

**LEGAL REVIEW ON THE IMPLEMENTATION OF INVESTIGATION RIGHT  
BY THE HOUSE OF REPRESENTATIVES (AFTER POLITICAL REFORM)  
UNDERGRADUATE THESIS**



**This Undergraduate Thesis is submitted as one of the requirements to obtain  
the decree of Bachelor of Law at Faculty of Law  
Universitas Muhammadiyah Yogyakarta**

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**2018**

## DECLARATION PAGE

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

I hereby declare that the Undergraduate Thesis which is entitled “**LEGAL REVIEW ON THE IMPLEMENTATION OF INVESTIGATION RIGHT BY THE HOUSE OF REPRESENTATIVES (AFTER POLITICAL REFORM)**” its content is truly the work of my own and I did not do plagiarism or quotation in ways that are inconsistent with the prevailing ethic in the scientific community. On this statement, I am ready to bear the risk/any sanctions imposed to me in accordance with applicable regulations, if in the future found a breach of scientific ethics, I am willing to accept the sanctions.

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Yogyakarta, July 29<sup>th</sup> 2018



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## **MOTTO**

**“Everyone has their own time zone.**

**People around you might seem ahead of you & some might seem to be behind  
you.**

**Do not envy them.**

**They are in their time zone, and you are in yours.**

**Don’t worry too much.**

**You are not late**

**Yet,**

**You are not early.”**

**(Mohammad Risky Saputra)**

**“Champions Train, looser complain”**

**(Unknown)**

**“Don’t stop when you’re tired. Stop when you’re done.”**

**(Maple id)**

## **DEDICATION**

**This Undergraduate Thesis dedicate to**

My Lord, Allah SWT

Prophet Muhammad SAW

**My beloved parents**

Suardi Lahudding

Yulna Abu

**My lovely brothers and sisters**

Adi Mulyadi

Siti Rahma

**My Best Friend**

Riszky Andora

## FOREWORD

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**Yogyakarta, July 29<sup>th</sup> 2018**

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1945 Constitution

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## **LIST OF ABBREVIATIONS**

BAP	Record of Investigation
BI	Bank Indonesia
BLBI	Bank Indonesia Liquidity Assistance
DPD	Regional Representatives Council
DPA	Supreme Advisory Council
DPR	The House of Representatives
DPRD	Regional House of Representatives
DPT	The Final Voters List
KNIP	Central Indonesian National Committee
KPK	Corruption Eradication Commission
MPR	People's Consultative Assembly
NKRI	Unitary State of the Republic of Indonesia
NU	Muslim Scholars
PAN	National Mandate Party
PDIP	Indonesian Democratic Party of struggle
PKB	Party of National Revival
PKI	Indonesian Communist Party
PNI	Indonesian Nationalist Party
PPP	United Development Party
PKS	Prosperous Justice Party
PPKI	The Committee for the Preparation of Indonesian Independence