

THE ROLE OF CONSTITUTIONAL COURT IN UPHOLDING INDEPENDENCE OF THE CORRUPTION ERADICATION COMMISSION THROUGH DECISION NUMBER 59/-PUU-XVII/2019

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Abstract

This study investigated important role of the Constitutional Court in upholding the independence of the Corruption Eradication Commission through Decision Number 59/PUU-XVII/2019. This decision marked a historic moment in the eradication of corruption in Indonesia because it successfully annulled several provisions in Law Number 19 of 2019 concerning the second amendment to Law Number 30 of 2002 concerning the Corruption Eradication Commission, which were considered to weaken the authority and independence of the anti-corruption agency. This study is a normative legal research with a statutory and case-based approach. The results show that the Constitutional Court plays a role as a guardian of the constitution, protecting constitutional principles in the eradication of corruption. This decision has a significant impact in strengthening the independence of the Corruption Eradication Commission, particularly regarding the authority to wiretap, investigate, and internal oversight mechanisms. This research also enriches understanding of the role of the Constitutional Court in maintaining the balance of power and protecting independent state institutions.

Keywords: Independence; Corruption Eradication Commission; Constitutional Court;

Abstrak

Penelitian ini menganalisis peran penting Mahkamah Konstitusi dalam menjaga independensi Komisi Pemberantasan Korupsi melalui Putusan Nomor 59/PUU-XVII/2019. Putusan tersebut menjadi momen bersejarah dalam pemberantasan korupsi di Indonesia karena berhasil membatalkan beberapa ketentuan dalam Undang-Undang Nomor 19 Tahun 2019 tentang perubahan kedua atas Undang-Undang Nomor 30 Tahun 2002 tentang Komisi Pemberantasan Tindak Pidana Korupsi yang dianggap melemahkan kewenangan dan independensi lembaga antirasuah. Penelitian ini merupakan penelitian hukum normatif dengan pendekatan perundang-undangan dan kasus. Hasil penelitian menunjukkan bahwa Mahkamah Konstitusi berperan sebagai penjaga konstitusi yang melindungi prinsip-prinsip konstitusional dalam pemberantasan korupsi. Putusan ini memberikan dampak signifikan dalam menguatkan kembali independensi Komisi Pemberantasan Korupsi, khususnya terkait kewenangan penyadapan, penyidikan, serta mekanisme pengawasan internal. Penelitian ini turut memperkaya pemahaman mengenai peran lembaga Mahkamah Konstitusi dalam menjaga keseimbangan kekuasaan dan perlindungan terhadap lembaga negara yang independen.

Kata Kunci: Independensi; Komisi Pemberantasan Korupsi; Mahkamah Konstitusi;

A. INTRODUCTION

The Corruption Eradication Commission (KPK) is a state institution with a special mandate to eradicate corruption in Indonesia. Since its establishment through Law No. 30 of 2002 on the Corruption Eradication Commission and refined by Law No. 19 of 2019 on the Second Amendment to Law No. 30 of 2002 on the Corruption Eradication Commission, the KPK has demonstrated significant institutional effectiveness in strengthening the national law enforcement system. The establishment of the KPK was motivated by the spirit of the 1998 reforms, which demanded comprehensive reforms to address the massive, systematic, and structured corruption that had flourished within the government bureaucracy during the New Order era. Over more than two decades, the KPK has made a number of important achievements, including the uncovering of major corruption cases involving high-ranking state officials, such as ministers, governors, regents, mayors, members of the legislature, and law enforcement officials such as judges and prosecutors. These successes demonstrate the KPK's role as a strategic instrument in strengthening the principles of good governance and public accountability in the Indonesian constitutional system.¹

The KPK's success in uncovering and handling various high-profile corruption cases has had a significant positive impact on efforts to eradicate corruption in Indonesia. Surveys conducted by various international institutions show an improvement in Indonesia's corruption perception index since the KPK's establishment. However, the institution's journey has not always been smooth, especially when faced with various attempts to weaken it from various parties who feel threatened by the KPK's existence and performance. These attempts to weaken the KPK have taken various forms, ranging from the criminalisation of KPK leaders, attempts to revise the laws

¹ Ahmad Deni Rofiki dan Sholikul Hadi, "Analisis Yuridis Putusan MK Nomor 79/PUU-XVII/2019 Tentang Revisi Kedua Undang-Undang KPK," *Constitution: Journal Hukum Tata Negara Dan Hukum Administrasi Negara* 2, no. 1 (2023): 85–108, <https://doi.org/10.35719/constitution.v2i1.54>.

governing the KPK, to restrictions on the budget and resources needed to carry out its anti-corruption duties.²

One of the crucial moments in the history of the KPK was when the House of Representatives, together with the government, passed Law No. 19 of 2019 concerning the second amendment to Law No. 30 of 2002 concerning the Corruption Eradication Commission. The process of discussing and passing this law took place in a controversial atmosphere and drew sharp criticism from various elements of society. This law sparked widespread controversy because various parties considered it would weaken the independence and effectiveness of the KPK in carrying out its duties. Academics, legal practitioners, anti-corruption activists, civil society organisations, and various other elements of society have vocally expressed their concerns about the substance of the law.³

In the context of Indonesia's constitutional system, the Constitutional Court plays a strategic role as the guardian of the constitution, tasked with ensuring that all legislation is in line with the constitutional principles enshrined in the 1945 Constitution. The Constitutional Court is a specialised judicial institution responsible for handling constitutional matters, including reviewing laws against the Constitution. The existence of the Constitutional Court is one manifestation of the system of checks and balances in Indonesia's constitutional system, which aims to prevent the abuse of power and ensure that each branch of state power operates within constitutional boundaries.⁴

² Hofifah Hofifah, "Pelibatan Komisi Pemberantasan Korupsi Dalam Pengawasan Hakim Mahkamah Agung Dalam Lingkungan Peradilan Perspektif Fath Dhari'ah," *Al-Qanun: Jurnal Pemikiran Dan Pembaharuan Hukum Islam* 26, no. 1 (2023): 96–107, <https://doi.org/10.15642/alqanun.2023.26.1.96-107>.

³ Nayla Adelina Istika & Supardi Supardi, "Reformulasi Kebijakan Hukum Terhadap Undang-Undang Nomor 19 Tahun 2019 Tentang Komisi Pemberantasan Korupsi," *Jurnal USM: Law Review* 8, no. 1 (2025): 460–78.

⁴ Aimi Solidei Manalu, "Independensi Penegak Hukum Dan Pengawasan Preventif Dalam Penegakan Hukum Di Komisi Pemberantasan Korupsi Pasca Putusan Mahkamah Konstitusi Nomor 70 / PUU-XVII / 2019," *Jurnal Konstitusi Dan Demokrasi* 2, no. 2 (2022): 115–31, <https://doi.org/10.7454/JKD.v2i2.1207>.

The mechanism for reviewing laws in the Constitutional Court provides space for the public to fight for their constitutional rights when they feel aggrieved by a law. This is a manifestation of the principle of constitutional supremacy, which requires all legal products, including laws, to be subject to the Constitution as the highest law. Through this mechanism, the Constitutional Court can also ensure that the democratic process is not only procedural but also substantive, while continuing to respect constitutional principles.

This petition was then registered under number 59/PUU-XVII/2019 and became one of the most publicly watched cases, given the importance of the issue of corruption eradication for the future of the Indonesian nation. The mass media paid great attention to this case, reflecting the high level of public interest in the fate of the KPK and the future of corruption eradication in Indonesia. Various elements of society, ranging from academics, legal practitioners, activists, to the general public, followed the developments of this case with enthusiasm and high hopes for a decision that could reaffirm the independence and effectiveness of the KPK in eradicating corruption.⁵

This research is normative legal research that focuses on the study of law as norms or rules that apply in the legal system. The research was conducted by examining primary, secondary, and tertiary legal materials relevant to the issues under review. The approaches used included the statute approach, which involved analysing various relevant laws and regulations, and the case approach, which involved reviewing court decisions that had permanent legal force. Both approaches are used to gain a comprehensive understanding of the application of legal norms in practice and to formulate systematic and scientifically accountable legal arguments.⁶

⁵ Manalu.

⁶ Tunggul Ansari Setia Negara, "NORMATIVE LEGAL RESEARCH IN INDONESIA : ITS ORIGINS AND APPROACHES," *Audito Comparative Law Journal (ACLJ)* 4, no. 1 (2023): 1-9.

B. FINDING AND DISCUSSION

1. The Position of the Constitutional Court and the Corruption Eradication Commission

Two important institutions in Indonesia's constitutional system are the Constitutional Court and the Corruption Eradication Commission (KPK). The latter institution plays a strategic role in protecting the principles of the rule of law and democracy. Both were established to improve the system of oversight and balance and to ensure clean and fair governance. The Constitutional Court's duty as the guardian of the constitution is to ensure that all laws do not conflict with the 1945 Constitution. Article 24C of the 1945 Constitution explains the authority of the Constitutional Court, which includes reviewing laws against the 1945 Constitution, resolving the enforcement of authority between state institutions, dissolving political parties, and providing conclusions on the opinions of the House of Representatives regarding alleged violations by the President and/or Vice President⁷. Therefore, the Constitutional Court plays an important role in upholding constitutional supremacy and serves as the last resort for resolving constitutional issues. The Constitutional Court cannot be influenced by the legislature or the executive. The President, the House of Representatives, and the Supreme Court select constitutional judges in a balanced manner. This reflects the principle of balance between state institutions. The presence of the Constitutional Court is vital for safeguarding democracy and the principle of the rule of law. Through its decisions, the Constitutional Court often interprets the constitution and resolves important constitutional issues. Therefore, the Constitutional Court is a key pillar in upholding constitutional supremacy in Indonesia. The decisions of the Constitutional Court are final and binding, providing legal certainty within the state system.

⁷ Republik Indonesia, Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, Pasal 24C.

The KPK has a distinguish position in the Indonesian constitutional system. The KPK is not included among the main institutions such as the President, the House of Representatives, or the Supreme Court, but rather as an independent institution responsible for law enforcement, especially regarding corruption offences. Based on Law No. 19 of 2019 concerning the Second Amendment to Law No. 30 of 2002 concerning the Corruption Eradication Commission, the KPK is included in the category of state institutions within the executive branch, but continues to carry out its functions independently. The KPK must be independent in order to carry out its functions objectively and free from political intervention. Nevertheless, the KPK still has the primary authority to conduct investigations and inquiries related to corruption cases, as well as to carry out coordination, supervision, prevention and monitoring tasks. The KPK continues to play a very important role in Indonesia's constitutional system. The challenge ahead is to maintain the KPK's independence and professionalism and ensure that it is able to carry out its duties effectively in order to realise a clean and corruption-free government.

Constitutional Court Decision Number 59/PUU-XVII/2019 arose from deep concerns among various elements of society regarding amendments to the KPK Law that were deemed counterproductive to efforts to eradicate corruption. This concern did not arise suddenly, but was the accumulation of long-standing concerns in society about various systematic attempts to weaken the KPK. Prior to the enactment of Law No. 19 of 2019, there were already various indications of attempts to reduce the effectiveness of the KPK through various means, including the criminalisation of KPK leaders, budget restrictions, and sustained political pressure.⁸ The petitioners, consisting of academics, experienced legal practitioners with a track record in the field of corruption eradication, anti-corruption activists who have long been involved

⁸ Darmawan Sigit Pranoto and Teguh Kurniawan, "Three Years of the Corruption Eradication Commission ' s Institutional Reform : A Narrative Policy Analysis," *Integritas : Jurnal Antikorupsi* 8, no. 2 (2022): 151–64, <https://doi.org/10.32697/integritas.v8i2.943>.

in civil society movements, and highly credible public figures, submitted a petition for review with very comprehensive arguments. They argued that several provisions in Law No. 19 of 2019 conflict with the 1945 Constitution, particularly in terms of the protection of human rights, the principle of the rule of law, and the commitment to combating corruption, which has become a constitutional mandate.⁹

One of the main aspects of the petition is the provision on the establishment of a Supervisory Board for the Corruption Eradication Commission (KPK), which is considered to have the potential to interfere with the operational independence of the institution. The petitioners argue that the oversight mechanism stipulated in the law is disproportionate and could potentially be used as an instrument to interfere with the law enforcement process being carried out by the KPK. They also highlight the provision on restrictions on wiretapping powers, which they believe will greatly hamper efforts to uncover corruption cases that are often conducted in secret and involve complex networks.

Another aspect that has come under scrutiny is the provision on the obligation to coordinate with other institutions during the investigation process, which is considered to have the potential to slow down the case handling process and open up opportunities for suspects to flee or destroy evidence. The petitioners also criticised the provisions on restrictions on the duration of wiretapping and stricter requirements for conducting wiretapping, which are considered to reduce the effectiveness of the KPK in gathering the evidence needed to build a strong corruption case.

During the proceedings, the petitioners presented various legal arguments underpinning their petition, supported by empirical data and in-depth legal analysis. One of the main arguments was that certain provisions in

⁹ Malahayati M Rido Susanto, Elidar Sari, "KEDUDUKAN KOMISI PEMBERANTASAN KORUPSI DALAM SISTEM KETATANEGARAAN REPUBLIK INDONESIA (ANALISIS PUTUSAN MAHKAMAH KONSTITUSI NOMOR 70 / PUU-XVII / 2019)," *Jurnal Ilmiah Mahasiswa Fakultas Hukum Universitas Malikussaleh* V, no. 3 (2022): 21–28, <https://doi.org/10.29103/jimfh.v5i3.8655>.

the law had the potential to undermine the independence of the KPK as a state institution that should be free from political interference. They pointed out how the provisions on the Supervisory Board could be used as a political instrument to influence the KPK's policies and operational decisions, especially in handling cases involving influential political figures.¹⁰

The petitioners also argued that several provisions could hamper the KPK's effectiveness in carrying out its constitutional mandate to prevent and eradicate corruption. They presented a comparative analysis of how anti-corruption agencies in various countries have successfully carried out their functions effectively with adequate authority and guaranteed independence. This argument is reinforced by statistical data showing a positive correlation between the independence of anti-corruption agencies and their success rate in eradicating corruption.¹¹

In addition, the petitioners also highlighted human rights aspects in the context of eradicating corruption, arguing that the public has the right to a clean government that is free from corruption. The weakening of the KPK is considered a violation of the constitutional rights of the public to obtain quality public services and transparent and accountable governance.

The government and the House of Representatives, as parties involved in the drafting of the law, responded by defending the constitutionality of the law they had passed. They argued that the changes were an attempt to improve the KPK's working system and ensure the institution's accountability in carrying out its duties. The government stated that the establishment of the Supervisory Board was intended to increase the transparency and accountability of the KPK, not to interfere with its independence.

The House of Representatives stated that the law had been deliberated in accordance with the applicable legislative mechanisms and had taken into

¹⁰ Nurhaliza Trie Anna Dewi, "Peran KPK Dalam Pemberantasan Korupsi Di Indonesia," *Mahkamah: Jurnal Riset Ilmu Hukum* 2, no. 2 (2025): 63–69, <https://doi.org/10.62383/mahkamah.v2i2.543>.

¹¹ Dewi.

account various inputs from relevant stakeholders. They also argued that the provisions in the law still provided sufficient space for the KPK to carry out its duties effectively, while ensuring healthy checks and balances. The government also argued that certain restrictions on the KPK's authority were necessary to ensure that the agency did not abuse its authority and continued to respect the rights of suspects or defendants in accordance with the principles of due process of law. They argued that the provisions on coordination with other agencies were intended to enhance synergy in law enforcement, not to hamper the KPK's performance. However, this argument was then thoroughly examined by the Constitutional Court through a comprehensive and objective legal analysis. The Constitutional Court conducted a careful examination of each argument presented by the parties, both the petitioner and the respondent, using strict constitutionality parameters and referring to fundamental principles in the Indonesian constitutional system.

2. Impact of the Decision on the Independence of the Corruption Eradication Commission

Constitutional Court Decision Number 59/PUU-XVII/2019 has had a significant impact on strengthening the independence of the Corruption Eradication Commission (KPK) in various aspects. Through this decision, the Constitutional Court successfully overturned several provisions that were deemed to weaken the KPK's independence and restored several important powers that had been reduced or restricted [Constitutional Court of the Republic of Indonesia, Decision Number 59/PUU-XVII/2019]. This impact is not only felt at the normative level, but also has practical implications that directly affect the KPK's operations in carrying out its daily tasks.

In institutional terms, this ruling strengthens the KPK's position as an independent state institution by eliminating several mechanisms that could potentially undermine its independence. One of the most significant impacts relates to the restructuring of the oversight mechanism for the KPK, which was

previously considered too interventionist. The Constitutional Court's ruling ensures that the oversight mechanism for the KPK remains in place to guarantee accountability, but without compromising the operational independence of the institution. It has an impact on strengthening the institutional capacity of the KPK in terms of strategic decision-making. With reduced external intervention in the decision-making process, the KPK has more freedom in determining work priorities, resource allocation, and the most effective anti-corruption strategies in line with the conditions and challenges faced. This is particularly important given the ever-evolving nature of corruption, which requires a swift and adaptive response from anti-corruption agencies.

One of the most obvious impacts is in terms of wiretapping authority. The Constitutional Court's ruling allows the KPK to resume wiretapping without having to go through the complicated procedures previously stipulated in the law. This is important because wiretapping is a highly effective investigative tool in uncovering corruption, which is often carried out in a covert and organised manner.¹² More flexible wiretapping powers enable the KPK to be more responsive in dealing with increasingly sophisticated and complex forms of corruption.

In practice, the ease of this wiretapping procedure has been proven to increase the effectiveness of the KPK in uncovering complex corruption networks. Many major corruption cases involving multiple parties and carried out through encrypted communications can be uncovered through timely wiretapping. Without adequate wiretapping authority, many corruption cases would be difficult to uncover because perpetrators are becoming increasingly adept at hiding their illegal communications and transactions.

This ruling has an important impact on strengthening the overall investigative capacity of the KPK. With the return of several investigative

¹² Indonesia Corruption Watch (ICW), *Membedah Pelemahan KPK: Kajian Atas Undang-Undang Nomor 19 Tahun 2019* (Jakarta: Indonesia Corruption Watch, 2020).

powers, the KPK can work more effectively in gathering evidence and building strong corruption cases. The authority to conduct investigations independently without always having to coordinate with other institutions provides the flexibility needed to deal with corruption cases that require swift and confidential handling.¹³

Positive impacts have also been felt in terms of the KPK's ability to conduct arrests and searches. With more streamlined procedures, the KPK can carry out these operations more effectively and in a timely manner, thereby reducing the risk of suspects fleeing or destroying evidence. This will certainly have a positive impact on the KPK's success rate in handling corruption cases.

The decision has an impact on increasing the credibility and legitimacy of the KPK in the eyes of the public. With constitutional protection through the Constitutional Court's ruling, the public once again has high confidence in the KPK as an institution that is truly independent and not easily influenced by political forces. This public trust is very important for the effectiveness of the KPK's work because public support is one of the key factors for success in eradicating corruption.

From an institutional perspective, this ruling also strengthens the KPK's position as an independent state institution with autonomy in carrying out its duties. With constitutional protection through the Constitutional Court's ruling, any future attempts to weaken the KPK will face stronger legal obstacles. This provides long-term assurance for the continuity of the KPK's work and prevents fluctuations in performance due to periodic political changes.

This also has an impact on strengthening the morale and work motivation of KPK employees. With stronger guarantees of independence, law enforcement officials at the KPK can work more calmly and focus without

¹³ Farah Syah Rezah & Andi Tenri Sapada, "Komisi Pemberantasan Korupsi Pasca Perubahan Undang-Undang Dalam Perspektif Kelembagaan," *Asas Wa Tandhim: Jurnal Hukum, Pendidikan & Sosial Keagamaan* 5, no. 1 (2026): 249–60, <https://doi.org/10.47200/awtjhpsa.v5i1.3206>.

having to worry about political intervention or intimidation. This is very important for maintaining professionalism and integrity in handling corruption cases.

3. Implications for the Corruption Eradication System

This Constitutional Court ruling has broad implications for the overall anti-corruption system in Indonesia. With the strengthening of the KPK's independence, it is hoped that the effectiveness of corruption eradication will increase and have a greater deterrent effect on perpetrators of corruption. This ruling also sends a strong signal to all parties that Indonesia's constitutional commitment to eradicating corruption cannot be compromised. Through its ruling, the Constitutional Court has emphasised that any attempt to weaken anti-corruption institutions will face strict constitutional scrutiny.

From a governance perspective, this ruling reinforces the principle of good governance and encourages the creation of a more transparent and accountable government. With a strong and independent KPK, it is hoped that the level of corruption in various lines of government can be significantly reduced. This ruling also provides legal protection for law enforcement officials at the KPK to carry out their duties without fear of political interference. This will encourage more optimal and professional performance in handling corruption cases.

In a comparative study of anti-corruption institutions in several countries with a good reputation for combating corruption, such as Singapore, Hong Kong and Australia, there are several legal and internal oversight mechanisms that effectively guarantee the independence of anti-corruption agencies and support their success in combating corruption.

In Singapore, the Corrupt Practices Investigation Bureau (CPIB) is an anti-corruption agency that is highly independent and reports directly to the Prime Minister. The CPIB is equipped with full investigative powers without the need for complex bureaucratic coordination, enabling it to conduct investigations quickly and effectively. Internal oversight mechanisms are also

designed to ensure transparency and accountability, including regular audits and independent reviews of the agency's performance, thereby maintaining a balance between independence and accountability.¹⁴

Hong Kong has an Independent Commission Against Corruption (ICAC) which is known as one of the most successful anti-corruption agencies in the world. The ICAC was established with a specific mandate to have full autonomy in investigating and prosecuting corruption cases. The ICAC's organisational structure is separate from other government agencies, and its internal oversight mechanisms include an independent supervisory board that oversees its operations without interfering in the investigation process. The ICAC also combines preventive and educational approaches in addition to law enforcement, with strict oversight from a committee whose integrity is maintained through a transparent selection process.

Meanwhile, in Australia, anti-corruption agencies such as the Independent Commission Against Corruption (NSW ICAC) in the state of New South Wales operate under a strong common law system with legal protection for investigations and inquiries. The Australian ICAC has independent investigative powers and can issue binding recommendations. It is overseen by a supervisory commission consisting of independent and experienced figures who maintain the impartiality of the agency. This oversight ensures that the ICAC remains focused on its task of eradicating corruption without becoming entangled in political interests.

These three institutions exemplify the importance of institutional structures that place anti-corruption agencies in a position of functional and operational independence, supported by proportionate internal oversight mechanisms. Adequate investigative powers, autonomy in decision-making, and internal oversight that does not interfere with work processes but still ensures accountability are key to the success of these anti-corruption agencies.

¹⁴ Widhi Rachmadani, Ismunarno, Sabar Slamet, "Pengaturan Hukum Tindak Pidana Gratifikasi Di Indonesia Dan Singapura," *Recidive: Jurnal Hukum Pidana Dan Penanggulangan Kejahatan* 10, no. 2 (2021): 132–41, <https://doi.org/10.20961/recidive.v10i2.58877>.

The lessons learned from these three countries underscore that effective anti-corruption efforts require institutions that are free from political interference, have broad investigative powers, and transparent and independent internal oversight mechanisms. This approach enables anti-corruption agencies to carry out their duties professionally and effectively while maintaining public trust.

4. The Role of the Constitutional Court as Guardian of the Constitution

The Constitutional Court plays a vital role as a judicial institution in maintaining the balance of power between state institutions, particularly between the legislature, the executive, and independent institutions such as the Corruption Eradication Commission (KPK). As the guardian of the constitution, the Constitutional Court serves to ensure that all legal products, including the KPK Law, are in line with the principles of democracy, the rule of law, and respect for human rights.

The Constitutional Court's ruling on the KPK Law is a clear illustration of the effective application of the principle of checks and balances. By reviewing several articles in the KPK Law that had the potential to weaken the KPK's independence, the Constitutional Court set clear limits on excessive legislative and executive interference. This decision by the Constitutional Court confirms that although the KPK is an independent and autonomous state institution, its existence remains subject to constitutional legal oversight through a free and impartial judiciary.

Through this ruling, the Constitutional Court has strengthened the position of the KPK so that it can continue to carry out its function of eradicating corruption without political pressure or intervention that could interfere with the law enforcement process. Thus, the Constitutional Court not only mediates conflicts between institutions but also protects independent institutions from potential abuse of power by other institutions. This reaffirms the role of the Constitutional Court as a balancing point that keeps state power

within constitutional limits, prevents the domination of one institution over another, and ensures the integrity of law enforcement in Indonesia.

Through this ruling, the Constitutional Court has performed its role as guardian of the constitution very well. The Court not only acts as an institution that tests the constitutionality of laws, but also as a protector of fundamental principles in the Indonesian constitutional system. The Constitutional Court's courage in overturning provisions that could potentially weaken the Corruption Eradication Commission (KPK) demonstrates the independence and integrity of the constitutional court in upholding the supremacy of the constitution. The Constitutional Court is not influenced by political pressure or the interests of certain groups, but rather focuses on objective legal analysis based on constitutional parameters.

The ruling reflects the effective functioning of the principle of checks and balances in Indonesia's constitutional system. In this context, when the legislative and executive branches produce regulations or laws that are deemed to contain constitutional issues, the judiciary, through the role of the Constitutional Court, has the authority to review and invalidate legal norms that conflict with the 1945 Constitution. This mechanism is concrete evidence that Indonesia's constitutional structure accommodates a system of oversight between branches of state power, in order to prevent abuse of authority or the domination of one branch over another. In this case, the Constitutional Court acts as a balancing force and controller, ensuring that every legal product produced remains within the framework of constitutional values and does not harm the constitutional rights of citizens. Thus, the existence of this ruling is not only important legally, but also demonstrates the maturity of democracy and the rule of law in the practice of Indonesian state administration.

Through this ruling, the Constitutional Court has also made an important contribution to strengthening democracy and the rule of law in Indonesia. By protecting the independence of anti-corruption institutions, the

Court has strengthened the foundations of democracy, which requires clean and accountable government.

5. Legal Analysis of Constitutional Court Decisions

The Constitutional Court conducted a legal analysis using various approaches to constitutional interpretation to assess whether the provisions of Law No. 19 of 2019 were in line with constitutional principles. The Constitutional Court applied judicial review using the 1945 Constitution as the highest norm in the Indonesian legal hierarchy. This analysis process is conducted with great care and uses methodologies that are well established in constitutional court practice, including the use of various constitutional interpretation theories such as textual interpretation, teleological interpretation, and systematic interpretation.¹⁵

The Constitutional Court did a comparative analysis by examining the experiences of anti-corruption institutions in various countries to understand best practices in strengthening structural, functional and operational independence in maintaining the effectiveness of anti-corruption institutions. This study included an analysis of anti-corruption institutional models in countries such as Singapore, Hong Kong, Australia, and European countries that have a good reputation in combating corruption. From this comparative study, the Constitutional Court gained a broader perspective on how anti-corruption institutions should be designed and regulated in order to function optimally.

One important aspect analysed by the Constitutional Court is the principle of independence of state institutions in the Indonesian constitutional system. The Constitutional Court conducted an in-depth study of the concept of independence in the context of state institutions, which covers not only structural independence but also functional and operational independence.

¹⁵ Arya Widiyanti, Hananto Widodo, "ANALISIS YURIDIS PUTUSAN MAHKAMAH KONSTITUSI NOMOR 70 / PUU-XVII / 2019 ATAS JUDICIAL REVIEW UNDANG-UNDANG KOMISI PEMBERANTASAN TINDAK PIDANA KORUPSI," *Novum: Jurnal Hukum* 10, no. 1 (2023): 92–106, <https://doi.org/10.2674/novum.v0i0.49264>.

Structural independence relates to the institutional position of the KPK within the constitutional structure, which must be free from interference by other branches of power, while functional independence relates to the KPK's freedom in determining priorities and strategies for combating corruption.

The Constitutional Court comprehend KPK as an independent state institution, must have the freedom to carry out its duties without pressure or intervention from any political forces. This independence is not only important for the effectiveness of the KPK's work, but also a manifestation of the principle of checks and balances in a democratic constitutional system. In its analysis, the Constitutional Court examined in detail how the provisions of Law No. 19 of 2019 have the potential to undermine this independence through various mechanisms that on the surface appear to be efforts to increase accountability.

The Constitutional Court investigated the concept of balanced accountability, whereby state institutions do need to be supervised to ensure their performance, but the supervisory mechanisms must not interfere with their operational independence. In this context, the Constitutional Court assessed whether the establishment of the KPK Supervisory Board as stipulated in the law had fulfilled the principles of proportionality and was not excessive in its supervision of the KPK.

The Constitutional Court also analysed the KPK's authority in the context of combating corruption by conducting an in-depth study of the nature of corruption as a crime with specific characteristics. Corruption often involves complex networks, is carried out covertly, and involves the abuse of position and power. These characteristics require a special approach to law enforcement, including extraordinary powers that enable law enforcement officials to uncover crimes that are difficult to detect through conventional means.

The view of the Constitutional Court, the authority possessed by the KPK must be sufficient to carry out its constitutional mandate to eradicate corruption. A disproportionate reduction in authority could be seen as a

weakening of the state's commitment to eradicating corruption, which in turn would be contrary to the constitutional ideal of achieving a clean and corruption-free government. The Constitutional Court conducted a detailed analysis of each of the KPK's powers that were restricted or removed in the law to assess their impact on the effectiveness of combating corruption.

In terms of wiretapping authority, the Constitutional Court conducted an in-depth analysis of the importance of this instrument in uncovering corruption cases. Wiretapping is a highly effective piece of evidence for uncovering the often secret communications of perpetrators of corruption. The Constitutional Court examined various major corruption cases successfully uncovered by the Corruption Eradication Commission (KPK) to understand the importance of wiretapping in the investigation process and how restrictions on this authority can hamper efforts to eradicate corruption.

The Constitutional Court analysed the aspect of due process of law in the context of wiretapping authority, where there must be a balance between the need to uncover corruption crimes and the protection of individual rights. In its analysis, the Constitutional Court assessed whether the provisions on wiretapping in Law No. 19 of 2019 had achieved the right balance or were too restrictive, thereby hampering the effectiveness of corruption eradication efforts.¹⁶

Terms of the oversight mechanism for the KPK, the Constitutional Court conducted a balanced analysis between the need for accountability and the protection of independence. The Constitutional Court understands that every state institution needs to be supervised to ensure its accountability, but the oversight mechanism must not interfere with the operational independence of the institution concerned. In this context, the Constitutional Court conducted an in-depth review of the institutional design of the Supervisory Board established by the law.

¹⁶ Arya Widiyanti, Hananto Widodo.

The Constitutional Court analysed the composition, selection mechanism and authority of the Supervisory Board to assess whether this institution has the potential to become a political instrument that can be used to interfere with the work of the KPK. This analysis included a review of the mechanism for selecting members of the Supervisory Board, which involves political institutions and has the potential to result in board members who are not independent and have specific political agendas.

The Constitutional Court reviewed the Supervisory Board's authority, which was deemed too broad and potentially disruptive to the KPK's operational processes. One area of concern was the Supervisory Board's authority to approve various KPK policies and operational decisions, which was considered to slow down the case handling process and open up opportunities for political intervention in law enforcement.

Therefore, the Constitutional Court assessed whether the oversight mechanism stipulated in the law was proportionate and did not have the potential to hamper the performance of the KPK. The results of this analysis form an important basis for the Constitutional Court in deciding on the constitutionality of the provisions in Law No. 19 of 2019 concerning the Second Amendment to Law No. 30 of 2002 concerning the Corruption Eradication Commission.

C. CONCLUSION

Constitutional Court Decision Number 59/PUU-XVII/2019 is an important milestone in the history of corruption eradication in Indonesia. Through this ruling, the Constitutional Court has fulfilled its function as guardian of the constitution by overturning provisions that had the potential to weaken the independence and effectiveness of the Corruption Eradication Commission. This ruling not only strengthens the authority of the Corruption Eradication Commission, but also provides constitutional protection for the existence of anti-corruption institutions in Indonesia. The impact of this ruling

is very significant for the anti-corruption system in Indonesia. With the strengthening of the independence of the Corruption Eradication Commission, it is hoped that the effectiveness of corruption eradication will increase and contribute positively to the creation of a clean and transparent government. This ruling also strengthens Indonesia's position in global efforts to eradicate corruption and increases public confidence in the state's commitment to eradicating corruption. The legal analysis conducted by the Constitutional Court in this ruling demonstrates a comprehensive and balanced approach between the need for accountability and the protection of the independence of state institutions. The Constitutional Court successfully identified provisions that had the potential to interfere with the independence of the Corruption Eradication Commission and provided strong legal justification for their annulment.

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