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Reformulate Supervisory Mechanism of The Indonesian Corruption Eradication Commission; Challenges to Realize Justice

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Abstract

Supervision of the Indonesian Corruption Eradication Commission needs to be reformed. This reform is necessary to realize a competent legal justice concept in Indonesia. This is also to prevent the KPK from abusing its authority in the process of eradicating corruption. If the Corruption Eradication Committee (KPK) acts arbitrarily in enforcing corruption cases, then legal justice will not be created. In addition, reforms also need to be carried out to increase accountability, ensure transparency, build public trust, and prevent internal corruption. Specifically, improvements to the KPK's supervision method in this study will focus on efforts to improve the filling of the KPK Supervisory Board position. The research method using Normative Juridical Legal Research, with a Conceptual Approach and a Statute Approach. The results of the study show that the KPK supervision carried out by the KPK Supervisory Board shows less than optimal results. This claim is due to the filling of the KPK Supervisory Board position which only comes from the President. There is no Checks and Balances mechanism in filling the Supervisory Board position. The author recommends that the DPR can take and increase its role in filling the KPK Supervisory Board position. In addition, there are several other reformulations of improvements. Including the implementation of reports and complaints with a reverse proof system, as well as building an information system for alleged ethical violations.

Keywords: Indonesian Corruption Eradication Comission; Reformulate; Supervisory Mechanism

1. INTRODUCTION

Corruption is one of the most serious problems faced by Indonesia, damaging the social, economic, and political order.[1] The emergence of various major corruption scandals has reduced public trust in the government and state institutions.[2] Corruption that occurred in this country in the past period has left a deep sorrow for many Indonesians. In order to address this issue, the Corruption Eradication Commission (KPK), which was established in 2002 as

1 Luca Tacconi dan David Aled Williams, "Corruption and Anti-Corruption in Environmental and Resource Management," *Annual Review of Environment and Resources* 45, no. 1 (2020): 305–29.

2 Eleftherios Spyromitros dan Minas Panagiotidis, "The Impact of Corruption on Economic Growth in Developing Countries and a Comparative Analysis of Corruption Measurement Indicators," *Cogent Economics \& Finance* 10, no. 1 (2022): 2129368.

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an independent institution, is expected to be able to eradicate corruption effectively and comprehensively.[3]

Since its existence, the KPK has made various efforts to prevent and prosecute corruption, including investigating major cases involving high-ranking officials and businessmen. However, the amount of corruption in Indonesia continues to vary from year to year.[4] According to the KPK's annual report, over the past years since its existence, the KPK has always handled hundreds of corruption cases each year. In 2021, for example, the KPK has resolved more than 200 corruption cases each year. A number that is certainly very high, because it does not include corruption cases handled by other institutions such as the Police and the Prosecutor's Office.[5]

In addition, Indonesia's Corruption Perception Index (CPI) is also still far from expectations. Indonesia's CPI, as of 2022, scored 34 out of 100 and was ranked 102 out of 180 countries analyzed. According to Transparency International, as the institution that issued this release, over the past few years Indonesia's CPI score has tended to stagnate.[6] Thus, this shows that corruption law enforcement is still a significant issue that needs to be reformulated. The biggest challenges in carrying out the corruption law enforcement process are actually political instability, lack of transparency in public procurement, and the many corruption cases involving high-ranking officials. In addition, the position of the KPK itself continues to be weakened. The KPK continues to be weakened in various sectors. Its position as an independent institution, for example. The position of the KPK which is in the executive realm is a very real form of weakening of the KPK. The KPK has a function like a main branch of power which is clearly different from the purpose of establishing the KPK itself. In addition, by placing the KPK as part of the executive institution, the KPK is under the authority of the President. An institution that should be supervised by the KPK.[7]

The changes to the internal structure of the KPK were influenced by the Constitutional Court Decision Number 36/PUU-XV/2017 which categorized the KPK as a n institution that carries out functions independent.[8] But it is within the executive realm. As a follow-up to this decision, the DPR together with the President then formed Law Number 19 of 2019 concerning the Second Amendment to Law Number 30 of 2002 concerning the Corruption Eradication Commission (KPK Law). One of the important points in the regulation of the latest KPK Law is the formation of the KPK Supervisory Board. The KPK Supervisory Board has several important functions, including:

1. Supervision of KPK Performance

   Monitor and evaluate the performance of the Corruption Eradication Committee in carrying out its duties and functions, both in preventing and prosecuting corruption.

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3 Farhan Saputra dan Ebit Bimas Saputra, "Measures of Corruption: Needs, Opportunity and Rationalization," *Journal of Law, Politic and Humanities* 2, no. 1 (2021): 42–50.

4 Dewi Asri Yustia dan Firdaus Arifin, "Bureaucratic Reform as an Effort to Prevent Corruption in Indonesia," *Cogent Social Sciences* 9, no. 1 (2023): 2166196.

5 Yanuardi Yanuardi, Marjanneke J Vijge, dan Frank Biermann, "Improving governance Quality Through Global Standard Setting? Experiences from the Extractive Industries Transparency Initiative in Indonesia," *The Extractive Industries and Society* 8, no. 3 (2021): 100905.

6 Muhammad Husni, Ratna Ayu Damayanti, dan Aini Indrijawati, "The Role of the Village Government Performance and Transparency in Influencing Village Public Trust," *Journal of Accounting and Investment* 24, no. 2 (2023): 450–61.

7 Abdil Mughis Mudhoffir, "The Limits of Civil Society Activism in Indonesia: The Case of The Weakening of the KPK," *Critical Asian Studies* 55, no. 1 (2023): 62–82.

8 Zico Junius Fernando et al., "Preventing bribery in the private sector through legal reform based on Pancasila," *Cogent Social Sciences* 8, no. 1 (2022): 2138906.

2. Supervision of KPK Employees

Monitor the behavior and integrity of KPK employees, including handling alleged violations of ethics or codes of conduct.

3. Granting of Wiretapping Permission

Granting permission for wiretapping activities carried out by the Corruption Eradication Committee, as a step to ensure that the process is in accordance with legal provisions. Although this function has been abolished with the Constitutional Court Decision Number 70/PUU-XVII/2019

4. Submission of Reports

Prepare and submit annual reports on KPK performance to the public and related parties, to increase transparency and accountability.

5. Policy Recommendations

Provide recommendations to the Corruption Eradication Committee regarding improvements to policies, procedures and systems that can increase the effectiveness of the institution in eradicating corruption.

6. Public Complaints

Receiving and following up on public complaints regarding violations committed by KPK employees.

The Supervisory Board has a very central function in the KPK and the corruption law enforcement process in general. Rather than weakening it, this article will strengthen the KPK.[9] Various supervisory mechanisms carried out by the KPK, both internally and externally, need to be improved. These improvements, once again, are not intended to weaken the KPK. The improvements recommended in this article are intended as an effort to make the KPK a more independent, accountable, professional, and integrity-based institution in every corruption case.

2. ANALYSIS AND DISCUSSION

2.1. Supervisory Mechanism By The Indonesian Corruption Eradication Commission

Legal Justice refers to the concept of fairness in the application of laws within a society. It ensures that individuals are held accountable for their actions in a way that is consistent with established laws, principles, and rights. Legal justice is closely tied to the idea of fairness, equality, and the protection of fundamental rights for all citizens, regardless of their status, wealth, or position. This concept includes several important discussions, such as the rule of law, equal treatment, due process of law, accountability, access to justice, protection of rights, and impartiality.[10] Rule of law is tasked with ensuring that all actions taken by law enforcement officers are based on applicable law. Meanwhile, equal treatment ensures that every perpetrator who undergoes the legal process does not receive discrimination, either based on gender, economic status, educational background and race. Due process focuses on the procedures and methods that must be followed before depriving someone of their rights. This includes the right to a fair and impartial hearing, proper notice of legal actions, and the right to be heard

9 Fatmawati Fatmawati, Muhammad Shuhufi, dan Anita Chaturvedi, “Defamation in The New Criminal Code: A Review of Substantive Justice,” *Jurnal IUS Kajian Hukum dan Keadilan* 11, no. 3 (2023): 465–80.

10 Friedrich August Hayek dan Jeremy Shearmur, *Law, Legislation, and Liberty: a New Statement of the Liberal Principles of Justice and Political Economy* (Routledge, 2022).

in a court of law. It ensures that the government follows fair procedures when taking action that might affect a person's rights. [11]

Accountability ensures that every person who is or will be caught in a legal case can receive clear case and open to the public. This ensures that every process undergone by the perpetrator can be supervised in such a way as to minimize the occurrence of abuse of office by law enforcement officers. Protection of rights, serves as a tool or effort to design individual rights for every citizen. And finally, impartiality, ensures that law enforcement officers, especially judges, when handling each case, can be free from other interests outside themselves, which have the potential to change the preferences of law enforcement officers on the cases being handled.[12]

Simply put, in order to realize competent legal justice, strong supervision of law enforcement officers is required. Supervision is a systematic process to monitor, evaluate, and control an activity.[13] The main purpose of supervision is to avoid deviations, reduce the risk of losses to the organization or country, and increase the efficiency and effectiveness of organizational performance. As a theory, there are several definitions of supervision. The first theory is the theory of supervision seen from the aspect of the supervisory institution. In this theory, there are 3 very well-known theories.[14] First, Control Theory.[15] According to this theory, the supervisory institution plays an important role in all supervision processes. This theory states that the supervisory organization must focus on supervision as a process to ensure that the actions and results of supervision carried out by the organization are in accordance with the established standards. Supervision is carried out to identify deviations and take corrective steps on the object being supervised. Second, Agency Theory.[16] According to this theory, supervision is carried out by an agent with the authority given by the principal. Third, Stewardship Theory.[17] This theory is the opposite of agency theory. This theory gives the agent the freedom to carry out supervision as widely as possible.

In addition to being based on the supervisory institution, supervision is also divided based on the time of supervision. According to this theory, there are 2 types of supervision. First, preventive supervision.[18] This theory states that the purpose of supervision is to prevent violations or actions prohibited by law. Therefore, this theory focuses on preventive efforts before violations occur. Second, repressive supervision.[19] This theory focuses on efforts to punish perpetrators who cause violations or actions prohibited by law. In conclusion, these two theories complement each other even though they are opposites. Preventive supervision aims to create a safe, peaceful, and

11 William Lucy, "Access to Justice and the Rule of Law," *Oxford Journal of Legal Studies* 40, no. 2 (2020): 377–402.

12 Marina Nistotskaya, "Quality of Government (QoG) as Impartiality: Review of the literature on the causes and consequences of QoG," *KIPA Public Policy Review* 1, no. 1 (2020): 25–49.

13 Eva Davidsson dan Martin Stigmar, "A Literature Review of Content Elements in Supervision Training Courses," *London Review of Education* 21, no. 1 (2023): 1–16.

14 Alan Wingrove et al., "Self-Determination Theory: A Theoretical Framework for Group Supervision with Internal Coaches," *International Journal of Evidence Based Coaching and Mentoring* 18, no. 2 (2020).

15 Jonathan R Tompkins, *Organization Theory and Public Management* (Los Angeles: Waveland Press, 2023).

16 Helen M Hazi, "Promising Supervisory Theories and Strategies for Instructional Improvement," *Actionable feedback for PK-12 teachers*, 2023, 11–22.

17 Taehee Kim, Lauren Bock Mullins, dan Taewon Yoon, "Supervision of Telework: A key to Organizational Performance," *The American Review of Public Administration* 51, no. 4 (2021): 263–77.

18 Anna F Masalab, "Problems of Development of State Control and Supervision in the Context of Legislative Reform," *Pravoprimenenie = Law Enforcement Review* 4, no. 4 (2020): 94–101.

19 Fran Buntman, "Prison and Law, Repression and Resistance: Colonialism and Beyond," in *Empires and Colonial Incarceration in the Twentieth Century* (Routledge, 2021), 13–46.

secure environment. While repressive supervision aims to enforce the law and provide a deterrent effect for perpetrators who cause violations. In addition to the two theories above, the theory of supervision is also divided into the institutions being supervised. According to this theory, there are 2 types of theories. First External Supervision.[20] External Supervision is carried out by external parties who are not directly related to the organization or institution being supervised. While Internal Supervision is a model of supervision carried out by the institution or organization itself to monitor and evaluate its performance. Although different, both also have the same role in maintaining accountability and carrying out supervisory duties. Internal supervision[21] focuses on improving performance and preventing violations. Meanwhile, external supervision functions as an additional supervisory tool because it will ensure the accountability of the supervised institution and make it accountable to the public.

Based on all these theories, the position of the KPK is an external supervisory institution that has preventive and repressive functions. As an independent external supervisor in supervising the performance of state institutions.[22] As a supervisory institution that has a preventive function, the KPK does various things, such as education and socialization, policy formulation, implementing various prevention programs, strengthening internal systems, strengthening employee integrity, legal counseling, and anti-corruption campaigns.[23] Meanwhile, as a supervisory institution that has a repressive function, the KPK carries out investigation and prosecution activities, sting operations, examination of witnesses and suspects, and handling of assets resulting from corruption. With these many functions, the KPK strives to enforce the law, provide a deterrent effect on perpetrators of corruption, and provide reports to the public in every handling of corruption case in Indonesia. In order to carry out the supervisory functions above, the KPK has several important organs. Some of these supporting organs include:

1. KPK Leader

   The KPK is led by five leaders who are responsible for strategic policies and decision-making. This leadership consists of a Chairperson and four Deputy Chairpersons. They were appointed through a selection conducted by the House of Representatives (DPR).

2. Supervisory Board

   The Supervisory Board consists of five members who are tasked with overseeing the performance of the KPK, granting wiretapping permits, and assessing the integrity of KPK employees.

3. Main Unit

   a. Directorate of Enforcement: Responsible for the investigation and prosecution of corruption cases

   b. Directorate of Prevention: Focuses on efforts to prevent corruption through education and socialization programs

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20 Mr Tobias Adrian et al., *Good Supervision: Lessons from the Field* (New York: International Monetary Fund, 2023).

21 Septi Dwi Kurnia, "Implementation of The Strategic Role of The Government Internal Supervision Personnel (APIP) In Improving the Quality of Supervision (Study at the Inspectorate of Bandar Lampung City)," in *Proceeding International Conference on Information Technology and Business*, 2020, 104–18.

22 Baharuddin Badaru dan Ildar Begishev, "The Criminal Law Enforcement Based on Socio-Legal Approach Against Illegal Parking Officers in Achieving Justice," *Jurnal IUS Kajian Hukum dan Keadilan* 12, no. 2 (2024): 330–44.

23 Yenny Febrianty et al., "The Limitations of Living Law in Indonesian Criminal Law Reform: An Effort to Realize Justice," *Jurnal IUS Kajian Hukum dan Keadilan* 11, no. 2 (2023): 192–208.

c. Directorate of Information and Data: Manages relevant data and information to support the KPK's duties
d. Directorate of Internal Supervision: Conducts supervision and evaluation of the performance of KPK employees.

4. Support Unit

There are several supporting units that play a role in administrative, financial and information technology aspects, such as:

a. Legal Section: Provides legal support and advice to the leadership and other units.
b. Finance Section: Manages the KPK's budget and finances.
c. Public Relations Section: Manages the KPK's communication and publication to the public.

As of 2023, the KPK has handled 161 corruption cases. These 161 cases are divided into 85 cases of gratification, 62 cases of procurement of goods and services, 8 cases of Money Laundering, 3 cases of Licensing, 2 cases of obstructing the KPK process, and 1 case of extortion.[24] This number has increased by 25 percent compared to 2022 which "only" reached 120 cases. Of these 120 cases, 100 cases were in the form of gratification, 14 cases of procurement of goods and services, 5 cases of money laundering, and 1 case of extortion.[25] Of the total cases handled by the KPK, as of 2023, 127 have entered the investigation stage, 161 are at the investigation stage, 129 cases are at the prosecution stage, and 94 cases have permanent legal force. During 2023, 8 Sting Operations (OTT) were also carried out by the KPK. The problem is, even though it has implemented many things in enforcing corruption law, the KPK's success is still far from expectations. In addition to the Corruption Perception Index which is still low[26], the KPK is also considered incapable of carrying out its supervisory function properly based on several factors. Such as the time it takes to handle cases which is still too long and even unfinished. The Harun Masiku case is clear evidence of the handling of corruption cases at the KPK which is not finished. Then, the political intervention is too great. As an extraordinary crime, the handling of corruption cases is indeed full of political intervention.[27] Although it has been confirmed as an independent institution, the KPK has never been free from political intervention. Another factor is the lack of public participation. Corruption cases occur a lot in Indonesia and in society.[28] However, the lack of public participation[29] in reporting corrupt practices is also a determining factor in why the corruption index in Indonesia is still very low. And the last factor is the threats to the process of prosecuting corruption cases which are continuously experienced by

24 Komisi Pemberantasan Korupsi, "Laporan Tahunan Komisi Pemberantasan Korupsi Tahun 2023," *Angewandte Chemie International Edition, 6(11), 951–952.* (Jakarta, 1967).

25 Komisi Pemberantasan Korupsi, "Laporan Tahunan Komisi Pemberantasan Korupsi Tahun 2022," *Sustainability (Switzerland)*, vol. 11, 2019, http://scioteca.caf.com/bitstream/handle/123456789/1091/RED2017-Eng-8ene.pdf?sequence = 12&isAllowed = y % 0Ahttp://dx.doi.org/10.1016/j.regsciurbeco.2008.06.005 % 0Ahttps://www.researchgate.net/publication/305320484_SISTEM_PEMBETUNGAN_TERPUSAT_STRATEGI_MELESTARI.

26 Jenny Domashova dan Anna Politova, "The Corruption Perception Index: Analysis of Dependence on Socio-Economic Indicators," *Procedia Computer Science* 190 (2021): 193–203.

27 Michael Hameleers, "Separating truth from lies: Comparing the effects of news media literacy interventions and fact-checkers in response to political misinformation in the US and Netherlands," *Information, communication \& society* 25, no. 1 (2022): 110–26.

28 Rais Agil Bahtiar dan others, "Democracy and Corruption in Indonesia (A Study of Corruption Cases in Reformation Era)," in *Third International Conference on Social Transformation, Community and Sustainable Development (ICSTCSD 2019)*, 2020, 73–77.

29 M Ragolane dan T L Malatji, "Lack of public participation and good governance, who is fooling who?," *Technium Soc. Sci. J.* 26 (2021): 32.

KPK investigators. These various threats often attack investigators and employees at the KPK personally. This certainly hampers the process of enforcing the law on corruption cases in Indonesia. Based on all the descriptions above, the author feels the need to provide recommendations on the supervision process carried out by the KPK. These supervision recommendations include the nomination of the KPK Supervisory Board, Reverse Evidence in the KPK Report, and the Reformation of the KPK Code of Ethics. All of these thoughts will be explained further in the next section.

2.2. Reformulate The Indonesian Corruption Eradication Commission's Supervision

Reformulation is the process of changing, rearranging, and improving a policy.[30] All of these change processes aim to increase the effectiveness and relevance of a public policy or regulation. Theoretically, the purpose of reformulation is to increase effectiveness, adapt to new changes that occur, respond to challenges that are present and occur, and increase accountability. Reformulation is very close to the concept of reform. Although they have close meanings, both have different goals and functions. If reformulation is associated with the process of changing or rearranging a rule, then reformation is changing the direction of thinking and the purpose of public policy or rules that have been made.[31] Reformation is more nuanced in terms of fundamental changes, compared to reformulation which only increases the effectiveness of a particular rule. Reform also changes regulations or policies that are more fundamental by making changes that include changes in the values, principles, and structure of an organization.

By definition, in this paper, reformulation will be carried out and not reformation. According to the author, the direction, views, basis, values, and even the substance of KPK supervision are on the right track. All are the same, namely trying to strengthen the KPK, prevent corrupt practices, and provide a deterrent effect on perpetrators of corruption. Therefore, reform is not the right choice. The right choice is to reformulate. Reformulation will be carried out on the supervision patterns carried out by the KPK and is more practical. Not substantial as stated in the meaning of reform.

This article will focus on reformulation in 3 main parts. Namely the mechanism for filling the KPK Supervisory Board, Reverse Evidence in KPK Reports, and Strengthening the KPK Code of Ethics. ***First***, filling the KPK Supervisory Board position. According to the mandate of the KPK Law, the Supervisory Board has important duties and functions in supervising and controlling KPK operations. The Supervisory Board has the authority to ensure that all KPK activities are carried out in accordance with applicable laws and regulations. The Supervisory Board also has the authority to examine reports from the publibc, formulate policies, conduct performance evaluations, impose disciplinary sanctions on KPK leaders and members who violate the code of ethics, and conduct internal supervision. The existence of the Supervisory Board ensures that the KPK truly carries out its supervisory function properly, implements the accountability function, and ensures that education and socialization about corruption continues to be carried out by the KPK.

However, the problem occurred because the candidates for the KPK Supervisory Board were proposed only by the President. First, the President is given the authority to form

30 Wahidullah Wahidullah et al., "Reformulation Of Family Legal In Indonesia For Female Maslahah," *Asy-Syari'ah* 22, no. 1 (2020): 115–26.
31 Erik Encarnacion, "Text Is Not Law," *Iowa L. Rev.* 107 (2021): 2027.

a selection committee for the KPK Supervisory Board. Then, the selection committee conducts a series of tests. If the candidates for the Supervisory Board have been selected, the candidates will be submitted to the President for approval. The President will also inaugurate the members of the KPK Supervisory Board. This system only benefits the President as the institution tasked with selecting members of the Supervisory Board. The role of the President has even emerged since the selection of the selection team, until the inauguration of members of the Supervisory Board. With such a system, the selection of the Supervisory Board is unaccountable and is prone to abuse of authority. There are no checks and balances[32] in such a Supervisory Board recruitment system. According to the author, the Supervisory Board should be selected together with the DPR. The involvement of the DPR, apart from being a form of supervision, also prevents the possibility of buying and selling positions. In a democratic system, power cannot be held by only one person or one institution.[33] Power must be separated according to their respective authorities. Thus, accountability and integrity for the decisions taken are maintained and can be accounted for to the public. Therefore, filling the position of the Supervisory Board should not only rely on the President as is the current situation. The DPR as a legislative institution and a working partner of the government, must be involved in all matters, including in the selection of KPK Supervisory Board Members.

Second, reverse proof in reports to the KPK.[34] The concept of reverse proof actually developed a lot in the Common Law legal system. In the general legal tradition, proof is always centered on the reporter or someone who first argues the argument. This principle is often known as the Actori In Cumbit Probatio Principle (Whoever argues the law first, he must prove it).[35] However, this principle has actually been widely abandoned. Italy and France have begun to apply this reverse proof principle, especially in cases of corruption and organized crime.[36]

So far, public reports submitted to the KPK must always be followed by initial evidence. First, the public finds irregularities or the occurrence of corrupt practices. Then the public is asked to collect all relevant evidence.[37] This relevant evidence can be in the form of documents, photos, or recordings, both audio and visual, that support the report. In addition, the reporter also needs to make important notes, including the time, location, and parties involved. After that, the public is asked to prepare a report containing identity, description of the incident, supporting evidence, and requests for follow-up. This report can be sent via the KPK website, email, post office, or telephone to the KPK. Although the KPK ensures that the reporter's identity will be kept confidential, the level of public participation is still too low. In fact, to increase Indonesia's Corruption Perception Index, one of the points that must be increased is the

32 Jon Kingzette et al., "How Affective Polarization Undermines Support for Democratic Norms," *Public Opinion Quarterly* 85, no. 2 (2021): 663–77.

33 Kurt Weyland, "Populism's Threat to Democracy: Comparative Lessons for the United States," *Perspectives on Politics* 18, no. 2 (2020): 389–406.

34 Aggelos Kiayias dan Dionysis Zindros, "Proof of Work Sidechains," in *Financial Cryptography and Data Security: FC 2019 International Workshops, VOTING and WTSC, St. Kitts, St. Kitts and Nevis, February 18--22, 2019, Revised Selected Papers 23*, 2020, 21–34.

35 Giulio Alvaro Cortesi, "The Burden of Proof and Its Exceptions," in Proof and the Burden of Proof in International Investment Law (Springer, 2022), 13–75.

36 Gaëtan Cliquennois, Sonja Snacken, dan Dirk van Zyl Smit, "Can European Human Rights Instruments Limit the Power of the National State to Punish? A Tale of Two Europes," *European Journal of Criminology* 18, no. 1 (2021): 11–32.

37 Djamaludin Djamaludin et al., "Assessing the Impact of Electronic Court Systems on the Efficiency of Judicial Processes in the Era of Digital Transformation," *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, 2023, 1–18.

level of public participation in reporting and supervising corruption cases that occur in the community. If each report must be accompanied by initial evidence, then it is certain that the public does not have sufficient evidence. As an organized crime, it is certainly not easy for the public to gain access to evidence. Every piece of evidence will of course be stored properly and carefully by the parties.

Therefore, one form of reformulation of KPK supervision is to carry out reverse verification of public reports submitted to the KPK. The public must be given the widest possible opportunity to make reports of suspected corruption that occurs around them. Reports to the KPK must also be made as simple as possible, to ensure that the report does not make things difficult for the public but remains on target.[38] After the report is submitted to the KPK, the KPK itself is tasked with validating the report, searching for evidence and tools of evidence, conducting investigations and inquiries, and deciding whether the report is true or not. If not, or if there is an indication of a false report in the report, the perpetrator can be reported by the KPK on suspicion of a false report. Thus, it is certain that there will be no loss for the KPK if it wants to apply the reverse verification pattern to public reports. Rather than being detrimental, the reverse verification carried out by the KPK can increase the level of public participation in the prevention and prosecution of corruption cases.

Third, strengthening ethical enforcement within the KPK. The KPK Code of Ethics Regulation, has so far been regulated in the Corruption Eradication Commission Regulation Number 2 of 2020 concerning the KPK Code of Ethics and Guidelines for Conduct. This regulation aims to establish standards of behavior expected of all KPK employees to ensure the integrity, professionalism, and accountability[39] of KPK employees and leaders in carrying out their duties. This code of ethics covers various aspects of behavior between employees and the public, fellow co-workers, and parties involved in the legal process. This code of ethics has also been regulated in such a way regarding the sanctions that will be given if the code of ethics is violated. As stated in the code of ethics, the sanctions that can be given range from administrative sanctions to dismissal sanctions.[40] All ethics enforcement is carried out by the KPK Supervisory Board. However, the enforcement of this code of ethics still has many problems. Among them are inconsistent sanctions. Most recently, KPK Commissioner Nurul Ghufron, was "only" given a 20 percent salary cut for six months for violating the code of ethics. A decision that is certainly different from that received by Firly Bahuri.[41] This inconsistent sanction also makes the integrity of the institution doubtful. The Transparency Factor in Decision Making is also an issue. The Supervisory Board in making decisions is not done in a session that is open to the public. This creates a negative perception for the KPK. In addition to these two factors, there is also a factor of low stakeholder participation in formulating and supervising the implementation of the KPK code of

38 Ridwan Arifin et al., "A Discourse of Justice and Legal Certainty in Stolen Assets Recovery in Indonesia: Analysis of Radbruch's Formula and Friedman's Theory.," *Volksgeist: Jurnal Ilmu Hukurn dan Konstitusi* 6, no. 2 (2023).

39 Afzal Izzaz Zahari, Jamaliah Said, dan Roshayani Arshad, "Examining the Components of Integrity," *Integrative Psychological and Behavioral Science*, 2021, 1–32.

40 Desirée LeClercq, "Rights-Based Sanctions Procedures," *Admin. L. Rev.* 75 (2023): 105.

41 Fence M Wantu, "Shifting The Paradigm of The Indonesian Judicial System From The Influence of The Anglo-Saxon Judicial System," *Jambura Law Review* 5, no. 1 (2023): 118–35.

ethics. By definition, there needs to be strengthening in enforcing the code of ethics at the KPK. Some of the strengthening that needs to be done include:[42]

1. Increased Understanding of the Code of Ethics

   Improving understanding of the code of ethics can be done through two events. Namely, first, routine socialization carried out by conducting periodic socialization of the code of ethics for all KPK employees. Including training on ethical values and the implications of violations. Second, educational materials in the form of developing easy-to-understand educational materials regarding the code of ethics and the importance of integrity.

2. Strong Oversight Mechanism

   A strict monitoring mechanism can be carried out by conducting internal audits. This audit is carried out routinely to ensure that all employees comply with the code of ethics in carrying out their duties. In addition, anonymous reports can also be made. This activity is expected to encourage employees to report violations of the code of ethics anonymously, in order to reduce fear or pressure.

3. Strict and Consistent Sanctions

   The imposition of strict sanctions must be followed by setting clear and firm sanctions for violators of the code of ethics. In addition, the Supervisory Board must also ensure that sanctions are applied consistently without discrimination. Transparency of the process must also be ensured so that the results of enforcing the code of ethics can be ensured to increase transparency and accountability.

4. Active Supervisory Board

   An active Supervisory Board is also a form of strengthening the code of ethics. Strengthening the Role of the Supervisory Board can be done by empowering the Supervisory Board to conduct periodic evaluations and supervision of the implementation of the code of ethics. The Supervisory Board can also be asked to take proactive action in handling violations of the code of ethics.

5. Improved Reporting System

   The reporting system must be improved, both for the public and internally. This improvement is done by improving the performance of the complaint platform which is easily accessible to report violations of the code of ethics, both by employees and the public. In addition, it is also necessary to ensure that every report received is followed up seriously and transparently.

6. Strong Organizational Culture

   Promotion of Ethical Culture is carried out with an organizational culture that emphasizes the importance of ethics and integrity in every aspect of work. Role Model: KPK leaders must provide examples of behavior that is in accordance with the code of ethics to motivate other employees.

7. Periodic Evaluation

   To ensure that the code of ethics created is truly on target, it is necessary to periodically revise the code of ethics. The code of ethics needs to be updated in accordance with legal and societal developments. Employee Feedback is also needed to gather input on the implementation of the code of ethics and the challenges of enforcement faced.[43]

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42 Maira Babri, Bruce Davidson, dan Sven Helin, "An Updated Inquiry Into the Study of Corporate Codes of Ethics: 2005--2016," *Journal of Business Ethics* 168 (2021): 71–108.

43 John D Watts et al., "Challenges Faced by Smallholders in Achieving Sustainable Poil Certification in Indonesia," *World Development* 146 (2021): 105565.

3. CONCLUSION

This article finds several important conclusions. First, the supervisory role carried out by the KPK has not been running well. This is evidenced by the still low Corruption Perception Index score in Indonesia, as well as Indonesia's still low ranking for the aspect of corruption enforcement. Second, there needs to be an improvement in supervision that can be carried out by the KPK. This improvement is carried out by reformulating the supervision that has been carried out by the KPK. Reformulation of KPK supervision in the form of Reformulation of filling the position of the Supervisory Board, Reverse Proof for KPK Reports, and Strengthening Enforcement of the KPK Code of Ethics. This reform is expected to bring legal justice to the community. Especially groups of people who are or are threatened by corruption cases.

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