The House of Representatives is a central legislative body that represents the people in parliament. The authority of each legislative member and as an institution has been regulated by legislation. The authority of the House of Representatives as an institution is huge, and the great power tends to be misused, such as committing a criminal act of corruption. Corruption is a crime that is very detrimental to the state’s finances and hinders the government to prosper its people, then a justice-based arrangement is needed to prevent corruption within The House of Representatives as a legislative body.

Keywords: Legislative, Corruption, and Justice

A. INTRODUCTION

The authority of each legislative member shall be governed by the provisions of the laws and regulations which are not unlike the regulation of the authority of the legislature institutionally. This means that the principle applies that all rules applicable to a legislature should be a rule also for each individual, ie each member of the relevant legislative body. The only difference lies in the fact that sometimes people do not want if the implementation of a regulatory authority of a legislative body by person can be a measure of an assessment of institutional performance.

More desirable is the exercise of a legislative authorization arrangement by each individual legislative member only determining an appraisal of performance restricted to individual members or individual. This second type of assessment, is an assessment of each person, or individual by a member of a legislature. The value assigned to a person by a legislative member can not be used as a measure of assessment of the legislative institution. However, returning to the first principle as stated above, it is generally within the society of the person who believes that: “a speck of tilth destroys the milk of a barrel”. The act of one legislative member or person per person or an individual may result in poor judgment, or otherwise a good value for a legislative institution in which the legislative member becomes part of it.

Arrangements for legislative bodies as an institution to prevent from the commission or occurrence of corruption in the legislative body, in principle the same and concise with the arrangement for every legislative member to avoid corruption. Just one legislative member who commits a criminal act of corruption, then it can principally be said to be the same as the failure of regulation of the entire legislative body is prevented from doing a corruption.

The national parliament or national legislature elected by a five-yearly general election is the main pillar of a national integrity system based on democratic responsibility to the people it represents. The way to obtain this mandate is crucial to the quality of legitimacy, and to the willingness of the people it represents to receive it and be recognized by the state.

As a governing body, regulatory and representative, parliament or modern legislature is the center of the struggle for the realization and maintenance of good governance and to combat corruption. In the State of the Republic of Indonesia the authority of the People’s Legislative Assembly is indefinite as provided for in Article 71 of the Law of the Republic of Indonesia Number 17 of 2014 concerning the People’s Consultative
Assembly, the People’s Legislative Assembly, the Regional Representatives Council, and the Regional People’s Legislative Assembly or hereinafter abbreviated as UU-MD3.

Authority as stipulated in the Law-MD3, namely the authority to form a law discussed with the president for mutual consent. Furthermore, the Parliament also has the authority to give consent or not to give consent to the government regulation in lieu of law (perpu) proposed by the president to become law. The House of Representatives is also authorized to discuss the draft law submitted by the President or Parliament.

The wide authority of the DPR as stipulated in the above-mentioned MD3 Law may cause the holder of authority to misuse it. Lord Acton suggested that power tends to corrupt, absolute power corrupt absolutely. What Acton pointed out suggests that the potential for corruption can, among other things, be caused by the size of the authority held by an institution, whether by someone. What is shown in the UU-MD3 demonstrates enormous powers, which may, according to Lord Acton, have the potential or even absolute power of corruption.

Corruption is one of the same societal diseases as other types of crime such as theft, has existed since human society on this earth, the problem is the increasing corruption in line with the progress of prosperity and technology. There are even symptoms in the experience that show, the more advanced the development of a nation, the increasing need also and encourage people to do corruption.\(^1\)

Corruption is a disease that has plagued the country of Indonesia. Like illness, corruption must be cured so as not to spread to other parts of the body. Against the decomposed body parts and can not be saved anymore, then the body parts must be amputated so that the virus does not spread to other parts that can endanger the soul of the patient. Similarly, the criminal act of corruption.\(^2\)

Reconstruction of the regulation of authority in the law is absolutely necessary, as in the Law of the Republic of Indonesia Number 31 Year 1999 concerning the Eradication of Corruption jo. Of Law of the Republic of Indonesia Number 20 Year 2001 on Amendment to Law of the Republic of Indonesia Number 31 Year 1999, so there is a balance in special criminal sanctions contained in the Act, especially the balance and values of justice that occur in the community. So what are the powers of legislative members who have the potential to cause corruption. And how are the actions of legislative members who commit corruption. And then what is the reconstruction of the authority facing justice-based law.

**B. DISCUSSION**

1. The legislative authority’s authority has the potential to lead to the occurrence of corruption;

After the amendment of the 1945 Constitution of the State of the Republic of Indonesia, the Indonesian state administration system has undergone many changes including the House of Representatives. Intentional change aims to create a more democratic, effective, and accountable deliberation / representation body. Law No. 27 of 2009 on the People’s Consultative Assembly, the People’s Legislative Assembly, the Regional Representatives Council, and the Regional People’s Legislative Assembly, hereinafter referred to as the old MD3 Act, are regulated by these four institutions. Basically it has made arrangements towards the realization of a democratic, effective, and accountable deliberative / representative body. However, since Law No. 27 of 2009 on MD3 has long been enacted, there are still some matters deemed necessary to be reorganized through the replacement of Law Number 27 Year 2009. The replacement of Law Number 27 Year 2009 is based on new content material which has exceeded 50% (fifty percent) of the substance of Law Number 27 Year 2009.

The reimbursement of Law Number 27 Year 2009 is primarily intended to conform with the development of the constitution.

---

1 Andi Hamzah, 2005, Comparison of Corruption Eradication in Various Countries, Book 1, Sinar Grafika, Jakarta, page 1
such as in the formation of law based on Law Number 12 Year 2011 concerning
the Formation of Laws and Regulations, Decision of the Constitutional Court Number
92 / PUU-X / 2012 on the Judicial Review
of Law Number 27 Year 2009 regarding
the People’s Consultative Assembly, the
People’s Legislative Assembly, the Regional
Representatives Council, and the Regional
People’s Legislative Assembly, which
canceled several provisions that reduced
the authority of the DPD in the legislative
process. Other developments are Decision of
the Constitutional Court Number: 35 / PUU-
XI / 2013 on Testing Against Law Number
27 Year 2009 which reduces the authority
of Parliament in the discussion of APBN.
In addition to the above reasons, the potential
for corruption also forms the basis for the
establishment of a new MD3 Act. This is
evident from the efforts to improve the
performance of each representative body
in carrying out its duties and functions
based on the principle of offsetting checks
and balances, principles of clean and
authoritative governance and at the same
time increasing the authority and trust of
the community towards the representation
function of representative institutions that
-for the aspirations of the people.

The subsequent authority of the Parliament
under the new MD3 Law is to consider
the DPD’s consideration of the draft laws on the
State Budget and the draft laws relating to
taxes, education, and religion. The House of
Representatives is also in charge of discussing
with the president by taking into account the
balance of DPD and giving approval to the
draft law on the state budget proposed by
the president.

The issue of the DPR’s budget right is
increasingly complicated when looking at
the current state of Indonesia’s implementation
of the practice is the exposure of budget
corruption by members of the House which is
closely related to the discussion of the Draft
State Budget. Law Number 17 Year 2003

3 The case of Wisma Athletes, Hambalang Cases,
the Case of Procurement of the Koran, and others
became the example of several members of the House
regarding State Finance and Law Number
27 Year 2009 which not only regulates
the mechanism of discussion of RAPBN
in DPR at strategic macro level, but also
technically up to five units (organizational
units, functions, program, activity, and type
of expenditure) made some elements of
civil society to submit judicial review to the
Constitutional Court (MK). In Decision No. : 35 / PUU-XI / 2013, the Constitutional Court
stipulates that the phrase “activities and
types of expenditures” is unconstitutional,
so that the mechanism of discussion of the
RAPBN in the DPR is currently only up to
‘unit three’ (organizational units, functions
and programs). The involvement of the House
of Representatives in the discussion of the
Draft State Budget has been reduced, in
fact in 2016 there are still members of the
DPR who are arrested for budget corruption
cases.4

On May 22, 2014, the Constitutional
Court adjudicated the review of the State
Finance Law and the MD3 Law through
Decision of the Constitutional Court. : 35
/ PUU-XI / 2013 on the budget right of
the House of Representatives. One of the basic
tests of both laws is the abuse of authority
over the budget function of the House of
Representatives (DPR) which then impeded
several members of the People’s Legislative
Assembly in corruption cases. This is due
to the DPR’s budget rights regulated in both
laws giving too much authority, detailed, and
technical nature. In Article 15 Paragraph (5)
of the State Finance Law as well as Article
107 Paragraph (1) letter c, Article 156 letter
c number 2 letter (c), Article 157 paragraph
(1) letter c, Article 159 paragraph (5) the
involvement of the DPR in the discussion of
the Draft State Budget is starting from the

4 Pada 13 Januari 2016 KPK menangkap Anggota DPR RI
inisial DWP dalam kasus suap proyek jalan di Maluku.
Lihat Tempo,”Suap Anggota DPR Damayanti Diduga
co/read/news/2016/01/28/0837 40112/suap-anggota-
dpr-damayanti-diduga- tawarkan-20-paket-proyek,
acceed 4 April 2016.
organizational units, functions, programs, activities, and types of expenditure.

In the verdict, the Constitutional Court declared related to the budgeting in the form of APBN, the budget function of the House of Representatives did not go too far in making budget planning but only gave approval of the plan proposed by the president. This is because the principle of power sharing and checks and balances resulted in the authority of the People’s Legislative Assembly (DPR) restricted and affirmed in the supervision function of the government; while the planning function is included in the executive function, which is to plan and execute or execute the course of government.

According to the Constitutional Court, detailed discussion up to the level of activities and types of expenditure ministries / institutions can cause constitutional problems when viewed from the DPR’s constitutional authority in carrying out budgetary functions. The issue stems from the DPR’s participation in discussing the detailed RAPBN up to activities and types of expenditure. It is not in accordance with the function and the authority of the DPR as a representative institution that should not participate in determining the very detailed planning. The activities and types of expenditure are the affairs of the administration of the state which is carried out by the president as the planner and the executive of the state budget.

Verdict MK No. : 35 / PUU-XI / 2013, although inviting a lot of appreciation, does not immediately eliminate the practice of buying and selling influence in the House. As mentioned earlier, in the beginning of 2016, the Corruption Eradication Commission (KPK) again arrested members of the People’s Legislative Assembly who received bribes in the management of the road construction budget of the Ministry of Public Works and Public Housing (PUPR) in Maluku. Therefore, although the phrase “activities and types of expenditures” has been eliminated, corrupt practices trading in the DPR’s budget right still occur.

Experience before the issuance of Decision No. MK. : 35 / PUU-XI / 2013 shows that although the discussion of the RAPBN is detailed to activities and types of expenditure, the transparency rate is still low. Even the tendency of discussion of RAPBN is often done in private. As a result incrementalism and routine continue to recur. This is the problem, if the detail only low transparency level makes the state budget has not been maximized for the greatest to the people’s prosperity, then what if the discussion is not detailed.

2. Penalties for legislators who commit criminal acts of corruption;

The verdict in corruption cases raised to be described as a manifestation of the act of referring to the regulation of the authority of legislative members to prevent corruption is the Decision of the Supreme Court of the Republic of Indonesia (MARI). The verdict was terminated in the Supreme Court (MA) Consultative Meeting on Monday, September 15, 2014 by Artidjo Alkostar, the Chief Younger Criminal. As a member of the Assembly, namely Mohamad Askin, and M. S. Lumme. In the Assembly there are also some Ad Hoc Tipikor judges to the Supreme Court as Members. The verdict was issued after MARI examined corruption (corruption) cases in the Cassation level. The case involved the defendant Lutfi Hasan Ishaq. Relevance of the Decision as described in Decision Number: 1195 K / Pid.Sus / 2014, the defendant Luthfi Hasan Ishaq was declared a member of the legislature, namely Member of the House of Representatives 2009-2014 period when the decision was made.

The Court of Appeal ruling was filed by appeal, with the deed on the request for appeal. : 26 / Akta.Pid.Sus / TPK / 2014 / PN. JKT.PST. The cassation was made by the Court of Corruption Court at the Central Jakarta District Court. In the cassation deed was explained that on May 9, 2014 the appeal applicant I / prosecutor to the Commission has filed an appeal against the decision of the High Court. Cassation is not only filed by the public prosecutor at the KPK. It was also
filed with the deed on the request for appeal. 
: 26 / Akta.Pid.Sus / TPK / 2014 / PN.JKT.
PST. The deed was made by Pani-tera of the 
Criminal Court of Corruption at the Central 
Jakarta District Court. In the deed, it was 
explained that on June 23, 2014, the appellant 
II / defendant, in this case the defendant 
Corruption Legislative Member filed an appeal 
against the decision of the Court of Appeal, 
The defendant was previously detained by 
the investigator from January 31, 2013 until 
February 19, 2013. The extension of PU-
KPK from February 20, 2013 until March 31, 
2013. The defendant has been extended 
again by the Chairman of the Corruption 
Court (Corruption Court) in the District Court 
(PN), first from April 1, 2013 until April 30, 
2013. While the second extension by the 
Chairman of the Court Corruption Court 
from 1 May 2013 until 30 May 2013. The 
defendant also detained PU-KPK from the 
30th May 2013 up to June 18, 2013. By the 
Panel of Judges of the Corruption Court on 
the PN, the defendant was detained from 

The extension of detention was carried 
out by the Head of the Corruption Court on 
PN from July 17, 2013 to September 14, 
2013. The defendant received a rendition 
by the Corruption Court Judge on the PN 
from 15 August 2013 until 17 September 
2013. The first extension by KP Tipikor at the 
Court High (PT) from October 19, 2013 until 
November 17, 2013. The second extension 
by the Head of Corruption Court at PT from 
November 18, 2013 until December 17, 2013. 
Detention was also conducted by the Panel 
of Judges of Corruption Court at PT since 
December 13, 2013 until the date of January 
11, 2014. Then Extension again by Plt. Vice 
Chairman of the Corruption Court at PT from 
January 12, 2014 until March 12, 2014.

The first extension by the Chairman of 
MARI at the request of the Corruption Court 
to the PT for thirty days from March 13, 2014 
until April 11, 2014. The second extension 
by MARI at the request of the Corruption Court at PT for thirty days from the date 
of April 12, 2014 until the 11th May 2014.

Based on Stipulation of Chairman of MARI 
for her (ub) Young Chief of Criminal No.1230 
May 9, 2014 The defendant is ordered to 
be held for fifty days, effective from May 9, 
2014 up to June 27, 2014.

Renewal based on Chairman Decision of 
MARI u.b. Young Chief of Crimes No.1230 / 
May 9, 2014 The defendant was ordered to be 
detained for sixty days, starting from June 28, 
2014 until August 26, 2014. Another extension 
based on Stipulation of Chairman MARI u.b. 
Young Chief of Criminal No.1918 / 2014 / S. 
490.Tah.Sus / PP / 2014 / MA. On August 
6, 2014, the defendant was ordered to be 
detained for thirty days, starting from August 
27, 2014 until September 25, 2014. Another 
extension based on Stipulation of Chairman 
MARI u.b Young Criminal Chairman No. : 
legislative members were ordered to be held 
for thirty days, starting from September 26, 
2014 until October 25, 2014. The judges 
also sentenced the defendant to a penalty.

3. Reconstruction of authority in the 
face of justice-based law.

The results of reconstruction, the regulation 
of the legislative members’ authority should 
prevent the crime of justice-based corruption. 
The fact in deconstruction proves very clearly 
that it is the legislator, or the element in the 
legislature itself that exhibits evil behavior. 
This means what it does is an attempt to 
counter the reforms.

The following is presented a recruitment 
matrix of the Law of the Republic of 
Indonesia Number 17 of 2014 concerning 
the People’s Consultative Assembly, the 
People’s Legislative Assembly, the Regional 
Representatives Council, and the Regional 
People’s Legislative Assembly, namely:
The law which is the product of the legislative body, in which case involved legislators who become the representation of all the Indonesian people must still be viewed as a law to be obeyed. Abuse of power that occurs, in this case as shown there are members of the legislature who commit a criminal act of corruption can not be used as a reason to be pessimistic about the power of the law which in principle as long as validly applicable can not be contested and is the basis of the most concrete justice.

Judging from the above it can be concluded this research has spawned a new legal theory, namely “Pancasila Authority Theory”. The Authority Theory of Pancasila is the state power given to the state organizers to organize the government in order to achieve the goal of the state to protect the entire nation of Indonesia and the whole of Indonesia’s blood spill and educate the nation’s life based on Pancasila..

C. CONCLUSION

The authority of a large legislative member may potentially lead to potential misusing of wealth which causes corruption due to the authority set forth in Article 71 point d and e of Law Number 17 Year 2014, namely: Article 71 letter d: “Taking into consideration the consideration of the DPD on the draft laws on the State Budget and the draft laws relating to taxes, education, and religion”; And Article 71 letter e: “Discussing with the president by taking into consideration the consideration of the DPD and giving the objectives of the draft law on the state budget proposed by the president”.

The punishment of legislative members who commit corruption as stipulated in Article 10 of the Criminal Code and additional criminal sanction of the revocation of the rights of the convicted politician who has been convicted of a criminal act of corruption. This case, the convicted person is no longer given the opportunity to hold a public office that is vulnerable to Corruption, Collusion and Nepotism; Then the authority of legislators who should take precautions against corruption in deconstruction proves very clearly that it is legislators, or elements within the legislature itself that display evil behavior. The problem of incompatibility between norms and reality, resulting in maintenance, or the growing and growing public cynicism of the existing criminal system. Furthermore, it also leads to the failure of criminal prevention, in this case including corruption. Another result, namely the encouragement of criminal activities.

It is advisable to the competent authorities to adopt a new MD3 Act to establish a special in-dependent agency to exercise oversight of the duties and authorities of legislators; To the judiciary in giving judgments against legislative members who are proven to commit corruption in order not only to give the main punishment...
but also to provide additional punishment, namely the removal of political rights. With the existence of additional criminal penalty can cause deterrent effect for perpetrators of corruption crime and money laundering crime. There are several examples of cases in the Commission to Clear Corruption (KPK in Indonesia), where the perpetrator has been convicted of a criminal act of corruption, but after leaving the prison, retained public office such as a regent and so forth. This is very much to the public sense of justice.

BIBLIOGRAPHY


Undang-Undang Dasar Negara Kesatuan Republik Indonesia Tahun 1945.


Undang-Undang Republik Indonesia Nomor 31 Tahun 1999 jo. Undang-Undang Nomor 20 Tahun 2001 tentang Perubahan atas Undang-undang Republik Indonesia Nomor 31 Tahun 1999 tentang Pemberantasan Tindak Pidana Korupsi.