International Journal of Social Science and Human Research

**ISSN (print): 2644-0679, ISSN (online): 2644-0695**

Volume 08 Issue 08 August 2025

DOI: 10.47191/ijsshr/v8-i8-102, Impact factor- 8.007

Page No: 6703-6711

# Changes in the Regulation of Corruption Offenses in the National Criminal Code: Between Hopes and Challenges for Corruption Eradication in Indonesia

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**ABSTRACT:** Legal reform is ideally aimed at producing better arrangements than the previous arrangements, as well as the regulation of corruption. The changes that occurred with the enactment of the 2023 National Criminal Code, changed the existing corruption arrangements. This study raises the formulation of problems related to what are the changes in the regulation of corruption in the National Criminal Code against the regulations in the 1999 and 2001 Corruption Laws and the implications of changes in corruption regulation for the acceleration of corruption eradication in Indonesia. This research is descriptive, using a normative juridical approach by analyzing legislation related to corruption as the main legal material, analyzed qualitatively using legal hermeunetics. Research findings show that changes in the regulation of corruption have resulted in dualism in the regulation of corruption in Indonesia, namely in the National Criminal Code as a general criminal law, then in the Corruption Law as a special criminal offense. This is contrary to the principle of "*lex specialis derogaat legi generali*". In addition, the National Criminal Code also revokes several articles in the Corruption Law, abolishes the death penalty, reduces the threat of imprisonment and fines against civil servants and state officials as perpetrators of corruption, and has not provided legal certainty. The implication is that the National Criminal Code can be said to be less useful for the eradication of corruption, because it is feared that it will cause problems in the implementation of corruption eradication and justice in the future. Without denying some of the things that have been improved in the National Criminal Code, the existing changes tend to show the lack of seriousness of the Parliament and the government in accelerating the eradication of corruption in Indonesia.

**KEYWORDS:** Changes in Regulations; Corruption Crime; National Criminal Code; Corruption Eradication Program

## I. INTRODUCTION

Discussing changes in the regulation of a legal object means discussing legal politics, one of which focuses on legal reform. Likewise, the changes that occur in the criminal act of corruption (corruption) from the regulation in Law No. 31 of 1999 and Law No. 20 of 2001 concerning Amendments to Law No. 31 of 1999 concerning Eradication of Corruption (Corruption Law) are associated with Law No. 1 of 2023 concerning the National Criminal Code (KUHP Nasional), all of which are inseparable from the politics of criminal law in the context of national criminal law reform. The politics of criminal law according to Barda Nawawi Arief, means how to choose, seek, make and formulate a good criminal legislation in accordance with the objectives to be achieved. Basically, it is a policy line to determine the extent to which the provisions of the applicable criminal law need to be changed and updated; what can be done to prevent criminal acts; how investigations, prosecutions, trials and criminal execution should be carried out. (Arief, 2005)

Corruption eradication policies in Indonesia have been enacted since the old order, new order, reform order and post-reform until now, starting with the Criminal Code, then Prt./PM/06/1957 until the birth of the Corruption Law. For more details on corruption policies in Indonesia starting from President Soekarno until the formation of the 2001 Corruption Law, it can be divided as follows (Elda, 2019):

*First*, the rule of law that explicitly regulates corruption as a crime during President Soekarno's administration is found in the Regulation of the Military Ruler of the Army and Navy Prt/PM/06/1957, dated April 9, 1957, then promulgated in the Regulation of the Central War Ruler Number: PRT/PEPERPU/013/1958 dated April 16, 1958. Followed by Government Regulation in Lieu of Law No. 24 of 1960 concerning Investigation, Prosecution and Examination of Corruption which took effect on June 9, 1960, at the same time revoking Pe No. Prt/Peperpu/013/1958.

*Second,* the era of President Soeharto's administration, all of the above provisions were revoked by enacting Law No. 3 of 1971 (1971 Corruption Law) on March 29, 1971 as a refinement of the previous provisions that were revoked. Then on January 31, 1977, followed by issuing Presidential Decree No. 12 of 1970, Presidential Instruction No. 9 of 1977, and forming the Operation Team for the Order of Authority and the Eradication of corruption in 1980 through Law No. 11 of 1980 concerning the Crime of Bribery, followed by the formation of the Corruption Eradication Team in 1982.

*Third*, during the reign of President BJ Habibie, the MPR Decree No. XI/MPR/1998 on a Government that is Clean and Free of Corruption, Collusion and Nepotism was first established, followed by the enactment of Law No. 28/1999. Then issued Presidential Decree No. 27 of 1988, and on August 6, 1999, enacted Law No. 31 of 1999 concerning the Eradication of Corruption (Corruption Law 1999). During the administration of President K.H. Abdurrahman Wahid, Presidential Decree No. 127 of 1999 on the State Officials Wealth Supervision Commission (KPKPN) was issued, followed by Presidential Decree No. 44 of 2000 on the Ombudsman Commission, and the issuance of Government Regulation No. 19 of 2000 on the Establishment of a Joint Team for Corruption Eradication (TGPTPK).

*Fourth,* during the reign of President Megawati Soekarno Putri, Law No. 30/2002 on the Corruption Eradication Commission (KPK) was enacted. This was followed by the issuance of Presidential Instruction No. 5 of 2004 on December 9, 2004 on the Acceleration of Corruption Eradication, and the following year 2005 the Corruption Eradication Team (Timtas Tipikor) was formed.

In the journey since the beginning of the formation of corruption regulations from the New Order to the 2001 Corruption Law, it is still felt that the regulation of corruption in the Indonesian criminal law system is still not optimal, because there are still some rules that are still not in accordance with the values that live in the community and are still contrary to the sense of justice and legal certainty, Therefore, in the formulation of the National Criminal Code, the idea arose from the drafters, formulators and discussants of the Draft Criminal Code, both from legal experts, the government and the Parliament itself to include the regulation of corruption in the National Criminal Code section, culminating in the passing of Law No. 1 of 2023 concerning the National Criminal Code which contains the regulation of corruption in one of its sections.

The ratification of the National Criminal Code which has been long awaited since it was drafted in 1963, after going through a long struggle and a long and complicated debate has finally materialized. The public and justice seekers have high hopes for the certainty of law enforcement and justice in the future with the birth of the National Criminal Code which is based on the philosophy and basic principles of the Indonesian nation itself, no longer relying on the criminal law created by the colonizers *Wetboek van Strafrecht*, the Criminal Code in Law No. 1 of 1946 concerning Criminal Law Regulations which is felt to be very incompatible with the values that live in Indonesian society for 78 years of Indonesian Independence. The codification of criminal law contained in the Criminal Code that has been in effect so far, according to Sudarto is only limited to applying a derivative of the *Wetboek van Strafrecht* (WvS) which was enforced in the Netherlands since 1886, under the name *Wetboek van Strafrecht voor Nederlandsch Indie* (WvSNI) which came into force in Indonesia based on *Koninklijk Besluit* (King's Order) Number 33, dated October 15, 1915 which came into force on January 1, 1918.(Sudarto, 2007)

However, the provisions contained in the National Criminal Code have not met the expectations of justice seekers in particular and the public in general, because a few moments after being promulgated, it immediately received criticism and raised the desire for a review and revision of several existing provisions, including one of the provisions governing the crime of corruption (corruption), ahead of its enactment on January 2, 2026. In connection with the revocation of several articles stipulated in Law No. 31 of 1999 and Law No. 20 of 2001 concerning Amendments to Law No. 31 of 1999 concerning the Eradication of the Crime of Corruption (Corruption Law), namely Article 2 paragraph (1) of the Corruption Law in Article 603 of the National Criminal Code, Article 3 of the Corruption Law into Article 605 of the National Criminal Code, Article 11 of the Corruption Law into Article 606 paragraph (2) and Article 13 of the Corruption Law into Article 606 paragraph (1) of the National Criminal Code, raises the pros and cons of the hope of accelerating the fight against corruption in the future, because it is considered to change the regulatory status of corruption from a special criminal law to a general criminal law, then more concerned with corruptors through the reduction of existing sanctions than the interests of the harmed community and state.(Ridwan, 2012)

The establishment of the National Criminal Code initially aimed to recodify and reunify criminal acts in one comprehensive law, by including special criminal acts that exist outside the Criminal Code into the National Criminal Code, but after being promulgated in 2023, the results were unclear because the House of Representatives (Parliament) and the government did not only reformulate, but revoked five articles in the Corruption Law into the National Criminal Code, by changing the wording of the articles and the threat of sanctions that had been previously united. This has caused rejection from various circles, because it is considered contrary to legal principles, which is considered a setback in combating corruption and does not create legal certainty.

As is known that the ratification of legal rules is expected to be clear, easy to understand and accessible to every individual in society, in accordance with the principle of legal certainty which emphasizes the importance of clarity and consistency in existing regulations, as a manifestation of one of the main objectives of the legal system, namely to instill confidence in the consistency, accuracy and clarity of existing regulations.(Fatimah, 2024)

Realizing legal certainty is one of the main objectives in the legal system. The aim is to instill confidence in the consistency, accuracy and clarity in the application of legal regulations. The principle of legal certainty emphasizes the importance of clarity and consistency in existing regulations. This includes the enactment of legal rules that are clear, easy to understand, and accessible to every individual in society.

This study aims to determine and analyze what are the changes in the regulation of corruption in the National Criminal Code against the regulation in the 1999 and 2001 Corruption Laws and the implications (impact) of changes in the regulation of corruption in the National Criminal Code for the acceleration of corruption eradication in Indonesia.

## II. RESEARCH METHOD

This research is descriptive legal research, with a normative legal approach because it conducts a study of changes in the law, by studying the Corruption Law, the Criminal Code and the National Criminal Code as well as several related legal rules as primary legal material from secondary data which will be the basis of the study. The results obtained from the secondary legal materials are grouped and systematized as needed to answer the problems examined, then analyzed qualitatively using secondary legal materials from scientific books and opinions of experts and tertiary legal materials to help get some understanding of the terms used.

## III. RESULTS AND DISCUSSION

### A. Regulation Changes Corruption Crimes in the National Criminal Code Against Regulations in the 1999 and 2001 Corruption Laws

There are five articles from the Corruption Law that were previously regulated specifically revoked, which are now regulated in the National Criminal Code, and based on Chapter XXXVII on Closing Provisions, Article 622 paragraph (4) states that the articles revoked from the Corruption Law and incorporated into the National Criminal Code are as follows: 1) Article 2 paragraph (1) of the Corruption Law is replaced with Article 603 of the National Criminal Code; 2). Article 3 of the Corruption Law is replaced with Article 604 of the National Criminal Code; 3). Article 5 of the Corruption Law is replaced with Article 605 of the National Criminal Code; 4) Article 11 of the Corruption Law is replaced by Article 606 paragraph (2) of the National Criminal Code; and 5) Article 13 of the Corruption Law is replaced by Article 606 paragraph (1) of the National Criminal Code.

For more details on the changes in the regulation of corruption in the legislation above, the author will describe them in the form of a table below.

| No. | Regulation of Corruption in the Corruption Law | Corruption Regulation in the National Criminal Code | Analysis |
|---|---|---|---|
| 1. | Article 2:<br>(1) Any person who unlawfully commits an act of enriching himself or herself or another person or a corporation that may harm the state finances or the state economy, shall be punished with life imprisonment, or imprisonment for a minimum of 4 years and a maximum of 20 years and a fine of at least IDR 200,000,000 (two hundred million rupiah) and a maximum of IDR 1,000,000,000 (1 billion). | Article 603:<br>Any person who unlawfully commits an act of enriching himself, another person, or a corporation to the detriment of state finances or the state economy, shall be punished with life imprisonment or imprisonment for a minimum of 2 (two) years and a maximum of 20 (twenty) years and a fine of at least category II (IDR 10 million) and a maximum of category VI (IDR 2 billion). | In the Corruption Law, the formulation of the article still uses the words, "which can harm state finances" and the state economy. This creates multiple interpretations about the consequences, whether a loss has occurred or there is only the potential to cause a loss, so the formulation is very broad.<br>Meanwhile, the National Criminal Code eliminates the word may, so that it is directly "which is detrimental to state finances" and the state economy. So there is more legal certainty about actions that have actually caused. |
| | (2) In the event that the criminal act of corruption as referred to in paragraph (1) is committed under certain circumstances, death penalty may be imposed.<br>Changes in Law No. 20 of 2001 to: The substance remains, the explanation of certain | Unregulated | Death penalty sanction in the National Criminal Code no |

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| | circumstances is intended to be a situation that can be used as an excuse for aggravation of punishment for perpetrators of corruption, namely if the corruption is committed against funds intended for overcoming a state of danger, national natural disasters, overcoming the consequences of widespread social unrest, overcoming widespread economic crises and monetary and repetition of criminal offense. | | longer exists (lighter sanction). |
| 2. | Article 3 :<br>Any person who with the aim of benefiting himself or herself or another person or a corporation, abuses the authority, opportunity or means available to him or her because of his or her position or position which may harm the state finances or the state economy, shall be punished with life imprisonment or imprisonment for a minimum of 1 (one) year and a maximum of 20 (twenty) years and a fine of at least IDR 50,000,000.00 (fifty million rupiahs) and a maximum of IDR 1,000,000,000 (IDR 1 billion). | Article 604:<br>Any person who with the aim of benefiting himself, another person, or a corporation abuses the authority, opportunity or means available to him because of his position or position to the detriment of state finances and the state economy, shall be punished with life imprisonment or imprisonment for a minimum of 2 (two) years and a maximum of 20 (twenty) years and a fine of at least category II (IDR 10 Million) and a maximum of category VI (IDR 2 Billion). | The formulation of the content of the article is the same, there is an increase in the minimum sanction from 1 year in the Corruption Law to 2 years in the National Criminal Code. However, there is a decrease in the minimum sanction of fines, from at least IDR 50,000,000 (fifty million rupiah) to IDR 10,000,000 (Ten Million Rupiah) Category II and the addition of a maximum fine of IDR 1,000,000,000 (One Billion) to Rp 2,000,000,000 (Two Billion). |
| 3. | Article 5 (Amendment of Law 20/2001:<br>(1) Shall be punished with imprisonment of not less than 1 (one) year and not more than 5 (five) years and/or a fine of not less than IDR 50,000,000.00 (fifty million rupiah) and not more than IDR 250,000,000.00 (two hundred and fifty million rupiah), any person who:<br>a. Gives or promises something to a civil servant or state organizer with the intention that the civil servant or state organizer does or does not do something in his/her position that is contrary to his/her obligations; or<br>b. Gives something to a public servant or state organizer because of or in relation to something that is contrary to his/her obligation, done or not done in his/her position. | Article 605 :<br>(1) Shall be punished with imprisonment of not less than 1 (one) year and not more than 5 (five) years and a fine of not less than category III (IDR 50 million) and not more than category V (IDR 500 million), any person who:<br>1. Gives or promises something to a civil servant or state organizer with the intention that the civil servant or state organizer does or does not do something in his/her position, which is contrary to his/her obligations; or<br>2. Gives something to a | The formulation of the Article is generally the same, which changes the maximum fine from IDR 250,000,000 to a category V fine (IDR 500 million). |

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| | | civil servant or state organizer because of or in connection with something that is contrary to the obligation, which is done or not done in his/her position. | |
| | (2) For civil servants or state administrators who receive gifts or promises as referred to in paragraph (1) letter a or letter b, shall be punished with the same punishment as referred to in paragraph (1). | (2) A public servant or state official who accepts a gift or promise as referred to in paragraph (1), shall be punished with imprisonment for a minimum of 1 (one) year and a maximum of 6 (six) years and a fine of at least category III (IDR 50 million) and a maximum of category V (IDR 500 million). | Changes in the maximum criminal sanction in paragraph (2) from 5 years to 6 years. Fines from IDR 250,000,000 (Two hundred and Fifty Million Rupiah) to Category V fines (IDR 500 Million). |
| 4. | Article 11<br>Shall be punished with imprisonment for a minimum of 1 (one) year and a maximum of 5 (five) years and/or a fine of at least IDR 50,000,000.00 (fifty million rupiahs) and a maximum of IDR 250,000,000.00 (two hundred and fifty million rupiahs), a civil servant or state official who accepts a gift or promise knowing or reasonably suspecting that the gift or promise is given because of power or authority related to his/her position, or that according to the mind of the person giving the gift or promise is related to his/her position. | Article 606 paragraph (1):<br>Civil servants or state administrators who accept gifts or promises as referred to in paragraph (10) shall be punished with a maximum imprisonment of 4 (four) years and a maximum fine of category IV (IDR 200 million). | There is a change in the wording of Article 11 starting from the words "whereas known or reasonably suspected and so on are deleted in Article 606 paragraph (2) of the National Criminal Code.<br>There is a decrease in sanctions by eliminating the minimum imprisonment and fine, as well as a decrease in the maximum imprisonment from 5 years to 4 years and the maximum fine from IDR 250,000,000 (Two Hundred Fifty Million Rupiah) to a category IV fine (IDR 200 Million). |
| 5. | Article 13<br>Any person who gives a gift or promise to a public servant in view of the power or authority attached to his/her position or position, or which the giver of the gift or promise considers to be attached to such position or position, shall be punished by imprisonment for a term not exceeding 3 (three) years and or a fine not exceeding IDR 150,000,000 (one hundred and fifty million rupiahs). | Article 606 paragraph (1):<br>Any person who gives a gift or promise to a civil servant or state organizer in view of the power or authority attached to his/her position or position or by the giver of the gift or promise is considered to be attached to such position or position, shall be punished with a maximum | There is an increase in the setting of maximum fines from IDR 150,000,000 (One Hundred Fifty Million Rupiah) to a maximum fine of Category IV (IDR 200 Million). |

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|---|---|---|---|
| | | imprisonment of 3 (three) years and a maximum fine of category IV (IDR 200 million). | |

***Source:*** Author's analysis of the Articles of Law 31 of 1999 and its Amendments in Law No. 20 of 2001 and Law No. 1 of 2023

Based on the table above, there are several changes in the National Criminal Code against the Corruption Law, namely:

a. Changes in the wording of the article in the form of deletion of the words " can" (Article 2 paragraph (1) of the Corruption Law) in Article 603 paragraph (1) of the National Criminal Code, further emphasizing the element of loss of state finances and the state economy, so that it no longer causes differences in interpretation among law enforcers. In the National Criminal Code, there is no more potential with the word "may", but instead it becomes "which is detrimental to state finances and the state economy".
b. The elimination of the death penalty in Article 2 paragraph (2) of the Corruption Law is no longer recognized in Article 2 of the National Criminal Code, meaning that the threat of sanctions in the National Criminal Code is lighter than the Corruption Law, which recognizes the death penalty as a sanction.
c. Changes in sanctions, both imprisonment and fines in Article 3 of the Corruption Law in the form of aggravation of the maximum sanction from 5 years to 6 years and the addition of minimum sanctions and a decrease in the minimum sanction of fines in Article 3 of the National Criminal Code. This means that there is an aggravation of the threat of sanctions.
d. Amendments to the wording of Article 11 starting from the words "whereas known or reasonably suspected" and so on are deleted in Article 606 paragraph (2) of the National Criminal Code. Thus, the article becomes simpler and does not cause multiple interpretations in the future. In addition, there is a decrease in sanctions by eliminating the minimum imprisonment and fine, as well as a decrease in the maximum imprisonment from 5 years to 4 years and the maximum fine from IDR 250,000,000 (Two Hundred Fifty Million Rupiah) to a category IV fine (IDR 200 Million). This is very obvious, because the existing arrangements in the National Criminal Code are more protective of civil servants and state administrators, in addition to reducing the severity of sanctions, also eliminating the basis for sanctions in special criminal offenses that use minimum criminal threats, returned to the criminal system in general criminal law, only regulating the maximum threat of sanctions. But strangely, why is it only in this Article, while the other Articles starting from Articles 603, 604 and 605 use minimal criminal sanctions, of course this raises a big question mark among the public and criminal law observers, why in Article 606 the threat of minimal criminal sanctions is lost.
e. Increasing the maximum fine sanction from IDR 150,000,000 (One Hundred Fifty Million Rupiah) in article 11 of the Corruption Law to a maximum fine of Category IV (IDR 200 Million) in the National Criminal Code.

This regulatory change not only creates legal uncertainty about the change in the status of corruption from a special criminal offense to a general criminal offense, because what has been changed is only limited to the articles described above, while other articles in the Corruption Law are not revoked and are still valid. This means that there will be dualism in the regulation of corruption in Indonesia. In the National Criminal Code, it is incorporated into a general criminal offense, while the rest of the regulation is still regulated as a special criminal offense, both material provisions and formal criminal provisions, which still have several exceptions from the general criminal procedure law. Will this not cause legal problems in its application?

In another issue, the seriousness of the House of Representatives and the government in accelerating the eradication of corruption through this regulatory change is clearly seen from the very favorable arrangements for civil servants and state officials who commit corruption as stipulated in Article 606 paragraph (2) of the National Criminal Code, by reducing the threat of imprisonment from 5 years to 4 years and eliminating the minimum criminal threat, only regulates the maximum criminal penalty while in other articles the minimum criminal penalty remains, as well as the reduction of other threats contained in other articles, culminating in removing the death penalty for corruption committed in certain circumstances such as in disasters and others, this has caused disappointment as well as challenges for observers, experts, and corruption activists who want to accelerate the eradication of corruption on earth. This does not rule out the positive things from the changes in the National Criminal Code with several changes in words and sentences that have been considered too broad, such as the use of the word "that can harm" has now been eliminated and several other sentences and the maximum threat of sanctions against several existing articles.

**B. Implications of Changes to the Regulation of Corruption Crimes in the National Criminal Code on the Acceleration of Corruption Eradication in Indonesia**

In general, the changes to the regulation of corruption by being included in Chapter XXXV Special Crimes, Part Three, Corruption, Articles 603-606 of the National Criminal Code, on the one hand, there is a shift in the form of regulation of

corruption from a special crime, which previously became a dualism of regulation, namely part of a general crime regulated in the National Criminal Code along the revoked and self-regulated articles, on the other hand, the regulation of corruption as a special crime still applies outside the revoked articles in the National Criminal Code, such as the Corruption Law, the Corruption Eradication Commission Law, the Corruption Court Law and other provisions related to corruption. This creates an oddity in the current Indonesian criminal law system. According to the author, corruption is now divided into two arrangements, some of which are in the general criminal law (National Criminal Code) while other arrangements regarding the type or form, elements, law enforcement issues such as investigation, prosecution and examination in court are regulated in special criminal acts. Whether this kind of arrangement will not cause problems with various different interpretations from each law enforcer will be further away from the expected legal certainty and justice.

Normatively, legal certainty exists when a rule that is made and passed regulates clearly and logically. Clear means that it will not cause multiple interpretations (doubts) in its application, while logical means that there is no conflict between a system of norms and other norms, so as not to cause conflicts / clashes between existing norms.(Tuela et al., 2023) Legal certainty requires clarity and accuracy in the regulations made by lawmakers so that differences in interpretation do not arise among law enforcement officials in their implementation.

At the time of the discussion of the Draft Criminal Code, the Government was advised to exclude corruption offenses and other special offenses from the Draft Criminal Code, so that the Government and the House of Representatives discussed transparently and accountably by involving interested parties and accelerating the discussion of the Criminal Code to strengthen corruption eradication and the authority of the Corruption Eradication Commission (KPK).(Syaputra, 2015), (Indriati et al., 2025) In fact, at the time of enactment, the regulation of corruption was not issued and remained in the National Criminal Code. This is consistent with the scope of criminal law reform, including: a) substance, structure and legal culture (a legal system), b) as a functional system including material, formal criminal law and the implementation or operation of law in society, c) as a substantive punishment system both general and special crimes regulated in and outside the Criminal Code, and d) elements of punishment including prohibited acts, guilt and punishment.(Amrani, 2019), (Isnawati, 2021), (Ariyanti and Muhammad Ramadhan, 2022)

In relation to this, according to Situmorang, et al., changes in the regulation of corruption show the unclear political direction of corruption eradication, both in terms of regulation and sanctions, causing ambiguity in the regulation of corruption, because several articles that have been special criminal offenses have been transferred to the National Criminal Code as general criminal law, as well as several articles that have reduced sanctions.(Situmorang et al., 2025)

This is not in line with the concept of the relationship between general criminal law and the principle of "lex specialis derogaat legi generalis" in criminal law, which means that special criminal rules override general rules. If there are two rules of law (Laws) regulating the same issue, where one is more specific than the other, then the more specific (specific) applies.(Agustina, 2015), (Siburian et al., 2023) If it is related to article 622 paragraph (1) letter I of the National Criminal Code, then the Corruption Law is a special rule compared to the National Criminal Code. The problem is whether the corruption provisions in the National Criminal Code will be able to be overridden by the Corruption Law. (Erizka Permatasari, 2024)

Ideally, through the regulation of sentencing guidelines contained in the National Criminal Code, it is hoped that later sentencing decisions by judges will be better and provide more legal certainty, because they are based on clear and explicit considerations contained in the National Criminal Code, so that they are more beneficial for the community, law enforcers and perpetrators and victims. in addition, it does not cause unrest or excessive suspicion of law enforcement, and public confidence in the world of justice in Indonesia, and reflects more justice.(Faisal et al., 2023), (Latifah and Hairi, 2025) With arrangements that do not reflect justice for all perpetrators and sanctions that are not in accordance with the provisions of punishment in special crimes such as in Article 606 paragraph (2) which eliminates the threat of imprisonment and minimum fines, as well as the reduction of criminal sanctions from 5 years to 4 years for civil servants and state administrators, the ideal punishment will not be achieved.

This is reinforced by Fathurrahman, that by including the regulation of corruption in the National Criminal Code has graded the spirit of combating corruption, especially regarding the concept of aggravation and criteria for sanctions, it does not strengthen the Corruption Law, but rather weakens the deterrent effect for perpetrators of corruption in Indonesia and also shows disharmonization with the 2005-2025 National Long-Term Development Plan (RPJP).(Rahman, 2025) It is further emphasized by Hutama, *et al*., that in Law No. 17 of 2007 concerning the National Long-Term Development Plan, that legal development is part of the overall development process of the Indonesian nation, carried out gradually to increase the productivity and prosperity of the population in the life of the nation and state.(Hutama and Gunawati, 2024) Thus, it can be seen that the changes in the regulation of corruption are not in line with the objectives of the RPJM.

The shift in the concept of corruption punishment from the absolute theory that punishment is retributive to the theory of purpose (relative), then retaliatory punishment is considered irrelevant and must be abandoned because it will only lead to the problem of overcrowding. Therefore, the National Criminal Code in the concept of punishment is more based on purpose, no

longer based on retaliation alone but also considers the approach to society and prevention as stipulated in Article 51 of the National Criminal Code.(Luthfia and Erwanti, 2026), (Yusuf, 2021) This can be understood and accepted because it is more useful than just for retaliation, which is unacceptable if there is differentiated treatment in sanctioning the perpetrator, why for the perpetrators of civil servants and state administrators the sanctions are lightened and differentiated by not including the threat of minimum sanctions for both imprisonment and fines in Article 606 paragraph (2) of the National Criminal Code which changes the sanctions in Article 11 of the Corruption Law.

## CONCLUSIONS

Several changes to the regulation of corruption in the National Criminal Code against the Corruption Law in addition to changing the words and sentences in the revoked articles and withdrawn into the National Criminal Code are feared to cause multiple interpretations in law enforcement in the future, such as in Article 603 against Article 2 paragraph (2) of the Corruption Law and Article 606 paragraph (2) against article 11 of the Corruption Law. Regulatory changes show more selective and less seriousness of the DPR and the Government towards the commitment to accelerate the fight against corruption. This can be seen with the removal of the death penalty contained in Article 2 paragraph (2) of the Corruption Law in the National Criminal Code, then several additions and reductions in criminal sanctions and fines. More clearly, with the reduction of sanctions against the perpetrators of civil servants and state administrators as well as eliminating the minimum criminal threats to the threats of imprisonment and fines for them in Article 606 paragraph (2) of the National Criminal Code which changes the sanctions in Article 11 of the Corruption Law. The decrease of fine sanction is found in Article 604 against the sanction of Article 3 of the Corruption Law, the sanction in Article 605 of the National Criminal Code against Article 5 of the Corruption Law and the sanction in Article 606 paragraph (1) against Article 13 of the Corruption Law. Meanwhile, the decrease of imprisonment sanction is seen in Article 604 of the National Criminal Code against Article 3 of the Corruption Law, Article 606 paragraph (1) against the sanction of Article 11 by eliminating the minimum threat of imprisonment and fine, as well as decreasing the maximum threat of imprisonment. The aggravation of sanctions is found in Article 604 of the National Criminal Code against the threat of fines in Article 3 of the Corruption Law, Article 605 paragraph (2) against the sanctions in Article 5 paragraph (2) of the Corruption Law, and Article 606 paragraph (1) against the sanctions in Article 13.

Although there are improvements in the National Criminal Code, the implications of the various existing arrangements related to corruption crimes, of course, make the arrangements far from legal certainty, making them less useful for the eradication of corruption. Therefore, it is feared that these arrangements in the future will cause problems in the implementation of corruption eradication. Especially regarding the sense of justice for the public and other perpetrators of corruption outside civil servants and state officials. Where in this case, the perpetrators of corruption who are civil servants or state administrators benefit more than other perpetrators.

## REFERENCES

1) Agustina, S., 2015. Implementasi Asas Lex Specialis Derogat Legi Generali Dalam Sistem Peradilan Pidana. Masal. Huk. 44, 503–510. https://doi.org/10.14710/mmh.44.4.2015.503-510
2) Amrani, H., 2019. Politik Pembaharuan Hukum Pidana. UII Press, Yogyakarta.
3) Arief, B.N., 2005. Pembaharuan Hukum Pidana dalam Perspektif Perbandingan. PT Citra Aditya Bakti, Bandung.
4) Ariyanti, D.O., Muhammad Ramadhan, 2022. Pedoman Pemidanaan Dalam Konteks Pembaharuan Hukum Pidana Indonesia di Masa Mendatang. Kaji. Huk. 7, 92–102. https://doi.org/10.37159/kh.v7i1.7
5) Elda, E., 2019. Arah Kebijakan Pemberantasan Tindak Pidana Korupsi Di Indonesia:Kajian Pasca Perubahan Undang-Undang Komisi Pemberantasan Korupsi. Lex LATA 1, 153–170. https://doi.org/10.28946/lexl.v1i2.477
6) Erizka Permatasari, 2024. Penjelasan Asas Lex Superior Derogat Legi Inferiori dan Bedanya dengan Lex Specialis [WWW Document]. URL https://www.hukumonline.com/klinik/a/penjelasan-asas-ilex-superior-derogat-legi-inferiori-i-dan-bedanya-dengan-ilex-specialis-i-lt51375eaee3c7d/ (accessed 9.2.24).
7) Faisal, Rahayu, S., Rahayu, D.P., Darmawan, A., Yanto, A., 2023. Progressive Consideration of Judges in Deciding Sentencing Under Indonesia New Criminal Code. Jambe Law J. 6, 85–102. https://doi.org/10.22437/jlj.6.1.85-102
8) Fatimah, D.N., 2024. Pengantar Ilmu Hukum di Indonesia. Nafal Publishing, Kota Metro:
9) Hutama, W.N., Gunawati, D., 2024. Implementation of the Confiscation and Auction of Assets Convicted in the Jiwasraya Corruption Case to Recover State Losses. Int. J. Multicult. Multireligious Underst. 11, 470–477.
10) Indriati, T., Rizkiah, N., Mazhar, M.N.M., 2025. Recodification of corruption crime provisions in the national criminal code. Integritas J. Antikorupsi 10, 239–248. https://doi.org/10.32697/integritas.v10i2.1152
11) Isnawati, M., 2021. The urgence of Indonesian Penal Code ( KUHP ) reform to realize. Borobudur Law Rev. 3, 73–83.
12) Latifah, M., Hairi, P.J., 2025. Pengaturan Pedoman Pemidanaan KUHP Baru dan Implikasinya pada Putusan Hakim. Negara Huk. Membangun Huk. untuk Keadilan dan Kesejaht. 15, 25–51. https://doi.org/10.22212/jnh.v15i2.4573

13) Luthfia, F., Erwanti, P., 2026. Pergeseran Konsep Pemidanaan Pasca Pengesahan Undang-Undang Nomor 1 Tahun 2023 dan Dampaknya pada Penegakan Hukum Korupsi. Recidive 13, 155–165.
14) Rahman, F., 2025. Kontradiksi Pengaturan Tindak Pidana Korupsi dalam KUHP Baru dengan Rencana Pembangunan Jangka Panjang Nasional Tahun 2005-2025. Bhirawa Law J. 5, 39–53.
15) Ridwan, 2012. Kebijakan Formulasi Hukum Pidana Dalam Penanggulangan Tindak Pidana Korupsi. Law Reform 8, 80. https://doi.org/10.14710/lr.v8i1.12418
16) Siburian, H.K., Nugroho, E.S., Manullang, S.O., 2023. Comparative Analysis of Corruption Criminal Regulations Between the New Criminal Law and The Corruption Act 5, 535–544.
17) Situmorang, N.E., Asphianto, A., Universitas, H., Ageng, S., 2025. Pengaturan Tindak Pidana Korupsi Dalam Undang-Undang Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana Serta Pengaruhnya Terhadap Kepastian Hukum 3, 1–15.
18) Sudarto, 2007. Hukum Dan Hukum Pidana, 5th ed. PT Alumni, Bandung.
19) Syaputra, 2015. Implications of Corruption Offense Formulation in Renewal Policies of the Criminal Code Syaputra. Fiat Justisia J. Ilmu Huk. 9, 353–364.
20) Tuela, R.F., Antow, D.T., Sondakh, M., 2023. Praktek Penegakan Hukum Yang Terkait Dengan Ujaran Kebencian Di Indonesia. Lex Priv. XI, 1–13.
21) Yusuf, H., 2021. Policy And Criminal Law Enforcement Against The Perpetrators S Of Corruption: "Reorientation Objective Of Condemnation." Int. J. Reglem. Soc. (IJRS 2, 194–202. https://doi.org/10.55357/ijrs.v2i3.191