

The Impact of the KPK Law Revision on Prosecutorial Authority

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ABSTRACT

Corruption is an extraordinary crime that has far-reaching impacts on state finances, the legal system, and public trust. In combating corruption, the Corruption Eradication Commission (Komisi Pemberantasan Korupsi/KPK) and the Public Prosecutor's Office (Kejaksaan) play strategic roles, particularly in the prosecution of corruption cases. However, the amendment of Law Number 30 of 2002 into Law Number 19 of 2019 on the Corruption Eradication Commission has brought significant changes to the institutional position and authority of the KPK, affecting its relationship with the Prosecutor's Office. This study aims to analyze the policies of the KPK and the Prosecutor's Office in regulating prosecutorial authority and to examine the implications of the amendment to the KPK Law for the effectiveness of corruption law enforcement in Indonesia. This research employs an empirical legal research method using statutory, conceptual, and empirical approaches through interviews, observation, and literature review. The findings indicate that the amendment to the KPK Law has strengthened coordination and oversight mechanisms, but at the same time has posed challenges to the independence and speed of prosecution. Therefore, the effectiveness of corruption eradication after the amendment largely depends on strengthening institutional synergy, clarifying the division of authority, and ensuring consistency in prosecutorial policies between the KPK and the Prosecutor's Office.

Keywords: Corruption, KPK, Prosecutor's Office, Prosecution, Amendment of the KPK Law.

1. INTRODUCTION

Corruption in Indonesia constitutes a structural problem with far-reaching consequences. It not only causes significant financial losses to the state but also undermines the legal order, weakens democratic institutions, and erodes public trust in state authorities. Consequently, corruption is classified as an extraordinary crime that requires strong, independent legal instruments and law enforcement institutions. In this context, the establishment of the Corruption Eradication Commission (Komisi Pemberantasan Korupsi/KPK) through Law Number 30 of 2002 was intended to strengthen anti-corruption efforts, which were previously considered ineffective when handled solely by the Police and the Prosecutor's Office. The KPK was granted special authority encompassing investigation, inquiry, and prosecution of corruption cases.

However, the revision of the KPK Law through Law Number 19 of 2019 introduced significant changes to the institutional position and authority of the KPK. The KPK is no longer positioned as a fully independent body, but rather as part of the executive branch, subject to oversight by a Supervisory Board. These changes have raised serious concerns regarding the

potential weakening of the KPK's independence in carrying out its law enforcement functions, particularly in the prosecution of corruption cases.

Following the revision, the relationship of authority between the KPK and the Prosecutor's Office has become a critical issue. Prior to the amendment, the KPK exercised autonomous prosecutorial authority through its own public prosecutors. After the revision, differing interpretations have emerged regarding the extent of the KPK's prosecutorial independence and the nature of its coordination and institutional relationship with the Prosecutor's Office, which remains the principal prosecutorial authority under Law Number 16 of 2004. This situation has generated debate among academics and legal practitioners concerning potential overlaps of authority, the effectiveness of corruption eradication, and the balance of power among law enforcement institutions.

From a theoretical perspective, these issues are closely linked to the principles of due process of law, separation of powers, and checks and balances. Clear legal regulation governing the distribution of authority between the KPK and the Prosecutor's Office is essential to ensure legal certainty, prevent institutional conflicts, and maintain the effectiveness of the anti-corruption criminal justice system. Therefore, a juridical analysis of the impact of the revision of the KPK Law on the relationship of authority between the KPK and the Prosecutor's Office in prosecuting corruption cases is both relevant and strategic, particularly in assessing whether the regulatory changes strengthen or instead weaken anti-corruption efforts in Indonesia.

This study examines the regulatory framework governing prosecutorial authority between the Corruption Eradication Commission (KPK) and the Prosecutor's Office, as well as the implications of the revision of the KPK Law on the effectiveness of corruption law enforcement in Indonesia. The research aims to analyze the arrangement of prosecutorial authority in corruption cases before and after the revision of the KPK Law, to assess its impact on the institutional relationship between the KPK and the Prosecutor's Office, and to evaluate its implications for the effectiveness of corruption eradication efforts. Theoretically, this study contributes to the development of legal scholarship, particularly in criminal law and constitutional law, by enriching the discourse on the distribution of authority among law enforcement institutions in combating corruption. Practically, the findings are expected to provide valuable input for policymakers, law enforcement agencies, and the public in understanding the post-revision dynamics of prosecutorial authority between the KPK and the Prosecutor's Office.

2. RESEARCH METHOD

This study employs an empirical legal research method (juridical-empirical approach), viewing law not merely as written norms (law in the books), but also as practices implemented by law enforcement officials (law in action). The research combines a juridical-empirical and socio-legal approach to examine the implementation and dynamics of prosecutorial authority between the Corruption Eradication Commission (KPK) and the Prosecutor's Office following the enactment of Law Number 19 of 2019. Normative analysis is conducted through statutory review of relevant anti-corruption and prosecutorial laws, supported by primary legal materials such as court decisions, and secondary materials including scholarly books, journal articles, and prior research. Empirical data are collected through semi-structured interviews and observations involving law enforcement officials and related stakeholders to capture institutional coordination and practical enforcement dynamics. The data are analyzed by systematically correlating applicable legal norms with empirical findings to identify congruence or divergence between regulation and practice, and to assess whether the post-revision prosecutorial framework aligns with the principles of due process of law, legal certainty, and checks and balances in Indonesia's anti-corruption legal system.

3. RESULTS AND DISCUSSION

General Overview of the Prosecution of Corruption Crimes

The prosecution of corruption cases in Indonesia reflects the systemic and power-laden nature of corruption, making prosecution a decisive stage in ensuring effective and fair anti-corruption enforcement. Empirical findings indicate that prosecutorial authority is exercised by both the Corruption Eradication Commission (KPK) and the Prosecutor's Office under overlapping legal mandates, with the KPK prosecuting cases it investigates through public prosecutors institutionally subordinated to the KPK, while the Prosecutor's Office retains its constitutional role in handling cases originating from police and internal investigations. Prior to the revision of the KPK Law, the KPK operated with relatively autonomous prosecutorial discretion, which enhanced efficiency but also generated concerns over dualism and inconsistency in prosecutorial policy. Following the enactment of Law Number 19 of 2019, empirical evidence shows a shift toward a more coordinated prosecutorial framework, emphasizing inter-institutional coordination to ensure uniformity of legal interpretation and sentencing demands, although transitional tensions regarding jurisdictional boundaries remain. This evolving relationship positions the KPK and the Prosecutor's Office as complementary rather than competing institutions, aligning with academic

views that regard corruption as a serious abuse of power and a violation of fundamental public rights, thereby requiring effective prosecutorial mechanisms (Marwiyah & Borman). Consistent with Romli Atmasasmita's argument, the effectiveness of corruption prosecution depends not only on legal norms but also on coherent institutional design and consistent enforcement policies, as fragmented authority risks undermining public trust and legal certainty (Atmasasmita).

Policies of the Corruption Eradication Commission (KPK) and the Prosecutor's Office in Regulating Prosecutorial Authority

Following the revision of the KPK Law, the prosecutorial policy of the Corruption Eradication Commission (KPK) has undergone a fundamental institutional shift from a highly centralized and autonomous model toward a more coordinated framework within the national criminal justice system. Prior to the amendment, KPK leaders exercised dominant control over prosecutorial decisions, positioning themselves normatively as investigators and public prosecutors, which enabled swift and integrated law enforcement but also generated criticism regarding dualism and fragmentation of prosecutorial authority. Empirical findings indicate that the post-revision framework eliminates the direct prosecutorial role of KPK leadership, repositioning them within policy-making and supervisory domains, while emphasizing professional prosecutorial standards and institutional coordination. According to Nathaniel Doloksaribu and Christian Dior P. S., this reform aims to restore coherence in prosecutorial governance and to prevent legal inconsistencies that previously emerged due to overlapping authority (Doloksaribu & Dior, Interview, 2025; Atmasasmita, 2017; Marwiyah & Borman, 2021).

Concurrently, the Prosecutor's Office has reinforced its role as the national controller of prosecutorial policy by emphasizing the principle of prosecutorial unity, asset recovery, and consistent legal enforcement. Empirical evidence demonstrates that coordination between the KPK and the Prosecutor's Office has intensified, particularly in harmonizing legal interpretations, aligning prosecutorial strategies, and integrating money laundering charges to strengthen asset confiscation and state loss recovery. While such coordination is widely viewed as essential to ensuring legal certainty and preventing institutional conflict, transitional challenges persist, particularly concerning jurisdictional boundaries and organizational culture. Nevertheless, this coordinated framework reflects a strategic balance between maintaining the KPK's effectiveness as a specialized anti-corruption body and preserving the coherence of national prosecutorial governance, thereby reinforcing public trust and the integrity of Indonesia's anti-corruption regime (Doloksaribu & Dior, Interview, 2025; Vieta, 2021; Atmasasmita, 2017).

Implications of the Revision of the KPK Law on the Effectiveness of Corruption Law Enforcement

The revision of Law No. 30 of 2002 into Law No. 19 of 2019 has significantly altered the pattern of corruption law enforcement in Indonesia, shifting it from a highly independent and extraordinary model centered on the Corruption Eradication Commission (KPK) toward a more coordinated, procedural, and integrated framework within the national law enforcement system. Empirical findings indicate that the repositioning of the KPK within the executive branch, coupled with the establishment of a Supervisory Board, has introduced additional layers of oversight and procedural requirements that affect investigative and prosecutorial dynamics. While these mechanisms are intended to enhance accountability and legal certainty, they have also reduced the flexibility and speed that previously characterized KPK's approach, raising concerns that corruption—widely recognized as an extraordinary crime—is increasingly being handled through ordinary criminal justice mechanisms (Vieta, 2021). As a result, the effectiveness of corruption law enforcement now depends not solely on institutional strength, but on the balance between procedural compliance and the need for decisive, responsive action.

From the perspective of law enforcement officials, the impact of the KPK Law revision on prosecutorial independence and performance is ambivalent. On one hand, tighter coordination with the Prosecutor's Office and stronger oversight are viewed as opportunities to improve consistency, asset recovery, and the unity of national prosecutorial policy. On the other hand, increased procedural complexity and diminished institutional autonomy are perceived as potential obstacles in addressing corruption cases involving powerful actors and complex financial networks. This tension reflects broader academic concerns that weakening prosecutorial independence risks undermining deterrence, public trust, and the protection of fundamental rights, given that corruption constitutes a serious abuse of power with profound social and human rights implications (Marwiyah & Borman, 2018). Consequently, the overall effectiveness of post-revision corruption law enforcement remains dynamic and contingent upon the capacity of law enforcement institutions to reconcile accountability with independence, and coordination with firmness, in order to sustain credible and effective anti-corruption efforts (Vieta, 2021; Marwiyah & Borman, 2018).

Analysis of Research Findings from the Perspective of Legal Theory and Statutory Regulations

This analysis situates the empirical findings within the framework of legal theory and prevailing statutory regulations to assess whether post-revision corruption prosecution aligns with the fundamental principles of a state governed by law. From the perspective of prosecutorial



authority, Indonesia adheres in principle to a single prosecution system under the Prosecutor's Office, while the KPK represents a special exception justified by the extraordinary nature of corruption; as explained by Romli Atmasasmita, such exceptional authority is necessary to address systemic corruption but must remain integrated within the national legal system to avoid institutional fragmentation. Empirical findings show that the pre-revision autonomy of the KPK enhanced effectiveness yet generated concerns over dualism, whereas the post-revision emphasis on coordination reflects an attempt to rebalance effectiveness with systemic unity. Viewed through the lens of due process of law, the strengthened oversight and procedural safeguards introduced by the revision may enhance accountability and legitimacy, consistent with Jimly Asshiddiqie's conception of a constitutional state, but empirical evidence also reveals tensions where excessive proceduralism risks undermining timely and substantive justice, echoing Andi Hamzah's warning against over-formalization in corruption enforcement. From a checks and balances perspective, the revision seeks to prevent concentration of power by reinforcing supervision and coordination; however, as cautioned by Todung Mulya Lubis, disproportionate controls may erode institutional independence, a key prerequisite for effective protection of public interests. Normatively, the shift from an extraordinary to a more systemic approach has not been fully matched by capacity strengthening across law enforcement institutions, lending support to Satjipto Rahardjo's view that law must function as a means to achieve substantive justice rather than rigid formalism. Overall, the findings indicate an incomplete alignment between normative design and enforcement practice after the KPK Law revision, underscoring the central challenge of striking a sustainable balance between effectiveness, accountability, independence, and coherence within Indonesia's anti-corruption legal framework.

Efforts to Strengthen Synergy between the KPK and the Prosecutor's Office in the Prosecution of Corruption Cases

Efforts to strengthen synergy between the Corruption Eradication Commission (KPK) and the Prosecutor's Office in the prosecution of corruption cases have become an urgent necessity in the post-KPK Law revision era. Research findings indicate that current challenges in combating corruption in Indonesia stem not only from substantive law, but also from institutional design and inter-agency relations. Accordingly, strengthening synergy should be understood not merely as technical cooperation, but as a strategic effort to realign prosecutorial authority in accordance with the rule of law, enforcement effectiveness, and the public interest. Normatively, prosecutorial authority over corruption is regulated by several statutes—Law No. 31 of 1999 as amended by Law No. 20 of 2001 on the Eradication of Corruption, Law No. 16 of 2004 on the Prosecutor's Office,



and Law No. 30 of 2002 as amended by Law No. 19 of 2019 on the KPK—yet empirical evidence reveals persistent gray areas in the division of authority and coordination mechanisms between the KPK and the Prosecutor’s Office. As argued by Romli Atmasasmita, effective anti-corruption enforcement requires a strong and consistent institutional design in which each body’s role is clearly defined; the KPK’s extraordinary powers must therefore be situated within the national legal system to avoid fragmentation. One priority is to operationalize coordination in prosecution: although Article 12A of the revised KPK Law mandates coordination, its general formulation requires implementing regulations or inter-institutional arrangements to ensure coordination is not misconstrued as subordination but as policy alignment, consistent with Andi Hamzah’s emphasis on professionalism and equality among law enforcement agencies. Synergy must also encompass harmonization of prosecutorial policies to address public perceptions of disparity; regular, structured policy forums can align charging decisions, sentencing demands, and the use of additional penalties such as restitution and asset forfeiture, reinforcing legal certainty as highlighted by Jimly Asshiddiqie. Human resource development is equally crucial: prosecutors serving both institutions must be supported through capacity-building and integrity enhancement, reflecting Satjipto Rahardjo’s view that law’s effectiveness depends on the quality of its enforcers. From a statutory perspective, the Attorney General’s role as national controller of prosecution should be implemented proportionately so as not to constrain the KPK’s special mandate, aligning with Todung Mulya Lubis’s caution that control must be balanced with institutional independence to prevent abuse of power. Clear, shared guidelines on case allocation—based on factors such as state losses, social impact, or the offender’s position—can further reduce tensions. Over the long term, sustainable synergy requires a cooperative institutional culture built on trust, dialogue, and continuous collaboration. In sum, strengthening KPK–Prosecutor’s Office synergy demands operational coordination, harmonized prosecutorial policy, enhanced human resources, and clear authority allocation, making it not only a practical imperative but also a normative requirement to ensure that anti-corruption enforcement accords with due process of law, checks and balances, and the overarching goals of justice and public benefit.

4. CONCLUSIONS

Efforts to strengthen synergy between the Corruption Eradication Commission (KPK) and the Prosecutor’s Office in prosecuting corruption cases have become imperative in the post–KPK Law revision context. Empirical findings show that current challenges lie not only in substantive law but also in institutional design and inter-agency relations. Although prosecutorial authority is

normatively regulated by anti-corruption and prosecutorial statutes, practical gray areas persist in the division of authority and coordination mechanisms. As argued by Romli Atmasasmita, extraordinary powers granted to the KPK must be situated within the national legal system to prevent fragmentation. Accordingly, synergy should be understood as a strategic realignment of authority—clarifying roles while preserving the KPK’s special mandate—rather than as mere technical cooperation.

Operationally, strengthening synergy requires clear, implementable coordination mechanisms (beyond general statutory mandates), harmonization of prosecutorial policies to avoid disparities, and regular forums to align charging strategies, sentencing demands, and asset recovery measures—thereby reinforcing legal certainty as emphasized by Jimly Asshiddiqie. Human resource development is equally critical; effective prosecution depends on the capacity and integrity of prosecutors, consistent with Satjipto Rahardjo’s view that law’s effectiveness hinges on its enforcers. The Attorney General’s role as national controller of prosecution should be applied proportionately so as not to constrain the KPK’s special functions, reflecting Todung Mulya Lubis’s caution that control must be balanced with independence. Clear, shared guidelines for case allocation and a sustained culture of trust-based collaboration are therefore essential. In sum, effective synergy—through operational coordination, policy harmonization, capacity building, and clear authority allocation—is both a practical necessity and a normative requirement to ensure anti-corruption enforcement aligns with due process of law, checks and balances, and the public interest.

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