

RECONSTRUCTION OF AUTHORITIES OF THE PEOPLE'S REPRESENTATIVES SELECTION OF CHIEF OF CORRUPTION ERADICATION COMMISSION ELECTION BASED ON PROGRESSIVE LAW

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ABSTRACT

One form of the DPR's oversight function is to have the authority to select public officials at an independent state commission, including the Corruption Eradication Commission (KPK). The purpose of this study is first, to examine the authority of the DPR in selecting KPK leaders. Second, analyzing the impact of the DPR's authority to select KPK leaders. Third, the ideal reconstruction ME DPR authority in the selection of the KPK leadership election based Progressive Law. The type of research used in this study is empirical legal research and the data sources used include primary data and secondary data. The nature of this research is descriptive and prescriptive. The results of the study found that the implementation of the DPR's authority brought potential positive and negative impacts. The negative impact of the DPR's authority has the potential to influence the independence of the KPK, encouraging the emergence of deals, agreements and commitments which has the potential to weaken the eradication of corruption, and because the DPR is a political institution, political considerations are an important factor compared to integrity and competence in determining the choice of who will be elected as KPK Leader. For this reason, it is necessary to reconstruct the Law on the Corruption Eradication Commission, which contains the authority of the DPR to carry out the election selection. The KPK leadership is channeled through the involvement of the DPR elements in the selection committee of the KPK Leaders who are independent and formed by the Government.

KEYWORDS: DPR, KPK, Authority, Public Officer

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INTRODUCTION

Preliminary

The authority of the DPR regarding the election of public officials is not only at the constitutional level. Different law on state commissions independently set the proviso that in the case of the appointment of leaders/members of his there is a role for the DPR. Because of changes in the Constitution NRI 1945 gave right power to make laws to Parliament it easier for Parliament to determine the content of the law according to the will and desire, including authorizes himself to be involved in the selection of the selection of public officials who would sit on various commissions independent state.

In Purnomo Sucipto's notes, there are at least 30 state institutions whose appointments/members involve the DPR, both those regulated in the 1945 Constitution and the Law. Some of them, interrupted in the 1945 Constitution, are the appointment of state officials of the TNI Commander and National Police Chief, Governor, Senior Deputy Governor and Deputy Governor of Bank Indonesia (BI), Head of the State Intelligence Agency (BIN), leaders / members of the State Commission for Eradication Commission Corruption (KPK), Kom content of N asional Human Rights (Komnas HAM), the Commission on Election (KPU), the Elections Supervisory Board (Bawaslu), the Financial Services Authority (FSA), Badan Amil Zakat Nasional (Baznas), Commission for Supervision of Hajj Indonesia (KPHI), Film Censorship Institution (LSF), Central Information Commission (KIP), Indonesian Broadcasting Commission (KPI), Oil and Gas Executing Agency , and Oil and Gas Regulatory Committee. [1]

Constitutional law expert JimlyAsshiddiqie highlighted the authority of the DPR in terms of appointing state officials or public officials. Every law that introduces a new state institution or commission is always associated with the authority of the DPR to make a *fit and proper test*. For example, the selection of candidates for Chief Justice, Commissioner of KPK, Commissioner of KY, National Commission on Human Rights, Central Information Commission, Indonesian Broadcasting Commission, Republic of Indonesia Ombudsman, and National Consumer Protection Agency. [2]

Jimly explained the model of state administration practice in the United States, namely the right to confirm (*right to confirm*) on the appointment of public office tends to change to *right to select*, so that tendencies are political and technical. This of course, can affect selected public officials. The Professor of Constitutional Law considers that the involvement of the DPR in the recruitment of public officials is actually only a variant of the supervisory function specified in the constitution. This has caused the DPR not to focus on carrying out its main tasks, legislation, supervision, and budget. Therefore, the involvement of the DPR in the recruitment of public positions must also be evaluated thoroughly, it is sufficiently limited to the right to confirm it. Hence, the 'right to vote' was canceled by the Constitutional Court regarding the proposal of prospective judges by KY. [3]

Some experts mention the potential for political intervention in the selection of public officials if it involves the DPR. This was stated, among others, by Saldi Isra. Saldi argued that the recruitment pattern of KY and KPK members involving the DPR must be changed. Because the recruitment pattern of the two members of the state commission cannot be separated from political intervention either by the President and the DPR. However, the authority of the President deductible for partially submitted to the selection committee that filled government, practitioners, academics, and community leaders. On the contrary, the DPR still has considerable power in determining KY and KPK members because the DPR is still authorized to choose 1 of 3 names proposed by Panel. Therefore, it is time for the DPR not to be given the authority to "vote", but simply "approve" or "not approve" candidates for KY and KPK proposed by Panel. Moreover, Article 24B paragraph (3) of the 1945 Constitution calls for KY members to be appointed and dismissed by the president with the DPR's "approval". [4]

Government science expert, MiftahThoha suggested that the appointment of KY and KPK members was not necessary *political approval* or due diligence by the DPR. As applicable in the selection of candidates for Chief Justice, TNI Commander, and National Police Chief. This is because the appointment of a pure public official enters into the realm of executive power as head of state in accordance with Article 4 paragraph (1) of the 1945 Constitution. This is to prevent intervening political interests from political parties in the DPR. [5]

The authority of the House of Representatives to appoint public officials is feared to affect the independence of the Judicial Commission and the Corruption Eradication Commission in determining the members of the Judicial Commission and Corruption Eradication Commission because they are vulnerable to infiltration of transactional politics. The number of laws that authorize the DPR to recruit public officials through the *fit and proper test* has resulted in "shifting" the function of the House of Representatives as a form of the Act to become the supervisor of the implementation of the Act or semi-executive. *Seh currents*, the DPR is enough to give "approvals" such as the recruitment of the TNI Commander and the National Police Chief. [6]

Senior advocate and legal observer, TodungMulyaLubis stated that there was a "cattle trading policy" in the selection process in the DPR. This has an impact on the ability of state commissions in their idealism. As for Topo Santoso, legal academics and legal observers mentioned the existence of fundamental problems in the selection of public officials at the state commission. He modeled how the KPU selection system just failed to select people who were considered experienced and understood electoral issues, such as RamlanSurbakti, HadarGumay, DidikSupriyanto, and Indra Piliang. [7]

Chairman of the House of Representatives (at the time), MarzukiAlie stated that there was an agreement (*deal*) behind the election of public officials in the DPR, such as the election of Supreme Court justices, heads of state commissions, or state institutions. Therefore, Marzuki proposed a review of the authority of the DPR in determining officials in a number of state institutions. If one wants to be chosen, just submit one to the DPR. If (the amount sent) more or no choice, would emerge a political *deal*, whether money *deal* or *deal* of commitment. [8]

The discourse on the selection of officials by the House of Representatives came after there were allegations of members of the House of Representatives Commission III from the Democratic Party faction that they had tried to offer Rp 200 million each to seven leaders of the Judicial Commission (KY). This event occurred in the fit and proper test of the candidate for Chief Justice in 2012. In the selection test of the candidate for Supreme Court justices in the DPR, there was also a meeting of DPR members with the selection participants in the DPR toilets. [9]

MarzukiAlie doubted the fit and proper test mechanism in the House of Representatives which was only conducted in one day or one meeting. It is very difficult to assess candidates with a test model like that so what happens is the selection of candidates based on faction orders. He also doubted the choice of the faction was chosen based on the interests of the country. As a result, if there are candidates who are not well-off, we are also wretched. This is because DPR members choose with political considerations so that there must be political interests in it. He proposed the need for the government and party people, through their factions in the House of Representatives, to register, then change the contents of the law which still gives the DPR authority to elect public officials. [10]

Although the Speaker of the House of Representatives (at the time) MarzukiAlie had such an attitude, until the end of his leadership period, namely 2014, there was no change in the authority of the DPR regarding the appointment of public officials at all. Even when the House of Representatives in the next period, namely 2014-2019 carrying out the task to this day, there is no change in the authority of the DPR in terms of the appointment of public officials as stated in various laws. This condition shows that MarzukiAlie's statement was more of a personal statement, opened the DPR's institution and came out because it answered reporters' questions regarding the emergence of problems or cases in the implementation of the DPR's authority.

The various statements above show that the authority of the DPR in relation to the appointment of public officials turned out to bring important issues to be studied scientifically. On that basis, the author feels it is important to do research on this topic. The research object is limited to the authority of the Parliament of Corruption Eradication Commission (KPK) Leader Election. [11]

KPK is an independent state commission. The independent nature of the KPK has explicitly stated in Article 3 of Law Number 30 of 2002: "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." Explanation of Article 3 of this Act describes the meaning of the word "any power" , namely " In this provision what is meant by" any power "is the power that can influence the duties and authority of the Corruption Eradication Commission or individual members of the Commission from the executive, judiciary, legislative, other parties related to criminal cases corruption, or circumstances and situations or for any reason."The legislator is fully aware that one of the parties who are able to influence the duties and authority of the KPK is the legislature or the DPR institution.

There are three problems that will be answered in this study. First, what only the authority of the DPR in the selection of KPK leaders. Second, what is the impact of the DPR's authority to select KPK leaders. Third, how is the ideal reconstruction of the DPR's authority in selecting KPK leaders based on Progressive Law.

RESEARCH METHODS

The author uses the constructivism paradigm in an effort to answer problems. The type of research used in this study is empirical legal research and the data sources used include primary data and secondary data. The nature of this research is descriptive and prescriptive. Penelitian using popular sovereignty as a *grand theory*, the theory of law as a *middle state theory*, and progressive legal theory and the theory of authority as the *applied theory*.

DISCUSSIONS

Democratic Theory (*Grand Theory*)

In the beginning, the embryo of democracy grew from the existence of people's saturation of the model of government run by the authorities. Before democracy emerges, there is a government system controlled by the state. This condition causes the people not to have the right to interfere in the affairs of state administration. The people only carry out what the state has decided. The notion of democracy is a manifestation of people's dissatisfaction with countries that carry out liberalism and utilitarianism. Democracy is the answer to the solution of the desire to form a country whose people in the country determine the progress of a country. [12]

Democracy did not experience significant development during the Middle Ages which was often referred to as the age or dark ages. It was only in the Renaissance period that the idea of sovereignty, social contract theory and the doctrine of natural rights developed. These ideas support the development of democratic understanding. John Locke (England) initiated the existence of people's political rights which according to him consisted of the right to life, freedom and the right to vote. Montesquieu (France) said that the political system can guarantee the rights of poly tick through the teachings of triad politics a, namely the existence of a system of division of state power into three form: legislative, executive, and judicial branches, each of which must be controlled by different individuals and independent. [13]

Democracy can be classified according to idealism and according to his will. The democracy according to its idealism is divided into two types, namely direct democracy and indirect democracy. Direct democracy is a democracy with the highest relative degree. Direct democracy is characterized by the fact that legislation and executive and judicial functions exercised by the people who major in rallies or public meetings. Democracy like this is certainly only possible in small communities and under simple social conditions. This was found in ancient German and Roman tribes. [14]

In its development, along with the development of an increasingly large number of people and increasingly complex life and wider domicile areas, direct democracy is increasingly difficult to practice. Finally developed a new model of democratic namely indirect democracy.

Hans Kelsen formulates indirect democracy is a democracy in which the legislative function is carried out by a parliamentary institution whose members are elected by the people. Similarly, executive and judicial functions are carried out by officials who are also elected through general elections. [15]

Democracy according to his will is a democracy that is carried out based on the wishes or will of the people who carry it out. Democracy according to his will was stated by F. Iswara. He stated that there are two kinds of democracy according to his will, namely pure democracy and representative democracy. Pure democracy is also called direct democracy, which is democracy in which the will of the people is directly expressed in meetings. Ni models of democracy practiced in ancient Greek city-states and now can still be found in some cantons in Switzerland, as in Appenzell, Glarus, Uri, and Unterwalden. [16]

Isjwara continued, while representative democracy is commonly called a republican government or some call it a liberal democracy. This model democracy is a form of government that is based on the understanding that the people as a whole cannot include state government. Kehen is not the people expressed through representatives elected by the people in general elections and who act as people's representatives in state affairs. Representative democracy must fulfill the main requirements, namely the existence of elections democratically, the representatives of the people while holding office must reflect the will of the people, and people's representatives can be held accountable by the people. [17]

Representative Institution Theory (Middle Theory)

Representation (*representation*) which is known at this time is representative of a political nature (*political representation*), namely representatives of the people through political parties that have the ability or obligation to speak and act on behalf of people who choose the party. Representative or parliamentary institutions are not the same in their designations and types. But the parliament or representative institution is basically a representative institution of the people which in its development is often referred to as the legislative institution because its main task is to form a Law (UU). [18]

According to Jimly Asshiddiqie, there are three functions inherent in the people's representative institutions, namely, the legislative function (regulation), the supervisory function, and the representation function. [19] The institution of people's representation is a branch of power that first reflects the sovereignty of the people. The first state activity is to regulate the common life and the authority to stipulate the rules governing the common life must first be given to the representative institution of the people or parliament or also the legislative body. [20]

People's representative body also has the function of supervision (*control*), in the form given authority to exercise control in three areas, namely the control of the Government of Pakistan hold, control over expenditure, and control on taxation. [21]

In Fact, Theoretically, the Parliamentary Oversight (Control) Function can be Specified

- supervision of policy determination;
- supervision of policy implementation;
- supervision of state budgeting and spending;
- supervision of the implementation of the state budget and expenditure;
- supervision of government performance; and supervision of the appointment of public officials in the form of approval or rejection, or in the form of giving consideration by the DPR. [22]

In the context of implementing popular sovereignty, supervision has a very strategic meaning. The sustainability of democracy requires control over the administration of government by people directly elected by the people. Supervision by representative institutions allows the guarantee of people's interests in executive policy, both in the making and implementation. [23]

Separation Theory and Power Distribution (Applied Theory)

The idea of the limitation of power is closely related to the theory of *separation of power* and *division of power*. The theory of separation of powers is thought to originate from Montesquieu and John Locke. The term separation of powers which is an Indonesian translation for the word *separation of power* is based on the theory of political trials a or three functions of power which according to Montesquieu must be distinguished and structurally separated in state organs that do not interfere with each other's affairs. [24]

In its development, the term and the theory of separation of powers became a general concept that should not be associated with Montesquieu's thinking. The separation of power theory is also used by scholars and experts with different understandings from one another. [25]

As a comparison to the concept of separation of powers, the *division of power* (*distribution of power*) develops. According to Jimly, the two terms, namely the separation of power and the division of power actually have the same meaning, depending on the context of the understanding adopted. For example, in the United States Constitution, both terms, *separation of power* and *division of power* are equally used. The difference in its use lies in the term *division of power* used in the context of the division of powers between federal and state, while the *separation of power* is used in the context of power sharing at the federal government level, namely between the legislative, executive and judicial powers. [26]

George Marshall formulated five aspects of the doctrine of separation of powers, namely, *first*, the doctrine of the separation of powers was to distinguish the functions of the legislative, executive, and judicial powers. *Secondly*, the doctrine of separation of powers requires people who hold positions in the legislative body to not hold concurrent positions outside the legislative branch. *Third*, the doctrine determines that each organ must not interfere or intervene in the activities of other organs. *Fourth*, the doctrine contains the principles of *checks and balances* in which each branch of power controls and balances the power of other branches of power. *Fifth*, the principle of coordination and equality, namely all organs or state institutions that carry out the legislative, executive and judicial functions have equal positions and have a coordinative relationship, not subordinate to each other. [27]

Progressive Legal Theory

Progressive Legal Theory initiated by legal experts, SatjiptoRahardjo. According to Satjipto, the meaning of the text of the rule of law becomes very important. The meaning of law is at the heart of the law. It is almost impossible for the law to be implemented without opening the door of interpretation. Legal interpretation is an activity that is absolutely open to doing since the law is written. [27]

For the progressive law, the process of change is no longer centered on regulation but on the creativity of legal actors actualizing the law in the right time and space. Progressive law actors can make changes by making creative interpretations of existing regulations without having to wait for regulatory changes. Bad regulations do not have to be a barrier for progressive law actors to bring justice to the people and justice seekers because they can interpret each time new rules. [28]

SatjiptoRahardjo mentioned that for the progressive law, the law does not serve itself but for purposes that are outside of itself. Therefore, the progressive law leaves the *analytical jurisprudence* or *rechtsdogmatiektradition* which tends to ward off the world outside itself such as humans, society, and their welfare. If you borrow the terms Philip Nonet and Selznick, a progressive law has responsiveness. In this type of nature, a law is always associated with social goals that go beyond the textual narrative of provisions. [29]

The emergence of progressive law is a form of criticism of the reality of a very positivist understanding of the law. [30] Positivist law relies on legalistic-positivistic theory and understanding of law which is only based on written regulations, so it will never be able to capture the essence of truth, justice, and humanity. [31] If this happens then certainly one of the objectives of the law, namely justice, will not be achieved.

Authority of the House of Representatives to Select Election of KPK Leaders

The nature of the KPK's independence lies in affirming this law which states that the Corruption Eradication Commission is a state institution which in carrying out its duties and authority is independent and free from the influence of any power and the provision that the election of the KPK Leader is through a particular selection mechanism that is specifically regulated.[32]

The Corruption Eradication Commission was formed with the aim of increasing the usability and effectiveness of efforts to eradicate corruption. According to the law, the KPK has a duty

- coordination with agencies authorized to eradicate corruption
- supervision of agencies authorized to eradicate corruption
- investigate, investigate and prosecute corruption;
- take measures to prevent criminal acts of corruption; and
- to monitor the governance of the country.[33]

The Law on KPK and the internal regulations of the DPR regulates the provisions concerning the election of the KPK Leaders as follows.

- The President establishes a Selection Committee in charge of assisting the President to obtain names that are considered capable and capable of being KPK leaders.
- The Selection Committee established 10 names of candidates for the KPK leadership to be submitted to the President.
- The President then proposed the 10 names to the DPR.
- Parliament asks the Commission III to conduct a fit and proper test (*fit and proper test*) to 10 names of the President's proposal.
- Commission III of the DPR elects 5 (five) names of KPK leaders based on the results of the fit and proper test by voting.
- Furthermore, the House of Representatives elects and determines that one of the candidates who pass becomes a Chairperson and the other four become Deputy Chairmen by voting.
- The KPK Chairperson and the KPK Chairperson chosen by Commission III of the DPR are taken to the DPR Plenary Meeting to get approval.
- The House of Representatives conveyed 5 (five) names of the KPK Leader to the President to be appointed as KPK Leader.
- Thus, according to the Act, the authority of the DPR regarding the selection of KPK leaders is:
- Do a fit and proper test (*fit and proper test*) against 10 candidates proposed KPK President;
- Choose five of the Candidates out of 10 that passed fit and proper test by voting majority voting (voting); and
- elect one of the five KPK leaders elected to be the Chairperson of the KPK and four other KPK leaders who are not elected respectively to become Deputy Chairmen of the KPK by voting majority voting (voting)

The Impact of the Authority of the House to Select the Election of KPK Leaders

The authority of the House of Representatives to select elections for KPK leaders causes the DPR to have great power and even determines the five people who will become KPK leaders out of the 10 candidates submitted by the President and determine one person to be the KPK Chairperson of the five KPK leaders previously elected by the DPR.

The authority of Parliament so large in the selection of KPK will have the possibility of an impact as follows .

For DPR and DPR Members

- It is a form of implementation of the House of Representatives representing the people in determining public officials at the KPK. By carrying out this task, the DPR considers itself to have carried out functions as representatives of the people who have elected themselves in the legislative elections.
- Participate in determining the direction and condition of law enforcement in the future, especially in terms of eradicating corruption in the country. Idealism and commitment to the eradication of Corruption by lawmakers or agency can be implemented optimally Parliament by way of selecting the KPK deemed appropriate and able to perform the task of eradicating corruption in a consistent, consistent, and optimal.

- Open an opportunity for Parliament to conduct *dealings* or agreements with the candidate KPK that benefit themselves, members of Parliament, political parties represented or who send representatives in the House, or the institution of the House. DPR provides "requirements" or "requests" or "commitments" that must be met by candidates for KPK leaders who take part in the *fit and proper test* in the DPR if they wish to graduate and become KPK leaders and KPK leaders.
- Open opportunities and possibilities for the DPR to obtain certain benefits, in the political, legal, financial and other benefits sectors
- Open opportunities and possibilities for DPR to participate in regulating, determining and intervening in the direction, attitudes, policies, and decisions of KPK, institutional institutions or individuals of KPK leaders. This possibility is especially true if legal problems arise or allegations of corruption involving the management of political parties, political parties or DPR members
- Because the DPR is a political institution, the political factor is most likely to be the main consideration in choosing five KPK leaders and choosing one of the five KPK leaders to become the KPK Chairperson. The political factor is finally potentially large enough to defeat the integrity and competency factors of the candidates for the KPK leadership.

For Candidates for KPK leadership or KPK leaders

- Open opportunities and encourage candidates to approach and lobby the DPR, both to DPR members, commission leaders who will conduct due diligence and appropriateness, DPR leaders or political party elites who have seats in the DPR. In approaching and lobbying, it opens the possibility of a compromise agreement (*deal*) and can reduce the degree of independence of the candidate if he is later elected as KPK Leader.
- In the fit and proper test phase in the DPR, it is possible for candidates for KPK leadership to try to adjust to the attitudes, policies, and will of the DPR if they want to have a greater chance of graduating as KPK leaders. Or at least the vision, mission, and work plan of the candidates for the KPK leadership are not contrary to the attitudes and opinions of the DPR members who test themselves. Thus the attitudes and opinions of candidates for the KPK leadership are carefully formulated so as not to offend or get a negative response, or even rejection from the DPR. If this happens, it will reduce or decrease the ideal level of the figure KPK leaders who should be able to behave and behave independently because they are projected to be leaders of an independent state commission. As a result, if these candidates pass the selection process in the DPR, their performance cannot be expected optimally and fulfill the people's expectations and duties and obligations as KPK leaders. The situation even more difficult when the KPK chosen by the House of Representatives should carry out the task of combating corruption are related or even allegedly committed by leaders/members of Parliament or elite political party. In this position KPK berkemungkinan is not able to act independently optimally.
- The candidates who pass the selection in the House becomes the Leader Commission has the possibility to adhere to the desires of DPR or DPR elite and political parties that are not in line with the commitment to eradicate corruption. Another possibility is that the KPK leaders try not to "touch" the DPR or members of the DPR. This situation is certainly not ideal because on the one hand, the will of the DPR is not always in line with the vision and mission and duties of the KPK and on the other hand it will undoubtedly reduce the independence of the KPK

and causing the implementation of the KPK's duties to be hampered and not optimal .

- The KPK leaders who are elected by the DPR will feel indebted to the House of Representatives who have elected themselves to be the KPK Leaders. This sense of indebtedness can bring negative effects when the KPK he leads must investigate corruption allegations involving members of the DPR and political party elites.

Reconstruction of the Authority of the DPR in Selecting KPK Leaders

Judging from the aspect of Progressive Law, the law that regulates the authority of the House of Representatives to select and elect KPK Leaders is not appropriate because the law that regulates it does not encourage and guarantee the independence of the KPK which should be maintained and guaranteed by the law.

On this basis, it is necessary to reconstruct the authority of the House of Representatives in conducting the selection of KPK leaders with the following proposed reconstruction.

- DPR is no longer given the authority to select and elect KPK leaders and KPK leaders.
- The authority of the DPR in the election of the KPK leadership is realized in the form of the representatives/representatives who sit on the selection committee (panel) formed by the Government.
- The selection committee works independently, transparently and accountably and involves community participation.
- Elements of the committee the leadership of the KPK consists of: elements of the government, elements of the DPR, and elements of the community consisting of academics/experts, religious leaders, and community leaders.

Various ideas for reconstruction of the DPR's authority were followed up in the form of a proposed revision of Law Number 30 of 2002 concerning the KPK as seen in the Table Below

Table 1: Norms Concerning the Authority of the DPR in Law Number 30 of 2002 Concerning KPK Before and After Reconstruction

Before reconstructing	Weakness	After reconstruction
Article 30: (3)Membership of the selection committee as referred to in paragraph (2) consists of elements of the government and elements of society.		Article 30: (3)Membership of the selection committee as referred to in paragraph (2) consists of elements of the Government of three people, elements of the DPR three people, and elements of the community of three people. (4)Elements of the community consist of one academic / expert, one religious figure and one community leader.
Article 30: (8) Selection Committee determine the name of the candidate for leadership who will be submitted to the President of the Republic of Indonesia.		Article 30: (8) The selection committee conducts a selection of candidates for KPK leadership in an objective, transparent and accountable manner. (9)The selection committee chooses and determine KPK leadership. (10)The selection committee announced the name of the KPK Chairperson selection to the public through media. (11) In carrying out their duties, the selection committee must involve society participation.

Table 1: Contd.,		
Article 30: (9)At the latest 14 (fourteen) working days from the date of receipt of the list of names of candidates from the selection committee, the President of the Republic of Indonesia conveys the names of candidates as referred to in paragraph (8) as many as 2 (two) times the number of positions required to the House of Representatives of the Republic of Indonesia.		Article 30: Deleted.
Article 30: (10) The People's Legislative Assembly of the Republic of Indonesia must choose and determine 5 (five) candidates needed as referred to in paragraph (9), no later than 3 (three) months from the date of receipt of the proposal from the President of the Republic of Indonesia.		Article 30 : Deleted
Article 30: (11) The People's Legislative Assembly of the Republic of Indonesia must choose and determine among candidates as referred to in paragraph (10), a Chairperson while 4 (four) other prospective members automatically become Deputy Chairmen.		Article 30: deleted
Article 30: (12)Selected candidates are delivered by the leadership of the People's Legislative Assembly of the Republic of Indonesia to the President of the Republic of Indonesia no later than 7 (seven) working days from the end of the election to be ratified by the President of the Republic of Indonesia as the Head of State.		Article 30: (12) The list of names of KPK leaders from the work of the selection committee shall be submitted by the head of the selection committee to the President of the Republic of Indonesia no later than 7 (seven) working days from the end of the election to be ratified by the President of the Republic of Indonesia as Head of State.
Article 30 : (13) The President of the Republic of Indonesia must establish an elected candidate no later than 30 (thirty) working days from the date of receipt of the letter of the leadership of the House of Representatives of the Republic of Indonesia.		Article 30 : (13)The President of the Republic of Indonesia must determine the leadership of the KPK from the work of the selection committee no later than 30 (thirty) working days from the date of receipt of the letter of the selection committee leader.
Article 33: (1)In the event that there is a vacancy in the Chairperson of the Corruption Eradication Commission, the President of the Republic of Indonesia proposes a prospective replacement member to the House of Representatives of the Republic of Indonesia.		Article 33: (1)In the event that there is a vacancy in the Chair of the Corruption Eradication Commission, a selection process is carried out in accordance with the provisions referred to in Article 30.
Article 33: (2)The procedure for submitting a candidate for replacement and the selection of prospective members is carried out in accordance with the provisions referred to in Article 29, Article 30, and Article 31.		Article 33: Deleted

CONCLUSIONS

- The authority of the House of Representatives in the selection of the KPK Leaders is to select, elect and determine the KPK Leaders and the Chair of the KPK.
- Impact of Parliament's Authority in the selection of KPK can be positive and negative with a range of possibilities that may occur. Positive authority is a form of people's representation in choosing public officials, actively giving directions and decisions about law enforcement in the field of corruption eradication. On the negative side, there is an opportunity for the House of Representatives to make *deals* or agreements with candidates for KPK

leadership who benefit themselves from members of the DPR, the political parties they represent or who send their letters to the DPR, or DPR institutions; opens opportunities and possibilities for the Parliament to gain certain advantages, in political, legal, financial or other advantage ; open opportunities and possibilities for the Parliament to participate can manage, regulate and intervene in direction, attitude, policies, and decisions of the Commission later when the institution is led by the choice of Parliament, Political factors are most likely to be the main consideration in choosing the KPK Leader that defeats the integrity and competency factors of the candidates for KPK leadership.

- The authority of the DPR to conduct election selection The KPK leadership needs to be reconstructed because it is not in accordance with Progressive Law because the law that regulates it does not encourage and guarantee the independence of the KPK which should be maintained and guaranteed by the law. Reconstruction is carried out on articles or paragraphs in Law Number 30 of 2002 concerning the KPK, namely Article 30 paragraph (3) regarding the membership of the selection committee; Article 30 paragraph (8) concerning the implementation of the duties of the selection committee; Article 30 paragraphs (9), (10), (11), (12), and (13) concerning the elimination of the authority of the DPR to select and elect and determine the KPK leadership; Article 33 concerning the elimination of the authority of the House of Representatives conducts a selection of candidates for the replacement of the KPK Leaders due to the vacancy of the KPK Leader

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6. <http://www.hukumonline.com/berita/baca/lt53aabdb0a7a9f/menakar-konstitusionalitas-dpr-testing-patterns-public>.
7. Zainal Arifin Mochtar and IwanSatriawan, "*The Effectiveness of the Selection System of State Commission Officials in Indonesia*", in the *Constitutional Journal* , Volume 6 edition, Number 3, September 2009, p. 147. This opinion was conveyed in 2009 when HadarGumay was not yet a member of the KPU. Previously HadarGumay had participated in the selection to become a KPU member but had not passed.
8. <http://csg.ui.ac.id/content/marzuki-ada-deal-di-balik-pemilihan-pejabat-publik-di-dpr/> downloadedon Wednesday, December 30 2015
9. *Ibid.*
10. *Ibid.*

11. *The official name of the commission was the Corruption Eradication Commission, hereinafter referred to as the Corruption Eradication Commission (KPK). See the provisions of Article 2 of Law Number 30 of 2002 concerning the Corruption Eradication Commission.*
12. *Ibid ., P. 184.*
13. *Ibid ., P.185.*
14. *Ibid ., P. 176.*
15. *Rahmad Ramadhan Hasibuan, Urgency of Immunity Rights Indonesia's Corruption Eradication Commission (KPK), International Journal of Political Science, Law and International Relations (IJPSLIR), volume 8, Issue 2, May-June 2018, pp. 9-18*
16. *Loc. Cit.*
17. *F. Isjwara, Introduction to Political Science, Bina Cipta, Bandung, 1980, p. 201.*
18. *Ibid ., P. 202.*
19. *Ibid ., P.3.*
20. *Compare that with the general opinion stating the function of representative institutions is legislation, budget, and supervision. The MD3 Law also affirms that the functions of the DPR as a people's representative institution are three, namely legislation, budget, and supervision. Jimly combines budget functions into the supervisory function. According to him, in the oversight function there is also a definition of budget function. But he acknowledged that the budget function in Indonesia is usually referred to as a separate function. The author argues that the representative institution has three functions: legislation, budget, and supervision.*
21. *JimlyAsshiddiqie, Introduction to Constitutional Law ,Rajawali Press, Jakarta, 2009, p. 298-299.*
22. *Ibid ., P. 302.*
23. *Loc. Cit.*
24. *_WawanIchwanuddin, "Parliamentary Supervision and Politics of the Cartel of the Reform Era: Interpellation Case Study and Questionnaire in 1999-2011 ", in the Journal of the Indonesian Society , Volume 38, No. 2, December 2012, p. 254.*
25. *Loc. Cit.*
26. *Ibid ., P. 288.*
27. *Ibid ., P. 289-290.*
28. *Ibid ., P.12*
29. *_Bernard L. Tanya, Yoan N. Simanjuntak, Markus Y. Hage, Legal Theory, Human Order Strategies Cross Space and Generation ,Genta Publishing, revised edition, Yogyakarta, 2013, p. 191.*
30. *Ibid ., P. 192.*

31. AriefHidayat, *Progressive Law, Evolution of New Legal Thought* ,Genta Publishing, Yogyakarta, 2009, p.32.
32. Achmad Ali, *Legal Deterioration in Indonesia, Causes and Solutions* ,Ghalia, Bogor, 2005, p.5.
33. Article 3UU Number 30 of 2002 states: "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."
34. Article 6 of Law Number 30 of 2002 concerning the Corruption Eradication Commission.