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**The Urgency of the National Insight Test as an Instrument for Assessment of Acceptance of the Corruption Eradication Commission**

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**ABSTRACT**

The purpose of this study is to describe the implementation of the National Insight Test in the acceptance of the State Civil Apparatus at the Corruption Eradication Commission and the concept of a fair and transparent National Insight Test. The National Insight Test is a material test that aims to test how good the insight and knowledge of candidates for the State Civil Apparatus are about Pancasila, the 1945 Constitution, Bhineka Tunggal Ika, the Unitary State of the Republic of Indonesia, nationalism, Indonesian language, and insight into the pillars of the state. The method used in this research is the normative legal method (juridical-normative) using normative data, the data collection technique used is Library Research, and legal materials are processed by Content Analysis. The National Insight Test, which was used as a condition for transferring the Corruption Eradication Commission's employment status to the State Civil Apparatus, was considered very odd, and it was estimated that there was a mastermind who manipulated the data from the results of the National Insight Test.

**Keywords:** State Civil Apparatus, Corruption Eradication Commission, National Insight Test

**INTRODUCTION**

Indonesia is a country rich in ethnic, cultural, and natural diversity. It's no wonder that Indonesia was colonized for more than 3 centuries to defend its territory from invaders who wanted to plunder Indonesia's wealth. And today, we can see and feel complete freedom from this dark story. The heroes' struggle was not in vain because, in the end, Indonesia was able to rise from the oppression that will always be remembered in the history of the struggle.

Indonesia has come a long way after more than 77 years of independence. Infrastructure improvements, economic growth, and technological and asset development are already happening everywhere. Indonesia is no longer a poor country that can be taken for granted. However, even though Indonesia is a country rich in natural resources, behind it all, Indonesia is a country that hides poverty. Why is that? That's because of the valley's low quality of its human resources. Not only in terms of intelligence and intellectuality but also terms of moral and personality qualities. With the fragility of the self-quality of government officials, lies and hoaxes are inevitable, leading to corruption (Rachmawati, 2021).

Corruption is no longer a rare item, especially in Indonesia, which is even classified as an extraordinary crime. Corruptors are not only guilty within the scope of government, but have far injured people's rights, tarnished democratic values, and contradicted the noble values of Pancasila. In dealing with corruption, serious, professional, and independent steps are needed because corruption is a white-collar crime committed by people with high status and respectable positions connected to their position (Odhy, 2021).

Therefore, the Corruption Eradication Commission (KPK), as an institution to eradicate corruption in Indonesia, must have high credibility in handling each of these cases and problems. The presence of

the KPK in the community based on Law Number 30 of 2002 concerning the Corruption Eradication Commission aims to carry out optimal and maximum corruption eradication which previously had not been able to be handled critically by the police or prosecutors considering that corruption is an act that harms the economy, finances, and hinder the country's development (Marlee, 2021).

As a body that handles extraordinary crimes, each member must have broad knowledge and a deep understanding of corruption. The understanding of national values is no exception. It's just that, some time ago, there was a commotion that befell the KPK. Namely the holding of the National Insight Test (TWK), which 1,351 KPK members attended from March 18 - April 8, 2021, as an assessment in the process of transferring the status of KPK employees to State Civil Apparatus (ASN) based on the article 5 paragraph (4) Perkom KPK No. 1 of 2021 concerning Procedures for Transferring KPK Employees to State Civil Apparatus Employees (Ferdiansyah, 2021). The National Insight Test itself has been contained in Law Number 5 of 2014 concerning ASN. So, according to him, it is clear that the transfer of status to ASN must be preceded by following this TWK.

However, some experts consider that the Transfer of the Status of KPK Employees to State Civil Apparatus should be based on Law no. 19 of 2019 concerning the KPK, Law no. 5 of 2014 concerning ASN, and Government Regulation No. 41 of 2020 concerning the Transfer of KPK Employees to ASN. So if members do not pass, it does not mean that the member must be dismissed from the KPK.

The National Insight Test does have an important role in knowing how far a member of the Corruption Eradication Commission understands the meaning of nationality itself, but that does not mean that if he does not pass the test, he is not nationalist enough so that he is labeled a traitor and then fired without considering other factors. (Dwi Narwoko, 2021).

The National Insight Test is expected to be one of the factors in assessing a person's eligibility to be part of the government. Improving the quality of human resources is a goal in the government's strategy so that the apparatus as an element of the state apparatus is required to play an important role in its position as thinkers, planners, and implementers of national development (Gustian Suripatty, 2016).

Observing the conditions above, several things can be observed. *First*, if some parties regret the holding of this TWK. Those who disagree consider this test illegal because they look at Perkom Number 1 of 2021, which violates the provisions of laws and regulations, namely Law Number 19 of 2019 concerning the KPK and Government Regulation Number 41 of 2020 concerning the Transfer of KPK Employees to ASN. It does not mandate the selection method for transferring KPK employee status. *Second*, this test must not harm KPK employees. Because its nature is selection, there is a tendency for things to arise that can injure the rights of participants. *Third*, because this TWK is intended to test the nationalist knowledge of ASN candidates, the questions asked should not deviate from the substance of nationality. So if there is a defect in this aspect, it is feared that an act of ethics will arise.

The urgency of conducting research related to TWK is in line with *hidz al-maal* in *maqasid sharia*. (Amalia, 2016). As a country that upholds democratization, the parties that occupy and bridge the people with the welfare of the nation must be people who are awake. Because with the quality and quantity of good human resources, all facilities and infrastructure to achieve social welfare can be carried out as much as possible, especially in managing state assets. The Corruption Eradication Commission, the main commander who leads the fight against corruption, plays an important role in overseeing the management of state money so that their existence becomes the main character in addition to the role of the people in eradicating corruption that oppresses the Indonesian nation.

Based on the facts above, the authors researched the National Insight Test case at the Corruption Eradication Commission. This research is scientific research based on a new phenomenon that has recently occurred and must continue to be studied to obtain a legal analysis that can be accounted for, considering the impact of this event still leaves many question marks in the community. And the research was conducted to analyze the urgency of the National Insight Test and its correlation with the transfer of the status of the members of the Corruption Eradication Commission to the State Civil Apparatus.

## RESEARCH METHODS

The method used in this research is the normative legal method (juridical-normative). Jhonny Ibrahim (2007), normative legal research method (juridical-normative) is a research procedure that uses scientific logic from a normative perspective to find a legal truth with a point in the analysis of laws and regulations opportunities for environmental practices in the form of exploitation. In this study, a statutory approach is used by examining the legislation related to the issues being handled, and a case *approach* by examining cases related to the issues that have become final decisions. (Peter Ahmad Marzuki, 2005).

The stages in this research use 3 (three) stages, including (1) Identifying the problem, which is done by detailing the problems that arise; (2) Proposing activities to achieve specific and measurable goals, where the challenges highlighted in this proposal are so that what is contained in the proposal can be implemented; (3) Implementation of the program, if the competent authority approves the proposal, the program will be implemented by the contents of the proposal and directed at the right target.

Analyzing activities in this study use normative data with sources from laws, books, scientific journals, and news in the mass media supported by the use of *online* such as CNN Indonesia and Liputan6.com to obtain *updates* about the polemic of the National Insight Test for KPK members. Also, using Google as a support in obtaining other necessary data.

The data collection technique used is *Library Research*, which collects data from archive studies or literature studies that are relevant to the research being considered, then records and processes it as research material regarding the urgency of the National Insight Test and its correlation with the transfer of status as a member of the Eradication Commission. Corruption becomes the State Civil Apparatus. The legal material analysis technique is Content Analysis, a legal material analysis technique used to analyze and understand the text. It can also be interpreted as an investigative technique that aims to describe it objectively. (John Fiske, 2005).

The interpretation method used in this study is to use data from primary and secondary legal materials. The primary legal material used here is Law Number 19 of 2019 concerning the Second Amendment to Law Number 30 of 2002 concerning the Corruption Eradication Commission and the KPK Bill. Meanwhile, the secondary legal materials of this study were obtained through articles, journals, books, news in the mass media, and case decisions related to those discussed.

## RESULTS AND DISCUSSION

### **The Urgency and Concept of the National Insight Test in the Transfer of the Corruption Eradication Commission's Employee Status to the State Civil**

#### **Description of the National Insight Test on the Transition of the Corruption Eradication Commission to a State Civil Apparatus**

According to article 1 paragraph, 6 of Law no. 19/2019 concerning the Corruption Eradication Commission, "Employees of the Corruption Eradication Commission are the State Civil Apparatus as referred to in the legislation regarding the State civil apparatus". Meanwhile, the definition of ASN is regulated in PKPK-1-2021 in Article 1 paragraphs 5-6, which reads:

- a) State Civil Apparatus, hereinafter abbreviated as ASN, is a profession for civil servants and government employees with work agreements working for government agencies
- b) ASN employees are civil servants and government employees with work agreements appointed by staffing officers, assigned tasks in a government position, or assigned other state duties and paid according to the laws and regulations.

In the transition from KPK to ASN, it is based on the law in PKPK-1-2021 article 5 paragraph (4), which reads, "In addition to signing the statement letter as referred to in paragraph (3), to fulfill the requirements of paragraph (2) letter b an assessment of the National Insight Test is carried out by The Corruption Eradication Commission cooperates with the State Civil Service Agency". From this article, it

appears that the transition of the KPK to ASN uses the National Insight Test assessment. There are conditions for the transfer of KPK employees to ASN as regulated in Article 5, paragraph 2 of PKPK-1-2021, namely, "The transfer of the Corruption Eradication Commission's Employees to become PNS as referred to in paragraph (1) is carried out on the condition that: a) willing to become civil servants, b) loyal and adhere to Pancasila, the 1945 Constitution of the Republic of Indonesia, the Unitary State of the Republic of Indonesia, and the legitimate government, c) are not involved in organizational activities prohibited by the government and/or court decisions, d) have good integrity and morality, e) have qualifications in accordance with the requirements of the position; and f) have competence in accordance with the job requirements".

The National Insight Test Assessment used to transfer the Corruption Eradication Commission employees to become State Civil Apparatus (ASN) is different from the CPNS Nationality Insight Test used to enter the position of Civil Servants. The TWK assessment for the KPK is carried out by KPK employees who have not had ASN status within a 2-year deadline since Law no. 19/2019 was approved. So it takes a different test on KPK employees with the National Civil Servant Insight Test to measure their confidence level and involvement in the nation and state process. The National Insight Test refers to the substance in the form of national knowledge. This national knowledge includes insight into Pancasila, Bhinneka Tunggal Ika, NKRI, nationalism, the 1945 Constitution, the Indonesian language, and insight into the pillars of the state.

To maintain independence during the TWK assessment, multiple methods were used with more than one measurement standard: interviews, track partners, and written indices of religious moderation and integrity. The next method involves assessors from other agencies, such as the Psychology of the Indonesian Army, BNPT (National Agency for Countering Terrorism), BAIS, and the TNI AD Intelligence Center. The Multi-assessor method is used so that the National Insight Test runs more optimally. However, this is contrary to Article 5 paragraph (4) of PKPK No.1 of 2021, which states that in procuring the National Insight Test, the KPK cooperates with the BKN.

The urgency or importance of holding this National Insight Test for the KPK is in line with 1 paragraph 6 of Law no. 19/2019 concerning the Corruption Eradication Commission, which states that KPK employees are ASN. Before the amendment to this law, KPK employees were not ASN, so to become ASN required a benchmark in the form of a TWK assessment. ASN, TNI, and Polri are pillars of the Indonesian state, so they must understand and live up to national insight. They also have an important role in ensuring the unity and integrity of the nation, so they must know about national insight.

#### **Implementation of the National Insight Test The National**

The insight Test for the KPK was carried out on March 9, 2021, and was tested for more than 1000 KPK employees throughout the region. By the title, the National Insight Test must have a substance of national insight in the material. In the implementation of this assessment, there is a warning not to harm KPK employees for any reason other than what is late in the KPK Law according to the Constitutional Court's decision no. 70/PUU-XVIII/2019. In the renewal of the KPK law, the Corruption Eradication Commission is under the resident or state executive agency.

The facts on the field of TWK implementation, according to interviews conducted at the Mata Najwa event with the title "KPK Your History Now," state that in the implementation of the assessment, there are 6 types of assessments that must be carried out, namely written tests, essays, conducting FYD, presenting writings, etc. However, the test, which was held on March 9, 2021, only carried out written tests, essays, and interviews, so the procedure was not carried out correctly, according to Sujanarko or the former director of Inter-Commission Network Development and KPK Agencies.

Sujanarko also revealed that the psychometric test contains four important elements with two main elements, namely validity and reliability. By international standards, psychometric tests can be trusted only as much as 65%. Still, it becomes a reference for the view that KPK employees who declared not to have passed are considered terrorists and separatists. There is also no transparency about who is interviewing during the interview test and the knowledge of the KPK superiors regarding the questions

being tested. Related to this ignorance, according to Nurul Ghufon as Commissioner of the Deputy Chair of the KPK, namely that the KPK does not have the ability to test, so they cooperate with BKN and BKN, who make it.

According to Rizka Anung Nata (Kasatgas Investigator KPK), a KPK employee who did not pass the TWK, there were some strange questions in the interview. The question is, "what is your opinion about the Ustadz that you follow a Ustadz who often criticizes the government". Then there is also the question, "What do you do when you are asked by your superiors to divert or close the case being handled, and do you want to? Because you are now a civil servant." According to him, this has nothing to do with his work as an investigator at the KPK.

Another KPK employee, Ita Khoiriah (KPK PR), who did not pass the TWK, said that if she received a strange question, she reported it to Komnas Perempuan. This question concerns marital status, whether you are in a relationship, and what you do when dating religious sects. This report to Komnas Perempuan was because other female KPK employees also received more serious questions. Examples of these questions are what if you are asked to take off your hijab? Which one do you choose between Pancasila and the Qur'an? Why are you divorced, and why are you not married when your sister is already? This report is intended so that the question will not be questioned in any organization because it is outside the context of the KPK.

From the results of this assessment, it was decided that 75 KPK employees did not pass the TWK assessment. The details of the employees who did not pass this were 51 employees marked as red, 24 employees marked as yellow, and the rest marked green. Of the 75 employees who did not qualify, 20 were investigators handling large cases and were likely to uncover even greater corruption. Within the KPK, the number of investigators is around 80 people, and 20 of them did not qualify. This will reduce the effectiveness of the KPK's performance because making someone an investigator is also not easy because it takes a lot and long training.

The provision of red, yellow, and green marks to KPK employees is given by the Institution that becomes the Multi-Assessor. Giving a red mark means that employees declared not to have passed the TWK cannot be retrained. The yellow mark means employees who do not pass the TWK can still be trained again, and the green mark means that they passed the TWK assessment. Article 5 paragraph 4 PKPK No. 1 of 2021 states that in the procurement of the National Insight Test, the KPK cooperates with BKN. However, Nurul Ghufon, as Commissioner of the Deputy Chair of the KPK in this discussion in Mata Najwa, admitted that he did not know anything about what the actual benchmarks for passing and not passing KPK employees were because it was carried out by BKN and assessors so that the implementation of the TWK assessment is different from what is regulated by PKPK No. 1 of 2021.

### **The Problems of the National Insight Test for the Corruption Eradication Commission**

The national insight test (TWK), required to transfer the status of KPK employees to ASN, has not escaped controversy in the community. In this case, it is necessary to know why the KPK's national insight test has become controversial. The author has analyzed and collected several reasons why implementing the KPK's national insight test has become a public controversy and problem, which is supported by facts from experts regarding the problems in the test.

First, it should be noted that in implementing the national insight test, several questions were asked to KPK employees. However, the questions asked were judged not by the questions in the supposed national insight test. As reported from several mass media and videos entitled "KPK *Endgame*" (Effendi, 2021), some of these questions are:

1. Questions regarding the flow of KPK employees who take the national insight test;
2. Questions regarding the availability of KPK employees who are Muslim and use the hijab to remove the hijab;
3. Questions about recitations attended by KPK employees;
4. Questions regarding the activities of KPK employees on Sundays;



5. Questions regarding the opinion of KPK employees regarding LGBTQ;
6. Questions regarding the opinion of KPK employees regarding the greeting of Merry Christmas;
7. Questions regarding the opinion of KPK employees regarding *threesomes, orgy, and free sex*;
8. Questions regarding the opinion of unmarried KPK employees regarding the reasons for not being married; and
9. Questions regarding the opinion of KPK employees related to blood donation.

Second, based on the opinion of *Indonesia Corruption Watch* (ICW), researcher Kurnia Ramadhan stated that the implementation of the TWK was considered legally flawed (Nirmala, 2021). This is reinforced by the fact that the implementation of TWK for KPK employees is not by existing laws and regulations, besides that, there are no laws and regulations that specifically state that TWK is one of the requirements in transferring the status of KPK employees to ASN. The implementation of the National Insight Test is considered inappropriate or violates the following laws and regulations:

1. Law Number 19 of 2019 in Article 69C briefly states that KPK employees who have not been employees of the state civil apparatus for a maximum period of two years since this Law came into force can be appointed as an employee of the state civil apparatus by the provisions of the law. This does not apply in transferring the status of KPK employees to ASN, where KPK employees declared not to have passed the TWK are dismissed immediately.
2. Government Regulation Number 14 of 2014 relating to the Human Resources Management of the KPK, especially in Article 19 paragraph (3), states that dismissal is carried out for other reasons in the form of death, at the request of oneself, violation of discipline and code of ethics, or demands of the organization. The article shows that TWK is not required to dismiss KPK employees.
3. Constitutional Court Number 70/PPUXVIII/2019 states that the transfer of the status of a KPK employee to ASN is intended to provide legal certainty of a factual condition of a KPK employee or provide legal certainty on employee status. The transition of the status of a KPK employee to ASN must not harm the rights of a KPK employee. KPK employees for any reason. This is not done in implementing the KPK national insight test, where KPK employees who are declared not to have passed the test are dismissed immediately, thus showing that TWK is detrimental to the rights of KPK employees, related to the right to work.

Third, there are findings of maladministration in the process of transitioning the status of KPK employees to ASN employees found by the Ombudsman. Maladministration occurs in the policy formation and implementation of the TWK assessment to determine the results of the TWK assessment (Ombudsman, 2021).

1. In the policy formation process, there is maladministration in terms of procedural deviations and abuse of authority.
  - a. Deviations in procedures related to the implementation of harmonization meetings which designers, high leadership positions should attend, and administrators coordinated by the Director General of Legislation, Ministry of Law and Human Rights but attended by the Heads of Ministries or Institutions.
  - b. The abuse of authority relates to the signing of the minutes of harmonization carried out by parties who did not attend the meeting, such as the Head of the Legal Bureau of the KPK and the Director of Legislation, Translator, and Publication of Legislation, as well as the Directorate General of Legislation, Ministry of Law and Human Rights.
2. In the implementation of the TWK assessment, BKN as the responsible institution and the organizers are declared incompetent. This statement is because BKN does not have to measure instruments and assessors to conduct assessments and use the instruments owned by the Department of Psychology AD. In addition, it is known that the implementation of the TWK assessment is fully carried out by the Army Psychology Service, the Strategic Intelligence Agency, the Army Intelligence Center, the National Counterterrorism Agency, and the State Intelligence Agency.

3. In determining the TWK assessment, there are irregularities related to improper conduct and authority neglect.
  - a. The chairman of the Corruption Eradication Commission committed improperly issuing Decree No. 652 of 2021 concerning the Results of the TWK Assessment of Unqualified Employees (TMS) in the Context of Transferring KPK Employees to ASN Employees. Issuance of Decree No. 652 of 2021 is considered detrimental to the rights of KPK employees to become ASN according to the Constitutional Court Decision Number 70/PUU-XVII/2019.
  - b. The KPK as a state institution was declared to have ignored the statement by the President of the Republic of Indonesia, who had firmly stated that "the results of the TWK should be input for improvements to KPK individuals and institutions, not necessarily be used as a basis for dismissing KPK employees who do not qualify" (Sahara, 2021).
  - c. In addition, there was also abuse of authority by the Minister of PAN-RB, Minister of Law and Human Rights, Head of BKN, five KPK leaders, Chair of KASN, and Head of LAN related to the decision on the status of KPK employees by signing the Minutes of Coordination of Follow-up to TWK Assessment Results in the Context of Employee Transfer. KPK becomes an ASN employee.

Fourth, Komnas HAM found that there were 11 human rights violations committed by the KPK in the TWK assessment process (Abdi, 2021) which were also interpreted as violating the 1945 Constitution related to human rights, including :

1. Violations of the right to justice and legal certainty regulated in Article 28D paragraph (1), namely the issuance of Perkom Number 1 of 2021.
2. Violations of women's rights, namely through questions such as marital status, reasons for divorce, and memories of having sex.
3. Violation of the right not to be discriminated against as regulated in Article 28I paragraph (2), namely through questions that lead to hatred of certain ethnicities.
4. Violation of the right to freedom of religion and belief as regulated in Article 28E paragraph (1), namely by offending the belief and understanding of religion.
5. Violation of the rights to violations as regulated in Article 28D paragraph (2), namely because the dismissal of 75 employees deemed ineligible without concrete reasons or decisions from the court has permanent legal force.
6. Violation of the right to a sense of security as regulated in Article 28G paragraph (1), namely due to illegal profiling and assessors intimidating during the interview session.
7. Violation of the right to privacy as regulated in Article 28G paragraph (1) is due to the emergence of *doxing* and hoaxes targeting the private lives of certain employees.

These irregularities have tarnished the principle of *hifdz al-maal* from the perspective of *maqasid sharia*. (Amalia, 2016). Even if viewed from a straight line from a legal perspective, it seems that they are not related, but if viewed from a religious perspective, this is a common thread for the chaos that has occurred so far. People with a high spirit in fighting corruption are slowly annihilated. The wealth that should be put to good use for the nation's welfare ends up anchored in the pockets of greedy people. The eviction of fully dedicated people to eradicating corruption is a big disaster for this nation. Because if there is no good supervision, the tendency for fraud will increase. So that *Hifdz al-maal* will be difficult to realize, at the same time, *hifdz al-maal* is a derived concept from a religion that is *rahmatan lil Alamin*. Therefore, this research related to TWK needs to be studied further and continues to receive attention so that the truth can continue to be at the forefront.

## CONCLUSION AND SUGGESTION

The National Insight Test (TWK) which is used as a condition for transferring the status of KPK employees to ASN is considered very odd and there is manipulation of data from the results of the National Insight Test (TWK). What's more, the KPK members who have made major contributions in

corruption investigation cases were declared unsuccessful. Therefore, the determination of TWK to be used as a condition for the transfer to become ASN has deviated from the decision of the Constitutional Court Number 70 of 2019 which states that the transfer of the status of KPK employees to ASN must not harm existing KPK members at all. With this research, it is hoped that the irregularities that occurred in the TWK can be found and also facts and reasonable backgrounds regarding the reasons for the KPK that did not pass the TWK to be dismissed from its position as a member of the Corruption Eradication Commission.

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