# CORRUPTION CRIMES IN THE 2023 INDONESIAN CRIMINAL CODE VS. THE ANTI-CORRUPTION LAWS: A COMPARATIVE LEGAL ANALYSIS

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**Abstract**

Corruption Crime (Tindak Pidana Korupsi or Tipikor) poses serious threats to state finances, governance, and public trust, prompting its long-standing classification in Indonesia as an extraordinary crime regulated under Law No. 31 of 1999 in conjunction with Law No. 20 of 2001. The enactment of Law No. 1 of 2023 concerning the Indonesian Criminal Code (KUHP), however, marks a significant shift in the regulatory framework of corruption offenses, including changes in criminal sanctions and the integration of corruption into the general criminal law system. This transformation raises critical concerns regarding the future effectiveness of anti-corruption law enforcement and the consistency of criminal policy. This study aims to compare the regulation of corruption crimes under the 2023 Criminal Code and the Anti-Corruption Law, focusing on offense formulation and sanctioning patterns. Using a normative juridical method with a comparative legal approach, this research analyzes the implications of the regulatory shift for anti-corruption strategies in Indonesia. The findings highlight the need for careful legal harmonization to ensure that the reform of the Criminal Code does not undermine the deterrent function and integrity of corruption law enforcement.

**Keywords:** Legal Comparison; Indonesian Criminal Code 2023; Anti-Corruption Law; Corruption Crime; Criminal Sanctions

## I. INTRODUCTION

Corruption crimes (Tipikor) are a crucial issue in Indonesia as they cause losses to state finances, undermine public trust, create social inequality, and hinder public access to essential services. In the political context, corruption erodes governmental integrity, reduces the legitimacy of state institutions, and has the potential to cause instability. From an economic perspective, corruption hampers development, lowers infrastructure quality, and fosters an unhealthy business climate.[1]

Corruption is classified as an extraordinary crime due to its extensive impact on citizens' fundamental rights, including education, health, and welfare. Consequently, poverty and public dissatisfaction increase, potentially triggering social or political crises.

[1] Ade Mahmud, Urgensi Penegakan Hukum Progresif Untuk Mengembalikan Kerugian Negara Dalam Tindak Pidana Korupsi, Jurnal Masalah-Masalah Hukum, Jilid 49 No.3, Juli 2020, Fakultas Hukum Universitas Islam Bandung, hlm. 256.

To address this, Indonesia has established special regulations, including Law No. 31 of 1999 in conjunction with Law No. 20 of 2001 on the Eradication of Corruption Crimes, which broadens the definition of corruption and imposes heavier penalties to create a deterrent effect.[2]

The Anti-Corruption Law covers various offenses such as bribery, gratuities, embezzlement of office, extortion, and conflicts of interest. In addition to imprisonment and heavy fines, courts may impose additional penalties such as revocation of rights, restitution of state losses, and even the death penalty in certain cases. Furthermore, the Corruption Eradication Commission (KPK) was established with special authority to handle major cases, including the power to conduct wiretapping and asset freezing without lengthy bureaucracy.[3]

Indonesia also ratified the United Nations Convention Against Corruption (UNCAC) in 2006 to strengthen international cooperation, particularly in addressing transnational corruption and asset recovery. However, with the enactment of the new Criminal Code (KUHP) through Law No. 1 of 2023, concerns have emerged as corruption is no longer regarded as an extraordinary crime. This is feared to diminish the urgency of its handling and blur the special characteristics previously regulated under the Anti-Corruption Law.[4]

Article 622 paragraph (1) letter l of the new Criminal Code affirms the change in corruption's status from an extraordinary crime to an ordinary crime. In addition, Articles 603–606 of the Criminal Code regulate material and formal offenses with fundamental differences compared to the Anti-Corruption Law. The new Criminal Code tends to require proof of concrete consequences, whereas the Anti-Corruption Law emphasizes violations of norms or procedures without the necessity of actual loss.[5]

Other differences include the removal of special provisions, the reduction of minimum penalties, and the elimination of additional punishment in the form of monetary payments. These changes raise concerns about weakening the commitment to eradicating corruption, especially as Indonesia's Corruption Perception Index continues to decline from a score of 38 (2021) to 34 (2022),

[2] Indra Gunawan, Yohanes Bahari, Penyebab Tingginya Kasus Korupsi Dana Desa Dalam Sudut Pandang Teori Struktural Fungsional Talcot Parson (Study Literatur), Journal of Human And Education, Volume 4, Nomor 4, Tahun2024, Fakultas Keguruan dan Ilmu Pendidikan, Universitas Tanjungpura, hlm. 3.

[3] Ukhtia Warahmah, Muhibuddin, Akmalia Nazila, Khusnul Khatimah, Tanggung Jawab Sebagai Nilai Penting Dalam Pendidikan Anti Korupsi, Jurnal Seumubeuet Pendidikan Islam, Volume 30, Nomor 06, 2023, Student Institut Agama Islam (IAI) Al-Aziziyah Samalanga Bireun, hlm. 76.

[4] Lamijan, Mohamad Tohari, Dampak Korupsi Terhadap Pembangunan Ekonomi Dan Pembangunan Politik, Jurnal Penelitian Indonesia, Volume 3 Nomor 02, 2022, Universitas Darul Ulum Islamic Centre Sudirman GUPPI, hlm 41.

[5] https://bphn.go.id/publikasi/berita/2023031303314411/kuhp-baru-posisikan-delik-korupsi-bukan-lagi-extraordinary-crime-bagaimana-nasib-pemberantasan-korupsi/ diakases tanggal 16 September 2024, Jam 14.40 Wib.

and has since stagnated—far behind ASEAN countries such as Singapore, Malaysia, and Vietnam.[6]

The loss of extraordinary status may slow law enforcement, reduce deterrence, and damage public perception of the government's seriousness in combating corruption. Without special mechanisms as in the Anti-Corruption Law, inter-agency coordination may be hindered, while the political and complex nature of corruption requires different handling strategies from ordinary crimes.[7]

In practice, corruption crime investigators from the KPK, Police, and Prosecutor's Office have a special obligation to trace financial flows, locate assets, and recover state losses. This approach demands transparency, accountability, and high integrity. Based on this background, this research adopts the title: "Comparative Study of the Indonesian Criminal Code and Law Number 31 of 1999 on the Eradication of Corruption Crimes as Amended and Supplemented by Law Number 20 of 2001."

This study compares the regulation of corruption crimes in the Anti-Corruption Law and the 2023 Criminal Code, focusing on differences in offense categorization, sanctions, and implications for enforcement

## II. RESEARCH METHODS

The type of research used in this study is normative legal research, employing the method of identifying the development of the Corruption Crime Law, general and special legal principles, as well as a comparative analysis between the National Criminal Code (KUHP) and the Anti-Corruption Law,[8] Comparative legal research is conducted by comparing the laws of one country with the laws of one or more other countries on the same subject matter.[9]

The purpose of this comparative method is to identify similarities and differences among the laws being compared. The comparison may be carried out on each element individually or cumulatively on all elements.[10] Through the comparative law method, research can be conducted on various legal sub-systems applicable in different societies.[11]

In this context, the comparison focuses specifically on Law Number 1 of 2023 concerning the Indonesian Criminal Code and Law Number 31 of 1999 on the Eradication of

[6] https://aclc.kpk.go.id/aksi-informasi/Eksplorasi/20230209-ini-alasan-mengapa-korupsi-disebut-kejahatan-luar-biasa, diakases tanggal 16 September 2024, Jam 14.14 Wib.

[7] https://www.hukumonline.com/berita/a/sekilas-ketentuan-kuhp-baru-mengenai-korupsi-dalam-dunia-usaha-dan-korporasi-lt657bc4f40e8a6/ diakases tanggal 16 September 2024, Jam 14.30 Wib.

[8] I Made Pasek Diantha dan Ni Ketut Supasti Dharmawan, *Metode Penelitian Hukum dan Penulisan Disertasi,* Swasta Nulus, Denpasar, 2018, hlm. 3.

[9] Soerjono Soekanto & Sri Mamudji, *Penelitian Hukum Normatif Suatu Tinjauan Singkat,* Rajawali Pers, Jakarta, 2014, hlm. 14.

[10] Dyah Ochtorina susanti dan A'an Efendi, *Penelitian Hukum* (*legal research*), Sinar Grafika, Jakarta, 2015, hlm. 131.

[11] Suratman dan H Philips Dillah, *Metode Penelitian Hukum,* Alfabeta, Bandung, 2014, hlm. 65.

Corruption Crimes as amended and supplemented by Law Number 20 of 2001 on the Eradication of Corruption Crimes.

This research is descriptive in nature, aiming to clearly and comprehensively describe the application of provisions on Corruption Crimes (Tipikor) in the new Criminal Code with regard to the special characteristics and recognition of corruption as an extraordinary crime.[12]

## III. RESEARCH RESULTS AND DISCUSSION

### 3.1 Recognition of the Special Nature of Corruption Crimes in the Indonesian Criminal Code Compared to the Anti-Corruption Law

Corruption is a legal issue that has always been a primary concern due to its extensive impact and the harm it causes to many parties, particularly the state and society. The term "corruption" itself has diverse linguistic roots, originating from several foreign languages. It derives from the Latin word corruptio, meaning damage or decay. In English, it is known as corruption or corrupt; in French as corruption; and in Dutch as corruptie.

According to Hamzah, the word "korupsi" used in the Indonesian language comes from the Dutch term corruptie. This indicates that the concept of corruption has long been recognized and has attracted attention in various cultures and legal systems worldwide, including Indonesia, which initially inherited several legal terms and concepts from the Dutch colonial period.

In the legal field, the definition of corruption is also explained specifically. According to Black's Law Dictionary, corruption is defined as a wrongful and dishonest intent to evade the prohibitions of law. This definition emphasizes the element of intent and unlawful actions committed with the purpose of obtaining an illicit advantage. More specifically, corruption is understood as the act of an official or a person in a fiduciary position who unlawfully and unjustly uses their position to obtain personal gain or benefits for others, even when such actions are contrary to duties or the rights of others. This definition underscores that corruption not only harms the state but also violates principles of justice and good governance in both government and organizational contexts.[13]

The development of anti-corruption law in Indonesia began during the Dutch colonial period through the Criminal Code (Wetboek van Strafrecht), which contained provisions on crimes related to public office (Articles 415–435). These provisions served to protect the integrity of the colonial bureaucracy in order to safeguard power, rather than to protect public interests. After independence, these rules remained in effect through the principle

[12] Soerjono Soekanto, *Pengantar Penelitian Hukum*, 1981, UI Press, Jakarta, hlm. 43.

[13] Ibid.

of conversion, which resulted in corruption being perceived more as an administrative violation than as an act harmful to society.[14]

During the New Order era, Law Number 3 of 1971 was enacted in response to the limitations of the colonial Criminal Code in addressing increasingly complex forms of corruption. This law imposed heavier penalties and covered criminal acts in greater specificity. Philosophically, it reflected the ideal of building a clean government; however, in practice, it remained weak due to the lack of political commitment, which allowed corruption to spread even more extensively.[15]

The 1998 Reform era led to the enactment of Law Number 28 of 1999, which emphasized the prevention of Corruption, Collusion, and Nepotism (KKN), promoted transparency and accountability, and facilitated the establishment of oversight institutions such as the Audit Commission, the Business Competition Supervisory Commission (KPPU), and the Ombudsman. This regulation signaled a shift in the purpose of anti-corruption law from mere enforcement toward fostering ethical governance, in line with public demands for an open and participatory government.

The enactment of Law Number 30 of 2002 concerning the Corruption Eradication Commission (KPK), later revised by Law Number 19 of 2019, marked the institutional strengthening of anti-corruption efforts through the establishment of an independent body vested with the authority to conduct investigation, prosecution, and prevention. Although the 2019 revision was criticized for allegedly weakening the KPK, the institution remains a symbol of public hope for a clean government.

The most recent era is marked by the enactment of the national Criminal Code through Law Number 1 of 2023, which codifies Indonesia's criminal law based on Pancasila and restorative justice. While the Anti-Corruption Law remains in force as lex specialis, the new Criminal Code reinforces general criminal law principles relevant to corruption eradication, while also reflecting the consolidation of national law. This trajectory demonstrates the evolution of anti-corruption law from the colonial regulation of official positions to an integrated system combining enforcement, prevention, and the cultivation of integrity.

Changes in Indonesia's anti-corruption laws reflect the application of legal values—particularly truth—as the fundamental basis for upholding justice. During the colonial period, the Criminal Code regarded corruption

[14] Saputra, Ewaprilyandi Fahmi, and Hery Firmansyah. "Politik Hukum dalam Upaya Pemberantasan Tindak Pidana Korupsi melalui Pembaharuan Pengaturan Tindak Pidana Korupsi sebagai Extraordinary Crime dalam KUHP Nasional." UNES Law Review 6.2 (2023): hlm.4493

[15] Puanandini, Dewi Asri, Danu Supriatna, and Fahmi Idris. "Tindak Pidana Korupsi Sebagai Kejahatan Luar Biasa Serta Penegakan Hukum Terhadap Tindak Pidana Korupsi Ditinjau Dari Perspektif Dampak Serta Upaya Pemberantasan." Public Sphere: Jurnal Sosial Politik, Pemerintahan dan Hukum 2.3 (2023), hlm. 334

merely as an administrative breach of office. After independence, through Law No. 3 of 1971, the focus shifted to uncovering losses to the state. This culminated in the Reform Era with Law No. 31 of 1999 in conjunction with Law No. 20 of 2001, where the definition of corruption was broadened and substantive truth was upheld through the recognition that corruption harms the people, the state, and the government. The establishment of the KPK became a symbol of the commitment to uphold truth independently and objectively.

The principle of justice in corruption eradication is interpreted both substantively—where each perpetrator is punished proportionately to the impact of their actions—and procedurally—where legal processes are conducted fairly and free from political interference. The expansion of corruption offenses under Law No. 31 of 1999 in conjunction with Law No. 20 of 2001 reflects substantive justice, while the establishment of the KPK ensures procedural justice. Justice here functions as a corrective tool against power imbalances that have historically hindered anti-corruption law enforcement.[16]

The principle of legal certainty is realized through the formulation of clear and detailed provisions, such as the 30 forms of corruption grouped into 7 categories under the Anti-Corruption Law. The designation of the Anti-Corruption Law as lex specialis under the new Criminal Code (Law No. 1 of 2023) underscores the importance of maintaining special provisions to ensure consistency in law enforcement. This step guarantees that the fight against corruption does not lose direction amid changes to the national criminal law framework.

The principle of expediency is reflected in the shift of focus from mere enforcement to prevention and public education. Law No. 28 of 1999 established the State Officials' Wealth Audit Commission as a preventive oversight body, while the KPK developed functions for prevention, gratuity reporting, and whistleblowing. This approach fosters a transparent and accountable governance system, ensuring that the law not only creates a deterrent effect but also strengthens public trust in the state.[17]

A significant difference exists between the provisions of the Anti-Corruption Law (UU Tipikor) and the 2023 Criminal Code (KUHP) in regulating corruption offenses, particularly regarding sentencing provisions. This comparison not only reflects editorial differences but also indicates a shift in sentencing policy approaches. Some of these include:

a. Differences in Minimum Sentencing: The 2023 Criminal Code reduces the

[16] Ura, Weruin Urbanus, dkk. 2016. "Hermeneutika Hukum: Prinsip dan Kaidah Interpretasi Hukum." Jurnal Konstitusi, Vol. 13, No. 1, hlm. 30–45.

[17] Sari, Meutia. 2020. "Evaluasi Kebijakan Pemidanaan terhadap Pelaku Tindak Pidana Korupsi." Jurnal Hukum dan Pembangunan, Vol. 50, No. 3, hlm. 300–315

minimum sentence for corruption compared to the Anti-Corruption Law. For instance, Article 2 of the Anti-Corruption Law prescribes a minimum of 4 years' imprisonment, whereas Article 603 of the 2023 Criminal Code sets it at only 2 years. Although the maximum penalty remains the same (20 years or life imprisonment), this reduction has the potential to weaken the deterrent effect. The Anti-Corruption Law emphasizes corruption as an extraordinary crime with severe penalties, while the 2023 Criminal Code adopts a softer approach that risks undermining law enforcement.

b. Flexible Categorical Fine System: The 2023 Criminal Code replaces the fixed fine amounts in the Anti-Corruption Law with a categorical system (Categories I–VI). For example, bribery under the Anti-Corruption Law is punishable by a fine of IDR 50–250 million, while the 2023 Criminal Code applies Categories III–V (IDR 50–500 million). Although the range is broader, such flexibility risks lighter fines being imposed and inconsistent sentencing. The Anti-Corruption Law offers greater legal certainty by setting strict nominal limits.

c. Sanctions for Gratification and Bribery: The Anti-Corruption Law treats gratification (gifts valued at IDR 10 million or more) as bribery, applying a reverse burden of proof and imposing heavy penalties (4–20 years' imprisonment plus fines of IDR 200 million–1 billion). The 2023 Criminal Code does not stipulate reverse burden of proof and imposes lighter penalties (a maximum of 4 years' imprisonment plus a fine of IDR 200 million). This difference risks weakening efforts to prevent covert corruption, as the KUHP grants greater tolerance toward gratification.

The differences between the two laws have the potential to create legal uncertainty and sentencing disparities. The more lenient provisions in the 2023 Criminal Code could be exploited by offenders to avoid the harsher penalties of the Anti-Corruption Law, thereby reducing deterrence. Without reaffirming the Anti-Corruption Law as lex specialis, the KUHP risks blurring Indonesia's anti-corruption commitment. Consistency in law enforcement must be maintained to prevent a decline in public trust.

The 2023 Criminal Code is not intended to replace the Anti-Corruption Law but to serve as a codification of national criminal law that integrates the core corruption offenses. The Anti-Corruption Law remains in force as lex specialis, with stricter provisions and dedicated institutions such as the Corruption Eradication Commission (KPK). The KUHP serves as a general framework, while the Anti-Corruption Law ensures corruption is addressed as an extraordinary crime with a specialized approach.

Certain changes in the 2023 Criminal Code risk weakening anti-corruption efforts, such as the reduction of minimum penalties, the flexible categorical fine system, and lighter sanctions for gratification/bribery. These differences may diminish deterrence and create legal uncertainty, particularly if the KUHP is used as the primary reference instead of the Anti-Corruption Law.

The KUHP regulates corruption as part of general criminal law, without the special mechanisms contained in the Anti-Corruption Law. This could lead to dualism in law enforcement if the principle lex specialis derogat legi generali is not consistently applied. Without strict oversight, the KUHP could erode the consistency of corruption handling.

From a theoretical perspective, the Anti-Corruption Law reflects a substantive approach responsive to corruption as an extraordinary crime, while the KUHP emphasizes systematic codification[18]. While legal harmonization is important, the Anti-Corruption Law must remain the primary instrument to ensure deterrence and justice. Continuous evaluation is needed to ensure that the KUHP does not undermine the spirit of anti-corruption.

### 3.2 Implications of the Special Nature of Corruption Crimes in the Indonesian Criminal Code

The new Indonesian Criminal Code (Law No. 1 of 2023) regulates corruption crimes under Articles 603–606, but does not repeal the applicability of the Anti-Corruption Law as lex specialis. The principle of lex specialis derogat legi generali ensures that the Anti-Corruption Law remains in force for addressing corruption as an extraordinary crime, while the Criminal Code serves as the general framework of criminal law.[19]

Corruption is considered an extraordinary crime because of its systemic impact on governance, the economy, and public trust. Its characteristics include the involvement of public officials, difficulties in proving the offense, substantial state losses, and organized methods. Therefore, the Anti-Corruption Law (Law No. 31 of 1999 in conjunction with Law No. 20 of 2001) was enacted with special provisions, including a reversed burden of proof and the role of the Corruption Eradication Commission (KPK).[20]

The new Criminal Code aims to unify the national criminal law based on Pancasila and human rights, including the integration of corruption offenses as core crimes.

[18] Yusuf DM, M., Nopen Nopen, Siti Hidayah Fatriah, Roni Sitohang, Hamide Hamide, Danu Pratama, Nur Sahfana, Siti Nahda, Iwan Habeahan, Eko Wahyudi, M. Andrika, dan R. Danu, "Persinggungan Kewenangan Polri dan KPK dalam Penanganan Tindak Pidana Korupsi: Analisis Yuridis," *Jurnal Ilmiah Advokasi* 13, no. 2 (2025): 752–762, https://doi.org/10.36987/jiad.v13i2.6374

[19] https://sustain.id/2023/09/14/tindak-pidana-korupsi-menurut-undang-undang-nomor-1-tahun-2023-tentang-kitab-undang-undang-hukum-pidana/ diakses tanggal 24 Mei 2025, Jam 11.30 Wib

[20] https://www.hukumonline.com/berita/a/4-catatan-icw-terhadap-pasal-korupsi-dalam-kuhp-baru-lt639c1f8a49404/ diakses tanggal 24 Mei 2025, Jam 12.30 Wib

Nevertheless, the lex specialis nature of the Anti-Corruption Law is maintained to ensure stricter handling of corruption. The Criminal Code serves as a normative foundation, while the Anti-Corruption Law provides special instruments such as prevention measures, investigative authority, and heavier sanctions.[21]

The existence of the new Criminal Code may potentially create dualism in law enforcement if the lex specialis principle is not applied consistently. Lighter penalties in the Criminal Code (such as categorical fines or lower minimum sentences) could weaken the deterrent effect. Therefore, strict oversight is necessary to ensure that the Criminal Code does not diminish the effectiveness of the Anti-Corruption Law in eradicating corruption.[22]

Several Implications of the Special Nature of Corruption Crimes in the Indonesian Criminal Code:

1. Status of the Special Nature of Corruption Crimes in the National Criminal Code: The National Criminal Code regulates corruption offenses as part of the codification of general criminal law but does not eliminate the special status of the Anti-Corruption Law (lex specialis). Article 620 of the Criminal Code affirms the authority of specialized institutions such as the Corruption Eradication Commission (KPK), while Article 763 guarantees the applicability of special procedural law for corruption cases. Accordingly, the Criminal Code functions as a general normative framework, whereas the Anti-Corruption Law remains the primary instrument for addressing corruption as an extraordinary crime.
2. Amendments to Corruption Provisions in the National Criminal Code: The National Criminal Code largely replicates the corruption provisions of the Anti-Corruption Law without substantive innovation. This approach is considered inadequate in addressing the complexities of modern corruption, such as money laundering or digital manipulation. From Jeremy Bentham's utilitarian perspective, laws that fail to provide tangible benefits are ineffective; the new Criminal Code does not enhance deterrence or preventive mechanisms, potentially undermining public trust in anti-corruption commitments.
3. Weakening of Sanctions in the National Criminal Code: The Criminal Code removes the death penalty for corruption and reduces the minimum sentence, which runs counter to the principle of deterrence in criminal punishment. Bentham's theory maintains that laws should be proportionate to the social harm caused by the crime. This weakening of sanctions

[21] https://reformasikuhp.org/kejahatan-luar-biasa-tindak-pidana-khusus-dan-kuhp/ diakses tanggal 24 Mei 2025, Jam 21.30 Wib

[22] Andi Hamzah, Korupsi di Indonesia,Sinar Grafika, Jakarta,1991, hlm. 7

disregards the extraordinary nature of corruption its damage to state finances and public trust and risks undermining the role of law as a means of social control.

4. Reversed Burden of Proof and Broadened Definition of State Loss: The Criminal Code does not regulate the reversed burden of proof, thus continuing to rely on the Anti-Corruption Law (Article 37), which limits the burden of proof to illicit enrichment. On the other hand, Article 601(2) of the Criminal Code expands the definition of state loss to include potential losses, aligning with the preventive approach of the Anti-Corruption Law (e.g., gratuities). However, without strengthening reversed burden of proof mechanisms, this expansion risks being difficult to implement effectively.

The regulation of corruption offenses in the National Criminal Code carries complex implications for legal certainty, particularly regarding its status as lex specialis. The theory of legal certainty emphasizes the importance of clear, consistent, and predictable legal protection[23]. However, the codification of corruption offenses in the Criminal Code risks obscuring their special treatment as an extraordinary crime, which has long been specifically governed under the Anti-Corruption Law (Law No. 31 of 1999 as amended by Law No. 20 of 2001) through mechanisms such as the reversed burden of proof, harsher sanctions, and specialized institutions like the Corruption Eradication Commission (KPK).

Differences in sentencing provisions such as the removal of the death penalty, the reduction of minimum penalties, and the absence of an explicit regulation on the reversed burden of proof in the Criminal Code risk creating legal uncertainty. Offenders may exploit this dualism of norms to avoid maximum sanctions, while law enforcement officials face ambiguity in selecting the applicable legal basis. Yet, legal certainty requires consistency and proportionate handling of corruption, given its systemic impact on state finances and governance.[24]

The National Criminal Code seeks to anticipate this issue through Article 620 (recognizing the authority of the KPK) and Article 763 (ensuring the applicability of special procedural law). However, the effectiveness of these provisions depends on consistent law enforcement prioritizing the Anti-Corruption Law as lex specialis. Without strong commitment, the codification of corruption in the Criminal Code could, in fact, weaken deterrence and erode public

[23] Widiyani, H., P. Sucipta, A. Siregar, dan A. Efritadewi, "Kajian Kriminologis Terjadi Tindak Pidana Korupsi Dana Desa di Desa Penaga (Studi Desa Penaga Kabupaten Bintan, Kepulauan Riau)," *Jurnal Ilmiah Advokasi* 9, no. 1 (2021): 8–18, https://doi.org/10.36987/jiad.v9i1.2010

[24] Romli Atmasasmita, Sekitar Masalah Korupsi, Aspek Nasional dan Aspek Internasional, Bandung, mandar maju , 2004, hlm 1

confidence in the state's seriousness in combating corruption.[25]

## IV. CONCLUSION

The development of corruption law in Indonesia reflects continuous efforts to uphold justice, legal certainty, and public interest through evolving regulatory frameworks. While the codification of the 2023 Indonesian Criminal Code aims to systematize criminal law norms, the Anti-Corruption Law must remain the primary legal basis (*lex specialis*) in combating corruption due to its stricter sanctions, specialized offense formulations, and enforcement mechanisms. The incorporation of corruption offenses into the Criminal Code (*lex generalis*), accompanied by reduced minimum penalties and the absence of progressive instruments such as reverse burden of proof, risks diminishing the deterrent effect and weakening anti-corruption enforcement. Nevertheless, the broader definition of state losses, encompassing both actual and potential losses, constitutes a positive development in preventive legal policy. To safeguard the effectiveness of anti-corruption efforts, it is imperative to prioritize the Anti-Corruption Law as *lex specialis*, strengthen criminal sanctions, and ensure the continued authority and institutional independence of the Corruption Eradication Commission (KPK). Such normative alignment is essential to prevent regulatory dilution and to maintain public trust in Indonesia's anti-corruption legal regime.

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Undang-Undang Nomor 8 Tahun 1981 tentang Kitab Undang-Undang Hukum Acara Pidana

[25] Ermansjah Djaja,Memberanrantas korupsi bersama KPK, Sinar Grafika, Jakarta, 2008, hlm 182

Undang-Undang Nomor 3 tahun 1971 Tentang Pemberantasan Tindak Pidana Korupsi

Undang-Undang Nomor 8 Tahun 1981 tentang Kitab Undang-Undang Hukum Acara Pidana;

Ketetapan MPR No XI/MPR/1998 tentang Penyelenggara Negara yang Bersih dan Bebas KKN

Undang-Undang Nomor 28 tahun 1999 tentang Penyelenggaraan Negara yang Bersih dan Bebas KKN

Undang-Undang Nomor 20 Tahun 2001 tentang Perubahan Atas Undang-Undang Nomor 31 Tahun 1999 tentang Pemberantasan Tindak Pidana Korupsi;

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