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Judul : MK Upholds House's Inquiry Rights
Tanggal : Jumat, 09 Februari 2018
Surat Kabar : Jakarta Post
Halaman : 4

MK upholds House's inquiry rights

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THE JAKARTA POST/JAKARTA

The Constitutional Court (MK) has again dashed the hopes of those attempting to end the House of Representatives' controversial inquiry that aims to undermine the power of the Corruption Eradication Commission (KPK).

The court rejected on Thursday petitions filed by KPK employees, some law students and academics, and upheld the House's inquiry rights, in a close-call decision that saw four out of nine justices dissenting.

The bench concluded that the KPK was part of the executive branch on the grounds that it shared similar tasks with the National Police and the Attorney General's Office (AGO) in eradicating corruption, and therefore its performance was subject to the House's inquiry.

"Checks and balances should not let any power be exempted from supervision, therefore, the provisions in question [which are laid out in the 2014 Legislative Institutions Law, or MD3 law] are not a constitutionality problem," Justice Manahan Sitompul said while reading out the ruling on Thursday.

The dissenting justices, I Dewa Gede Palguna, Saldi Isra, Maria Farida Indrati and Suhartoyo, concurred with the petitioners, saying the KPK was an independent body.

Three out of four dissenting justices in Thursday's ruling were the same justices who also raised dissenting opinions last September, when the court decided to reject petitioners' request for a provisional ruling aimed at suspending the inquiry team from carrying out activities until the court decided on a final ruling.

> Four out of nine justices dissented
>
> House inquiry team to present recommendations next week

Thursday's ruling is in fact a U-turn on the court's previous stance that recognized the KPK as an independent institution.

Justice Suhartoyo said, in his dissenting opinion, that at least four of the court's rulings in various judicial review petitions in the past had recognized the KPK as an independent institution and not as part of the executive branch.

The House's inquiry into the KPK's performance has drawn criticism from activists, who suspect the move only intended to undermine the power of the antigraft body, which is currently investigating a high-profile e-ID graft case that implicates dozens of lawmakers.

Some members of the inquiry team once suggested an amendment to the prevailing KPK law, a plan the activists described as one of the attempts to weaken the KPK.

The House, however, started to soften its stance after Golkar Party politician Bambang Soesatyo was installed as the House speaker, replacing Setya Novanto, who is currently standing trial for his alleged involvement in the e-ID graft case.

Bambang was endorsed by newly inaugurated party chairman Airlangga Hartarto, who took over the Golkar leadership — also from Setya — with a promise to rid the party of corruption under his famous tagline "Golkar Bersih" (Clean Golkar).

KPK commissioner Laode M. Syarif, who attended Thursday's hearing at the court, said the KPK leaders were disappointed with the ruling since it showed the inconsistency of the court, which previously had always positioned the KPK as an independent body.

However, he asserted that the ruling would not affect the KPK's work in eradicating corruption, saying that their investigations were not subject to the House's inquiry.

Arteria Dahlan, a politician of the ruling Indonesian Democratic Party of Struggle (PDI-P) and member of the House's inquiry team, welcomed the court's decision.

"[The House] cannot intervene when the KPK carries out its law enforcement tasks, but we are allowed to criticize, supervise and suggest corrections regarding their performance," said Arteria.

Thursday's ruling also came after the House's inquiry team recently wrapped up its investigation and will present its recommendations in a plenary House meeting set for next week.

Inquiry team chairman Agun Gunandjar Sudarsa said the recommendations were not binding and that the team would first invite the KPK to hear their input before bringing the recommendations to the plenary meeting.