represent their interests. However, in reality, each Member of Parliament is only willing to represent the group he represents, namely the people in a certain geographical area, setting aside other groups. Second; is a party representative? In other parliamentary systems, political parties are the most prominent type of representation, especially in political systems, the discipline of political parties is very high. In such a system, political parties are the most basic type of representation. Political parties manage the member recruitment process as well as legislative activities in parliament. In several countries, including Indonesia today, being a member of parliament means that, on the one hand, one has to be able to show loyalty to a party, and on the other hand, one has to be elected by the people of a certain area. However, in many cases loyalty to the party is far more prominent than loyalty to the group of people it represents. Even more extreme, many MPs have put their relationship with the electorate aside and cut their allegiance to the party. Third; is a type of special interest group representative? Special group linkages in themselves encourage members to pay more attention to the interests of those they represent. On the other hand, the growing attachment to mutual interests strengthens the position of interest group representatives in parliament. Thus the representation system only includes political representatives and regional representatives, voters only participate in the will of political parties, meaning that a voter has a relationship with those who are elected only at the time of election. This theory relates the results of research that the People's Representative Council is an institution that becomes an instrument of supervision of every implementation of government policies and/or laws, so that the embodiment of people's representation in realizing the will of the people, the People's Representative Council is equipped with rights, one of which is the Right of Inquiry to oversee the power whose policies can affect people's lives.

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Theory of the Separation of Powers of the State

In the constitution and the practice of separation of powers in various countries, there are various understandings of "Separation of Powers", therefore it is found the use of the term "Separation of Powers" or "Sharing of Powers" when the concept of separation of powers is applied concretely in a country. That is true when Marshall stated that “The phrase separation of powers is however, one of the most confusing in the vocabulary of political and constitutional thought. It has been used with various implications by historians and political scientists. 203 The expression separation of powers is one of the most confusing in the vocabulary of political and constitutional thought. The expression of the separation of powers has been used with various implications by historians and political scientists. The theory of separation of powers raises various meanings in various constitutional laws, for example, the understanding of a system of "checks and balances", the independence of the judiciary, the delegation of legislative powers, the responsibility of the executive towards the constitutional body for the right to judicial review, and so on. Therefore, various modifications of the understanding of the separation of powers emerged. The relationship between the legislature and the judiciary is the most important relationship in a constitutional system. In England, there is concentration in the legislature, which is, in a sense, superior to the executive and judiciary. 204 Hence the disagreement over Montesquieu's description of the separation of powers in England.

Power Control Theory

Oversight of the basic goals of the constitution, in the history of political ideas of the body to maintain power, has become a topic of discussion that is always repeated, even become the option of someone in power. One explanation put forward by Maw Weber is that while the idea of power can be defined in a very neutral, functional sense without moral qualifications, its phenomena appear in actual situations and relationships, often not neutral and highly immoral. Aware of the irrationality of the phenomenon of power and the weakness of rules, one must emerge to speak of the demonology of power and the pathology of the process of power. Thus, one form of oversight of the government is the concept of a rule of law state with the principle of the rule of law, which also means that oversight of state administration must adhere to the principle of legality, namely to remain based on the boundaries set out in the law. In this case, constitutionalism places itself as a fundamental idea that the limitation of power must be limited by changing it with the rule of law. Prevention and limitation of power is the main goal of constitutionalism, and control of power can be used as the main instrument to achieve this goal. In national constitutions and in-laws and regulations, various forms of supervision are often found, namely external supervision and internal supervision.

Authority Theory

The definition of the function, contains authority and duties. In order for the functions of an agency to be carried out, it is necessary to be given certain powers and tasks, with a note that the duties must be carried out while the authority is not always. Where theoretically, the authority/authority originating from the laws and regulations is obtained through three ways, namely attribution, delegation, and mandate. Philipus M. Hadjon, divided the ways of

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obtaining authority into two main ways, namely 1) attribution; 2) delegation; and sometimes also mandates. Attribution is the authority to make decisions (bulsuit) which is directly sourced from the law in the atrial sense. This attribution is also said to be a normal way to obtain government authority

Law Enforcement Theory

One of the studies on the application of law to realise legal objectives is a study related to the theory of law enforcement. The definition of law enforcement is efforts to carry out enforcement processes or functions of legal norms in a real way to guide behaviour in legal or traffic relations in the life of society and the state. Law enforcement, that is, an attempt to realise the ideas of justice, legal certainty and social benefits into reality. Law enforcement is essentially a process of the embodiment of ideas. Satjibto Raharjo argues that law enforcement is a definite action, namely the application of a definite action in the application of law to an incident, which can be likened to drawing a straight line between two points. Meanwhile, Soerjono Soekanto[5] argues that law enforcement is an activity of harmonising the relationship of values that are described in the principles and views of values that are solid and manifest, and attitudes act as a series of final stage value translations to create, maintain and maintain social peace. In ensuring the upholding of the law, if necessary, law enforcement officials are permitted to use force. In that context, coercive power also includes the values of justice contained in the sound of formal rules and the values of justice that live in society. In essence, law enforcement is an effort to harmonise legal values by reflecting on attitudes and acting in association for the sake of justice, legal certainty and expediency by applying sanctions.

Legal System Theory

The terminology or term for the system comes from the Greek term system, which means a whole which is composed of many parts, which also means the relationship that takes place between the component units on a regular basis. The system is a roundness or unity consisting of parts, where one part with the other parts is interrelated with one another; there should not be a conflict. There should be no overlapping (overlapping). As a whole, in every problem, there is always a solution by the system itself because, as said earlier. The system didn't want any conflict within its body. In this connection, Van Vollenhoven. Stating that "innerlike samenhang waarin ieder iew problem zijn antwoord vindt". Law is a system concept which means that law is an order, is a unified whole consisting of parts or elements that are closely related to one another. In other words, a legal system is a unit consisting of elements that interact with each other and work together to achieve the goals of the unit. This unity is applied to a complex of juridical elements such as legal regulations, legal principles and legal understanding. That the legal system is part of the method in regulating how the law should work and be enforced through state institutions. The functions and authorities are regulated comprehensively.

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RESEARCH FINDINGS

1. The inquiry right of the House of Representatives (DPR) is regulated in Article 20A of the 1945 Constitution that, in carrying out its functions, in addition to the rights regulated in other articles of this Constitution, the DPR has the right of interpellation, the right of inquiry, and the right to express opinions. In the position of the DPR's Inquiry Right in the Indonesian constitutional system is a form of supervision of state institutions that implement laws (state institution policies), and use the budget because the inquiry right was born from the parliamentary system of government as a form of law enforcement, while the Indonesian government system is Presidential which then over time through the 2nd amendment to the Constitution the Right to Inquiry was adopted as part of the DPR's oversight.
2. The House of Representatives (DPR) The use of inquiry rights against the Corruption Eradication Commission (KPK) is something that has just been done as an instrument of DPR oversight of the KPK. balance, there is no power that cannot be supervised by the DPR as a form of implementing laws and using the state budget as a state institution, but in the process of law enforcement or the authority of the KPK in carrying out its function as the eradication of corruption it cannot necessarily be questioned by the DPR in the area of enforcement KPK law.
3. The Corruption Eradication Commission (KPK) is a State Institution whose nature and history of establishment is independent in carrying out its function of enforcing the law on corruption; this is in line with the development of the concept of separation of powers, which was originally known as trias politica namely the executive, legislature and judiciary. Along with the development of this concept, a new term is known, namely an independent commission or an independent state institution. The KPK was decided as an institution from the executive branch as stated in the Constitutional Court Decision Number. 36/PUU- XV/2017 which underlies the amendment to Law Number. 30 of 2002 became Law No. 19 of 2019 concerning the Corruption Eradication Commission with the principle that the Corruption Eradication Commission can be questioned by the DPR but not within its law enforcement area.

CLOSING

Conclusion

Based on the results of the research and discussion that the authors have described in the previous chapter with reference to the background, problem formulation and hypotheses, the authors conclude as follows:

1. The right of inquiry of the House of Representatives (DPR) in the Indonesian presidential system of government, functions and authorities are regulated in Article 20A of the 1945 Constitution that, in carrying out its functions, in addition to the rights regulated in other articles of this Constitution, the DPR has the right of interpellation, the right questionnaire, and the right to express an opinion. In using the right of inquiry against the Corruption Eradication Commission (KPK) in a presidential government

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system, the authors conclude that after the amendment to the KPK law, the DPR can exercise the right of inquiry against the KPK because the right of inquiry is an instrument of legislative oversight over the executive, in this case, the president as the holder supreme executive power, while the Corruption Eradication Commission is stated in law number 19 of 2019 article 3 that what is meant by state institutions are state institutions that state auxiliary agencies that are included in the executive family. Thus the DPR can supervise the KPK but does not reduce the character of the KPK as an independent state commission.

2. The use of the House of Representatives (DPR) inquiry rights against the Corruption Eradication Commission (KPK) is the DPR's oversight instrument for the Corruption Eradication Committee which implements laws as a state institution but is not in the process of law enforcement or the KPK's authority in carrying out its function as the eradication of corruption, as the results of research shows that even though the KPK has been confirmed in the law as an institution that belongs to the executive family, that does not mean that it can be questioned by the DPR without having a fundamental reason.
3. The position of the Corruption Eradication Commission (KPK) is a state agency that is independent, in carrying out its duties and authorities free from the influence of any power. On the other hand, based on the Constitutional Court Decision Number. 36/PUU-XV/2017 that the KPK is part of the executive power family. So that the decision makes the KPK an executive institution, but in carrying out its duties and functions it still refers to the principle of independence. Even though it has great potential to be influenced by the executive power, also based on this decision, Law No. 30 of 2002 was revised into Law Number. 19 of 2019 concerning the Corruption Eradication Commission. In the changes to the KPK Law, the KPK is positioned as an executive power institution.

SUGGESTION

From the various conclusions in this legal research, the author will outline solutions in the form of suggestions that are expected to build and assist in solving existing problems, namely:

1. The urgency of improving the regulatory framework regarding the implementation of the DPR's inquiry right in the Indonesian constitutional system, to follow up and at the same time carry out the mandate of Article 20A paragraph (4) of the 1945 Constitution so that the inquiry right is regulated in the law concerning the use of the inquiry right against a state institution that is an independent commission, so that the DPR in exercising the right to inquire into an independent state institution, do not touch authority that could undermine the independence of an institution.
2. The need to re-arrange the DPR's Inquiry Rights, one of which is the merger of laws related to the DPR's inquiry rights to minimize conflicts of inquiry norms, considering the many state institutions that have sprung up, which aim to maximize deficiencies and become a constitutional need for Indonesia, so that the DPR in carrying out its

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supervisory function does not weaken or intervene in the institution independent country.

3. The importance of restructuring and revitalising the commissions of independent state institutions, in this case, one of them is the KPK, among others by making it a constitutional organ through the 5th Amendment of the 1945 Constitution. Ideally, all independent state commissions are strictly regulated in the constitution, including regarding the status of institutions, authorities and relations with other state institutions, so that the principle of checks and balances in the Indonesian constitutional system can work properly.

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