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House inquiry members aim to make KPK a supervisory body with no power

Former KPK leader calls House inquiry attempt to obstruct investigation

The recent revelations of internal cracks within the Corruption Eradication Commission (KPK) appears to boost the move of lawmakers to cripple the country's top antigraft body, which has arrested dozens of lawmakers for corruption over the years.

Members of the House of Representatives' controversial inquiry team into the KPK have revealed that they may ultimately recommend that the KPK's investigation and prosecution powers be scrapped.

The revelation of internal tensions within the KPK was made on the heels of the surprising move by he KPK's director of investigations, Brig. Gen. Aris Budiman, to attend a hearing with the inquiry team, on Aug. 29, blatantly defying the KPK's stance not to acknowledge the legality of the inquiry.

Aris, a high-ranking police officer seconded to the KPK, talked about a "rivalry" between police and non-police investigators within the antigraft body.

Taufiqulhadi, an inquiry team deputy chairman from the NasDem party, claimed that testimony presented before the inquiry indicated that the antigraft body "cannot effectively execute its investigations and prosecution powers."

He suggested that the inquiry would likely conclude with a recommendation to revise the 2002 KPK Law and to turn the antigraft body into a toothless tiger without the authority to investigate and prosecute graft cases. If materialized, the move might constitute the worst political decision by the House in the country's anticorruption drive, activists have warned.

The investigation and prosecution of corruption cases would then be solely conducted by the National Police and the Attorney General's Office (AGO), such as the days before the KPK was established in 2003.

Team member Daeng Muhammad from the National Mandate Party (PAN) believes that the KPK should only focus on supervision of the police and the AGO.

"[The KPK has made] the public lose trust in the police and the AGO. The KPK's main function is actually as a trigger mechanism for the two institutions," he said.

The real post-inquiry fate of the KPK, however, lies in the hands of President Joko "Jokowi" Widodo.

The final recommendations from the inquiry will be presented during a House plenary meeting slated for Sept. 28.

Article 208 (3) of the 2014 Legislative Institutions (MD3) Law stipulates that recommendations are only endorsed with the support of at least half of the total lawmakers in attendance at the meeting. If endorsed, House speakers then hand over the recommendations to the President within seven days of the plenary meeting.

However, constitutional expert Feri Amsari from the Padang-based Andalas University said it would be not compulsory for Jokowi to follow up on the inquiry team's recommendations. Especially given the fact that the establishment of the inquiry was considered legally problematic in the first place.

"So, the recommendations will have no legal power. Whatever it takes, the President has the right to ignore it. It's not legally binding. It's just a political scheme," Feri said on Tuesday.

The House's apparent moves to muffle the KPK has escalated since 2010. So far, however, their attempts have not been successful, with all of them meeting with significant public criticism and upsurges of public support for the KPK.

Dozens of constitutional law experts also believe that the inquiry into the KPK was "flawed" from the beginning because the antigraft body is an independent body that is free from political interference.

The Constitutional Court has received several judicial review petitions challenging the MD3 Law in a bid to outlaw the inquiry.

Also on Tuesday, former KPK commissioner Bambang Widjojanto told a hearing at the court that the House's inquiry was another attempt by lawmakers to "politically intervene" with an investigation by the KPK.