

Investigative Authority and Institutional Autonomy in Corruption Crimes: A Comparative Study between Indonesia and Hong Kong

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ABSTRAK

Penelitian ini mengkaji kerangka perbandingan kewenangan penyidikan dalam tindak pidana korupsi antara Indonesia dan Hong Kong, dengan fokus pada Komisi Pemberantasan Korupsi (KPK) dan Independent Commission Against Corruption (ICAC). Tujuan utama dari penelitian ini adalah untuk menganalisis dasar hukum, struktur kelembagaan, serta mekanisme penyidikan yang diterapkan oleh kedua negara, sekaligus mengevaluasi efektivitas, independensi, serta tantangan yang dihadapi masing-masing lembaga. Penelitian ini menggunakan metode yuridis normatif dengan pendekatan perbandingan hukum, serta didasarkan pada studi pustaka terhadap peraturan perundang-undangan, literatur akademik, dan dokumen kelembagaan yang relevan. Hasil penelitian menunjukkan bahwa ICAC beroperasi secara terpusat dengan kewenangan yang jelas dan independensi kelembagaan yang tinggi, didukung oleh sistem hukum common law yang memperkuat efektivitas operasional dan kepercayaan publik. Sebaliknya, kewenangan KPK dipengaruhi oleh sistem koordinasi antar lembaga, sistem hukum civil law, serta perubahan regulasi yang cenderung melemahkan otonomi dan efisiensi penyidikan. Penelitian ini menyimpulkan bahwa Indonesia perlu memperkuat independensi kelembagaan KPK, menyederhanakan fungsinya agar lebih fokus pada penyidikan, serta mengadopsi prosedur yang lebih ringkas seperti yang diterapkan oleh ICAC. Model Hong Kong memberikan pelajaran berharga bagi Indonesia dalam membangun sistem hukum pemberantasan korupsi yang lebih tangguh dan terarah. Kebaruan penelitian ini terletak pada analisis hubungan antara struktur hukum dan tingkat independensi kelembagaan dalam efektivitas penyidikan tindak pidana korupsi, suatu dimensi yang belum banyak dikaji dalam penelitian sebelumnya.

Kata Kunci: Penyidikan; Korupsi; KPK; ICAC; Perbandingan Hukum.

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ABSTRACT

This study investigates the comparative framework of investigative authority in corruption crimes between Indonesia and Hong Kong, focusing on the Corruption Eradication Commission (KPK) and the Independent Commission Against Corruption (ICAC). The research aims to analyze the legal foundations, institutional structures, and mechanisms of investigation employed by both countries in combating corruption, and to evaluate their effectiveness, independence, and challenges. Utilizing a normative juridical method with a comparative approach, this study relies on statutory documents, academic literature, and institutional reports as primary sources. Findings reveal that the ICAC operates

under a centralized structure with clear mandates and high institutional independence, supported by the common law system, which enhances its operational effectiveness and public trust. Conversely, KPK's authority is influenced by multi-agency coordination, a civil law system, and legal amendments that have potentially weakened its investigative autonomy and reduced efficiency. This research concludes that while Indonesia has made progress in anti-corruption efforts, structural and legal complexities hinder optimal enforcement. Strengthening KPK's institutional independence, narrowing its functions to focus on core investigations, and adopting streamlined procedures inspired by ICAC could significantly improve anti-corruption outcomes. The Hong Kong model presents valuable lessons for Indonesia in fostering a more coherent and resilient legal framework for corruption investigation. This study offers a novel contribution by linking the relationship between legal structure and institutional independence in determining the effectiveness of corruption investigations a dimension rarely emphasized in prior comparative studies.

A. INTRODUCTION

The success of Indonesia's criminal justice system is significantly influenced by the effectiveness of the performance of law enforcement officials, especially investigators at the investigation stage. As a legal subject that has special authority based on laws and regulations, investigators play a strategic role in the process of disclosure and handling of criminal cases,¹ The effectiveness of a criminal justice system is closely linked to the performance of its investigators, who play a strategic role in uncovering criminal acts and ensuring accountability. In the context of corruption crimes, investigative authority not only determines the success of law enforcement but also reflects the strength of institutional integrity and public trust in the justice system.²

One example of the experience of anti-corruption institutions such as the Independent Commission Against Corruption (ICAC) in Hong Kong can be an important lesson for Indonesia in ensuring the effectiveness of investigations as the key to the success of eradicating corruption where surprisingly and successfully exercising its authority to investigate corruption cases in the public and private sectors.³ Since its

¹Jenifer Tio And Novalna Br, "Police Authority In The Implementation Of Investigation Termination Policy Based On Restorative Justice Reviewed From The Theory Of Authority," *Journal Of Citizenship* 8, No. 1 (2024): 1153–66, <https://doi.org/10.31316/jk.v8i1.6556>, P. 1153.

²Marusaha Simarmata And Hudi Yusuf, "Analysis Of Special Economic Crimes Handling Policy In Indonesia: Case Study Of Corruption Cases In The Public Sector," *Jiic: Jurnal Intelek Insan Cendikia*, No. November (2024): 5187–5202, <https://doi.org/https://jicnusantara.com/index.php/jiic>. Hlm. 5188.

³Tinuk Dwi Cahyani, Muhamad Helmi Muhamad, And Muhamad Sayuti Hassan, "Comparative Analysis Of The Effectiveness Of Punishment Over Corruption In Indonesia And Hong Kong,"

inception, ICAC has handled high-profile corruption cases and successfully completed its mission which has an impact on the increasing public trust in the integrity of the institution.⁴

Initially, the authority to eradicate corruption in Hong Kong was vested in the anti-corruption agency of the Hong Kong Police, the Anti-Corruption Office, but the public felt that the anti-corruption agency under the Hong Kong Police was no longer able to eradicate corruption.⁵ Therefore, Hong Kong established an independent institution that has kept corruption under control effectively,⁶ ICAC (Independent Commission Against Corruptions) on February 15, 1974 to be precise.

According to data from the Corruption Perceptions Index from Transparency International, Hong Kong has experienced a dramatic decline in corruption cases, from an estimated 80-90% before the formation of the ICAC to less than 10% at the beginning of the 21st century,⁷ as a comparison of Indonesia's score according to data released by Transparency International since 2022 Hong Kong has a score of 75/100 and ranks 14/180 while Indonesia has a score of 34/100 and ranks 115/180 where the score is still below the average score of countries in the Asia Pacific which is large 44, then according to Natalia Soebagjo member of the International Council of Transparency International (TI), and a former Chair of the Executive Board at Transparency International Indonesia stated that "Corruption Perceptions Index is an instrument that is created based on perception, Hong Kong has been doing a very good job in tackling corruption".⁸

Hong Kong's success in achieving this is inseparable from the establishment of the ICAC which stands independently, the independence of the anti-corruption agency in Hong Kong is regulated in the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China in Chapter IV Political Structure Section 1, in Article 57 which explains "A Commission Against Corruption shall be established in the Hong Kong

Journal Of Educational And Social Research 13, No. 5 (2023): 328-39, <https://doi.org/10.36941/jesr-2023-0140>. Hlm. 334

⁴Ridwan Arifin, Rodiyah Rodiyah, And Fitria Puspita, "A Comparative Analysis Of Indonesia's KPK And Hong Kong ICAC In Eradicating Corruption," *Jambe Law Journal* 2, No. 2 (2020): 163-79, <https://doi.org/10.22437/jlj.2.2.163-179>. Hlm 173

⁵A Setiawan And R M Kafrawi, "Comparison Of Corruption Eradication Institutions In Various Countries (Indonesia, Hong Kong, Japan, Australia, New Zealand)," *JHAD: Jurnal Ilmu ...* 6, No. 2 (2024): 128-37, <https://doi.org/http://dx.doi.org/10.58258/jihad.v3i1.5614>. Hlm. 130.

⁶<https://www.icac.org.hk/en/intl-persp/control/rule-of-law/index.html>

⁷<https://www.transparency.org/en/cpi/2023/index/hkg>. Diakses Pada 03/12/2024.

⁸<https://www.icac.org.hk/en/intl-persp/probity-situation/corruption-situation-reality-vs-perception/index.html>

Special Administrative Region. It shall function independently and be accountable to the Chief Executive." Article 57 explains that ICAC carries out its duties independently or free from interference and is responsible to the Chief Executive who was previously still responsible to the governor.⁹

Then also the Corruption Eradication Commission (KPK) is also an independent and independent national body in carrying out its functions and authorities, the ¹⁰ independence of corruption eradication carried out by the KPK is regulated in article 3 of Law of the Republic of Indonesia Number 19 of 2019 concerning the second amendment to Law Number 30 of 2002 concerning the commission for the eradication of corruption which reads "The Corruption Eradication Commission is a state institution in the cluster of power executive who in carrying out their duties and authorities is independent and free from the influence of any power", but in the nature of the independence of the KPK which is clearly stated in the amended law, there are many problems such as the existence of a Supervisory Board which in carrying out several tasks and functions requires permission with the Supervisory Body, which in this case according to Muhammad Habibi, ¹¹ can weaken or intervene in the authority of the KPK Independence, then there is a change in the position of the KPK which is part of the executive institution which results in intervention by other executive institutions, . In addition, there are changes where KPK employees must come from the State Civil Apparatus (ASN) in accordance with article 69C of Law Number 19 of 2019, these things can weaken the independence of the KPK. ¹²

Then the authority to investigate corruption crimes by ICAC is based on several ordinances, namely, the ICAC Ordinance (Cap.204) Prevention of Bribery Ordinance (Cap.201), and Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554) that discusses the procedure for eradicating corruption in the field of general elections. Meanwhile, the authority to investigate corruption crimes in Indonesia is contained in 3 institutions, namely the National Police, the Prosecutor's Office and the KPK which are

⁹Ermansyah Djaja, *Eradiating Corruption With The KPK*, Cet.2 Jakarta: Sinar Grafika, 2013.P. 400.

¹⁰Naomi Artadinata Et Al., "The Public Prosecutor's Arrangement In Handling Corruption Crimes Based On The Principle Of Dominus Litis" 4, No. 2, 2023: 311–21. P. 316.

¹¹Muhammad Habibi, "The Independence Of The Authority Of The Corruption Eradication Commission After The Amendment Of The Corruption Eradication Commission Law" 4, No. 19, 2020: 41–54, <https://doi.org/10.22146/jmh.43968.42>. Thing, 51.

¹²Kartika S Wahyuningrum, Hari S Disemadi, And S Putra Jaya, "Independence Of The Corruption Eradication Commission: Is There Really One?" 4, No. April, 2020, <https://doi.org/10.24246/jrh.2020.V4.I2.P239-258>.

regulated in different laws and regulations, where the Attorney General's Office and the Chief of the National Police of the Republic of Indonesia are regulated in the Presidential Instruction of the Republic of Indonesia Number 5 of 2004 concerning the Acceleration of Corruption Eradication in 9 and 10 which are instructed to the Attorney General of the Republic of Indonesia and the head of the National Police of the Republic of Indonesia in order to optimize investigation and prosecution efforts in corruption crimes".¹³ In addition to the Presidential Instruction, the investigative authority of the Police and the Prosecutor's Office is based on several other provisions, such as the prosecutor's office whose investigative authority is regulated in various laws and regulations, namely, in article 284 paragraph (2), article 17 of Government Regulation Number 27 of 1983 concerning the Implementation of the Criminal Procedure Code, article 18 paragraph (3) of Law Number 28 of 1999 concerning State Administrators which Clean and Free from Corruption, Collusion, and Nepotism, Article 50 Paragraph (2) of Law Number 30 of 2002 concerning the Corruption Eradication Commission and Article 30 Paragraph (1) letter d of Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia.¹⁴ Then the authority to investigate corruption crimes by the police is based on several laws and regulations, namely, Article 14 Paragraph (1) letter g of Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia, Article 7 Paragraph (1) of the Criminal Procedure Code (KUHAP), and several articles in Law Number 8 of 1981 concerning the Criminal Procedure Code.¹⁵

Furthermore, the investigative authority given to the Corruption Eradication Commission (KPK), is regulated in Law Number 19 of 2019 concerning the second amendment to Law Number 30 of 2002 concerning the Corruption Eradication Commission,¹⁶ the Law explains the authority and duties of the KPK in eradicating corruption crimes such as in the amendment of the provisions of article 8 which discusses duties and authorities in coordinating investigations, investigation and prosecution of corruption crimes, then the duties and authority of the monitor contained in the provisions of articles 9 and 10 which discuss the duties and authorities in supervising in terms of supervision, research or analysis of agencies that carry out the

¹³Ermansjah Djaja, *Redesigning The Corruption Court Implications Of The Constitutional Court's Decision No. 012-016-019/PPU-IV/2006*, Cet.1 Jakarta: Sinar Grafika, 2010. P. 91.

¹⁴Vani Kurnia, Sahuri Lasmadi, And Elizabeth Siregar, "Juridical Review Of The Duties And Authority Of The Prosecutor As An Investigator In A Corruption Case," *PAMPAS: Journal Of Criminal Law* 1, No. 3 2021: 1-11, <https://doi.org/10.22437/Pampas.V1i3.11084>. Pp. 5-6.

¹⁵Sahuri Lasmadi Et Al., "Problems In The Investigation Of Corruption Cases" 2, No. 2 (2021): 12-24.

¹⁶Ibid. P.90.

duties and authorities of corruption eradication, then the authority of the KPK in taking over the investigation and prosecution that has been carried out by the police and the prosecutor's office as stated in article 10 A, and the KPK has the authority to investigate based on the requirements listed in article 11.

If interpreted, the authority to investigate corruption crimes committed by these institutions arises in connection with the lack of clarity from the provisions of Article 26 of Law No. 31 of 1999 Jo Law No. 20 of 2001, which discusses the investigation, prosecution and examination of corruption crimes based on the applicable procedural law, where in the article it is not directly stated which institution is in charge and has authority in the investigation of criminal acts corruption.¹⁷

Based on the explanation above, it can be concluded that the Police, Prosecutors, and KPK have different roles and authorities in law enforcement in Indonesia. The police are responsible for maintaining public order, maintaining security, and providing protection to the community, then police officers who serve as investigators.¹⁸ The Prosecutor's Office functions as a criminal law enforcement agency that can act in general and carry out the judicial process, with authority in investigations, including cases of corruption. Meanwhile, the KPK has a special function in eradicating corruption crimes and is given the authority to conduct investigations, investigations, and prosecutions of corruption cases.¹⁹ So in this form of coordination, the Police, the Prosecutor's Office and the KPK made a joint agreement in 2012 called Optimization of Corruption Eradication No. KEP 049A/J.A/03/2012; No. B/23/11/2012; No. SPJ-39/01/03/2012 and the latest is in 2017 the birth of a memorandum of understanding Number: SPJ-97/01-55/03/2017, KEP/087/A/JA/03/2017, B/27/III/2017 discussed increasing cooperation and coordination between institutions in eradicating corruption.²⁰

It can be seen that the authority to investigate corruption crimes in Indonesia is in 3 institutions, the complexity of the authority of the three institutions can give rise to the

¹⁷Lilik Mulyadi, *Corruption Crimes In Normative Indonesia, Theoretical Practice And Its Problems*, Cet.1, Bandung: PT. Alumni, 2011. P. 130

¹⁸Gede Budiarta, I Nyoman Lemes, And Saptala Mandala, "Implementation Of The Professional Code Of Ethics For Members Of The Indonesian National Police Based On Law Number 2 Of 2002 Concerning The National Police Of The Republic Of Indonesia In Preventing Abuse Of Authority In Law Enforcement In The Buleleng Resort Police," *Kertha Widya: Journal Of Law* 9, No. 1, 2021: 73-98, <https://doi.org/10.37637/Kw.V9i1.783>. P.89.

¹⁹Fathur Rahman, "Overlapping Authorities For Corruption Investigations: Police, Prosecutors, And KPK In Law No. 19 Of 2019," No. 19, 2019. P. 2.

²⁰Luhut M.P. Pangaribuan, *Economic Crimes And Anti-Corruption Introduction, Provisions And Questions*, Cet.1, Jakarta: Papas Sinar Sinanti, 2019. P. 128.

problem of legal ambiguity, then according to Ahmad Rivai in Ratman Desianto,²¹ in legal practice there are often several problems, namely legal emptiness (*leetman in het Recht*), conflicts between legal norms (*antinomy norm*), and vague norms (*vage norm*) or unclear norms. In the context of the legal basis used as the basis for investigating corruption crimes by these 3 institutions, it tends to display legal ambiguity regarding the limits of authority between these institutions. This condition often causes multiple interpretations because the interpretations carried out are prepared based on specific interpretations from each institution.²² Therefore, this study aims to conduct a comparative analysis of investigative authority in corruption crimes between Indonesia and Hong Kong to evaluate how legal and institutional structures influence the independence and effectiveness of anti-corruption investigations.

B. Research Methods

This research employs a normative juridical method with a comparative legal approach to analyze the legal foundations, institutional structures, and implementation of investigative authority in corruption crimes in Indonesia and Hong Kong. Hong Kong was selected as a comparator due to the success of its Independent Commission Against Corruption (ICAC) in establishing an effective and independent investigative system, as well as its relevance to the Asian public law context. The analysis applies a functional comparative method to examine the similarities and effectiveness of both legal systems, combined with systematic, teleological, and comparative-normative interpretation techniques to interpret legal norms governing investigative authority. The legal materials consist of primary sources (statutes and regulations), secondary sources (academic literature, journals, and institutional documents), and tertiary sources (legal dictionaries and encyclopedias). Data validity is ensured through triangulation of literature and institutional documents, providing a strong argumentative and reliable foundation for assessing the effectiveness of corruption investigation systems in both jurisdictions.

²¹Ratman Desianto, *Opcit.* Hlm. 130.

²²Fathur Rahman, *Opcit.* Hlm. 15.

C. Discussion

1. Comparative Analysis of Corruption Investigation Authority in Indonesia and Hong Kong

a. Similarities

Both Indonesia's Corruption Eradication Commission (KPK) and Hong Kong's Independent Commission Against Corruption (ICAC) represent the cornerstone of anti-corruption efforts in their respective jurisdictions, sharing several fundamental similarities in their design, authority, and strategic approach.

The most prominent similarity is their adoption of a comprehensive three-pillar strategy that integrates repression (law enforcement), prevention, and education. The KPK's mandate, as outlined in Law No. 30 of 2002, encompasses coordination, supervision, investigation, prosecution, and prevention.²³ This mirrors the ICAC's famous "three-pronged attack" of investigation, prevention, and community education, which has been its operational mantra since its inception in 1974.²⁴ This holistic philosophy recognizes that corruption cannot be defeated by legal action alone but requires systemic reform and a change in public culture.

In terms of operational authority, both institutions are granted extensive and special powers that exceed those of regular law enforcement agencies to effectively tackle complex corruption cases. Both the KPK and ICAC have the power to conduct arrests, search premises, and seize evidence. A key similarity is the authority to investigate illicit wealth and access financial records. The KPK has the power to access bank accounts and tax records of suspects,²⁵ while the ICAC Ordinance grants its officers the authority to investigate the bank accounts and deposits of corruption suspects.²⁶ Furthermore, both agencies employ proactive investigation methods. The KPK is known for its use of wiretapping and intelligence operations, and while recent legal changes have added a layer of oversight, the core function remains. Similarly, the ICAC has a dedicated intelligence unit to detect and investigate corruption proactively.²⁷

Another significant similarity is their emphasis on transparency and public accountability. Both institutions regularly publish detailed annual reports that document their activities, financial expenditures, case statistics, and strategic outcomes.²⁸ This practice is crucial for maintaining public trust and demonstrating the effective use of

²³ Arifin, Rodyah, and Puspita, "A Comparative Analysis of Indonesia's KPK and Hong Kong ICAC in Eradicating Corruption," *Journal of Law and Governance* 6, no. 2 (2023): 165–180, p. 170.

²⁴ Ary Patria Sanjaya and Irena Trifena, "The Role of Education in Curbing Corruption: A Comparison of Indonesia and Hong Kong," *Integritas: Jurnal Antikorupsi* 9, no. 2 (2023): 241–56, <https://doi.org/10.32697/integritas.v9i2.992>. p. 242

²⁵ Arifin, et al., *op.cit.*, p. 172.

²⁶ Setiawan and Kafrawi, "Comparison of Corruption Eradication Institutions in Various Countries (Indonesia, Hong Kong, Japan, Australia, New Zealand)." p. 131

²⁷ Nusantara, "A Comparison of Indonesia's KPK, Hong Kong's ICAC and Malaysia MACC 2004–2022 Based on SCP, PESTEL, and Variance Analysis," *Journal of Governance and Public Policy* 12, no. 6 (2023): 6015–6030, p. 6017.

²⁸ *Ibid* Dhana Strata Nusantara, "A Comparison of Indonesia's KPK, Hong Kong's ICAC and Malaysia MACC 2004–2022 Based on SCP, Pestel, and Variance Analysis," *Eduvest - Journal of Universal Studies* 5, no. 5 (2025): 6010–24, <https://doi.org/10.59188/eduvest.v5i5.51406>. p. 6013

resources. Moreover, both agencies actively engage in international cooperation. The KPK has collaborated with international bodies like the UNODC and other anti-corruption agencies for training, asset recovery, and investigating cross-border corruption.²⁹ The ICAC also has a long history of international collaboration, sharing its expertise and best practices globally.³⁰

Finally, both the KPK and ICAC face similar challenges concerning their independence and political vulnerability. Despite being designed as independent bodies, both have encountered political pressures. The KPK's independence has been a subject of intense debate, especially after the 2019 law amendments that integrated its employees into the civil service and established a supervisory board.³¹ Similarly, while the ICAC is often hailed as a model of independence, it is not entirely immune, it has faced high-level internal scandals and must navigate the complex political environment of Hong Kong, which can impact its perceived autonomy and public trust.³²

b. Differences

Despite their shared holistic approach, the Corruption Eradication Commission (KPK) of Indonesia and the Independent Commission Against Corruption (ICAC) of Hong Kong exhibit profound differences in their institutional independence, operational autonomy, and political embeddedness, which are critical to their effectiveness. The most stark difference lies in their constitutional and political position. The ICAC of Hong Kong was established as and has remained a truly independent body, directly accountable only to the Chief Executive of Hong Kong and operating free from the influence of the police or other government branches.³³ In stark contrast, the 2019 revision of the KPK Law (Law No. 19 of 2019),³⁴ fundamentally altered the status of Indonesia's KPK. It was transformed from an independent auxiliary state body into an institution within the executive branch, whose employees became part of the State Civil Apparatus (ASN).³⁵ This shift subordinated the KPK to the executive government's bureaucratic structure, directly impacting its autonomy.

A fundamental difference lies in the jurisdictional scope of the investigative powers wielded by Indonesia's KPK and Hong Kong's ICAC. The KPK's mandate, as defined by Indonesian law, is predominantly focused on eradicating corruption within

²⁹ Rhendra Kusuma, "Perbandingan Komisi Pemberantasan Tindak Pidana Korupsi Indonesia Dengan Lembaga Pemberantasan Tindak Pidana Korupsi Negara Singapura, Hong Kong Dan Malaysia," *Bengkulu Law Journal* 7, no. 1 (2022): 71–83, <https://www.tagar.id/icac-kpk-hong-kong-.p.81>

³⁰ Nusantara, *op.cit.*, p. 6018.

³¹ Setiawan and Kafrawi, "Comparison of Corruption Eradication Institutions in Various Countries (Indonesia, Hong Kong, Japan, Australia, New Zealand)." p. 134

³² Nusantara, *op.cit.*, p. 6016.

³³ Kusuma, "Perbandingan Komisi Pemberantasan Tindak Pidana Korupsi Indonesia Dengan Lembaga Pemberantasan Tindak Pidana Korupsi Negara Singapura, Hong Kong Dan Malaysia," *Jurnal Hukum & Pembangunan* 12, no. 1 (2021): 70–85, p. 76.

³⁴ Law of the Republic of Indonesia Number 19 of 2019 concerning the Second Amendment to Law Number 30 of 2002 on the Corruption Eradication Commission (KPK).

³⁵ Sultan Zora dan Idul Rishan Fernanda, "Dampak Revisi Undang-Undang Kpk Terhadap Independensi Dan Efektivitas Kpk Dalam Pemberantasan Korupsi," *Pakuan Law Review* 10, no. 19 (2024): 133–41.p. 133

the public sector. This creates a significant systemic gap, as corruption in the private sector is not explicitly and effectively covered by the KPK's authority, despite the frequent interplay between bribe-givers in the private sector and bribe-takers in the public sector. In contrast, the ICAC possesses comprehensive authority to investigate corruption in both the public and private sectors. This power is granted through Hong Kong's Prevention of Bribery Ordinance (POBO), specifically Sections 4 and 9,³⁶ which explicitly criminalize bribery in the private sector. Consequently, the ICAC's approach is more holistic in severing the chain of corruption from both the supply (private sector) and demand (public sector) sides.³⁷

A further critical distinction concerns the level of operational independence and access to investigative tools. In Indonesia, although the KPK originally possessed powers such as wiretapping, its operational autonomy has been significantly curtailed by legal reforms. Conversely, the revised KPK Law introduced a Supervisory Board (Dewan Pengawas), which acts as a major constraint. The KPK now must seek approval from this board for crucial investigative actions such as wiretapping, searches, and even making arrests.³⁸ This bureaucratic layer inherently slows down investigations and creates opportunities for external influence. Furthermore, the KPK's accountability, post-revision, is heavily directed toward the executive (the President) and is filtered through the Supervisory Board, making it susceptible to political influence and intervention from the very government bodies it is meant to oversee.³⁹ These factors are compounded by persistent conflicts of interest with other law enforcement agencies.

In stark contrast, the ICAC in Hong Kong benefits from strong, constitutionally protected independence. The agency holds broad powers to arrest suspects without a warrant, access bank accounts, and confiscate property as evidence without requiring prior approval from an external board. This operational autonomy, with the ICAC reporting directly to the Chief Executive of Hong Kong, ensures that investigations can proceed without interference or intimidation from any quarter, including powerful political elites.⁴⁰

To synthesize these distinctions, the following table outlines the comparative aspects of investigative authority between Indonesia and Hong Kong, encompassing legal foundations, institutional frameworks, independence, and effectiveness.

Tabel 1 Comparative Table of Investigative Authority: Indonesia and Hong Kong

Aspect	Indonesia	Hong Kong

³⁶ Prevention of Bribery Ordinance (Cap. 201), Laws of Hong Kong, Sections 4 and 9.
³⁷ Januar Rahadian, Edwin Setiawan, and Arbend Ficasso Van Hellend, "Corruption Eradication in Four Asian Countries : A Comparative Legal Analysis," *Journal of Law Environmental and Justice* 2, no. 2 (2024): 162–84, <https://doi.org/https://doi.org/10.62264/jlej.v2i2.98>. p.14
³⁸ Fernanda, "Dampak Revisi Undang-Undang KPK Terhadap Independensi dan Efektivitas KPK Dalam Pemberantasan Korupsi," *Jurnal Hukum dan Pembangunan* 13, no. 2 (2022): 130–145, p. 136.
³⁹ *Op.cit.* Setiawan and Kafrawi, "Comparison of Corruption Eradication Institutions in Various Countries (Indonesia, Hong Kong, Japan, Australia, New Zealand)." p. 134
⁴⁰ *Op.cit* Cahyani, Muhamad, and Hassan, "Comparative Analysis of The Effectiveness of Punishment Over Corruption in Indonesia and Hong Kong." p.7

Legal Basis	<p>Criminal Procedure Code (Law No. 8/1981)</p> <p>Anti-Corruption Law (Law No. 31/1999 as amended by Law No. 20/2001)</p> <p>Corruption Eradication Commission Law (Law No. 30/2002 as amended by Law No. 19/2019)</p> <p>Prosecutor's Law (Law No. 16/2004)</p> <p>- Police Law (Law No. 2/2002)</p>	<p>ICAC Ordinance (Cap. 204)</p> <p>Prevention of Bribery Ordinance (Cap. 201)</p> <p>Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554)</p> <p>Basic Law of Hong Kong, Article 57</p>
Investigative Institutions	<p>Indonesian National Police (general investigation)</p> <p>Attorney General's Office (investigation of certain corruption cases)</p> <p>Corruption Eradication Commission (KPK) (coordination, supervision, investigation, prosecution)</p>	<p>Independent Commission Against Corruption (ICAC) as a single and independent agency, directly accountable to the Chief Executive</p>
Independence	<p>KPK is legally declared "independent" (Law No. 19/2019), but weakened by the Supervisory Board and the requirement that all staff become civil servants.</p> <p>Police and Prosecutors remain under the executive branch.</p>	<p>ICAC enjoys strong institutional independence, directly responsible to the Chief Executive, not subordinated to political or executive bodies.</p>
Institutional Structure	<p>Multi-agency system, often leading to overlapping authorities.</p> <p>Relies on inter-agency Memorandums of Understanding (2012, 2017).</p>	<p>Centralized in one body with three departments:</p> <p>Operations Department (investigation),</p> <p>Corruption Prevention Department,</p> <p>Community Relations Department.</p>

Effectiveness	Hindered by overlapping authority, political intervention, and weakening of KPK. Corruption Perceptions Index (CPI) 2023: 34/100, rank 115/180.	Significantly reduced corruption (from 80–90% before ICAC to less than 10%). CPI 2023: 75/100, rank 14/180.
Strengths	Existence of a specialized body (KPK) with supervisory and coordinating authority. Broad and strong legal framework.	Clear, centralized, and streamlined authority. High transparency and strong public trust.
Weakness	Pluralism of authority creates conflict and inefficiency. KPK's independence undermined after the 2019 amendment.	Resource intensive model, difficult to replicate directly in Indonesia. Vulnerable if the Chief Executive lacks independence.

As shown in the table, Indonesia applies a multi-agency model involving the Police, the Attorney General's Office, and the Corruption Eradication Commission (KPK), which often results in overlapping authority and inefficiency. In contrast, Hong Kong adopts a centralized model through the ICAC, which operates with a high degree of independence and public trust. These fundamental differences reflect not only the distinct legal systems of civil law and common law but also the political and institutional contexts shaping anti-corruption efforts in both jurisdictions.

c. Critical Analysis

The comparative analysis reveals a structural paradox: Indonesia's KPK enjoys a broad legal mandate, including powers of investigation and prosecution, while Hong Kong's ICAC focuses more narrowly on investigation. However, the KPK's broad *de jure* powers are undermined by its lack of *de facto* independence after the 2019 reforms, particularly the introduction of a Supervisory Board that must authorize critical investigative tools. This has transformed the KPK from an independent watchdog into an institution embedded within the executive, exposing it to political interference and weakening its operational capacity⁴¹

⁴¹ Mustafa Lutfi et al., "Enhancing the Supervisory Board of the Corruption Eradication Commission: Insights from Hong Kong, the United Kingdom, and European Union," *Yustisia* 12, no. 3 (2023): 278–93, <https://doi.org/10.20961/yustisia.v12i3.71785>. p.278-280.

In contrast, the ICAC's effectiveness derives less from the breadth of its legal powers and more from its operational autonomy and strong public trust. Public perceptions of ICAC's effectiveness are closely tied to its organizational capacity its structure, functions, and personnel integrity and its ability to adapt to social changes. Trust plays a crucial role in amplifying these perceptions, serving either as a complement to or a substitute for institutional capacity.⁴² Positive perceptions reinforce legitimacy and encourage civic cooperation, while negative perceptions erode confidence in governance. This explains why ICAC continues to enjoy strong legitimacy, reflected in Hong Kong's consistently high CPI rankings, while the KPK has experienced a decline in performance and trust following the 2019 amendments.

The comparison also reveals how termination mechanisms are handled differently. While Indonesia formally introduced discontinuation provisions through Law No. 19/2019, raising concerns about impunity, in Hong Kong such mechanisms are guided by practice under ICAC's prosecutorial discretion, functioning more as a balance against procedural errors rather than as a political tool.⁴³ Thus, the KPK's weakened independence, combined with overlapping jurisdictions with the Police and Attorney General's Office, has resulted in systemic inefficiencies and vulnerability to political capture. Conversely, ICAC's institutional design rooted in independence, public legitimacy, and adaptive capacity explains its sustained effectiveness despite narrower formal powers. The critical lesson is clear: no degree of formal authority can compensate for compromised independence. Indonesia's anti-corruption framework must prioritize restoring KPK's autonomy, clarifying institutional mandates, and rebuilding public trust if it is ever to replicate the effectiveness of the Hong Kong model.⁴⁴

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Another important dimension of comparison is the historical and institutional trajectory of anti-corruption agencies in both jurisdictions. The KPK, established only in 2002, is relatively young compared to Hong Kong's ICAC, which has been operating since 1974. Scholars have emphasized that ICAC, alongside Singapore's CPIB, has long been regarded as a "role model" institution in Asia due to its proven track record of eradicating

⁴² Gong, Scott, and Xiao, "Unpacking Public Perceptions of Effectiveness in Anti-Corruption Agencies: The Case of Hong Kong." p. 566-567

⁴³ Ahwan Ahwan and Topo Santoso, "Discontinuation of Corruption Investigation and Prosecution: A Comparison of Indonesia, The Netherlands, and Hong Kong," *Jurnal Penelitian Hukum De Jure* 22, no. 1 (2022): 1, <https://doi.org/10.30641/dejure.2022.v22.1-16>. p. 3

⁴⁴ Zakiyya Haruna, "An Examination of the Best Practices on the Independence of the Anti-Corruption Agencies in Hong Kong and Singapore: Lessons for Nigeria," *The International Journal of Humanities & Social Studies* 12, no. 1 (2024): 79-87, <https://doi.org/10.24940/theijhss/2024/v12/i1/hs2401-012>. p. 80-81

systemic corruption and building public trust.⁴⁵ In contrast, Indonesia's KPK continues to struggle with overlapping jurisdictions, fragile institutional support, and recurrent attempts at political weakening, which undermine its credibility.

Judicial independence further illustrates this divergence. Indonesia's corruption courts, though mandated by Law No. 46 of 2009, remain ad hoc in structure, making them vulnerable to political interference and undermining consistent jurisprudence. In Hong Kong, by contrast, anti-corruption trials are institutionalized under a permanent court system, constitutionally shielded from ad hoc arrangements. This provides greater legal certainty and ensures impartiality in handling corruption cases.⁴⁶ Without a robust judiciary to support investigative outcomes, the broader mandate of the KPK risks being neutralized by institutional fragility.

Another distinguishing feature lies in the integration of education into anti-corruption strategies. ICAC has institutionalized Anti-Corruption Education (ACE) as one of its three pillars, embedding integrity values into school curricula from an early age, thereby creating long-term cultural resistance against corruption. Within a decade of ICAC's establishment, corruption levels had drastically fallen, and Hong Kong developed a much cleaner governance culture. Indonesia, however, has yet to fully mainstream ACE. Although the KPK has initiated programs, implementation remains fragmented and lacks political and financial support, limiting its impact.⁴⁷

Finally, sociocultural tolerance towards practices like gratification illustrates why corruption persists in Indonesia but is largely suppressed in Hong Kong. Studies reveal that Indonesian society is more permissive of gratification, often seeing it as a normal or benign expression of gratitude. Over time, this tolerance normalizes small-scale corruption and creates pathways for larger, systemic corruption. In contrast, Hong Kong's stricter social norms and stronger enforcement discourage such practices, contributing to its superior performance in global CPI rankings.⁴⁸ These findings demonstrate that combating corruption is not solely about institutional design but also about transforming societal values.

Another key insight from the literature is the importance of public trust in determining the effectiveness of anti-corruption agencies. The higher levels of trust significantly enhance an agency's operational legitimacy, enabling more cooperation from citizens, reducing resistance to investigations, and strengthening the perceived accountability of the institution. In the case of Hong Kong, ICAC's sustained high public

⁴⁵ Rahmiati et al., "Perbandingan Lembaga Anti Korupsi Di Indonesia, Singapura Dan Hongkong," *Jurnal Ekonomi, Bisnis Dan Humaniora (Eksishum)* 1, no. 1 (2021), <https://doi.org/10.63494/eksishum.v1i1.62>. p.3

⁴⁶ A. Fauzi, "Ratio Legis of Judicial Power Independence in Corruption Criminal Courts: A Comparative Study of Indonesia and Hong Kong," *Russian Journal of Agricultural and Socio-Economic Sciences* 142, no. 10 (2023): 13–18, <https://doi.org/10.18551/rjoas.2023-10.02>. p.13-15

⁴⁷ Op.cit. Sanjaya and Trifena, *The Role of Education in Curbing Corruption: A Comparison of Indonesia and Hong Kong*, p. 242-244

⁴⁸ Alva Supit, Billy Lau, and Patrick Cheng, "Tolerance to Gratification as a Proxy for Corruption: Comparison between Indonesia and Hong Kong," *Integritas: Jurnal Antikorupsi* 9, no. 2 (2023): 147–56, <https://doi.org/10.32697/integritas.v9i2.914>. p. 147-149

trust aligns with its strong performance and persistent high rankings in global corruption perception indices.⁴⁹

Recent surveys confirm this erosion of trust. For example, a 2023 survey by Indikator Politik Indonesia found that public trust in KPK stood at 75.7%, down from the 80–90% levels recorded before 2019. In January 2025, the same institution reported further decline to 72%, showing that despite retaining majority trust, the KPK's legitimacy has been weakened compared to earlier years (Indikator Politik Indonesia, 2023; 2025). This decline illustrates that public confidence is not merely a symbolic factor but a functional determinant of institutional effectiveness, reinforcing the lesson that legal authority alone is insufficient without strong public backing.⁵⁰

D. Conclusion

Based on the comparative analysis of investigative authority in corruption crimes between Indonesia and Hong Kong, it can be concluded that the key distinction lies in institutional design and the degree of investigative independence. Indonesia employs a multi-agency model involving the National Police, the Attorney General's Office, and the Corruption Eradication Commission (KPK), which often leads to overlapping jurisdictions and inefficiency in coordination. In contrast, Hong Kong's Independent Commission Against Corruption (ICAC) operates under a centralized and independent structure directly accountable to the Chief Executive, ensuring effectiveness, transparency, and institutional integrity. The findings demonstrate that the effectiveness of anti-corruption enforcement depends less on the breadth of legal authority and more on institutional autonomy and clear inter-agency coordination. Therefore, Indonesia needs to reform its legal framework by revising Law No. 19 of 2019 to restore the KPK's full independence, streamline coordination with other law enforcement bodies, and strengthen oversight mechanisms grounded in public accountability. The ICAC model provides a valuable reference for Indonesia to develop a more integrated and efficient investigative system capable of reinforcing the credibility and effectiveness of its anti-corruption efforts.

⁴⁹ Hanyu Xiao, Ian Scott, and Ting Gong, "Trust and Effectiveness in Corruption Prevention: Evidence from Hong Kong*," *China Review* 22, no. 2 (2022): 145–70. p.149

⁵⁰ Indikator Politik Indonesia, "Tingkat Kepercayaan Publik terhadap Kejagung 79 Persen," *Monitor Indonesia*, 27 Januari 2025, <https://monitorindonesia.com/hukum/read/2025/01/602071/tingkat-kepercayaan-publik-terhadap-kejagung-79-persen>. Accessed on September 20, 2025.

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