

ABSTRACT

Indonesia is a legal state, this is stated in article 1 paragraph 3 of the 1945 Constitution of the Unitary State of the Republic of Indonesia, which reads “Indonesia is a legal state”. State of law is a direct translation of *rechstaat*. The rule of law has a purpose and function, the purpose of which is to form and maintain the law, while its function is first the legislative function, the two executive functions, the three judicial functions. In Indonesia there are state institutions that were born from the 1945 Constitutions of the Republic of Indonesia and state institutions that were born from the law, state institutions that were born from the law namely the Corruption Eradication Commission. The position of the KPK in the Indonesia constitutional system after the Constitutional court decision number 36/PUU-XV/2017 that the Corruption Eradication Commission (KPK) is an institution under the auspices of the executive, specifically mentioned in the consideration of law number 30 of 2002 concerning the KPK which states that the Corruption Eradication Commission (KPK) is a temporary institution to carry out police and prosecutorial duties that have not functioned optimally effectively and efficiently. As well as being Adhoc where the Corruption Eradication Commission (KPK) is a temporary institution whose existence depends on the needs of the country, if its existence is no longer needed, the Corruption Eradication Commission (KPK) can be removed from state institutions.