# Domestication of KPK and Efforts to Improve KPK Integrity and Capacity in Corruption Eradication

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**ABSTRACT**

Amidst the decline in Indonesia's Corruption Perception Index (CPI) with a score of 34 compared to the previous year, with a score of 38. The public has intensively criticized the existence of the KPK, namely whether the KPK institution is still needed, because the KPK is considered to have failed to carry out the mandate of eradicating corruption. Instead of eradicating corruption in this country, it turns out that the KPK has also corrupted itself. The inactive KPK chairman, Firli Bahuri, was named a suspect in a case of alleged extortion and gratification by Polda Metro Jaya. This was also the case with the imposition of ethical sanctions on 90 KPK employees who were proven to have extorted or received gratuities from residents of the KPK detention center. Moreover, the KPK, which was originally an independent organization, has now become an executive branch institution as regulated by Law No. 30/2022. Departing from the above phenomenon, the collapse of the integrity of KPK commissioners and officials along with the domestication of the KPK through the revision of the KPK Law, whether this happened naturally or intentionally (by design). This paper aims to answer that question.

***Keywords:*** *KPK, Corruption Eradication, Integrity*

## 1. INTRODUCTION

It is said that the age of corruption crimes in the perspective of monotheistic religions is as old as the age of human beings themselves. This becomes relevant when corruption or corruption is not interpreted as bribery, collusion, gratuities but also embezzlement in office or abuse of office for personal gain. How no matter how the ancestors of man, namely the Prophet Adam (as) and his partner Eve, who Allah SWT has endowed with the freedom to live and enjoy everything in paradise, except for one prohibition, namely approaching one type of tree so as not to become a pious human being. However, it turns out that our ancestors Prophet Adam and his spouse violated the prohibition of Allah SWT, as a result of slipping by the temptation of the devil / devil[1] and khilaf and the absence of a strong will on Adam (as)[2]

The story enshrined in the holy book of the Qur'an is of course not to justify corrupt behavior as a nature or basic human disposition so that it needs to be tolerated and understood. However, the main message of the above story is a lesson in the form of weakness in human beings in the form of a lack of a strong will to control orgasm from the temptation of worldly pleasures and information about the importance of awareness of the existence of demonic beings who always invite corrupt acts and must be made real enemies.[3]

Therefore, corruption, which means destructive acts (facades) and unlawful acts or prohibited by Allah SWT and also positive law, must be eradicated and eliminated because they cause destructive losses to human life itself. Allah SWT promises a class of goodness for believers who serve in the movement to do good and prevent evil.[4] The method or way to realize the obligation to prevent and eliminate the evil in the form of corruption taught by the Prophet Muhammad (saw), namely by being armed with power/authority, then followed by voicing criticism and suggestions to the ruler if he does not have the resources to power, and the last way is enough with an attitude and dislike in the mind towards the evil in the form of corruption. [5]

Efforts to prevent and eliminate corrupt behavior in the midst of the community of the nation and state of the Republic of Indonesia, which seem to be constantly plagued by corruption, actually require seriousness and patience which is likened to a struggle to each the top of a high and steep mountain.[6] as described in QS. Al Balad verse 11.

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That the intention and purpose to serve to prevent and eradicate evil in the form of corruption crimes in this republic through the utilization of the KPK institution is certainly not only based on the above reasons, but also intended as a form of moral obligation and faith in Allah SWT which will later be held accountable in the hereafter. As Allah swt said: "Do you think that you will enter paradise, when it is not yet clear to Allah those who wage jihad among you, and not yet to Allah those who are patient". (QS. Al Imran: 142).

## II. IS THE KPK STILL NECESSARY?

If referred to *original intent* in the consideration section of Law No. 30/2022 concerning the KPK, the presence of the KPK as an independent, professional, intensive and sustainable institution with the authority to eradicate corruption is due to the effectiveness and efficiency of existing government institutions (the prosecutor's office and the police) in eradicating corruption is considered not optimal. Honest confession *Expressive verbiss* in Law No. 30/2022, at least it can formally answer the critical question that has often emerged lately, is the existence of the KPK still necessary at this time?

This critical question seems to show how the KPK as a superbody institution has failed to carry out its mandate to eradicate corruption. Instead of eradicating corruption in this country, it turns out that the KPK has also corrupted itself. Just look at the case of the epicenter of corruption that caught the public's attention actually occurred in the KPK itself. The inactive Chairman of the KPK, Firli Bahuri, was named as a suspect in the case of alleged extortion and gratuities by the Metro Jaya Police. This irony is related to the handling of corruption cases at the Ministry of Agriculture (Kementan) by the KPK, which ensnared the former Minister of Agriculture, Syahrul Yasin Limpo. Likewise, the internal conflict between KPK Commissioner Nurul Gufron and KPK Supervisory Board member Albertina Ho was reported to the police. Furthermore, related to the performance of the KPK as a leading sector in the eradication of corruption, it also experienced a free fall. This can be seen from the decline in Indonesia's Corruption Perception Index (GPI) with a score of 34 compared to the previous year, with a score of 38.[7]

The declining performance of the KPK is also recorded from the level of trust that is increasingly eroding in the community. The latest CSIS survey for the period of December 13-18, 2023, noted that the KPK is second from bottom in the list of the level of public trust in state institutions. As many as 40.1 percent of respondents did not trust the KPK, and there were 58.8 percent of respondents who claimed to believe in it. The
KPK is only one level above the House of
Representatives as the institution with the lowest level of trust, out of the nine state institutions surveyed. Still in the same survey, public dissatisfaction with the current government's performance in improving corruption is relatively high. As many as 50.3 percent of respondents admitted that they were dissatisfied with the Jokowi government in reducing the corruption rate. Meanwhile, 48.4 percent of other respondents admitted that they were satisfied with the government's performance in reducing corruption at this time.[7]

The question then is whether it is true that the performance/performance of the KPK burruk in the era of the second term of the Jokowi administration occurred naturally *An Sich* that is, solely due to the low integrity and professional quality of KPK apparatus and commissioners, or did it happen intentionally, aka *by design*. Considering the KPK's actions so far which have destroyed corrupt practices in all existing branches of power, and perhaps only the presidential/vice presidential institution has not felt the touch of the KPK. This inevitably makes the KPK a big enemy of corruptors who want this anti-corruption institution to be impotent, aka barren.

## III. DOMESTICATION OF THE KPK

I prefer the diction of taming to weakening. The reason is that the weakening sentence (*powerless*) means helpless, helpless. In fact, the KPK in its practice is still empowered to carry out its authority in the form of preventing and prosecuting corruption. Meanwhile, the sentence of taming (*Tame; domiscated*) means that it is not dangerous to the owner but can be used to attack other parties. It seems that what is happening with the KPK right now is a tame incident. To be precise, the KPK cracks down on corruptors with a strong political scent rather than prioritizing the principle of equal law aka equality (*equality before the law*) especially to persons who are opposite/opposition to the ruler.

The phenomenon of taming the KPK that occurred in the second period of President Jokowi's leadership era can be called evidence of the running of symptoms
*Authocratic legalism*[8]. *Autocratic legalism* Actually, it starts from the attitude of autocracy which in carrying out its agenda, using the law to legitimize its actions. Kim Lane Scheppele said, to recognize the early symptoms of autocratic legalism, it can be known by seeing someone who has been elected through democracy to attack the institution that has the potential to supervise him or her when running his or her government in the future.[9] Meanwhile, Zainal Arifin Mochtar

and Eid al-Rishan said, in practice, the symptoms in question can be known at least by paying attention to signs such as: *(1) the cooptation of the ruling party in the parliament, (2) the violations of the law and constitution, (3) the undermined judicial independence.*[9]

Based on the thesis of symptoms *Authocratic legalism* above, the decline and demoralization of the KPK so far is indeed not something natural but something that is desired and deliberate.

## IV. STRENGTHENING THE KPK

Based on the promise of Allah SWT that every difficulty must be accompanied by ease (QS. Al Insyirah verse 5); and also the word of Allah which reads: Indeed, Allah does not change the condition of a people until they change the situation that exists in themselves (QS. Ar Rad verse 11), then it seems that there is no longer any reason to be resigned, desperate for the corruption emergency phenomenon that is currently engulfing this country, and efforts to find solutions to strengthen the KPK institution.

At least at this time, the momentum is right to improve the performance of the KPK, especially related to the corrupt behavior allegedly committed by the chairman of the KPK, Firly Bahury, and also the issue of the disharmonious relationship between the members of the Supervisory Board and one of the KPK commissioners who was reported to have committed ethical violations against Nurul Gufhron.

***First*** , the momentum is as the term of service of the KPK leadership ends in 2024, and in line with that, the KPK Leadership Selection Committee and the Supervisory Board have been formed through President Jokowi's Decree. The Indonesian people's expectations of the KPK Pansel are not grandiose, namely the recruitment mechanism for candidates for KPK leadership for the 2024-2029 period must be carried out in a fair, transparent and accountable manner so as to produce the figure of the commissioner and members of the KPK Dewas in the future with the nature of piety, fairness, and professionalism. In other words, the professional work of the Pansel and the merit system are inevitably a bet and the first step for the strengthening and revival of the KPK, in addition to growing trust in the KPK itself.

Regarding the ideal figure of the next Commissioner and member of the KPK Dewas, the Pansel must base its main criteria on piety[10]. How can Allah SWT Himself declare that the most noble human being before God is a pious man, [11] In a pious person is gathered a righteous nature[12]; his deeds are always supervised by the supernatural Allah SWT;[13] resilient, steadfast and patient in adversity; [14]The rewards or rewards provided for people who are devout include, among others, Allah SWT provides *a way out* solution to the problems they face; [15]as well as the ease of affairs they face.[16] Based on information from the holy book of the Quran, in short, the KPK Pansel must earnestly look for candidates who have these qualities of piety.

***Second,*** along with the change of executive leadership after the presidential election some time ago, and President Prabowo Subiyanto as President elected for the 2024-2029 period, new hopes for the strengthening and *recovery of the* KPK as an anti-corruption institution promise new hope. The reason is that the authority to handle/prosecute corruption is also given to the National Police and the Prosecutor's Office as well as the KPK itself, since the revision of the KPK Law through Law No. 19/2019, the entire anti-corruption institution is included in the executive realm/cluster which is under the command of the President. So in the future, the KPK leadership should be able to encourage and convince and force President Prabowo to dare to proclaim himself as the commander/commander of the corruption eradication in this republic. The reason is that in the political tradition of the presidential election in Indonesia, the president or regional head wants to serve 2 terms, and in the early period the government system went quite well. That the relationship and communication between the KPK leadership and the President as the head of state and government must be good, because the widespread corruption practice in this country occurs reciprocally between office holders and customers so that the eradication of corruption is not enough by increasing the integrity and capacity of commissioners plus the ranks of the KPK, but also needs support and strong figures as well as leadership of state leaders. Moreover, the pattern of structure and social relations between leaders and the people, according to Clifford Geertz in his book "*Agricultural Involution in Indonesia*", is referred to as the pattern of Patron-Client relationships. It means that the people will follow/emulate their leaders or in Javanese it is known as sabdo pandhito ratu.

***Third, the*** need for comprehensive internal consolidation and evaluation of the KPK, both at the commissioner or leadership level and at the staff/executive officer level. At the leadership level, it is necessary to grow awareness that leadership in the KPK is collective-collegial and not a *one-man show.* Therefore, commissioners have a strong bond with each other and work hand in hand in terms of goodness and vice versa must also remind each other to stay away from disobedience. Meanwhile, at the level of staff/implementing employees, it is necessary to carry out periodic evaluations and strengthen commitments so that awareness to serve honestly and obey the law is maintained, The last thing is motivated

by the disgrace that some time ago as many as 90 KPK employees were subjected to ethical sanctions due to the abuse of position against the residents of the KPK Detention Center.

***Fourth,*** optimizing the role of the KPK Supervisory Board to synergize with the KPK Leadership in order to foster awareness and understanding of the values[17], ethics, and professional code of ethics of KPK commissioners through various facilities and infrastructure, which technically can be discussed jointly between the Dewas and the KPK commissioners.

## V. CONCLUSION

That various events that degrade the performance of the KPK and efforts to demoralize the KPK that occur from various directions must be seen as a touchstone that must be faced, whether the KPK can pass the test. What the KPK is facing is not as severe as the test experienced by the Palestinian people and Hamas fighters. Why are the Palestinian people so resolute in suffering and hardship in an unbalanced war? The answer is that they are sure that Allah SWT will always be with His servants, and His help is near.

Fighting to eradicate corruption through the KPK institution including the category of jihad or working earnestly to prevent and eradicate evil must be based on the help of Allah SWT and do not retreat and fear the ignorant man. As Allah SWT says. "And those who wage jihad to seek Our pleasure, We will indeed show them Our ways. And indeed, Allah is truly with those who do good" (QS. Al Ankabut verse 69).

Meanwhile, the author of a book from the Bronx, New York, United States, Eric Hoffer stated: Strength breeds less corruption, but weakness breeds more corruption.

## References

[1] A. Qur'an, "QS. Al-Baqarah:36."

[2] A. Qur'an, "QS. Tha Ha :115."

[3] "Satan as an evil creature who always invites humans to do evil and corruption, has not been or has never been mentioned / involved as a factor/variable that triggers corrupt behavior in various corruption theories put forward by Robert Klijkgaard and John".

[4] A. Qur'an, "QS. Al Imran." [5] "HR. Muslim no.49."

[6] A. Qur'an, "QS. Al Balad."

[7] M. F. Nur, "Corruption is Getting More Latent on the Ground, Improving the KPK is Getting Urgent," *Tirto.id*, Dec. 2023. [8] "If authoritarianism rejects the law as a medium for succeeding the ruler's agenda, then autocratic legalism actually uses the law so that its actions seem to have a constitutional basis."

[9] M. F. Hadinata, "The Role of the Constitutional Court in Preventing Symptoms of Autocratic Legalism in Indonesia, Journal of the Constitution," vol. 19, no. 4, p. 745, 2022.

[10] "Terminologyly, Taqwa means fear of Allah by always carrying out His commands and staying away from His prohibitions".

[11] A. Qur'an, "QS. Al Hujurat : 13."

[12] A. Qur'an, "QS. Al Maidah : 8."

[13] A. Qur'an, "QS. Al Baqarah : 1-3."

[14] A. Qur'an, "QS. Al Baqarah : 177."

[15] A. Qur'an, "QS. Ath Thalaq :2-3."

[16] A. Qur'an, "QS. Ath Thalaq : 4."

[17] F. Esfandiari and A. E. Widianto, "Pancasila Legal System: Balancing The Fulfillment Of National Moral Values And Law Enforcement In Indonesia," *Indones. J. Law Econ. Rev.*, vol. 19, no. 1, Jan. 2024, doi: 10.21070/ijler.v19i1.999.

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