

Autocratic Legalism Phenomenon in Democratic Institutions in Indonesia: Corruption Eradication Commission, Constitutional Court and House of Representatives



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ABSTRACT: The phenomenon of autocratic legalism has permeated democratic institutions in Indonesia. This is marked by the executive, legislative, and judicial power holders using the people's trust to achieve goals that contradict constitutionalism, acting covertly and hiding behind the law. The institutions weakened include the Corruption Eradication Commission (KPK), the Constitutional Court (MK), and the House of Representatives (DPR). This study aims to understand how the phenomenon of autocratic legalism occurs in these three institutions and what steps should be taken to prevent and address this phenomenon. The research method used is normative legal research. The results of this study indicate that autocratic legalism refers to the actions of individuals who use the law to legitimize their power. This is evident in several policies issued by the three institutions in Indonesia. This phenomenon of autocratic legalism can actually be resolved through institutional action and addressed with legal and ethical enforcement, and its prevention through improved oversight systems, recruitment, and legal education.

KEYWORDS: Autocratic Legalism, Corruption Eradication Commission, Constitutional Court, House of Representatives

I. INTRODUCTION

Politics in Indonesia is currently at a low point in terms of democracy. This is evidenced by efforts to manipulate the constitutional system to gain advantages by exploiting loopholes in democratic principles and existing laws. This phenomenon is also known as Autocratic Legalism, where holders of executive, legislative, and judicial power use the trust of the people in the election process to achieve goals that contradict constitutionalism, acting covertly and hiding behind the law.¹ Currently, the phenomenon of autocratic legalism is sweeping across the world, driven by a new generation skilled in manipulating systems. These authoritarian leaders strive to take over countries that adhere to constitutional democracy by creating their own legal products. Zainal Arifin Mochtar, an expert in Constitutional Law at Gadjah Mada University, states that there are several characteristics for identifying autocratic legalism: first, the absorption of the ruling party in parliament; second, the use of law to legitimize the desires of one party's power; and third, interference with the independence of judicial institutions.² There are another terms which state that legalistic autocrats: using law as a means to legitimate their actions dan authority.³

In Indonesia, there are three power-monitoring institutions that have had their authority weakened. First, the Corruption Eradication Commission (KPK), which has experienced weakening and politicization since the amendment of the Corruption Eradication Commission Law in 2019; second, the opposition factions in the House of Representatives (DPR), which have also been weakened due to the appointment of cabinet members and other legal methods; third, the lack of independence of the Constitutional Court (MK), evidenced by the mid-term replacement of judges, which will be legalized through amendments to the Constitutional Court Law.⁴ If all oversight mechanisms are weakened, then power within a country will become uncontrollable. As a result, policies that benefit the government or groups with close ties to the government can be more easily implemented, such as the Job Creation

¹Kim Lane Scheppelle, "Autocratic Legalism" Chicago Law Review, page 548, 2018, https://www.jstor.org/stable/26455917?casa_token=BZhrD4lohVMAAAAA%3AGv1pfSXFag50eCe7S-uTGswPXDmK_pCxJUevZljEvkl-wSJYn53Hx74fe-7SPsSi2H400cwm3GEcwZRU51YrUxAwZIp29t8d3axtyjigqkSoaW69XGdg&seq=4, accessed on May 20, 2024, at 15.10 WIB

² Zainal Arifin Mochtar and Idul Rishan, 2022, Autocratic Legalism: The Making of Indonesian Omnibus Law, *Yustisia Jurnal Hukum*, Vol. 11 No. 1, Page. 15

³ Stephen Cody, 2021, Dark Law: Legalistic Autocratics, Judicila Deference And The Global Transformation Of National Security, *The American Journal Of Medical Sciens*, Vol.6, No. 4, Page. 671.

⁴ Miftah Faried Hadinatha, 2022, Peran Mahkamah Konstitusi Mencegah Gejala Autocratic Legalism di indonesia, *Jurnal Konstitusi*, Vol. 19 No. 4, Page 744.

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Law (Perppu Cipta Kerja), the Capital City Law (Undang-Undang Ibu Kota Negara), and the Mineral and Coal Law (Omnibus Law).⁵

People who lack power and resources to influence decisions will be disadvantaged in this situation. Based on the concepts outlined, autocratic legalism poses a significant threat to a nation's sovereignty. This mindset has a specific goal: to control the country itself while disregarding the general will of the citizens. They easily use arguments and protect themselves under the guise of laws that they believe were created legitimately according to the constitution. Then, they exploit these laws to violate agreed-upon principles. In relation to the above statement, it is interesting to discuss how the phenomenon of autocratic legalism within Indonesia's democratic institutions occurs in government bodies such as the Corruption Eradication Commission (KPK), the Constitutional Court (MK), and the House of Representatives (DPR), and what steps should be taken to address this issue. This is crucial to prevent the phenomenon from spreading, as it can threaten constitutionalism, undermine citizens' fundamental rights, and lead to democratic regression in Indonesia.

II. RESEARCH METHOD

The type of research used is normative legal research, which relates to the phenomenon of autocratic legalism within Indonesia's democratic institutions, such as the Corruption Eradication Commission (KPK), the Constitutional Court (MK), and the House of Representatives (DPR). Normative research is conducted to discover legal rules, legal principles, and legal doctrines to address the legal issues at hand. Additionally, in this writing, the author uses a legislative and doctrinal approach. The legislative approach serves as a basis for conducting research related to a specific issue. The author focuses on reading, collecting data, and analyzing several materials such as legislation, legal dictionaries, textbooks, journal articles, case publications, and legal encyclopedias. This study uses secondary data and tertiary legal materials. The data collection technique in this research involves studying literature, reading, writing, analyzing, and gathering information such as legal books, legal journals, and other related materials. Data analysis is carried out through juridical thinking. Juridical thinking refers to the integration of legal principles, conventions, and legislation with the main topics of this research.

III. FINDING AND ANALYSIS

1. The Phenomenon of Autocratic Legalism in Democratic Institutions in Indonesia

In recent times, various controversial issues have occurred within the Indonesian government. Several power-monitoring institutions have already been weakened. *First*, the Corruption Eradication Commission (KPK) has been weakened and politicized since the revision of the KPK Law in 2019. *Second*, the Constitutional Court, where procedural and substantial issues have emerged in the fourth draft amendment of the Constitutional Court Law. *Third*, the House of Representatives (DPR), which has been weakened through cabinet recruitment and other legal means.

A. Corruption Eradication Commission

The Constitution of the Republic of Indonesia 1945 states the mandate to establish an independent and constitutional government. In realizing the ideals of independence and the implementation of world order, Indonesia has established new institutions. The emergence of these institutions is the result of the fundamental concept of the limitation and division of power into three branches: executive, legislative, and judicial, to carry out the functions of governance in Indonesia.⁶ The idea of limiting and grouping power was initially developed as an expression of the principle of constitutional democracy. In addition to the formation of state institutions into three branches of power, namely executive, legislative, and judicial, Article 4 paragraph (1) of the 1945 Constitution mandates that "The President of the Republic of Indonesia holds executive power in accordance with the Constitution." As the head of government holding the highest authority, the head of government has the authority to establish independent state institutions. In line with this, Presidential Decree Number 28 of 1967 regarding the Formation of the Corruption Eradication Team was issued.⁷

The Decree of the People's Consultative Assembly Number VIII/MPR/2001 regarding Recommendations on the Direction of Corruption, Collusion, and Nepotism Eradication Policies served as the basis for the formation of Law Number 30 of 2002 concerning the Corruption Eradication Commission (KPK). The establishment of the KPK as one of the state institutions aimed to seriously and sustainably combat corruption. In 2019, the Government made amendments/revisions to the KPK Law, resulting in Law Number 19 of 2019 concerning the Corruption Eradication Commission (KPK), citing the need for updates to the regulations in the old law. However, the changes to the law sparked controversy among the Indonesian public. Many sectors

⁵ Bavitri Susanti, Otoritarianisme Berbungkus Hukum, 2023, <https://www.jentera.ac.id/publikasi/otoritarianisme-berbungkus-hukum>, accessed on May, 20 2024, at 16.23 WIB

⁶ Odang Suparman, 2023, Konsep Lembaga Negara Indonesia Dalam Perspektif Teori Trias Politica Berdasarkan prinsip Checks And Balances System, *Jurnal Hukum Islam dan Humaniora*, Vol. 2 No. 1, Page 60.

⁷ Topan Yuniarto, Lembaga Komisi Pemberantasan Korupsi, <https://www.kompas.id/baca/lembaga/2020/12/02/komisi-pemberantasan-korupsi>, accessed on 20 Mei 2024, at 19.20 WIB.

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perceived the amendments as attempts to weaken the existence of the KPK institution itself. Additionally, many believed that these changes were political strategies by parties with interests in ongoing corruption cases being handled by the KPK. The KPK itself found several problematic articles in the latest law ratified by the House of Representatives. From these findings, 26 articles were identified as potentially undermining the authority of the Corruption Eradication Commission, as previously stipulated in Law Number 30 of 2002 concerning the Corruption Eradication Commission (KPK).⁸ The articles considered problematic include:

- 1) The transformation of the Corruption Eradication Commission (KPK) from being independent to becoming an executive agency.

In the latest Corruption Eradication Commission Law, the Corruption Eradication Commission is placed within the executive branch, whereas in the previous law, it was an independent institution. This provision is also stated in Article 3 of Law Number 30 of 2019 concerning the Corruption Eradication Commission. Consequently, members of the Corruption Eradication Commission will face challenges as their tasks may be exploited by opposition interests, and their anti-corruption actions may appear biased and politically motivated. Moreover, eradicating corruption within the ruling parties and high-ranking officials will become exceedingly difficult. The inclusion of the KPK within the executive authority is seen as undermining the functional independence of the institution. In the concept of independent state institutions, the functional tasks of state institutions are led by a chairman or commissioners in a collegial and collective manner as the highest decision-making body.⁹

- 2) The establishment of the Supervisory Board.

The regulation regarding the formation of the Supervisory Board within the KPK has disrupted the existing Sting Operations (OTT) because the pro-justitia authority of the supervisory board will raise significant questions within the criminal justice system and its position in the Indonesian state structure. The role of the Supervisory Board should focus more on substantive matters such as halting case handling or the non-appointment of suspects even though there is sufficient evidence.

- 3) The Corruption Eradication Commission cannot establish representative offices.

The removal of Article 19 paragraph (2) in Law Number 30 of 2002 concerning the Corruption Eradication Commission (KPK), which was previously present but eliminated in Law Number 19 of 2019, resulted in the KPK being unable to establish representative offices. Considering Indonesia's population, which is nearly reaching 260 million people, the KPK would face significant challenges in combating corruption in Indonesia because the number of investigators from the Corruption Eradication Commission is only around 110 investigators and 1500 employees. Thus, the removal of Article 19 paragraph (2) a quo lacks a rational basis.

- 4) Civil Servant Status

Until now, the management of personnel in the Corruption Eradication Commission (KPK) has been conducted professionally and independently with clear performance criteria. The revision of the KPK law has resulted in the personnel status of the KPK being subject to the State Civil Apparatus Law, meaning that every policy regarding transfers and job rotations must adhere to the Ministry of State Apparatus regulations. The inclusion of Civil Servant status for KPK employees will erode the independence of the KPK, as these employees could be recalled and transferred according to the wishes of the ruling government. Corrupt actors within the ruling circles could easily intervene with KPK employees under the pretext of transfers and rotations.

- 5) Limited Authority of the Corruption Eradication Commission (KPK) in Investigations and Having Independent Investigative Sources

Before the revision of the law, the KPK had the authority to prohibit witnesses and suspected perpetrators of corruption from traveling abroad. However, this authority was altered in the latest law, allowing witnesses and suspected perpetrators of corruption to travel, with restrictions only imposed once someone has been designated as a suspect. This change was based on considerations of human rights. Furthermore, Article 45 of Law Number 19 of 2019 states that Investigators of the Corruption Eradication Commission can come from the Police, the Prosecutor's Office, Civil Servant Investigators authorized by law, and investigators of the Corruption Eradication Commission. This article severely restricts the KPK in meeting its investigative needs, as they cannot recruit legal practitioners and other financial experts outside the KPK.

From the above, it is evident that the second revision of the Corruption Eradication Commission Law has had limited positive impact on the corruption eradication performance by the KPK. It can be said that the KPK has been systematically, structurally, and massively weakened, resulting in a decline in the effectiveness of corruption eradication efforts. Furthermore, the weakened performance of the KPK has led to a lack of public trust in the institution. The weakening of the Corruption Eradication

⁸ Yulianto, 2020, Politik Hukum Revisi Undang-Undang KPK Yang Melemahkan Pemberantasan Korupsi, *Jurnal Cakrawala Hukum*, Vol. 11 No. 1, Page. 114.

⁹ Nehru Asyikin, Adam Setiawan, 2020, Kedudukan Kpk Dalam Sistem Ketatanegaraan Pasca Diterbitkannya Revisi Undang-Undang KPK, *Justitia Jurnal Hukum*, Vol. 4, No.1, Page. 135.

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Commission, partly through the revision of the KPK Law in 2019, is seen as potentially destructive to the institution, turning the KPK into a tool of those in power. This illustrates that the phenomenon of autocratic legalism is occurring within the KPK, where those in power can make constitutional and legal changes to serve undemocratic agendas.

B. Constitutional Court

The Constitutional Court holds a strategic position in the state apparatus of Indonesia, playing a crucial role as a functional supervisor and balancer among various institutions.¹⁰ In the constitutional order, the judiciary of the Constitutional Court serves as a protector of the rights and fundamental freedoms of citizens. Additionally, the Constitutional Court plays a crucial role in validating and resolving conflicts between constitutional law and legislation.¹¹ Looking at the current facts, the practice of autocratic legalism has also spread within the Constitutional Court. This is evident starting from the actions of the House of Representatives, which secretly made a third amendment to the Constitutional Court Law in 2020. The third amendment to the Constitutional Court Law was considered to lack transparency and secrecy, leading the public to believe that the people's rights had been derogated and deemed unimportant in a democratic state. In 2024, the House of Representatives and the President took steps to discuss the fourth bill amending Law No. 24 of 2023 concerning the Constitutional Court. However, many constitutional law experts believe that this step constitutes autocratic legalism, which could undermine the legal system, democracy, and threaten the independence of the Constitutional Court institution. Moreover, during the government transition period, this could be crucial for judicial power, as the draft amendments to the Constitutional Court Law contain dangerous procedural and substantive issues.¹² Several issues in the fourth Constitutional Court bill, if passed, are concerning to various parties:

- 1) In the last 10 years, revisions to the Constitutional Court Law have not changed crucial matters but have mainly tinkered with the tenure of Constitutional Court judges, such as formulating standardization within the three proposing institutions; strengthening the authority of the Constitutional Court through constitutional complaints and constitutional questions; updating the procedural law of the Constitutional Court; and ensuring the security of the tenure of Constitutional Court judges.
- 2) There are indications that Constitutional Court judges are appointed according to the wishes of the House of Representatives and the President. Article 23A paragraphs (2), (3), and (4) of the bill serve as the basis for recalling Constitutional Court judges through a mechanism of evaluation every 5 years by the proposing institutions. This arrangement could threaten the independence and impartiality of the Constitutional Court's authority because judges would be dependent on the will of the proposing institutions. In reality, the Constitutional Court is a body that reflects the role of checks and balances on the executive and legislative branches. Furthermore, the Constitutional Court stands on equal footing with the President, the House of Representatives, and the Supreme Court and is not subordinate to the proposing institutions, thus the act of recalling judges cannot be justified.
- 3) There are attempts to intervene in the Constitutional Court during its tenure and in the exercise of its authority, as well as in the enforcement of ethical standards. Article 27A of the bill adds 3 personnel to the MK honor council proposed by 3 proposing institutions. This narrows the space for the Constitutional Court to be independent in overseeing the performance of Constitutional Court judges, potentially making it easier for proposing institutions to intervene in the future.
- 4) There are attempts to screen incumbent Constitutional Court judges by regulating the approval of proposing institutions for Constitutional Court judges who have served for more than five years but less than ten years to continue their tenure, and for Constitutional Court judges who have served for ten years to continue their tenure until the age of 70. This provision is considered problematic because it applies retroactively to current Constitutional Court judges. In Constitutional Court Decision Number 81/PUU-XXI/2023, which essentially states that changes to the substance of the law must not harm the subjects who become the addressees of the substance of the law in question.¹³ In this regard, changes must not harm the Constitutional Court judges who are currently in office.

Regarding the four issues in the Constitutional Court Bill, stakeholders wish for the President and the House of Representatives not to hastily pass the new legislation, as it may threaten the principles of the rule of law, democracy, and the independence of the Constitutional Court itself. The drafting of amendments to the Constitutional Court Law should encompass

¹⁰ Ismail Hasani, 2019, *Pengujian Konstitusionalitas Peraturan Daerah Dalam Sistem Ketatanegaraan Indonesia*, Universitas Gadjah Mada, 159

¹¹ Pan Mohamad Faiz dan M. Lutfi Chakim, 2020, *Peradilan Konstitusi: Perbandingan Kelembagaan dan Kewenangan Konstitusional di Asia*, Depok: Rajawali Pers, Hal. 9

¹² Ni Ketut Wiratny, Ni Luh Putu Geney Sri Kusuma Dewi, 2020, *Kudeta Redaksional Dalam Proses Legislasi Nasional*, *Jurnal Aktual Justice*, Vol.5, No.2, Hal. 172

¹³ Kompas.id, 2023, *Revisi UU MK Perlu Mengikuti Putusan MK Nomor 81*, <https://www.kompas.id/baca/polhuk/2023/12/01/revisi-uu-mk-perlu-ikuti-putusan-mk>, Accessed on May 23 2024, at 13.20 WIB.

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comprehensive substance and be oriented towards strengthening the institutional capacity and authority of the Constitutional Court. Furthermore, it should also consider meaningful public participation.¹⁴

C. The House of Representatives

The House of Representatives is a representative body of the people with a status as a state institution that is on par with other state institutions. Its function is to formulate policies, amend, and enact laws aimed at regulating the legal framework, governance, and social life in Indonesia. In the legislative process, the House of Representatives is one of the institutions empowered to formulate laws, as stipulated in Article 20, paragraph (1). The position of the House of Representatives is strengthened, not only limited to enacting laws but also involved in the appointment of state officials and granting amnesty and abolition.¹⁵ To strengthen the position of the House of Representatives (DPR), the second constitutional amendment establishes that the DPR has oversight functions, as stated in Article 20A paragraph (1). This article states that "the House of Representatives has legislative functions, budgetary functions, and oversight functions." This provision is part of the constitution, whereas previously, oversight functions were only described in the explanation of the 1945 Constitution and partially regulated in the DPR's rules of procedure.

Currently, the performance of the DPR is always under public scrutiny. *Firstly*, because its performance in drafting and discussing bills has been declining each year. This can be seen from the 50 bills listed in the National Legislation Program (Prolegnas). However, until the fifth session in 2018, only 4 Prolegnas bills and 2 open cumulative bills were completed. The lack of achievement in the legislative function targets of the DPR is due to several factors: the DPR is considered not working seriously enough to complete the bill discussion targets.¹⁶ The lobbying efforts of the House of Representatives (DPR) to the government as a partner in the discussion of bills have also not been optimal, and the political dynamics in parliament are part of the reasons for the delay in bill discussions. This includes phenomena such as the division between opposition and government parties in parliament, which in reality hinder the productivity of the DPR.

Secondly, during President Joko Widodo's leadership era, the DPR no longer exercised its right of inquiry, even though this right is essential for checks and balances in the DPR's duties towards the government. The use of the right of inquiry in the DPR, if not properly implemented, will leave a negative legacy for the institution itself in the next 10-20 years. The use of this right of inquiry has existed since the presidency of BJ Habibie until Susilo Bambang Yudhoyono. It is known that during the general elections in 2024, the use of the right of inquiry in the DPR was questioned due to indications of fraud in the 2024 elections, as revealed by the presidential and vice-presidential candidate pair Ganjar Pranowo and Mahfud MD. The presidential and vice-presidential candidate pair Ganjar Pranowo and Mahfud MD submitted their political parties, PDI-P and also the United Development Party (PPP), to use the right of inquiry because they believe the DPR should not remain silent regarding allegations of fraud in the 2024 elections.¹⁷

Thirdly, political party coalitions supporting presidential and vice-presidential candidates are more focused on securing tickets for the presidential election than discussing how to manage good governance in the future. The registration process for presidential (Capres) and vice-presidential (Cawapres) candidates for the 2024 elections has begun. The General Election Commission (KPU) has set the registration period for presidential and vice-presidential candidates from October 19, 2023, to October 25, 2023.¹⁸ However, not all political parties (Parpol) can nominate presidential and vice-presidential candidates in the Presidential Election (Pilpres). Parties must meet several requirements, including the presidential threshold. The presidential threshold makes political party coalitions more pragmatic, only aiming to qualify for entry into the Pilpres. However, political party coalitions should prioritize more important matters, namely how to manage good governance in the future. This pragmatic nature of political party coalitions provides a significant opportunity for oligarchy and will result in a very large coalition. As a result, various issues faced by the people do not receive adequate responses from the DPR, which serves as the government oversight body.

¹⁴ Ali Imran Nasution, Rahmat Bijak Setiawan Sapii, 2022, Aktualisasi Konsep Meaningful Participation Dalam Pembentukan Peraturan Perundang-Undangan, *Jurnal Surya Kencana Dua: Dinamika Masalah Hukum dan Keadilan*, Vol.9 No. 2, Page. 206.

¹⁵ Ahmad, 2021, Purifikasi Pemberian Amnesti Dan Abolisi: Suatu Ikhtiar Penyempurnaan Undang Undang Dasar 1945, *Jurnal Ius Civile*, Vol. 5 No. 2, Page. 5.

¹⁶ Muhammad Anugerah Perdana, Carolus Borromeus Enggal, Raden Mahdum, Erna Listiawat, 2023, Reformulasi Partisipasi Publik dalam Pembentukan Undang-Undang secara Cepat pada Prolegnas Kumulatif Terbuka, *Jurnal Konstitusi*, Vol. 20 No. 4, Hal. 679

¹⁷ Kompas.id, 2024, Tak Lolos ke DPR, PPP Dianggap Tak Diuntungkan Dukung Ganjar-Mahfud, <https://nasional.kompas.com/read/2024/03/22/20110661/tak-lolos-ke-dpr-ppp-dianggap-tak-diuntungkan-dukung-ganjar-mahfud>, Accessed on May 24 2024, at 20.23 WIB.

¹⁸ Komisi Pemilihan Umum, 2023, Pendaftaran Bakal Capres-Cawapres 19-25 Oktober 2023, <https://www.kpu.go.id/berita/baca/11986/pendaftaran-bakal-capres-cawapres-19-25-oktober-2023>, Accessed on May 24 2024, at 20.54 WIB.

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2. Government Anticipation Measures to Address Autocratic Legalism Phenomenon

The three institutions, the current situation is already in the stage of autocratic legalism because the three important institutions in Indonesia create a weakening of the oversight function. In Indonesia's political system, profiteering is not only done by the executive branch but also by many political actors in various branches of oligarchic power. Autocratic legalism is considered more dangerous than authoritarianism as during the New Order era because the current situation appears normal. The law is not used as a tool of values such as human rights and the limitation of power within the framework of the state, but rather as a justification for policies made for the benefit of certain groups.¹⁹

As a sovereign state, Indonesia is capable of halting the spread of autocratic legalism. The phenomenon of autocratic legalism may slowly erode the pillars of the rule of law, but such phenomena can actually be addressed through institutional action. Behavioral issues, for example, can be addressed through law enforcement and ethics, while prevention can be achieved through improvements in supervision systems, recruitment, and legal education. From the Constitutional Court, several measures can prevent the spread of autocratic legalism. First, adopting the Unconstitutional Amendment Doctrine by referring to constitutional changes.

Constitutional changes, both in terms of procedure and substance, which are considered to have eliminated basic principles or even changed the identity or basic structure of a country. If autocratic legalism has occurred, the Constitutional Court can be the party that protects the basic rights of citizens. Therefore, the adoption of UCA can enable the Constitutional Court to safeguard the constitution. Second, testing laws based on judicial activism. The application of the concept of Judicial Activism (JA) is very beneficial for the Constitutional Court (MK) in deciding cases of autocratic legalism at the legislative level. In theory, JA tends not to follow the policies of lawmakers, especially when provisions are found to diminish fundamental rights within the state.

IV. CONCLUSION

The phenomenon of Autocratic Legalism has been felt to have already affected several institutions in Indonesia. Autocratic Legalism is a condition where holders of executive, legislative, and judicial power use the trust of the people in the election process to achieve goals that contradict constitutionalism and act in secrecy, hiding behind the law. In reality, some supervisory institutions affected by this phenomenon are the Corruption Eradication Commission (KPK), which has been weakened and politicized since the revision and enactment of the latest KPK Law in 2019. Then there is the Constitutional Court institution, where the independence of the Constitutional Court is questioned, and the revision of the Constitutional Court Law is deemed to contain procedural and material problems that are dangerous. Also, the Regional Representative Council (DPD) has seen a decline in performance in drafting and discussing bills over the years, the abolition of the inquiry right system that has occurred in the last ten years, and the existence of political party coalitions that support presidential and vice-presidential candidates focusing more on obtaining tickets to pass the presidential election rather than discussing how to manage good governance in the future. Actually, Indonesia is capable of stopping the spread of autocratic legalism through institutional action and improving supervision systems, recruitment, and legal education.

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