

ABSTRACT

Post-reform democratization affects the level of public participation in the administration of the state. Participation of the community is one of them is in the national development efforts, namely the urgency of eradicating corruption which caused massive state financial losses and potentially re-crisis in various sectors or fields of development. The society demands the state to have an organ that is more responsive to their demands. The Corruption Eradication Commission was born as a response to the ineffectiveness of the police, prosecutors and other bodies related to the eradication of corruption. The authority of the Corruption Eradication Commission includes coordination, supervision, investigation, investigation, prosecution, prevention and monitoring. Currently, the eradication of corruption post-reform corruption has been going on for almost 2 (two) decades, but until now corruption is still often the case. The opinion is related to the fact that corruption still indicates that corruption eradication is still weak or indicates that corruption eradication is getting better because more and more are revealed. In its journey, the position of the Corruption Eradication Commission is also questioned by various parties. The duties, authorities and obligations mandated by Law Number 30 Year 2002 make the Corruption Eradication Commission seem to resemble a superbody. Therefore, the issue of the position and effectiveness of the implementation of the Corruption Eradication Commission's duties exists. In order to solve this problem, research is conducted using normative legal research methods supported by legislation approach, comparative approach, and historical approach, and using theory of law state, authority theory and limitation of power, checks and balances system, and legal certainty as the parameter of these analysis. This study reviews the history of corruption eradication in Indonesia, the comparison of anti-corruption institutions in some countries and its analysis, to finally discuss the specific position of the Corruption Eradication Commission and the implementation of Article 6 of Law Number 30 Year 2002. From this research can be concluded that the Corruption Eradication Commission independent state institutions, even though the Corruption Eradication Commission exercises authority on the executive sphere that government agencies (genuine executives) should exercise. The authority of the "executive" of the Corruption Eradication Commission is a delegation of authority through Law Number 30 Year 2002 as the legal basis for the establishment of the Corruption Eradication Commission (Komisi Pemberantasan Korupsi). In the implementation of the duties as referred to in Article 6 of Law Number 30 Year 2002, the Corruption Eradication Commission has not been optimal and effective in performing its duties as mandated by Article 6 of Law Number 30 Year 2002. KPK only focuses on investigation, investigation and prosecution, prevention is the first step in efforts to eradicate corruption.