ISSN : 2301-7295
e-ISSN : 2657-2494

QUESTIONING THE POSITION OF CORRUPTION OFFENSES IN THE RKUHP

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ABSTRACT

Including corruption offenses, particularly offenses, into the Draft Criminal Code (RKUHP) raises problems because the RKUHP is a compilation of general criminal law regulations included in one book. Such an arrangement raises questions about the position of corruption offenses, the Draft Criminal Code (RKUHP), and the legal consequences of regulating corruption offenses in the RKUHP. This article uses normative legal research with two approaches: legislation and conceptual. The legal materials used consist of primary, secondary, and tertiary legal materials. The result is that corruption offenses as particular offenses are only regulated regarding the core crimes. Meanwhile, the legal consequences of such an arrangement are uncertainty regarding the realization of the principle of lex specialis derogate legi generali.

Keywords : *Corruption Crime, Core Crimes, RKUHP.*

A. INTRODUCTION

Indonesia adalah negara hukum (Indonesia is a state of law). Thus, the legal status of the State of Indonesia is in Chapter 1 Verse (3) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945). Maybe for some people, opening a scientific writing/work/article in the field of law with that statement is bland or stale (Anakotta, Ubrwarin & Gukguk, 2021). However, this should be the primary foundation when a scientific writing/work/article in law, including criminal law, is initiated. The reason is simple; as a reminder, any scientific writings/works/articles that are made aim to criticize and/or provide recommendations/suggestions for a legal policy, including criminal law, that will be or have been made by the Government of Indonesia. One of the concerns in this article is the issue of updating the Criminal Code or *RKUHP* recodification. As a public law, criminal law material is full of human values, often described as a double-edged sword. On the one hand, criminal law aims to uphold human values, but on the other hand, criminal law enforcement provides sad sanctions for humans who violate it. Therefore, the discussion of illegal law material is carried out with extra care, namely by considering the context of the society in which the criminal law is enforced and still upholds civilized human values (Haris & Tantimin, 2022). The enforcement of the issue of the criminal law suitability with the community is one of the prerequisites for whether or not criminal law is good. It means that criminal law is good if it fulfills and is the values of the community. On the other hand, criminal law is harmful if it is obsolete and not by society's values (Bahiej, 2006).

The discussion of the *RKUHP* was resumed through a meeting of Commission III of the DPR (Parliament) RI (Indonesia Republic) with the Government on May 25, 2022. The government explained 14 (fourteen) crucial issues before Commission III of the DPR RI (Institute Criminal for Justice System, 2022). However, of the 14 (fourteen) crucial issues, the issue of setting specific offenses in the *RKUHP* is not included. The government, Parliament, and the drafters of *KUHP* (Criminal Code) have agreed on such an arrangement that particular offenses are included in the *RKUHP*. Regulation of particular offenses in the *RKUHP* still has substantial problems and needs further discussion and clarification. In the Draft Criminal Code (*RKUHP*) for the September 2019 period, corruption offenses are one of the particular offenses regulated in Chapter XXXIV of Special Crimes, Part Three, Article 603 to Article 606 of the *RKUHP*. This arrangement triggers pros and cons among criminal law academics, circles, practitioners, and academics. In addition to corruption offenses, there are other offenses such as

terrorism offenses, offenses (severe crimes against human rights), shrimp laundering, and narcotics offenses.

Including corruption offenses in the *RKUHP* is part of the reform of Indonesia's criminal law policy to eradicate corruption in Indonesia. It is just that with the pros and cons mentioned above, the *RKUHP* needs to be opened to the public and discussed jointly between the government and the community, including criminal law academics and other related fields, non-governmental organizations, and criminal law study centers.

Corruption offenses have been categorized as particular offenses because they are regulated in a special criminal law, Law Number 31 of 1999, concerning the Eradication of Corruption Crimes. It is only natural that it is regulated because corruption offenses aim at certain offenses committed by certain people (legal subjects). The juridical basis for the regulation is Article 103 of the Criminal Code (*KUHP*), which formulates, *"Ketentuan-ketentuan dalam Bab I sampai Bab VIII buku ini juga berlaku bagi perbuatan-perbuatan yang oleh ketentuan perundang-undangan lainnya diancam dengan pidana, kecuali jika oleh undang-undang ditentukan lain."* ("The provisions in Chapters I to VIII of this book also apply to acts which other statutory provisions are punishable; unless the law provides otherwise"). It means that if an offense is regulated by a deviation from the principles and provisions in Book I of the Criminal Code, then the offense in particular. Deviations from the principles and provisions in Book I of the Criminal Code are the basis for classifying an offense into a particular offense. However, when corruption offenses are included in the *RKUHP*, it causes overlapping arrangements, which will result in legal uncertainty. Therefore, based on this background, the authors formulate two problems: (1) what is the position of the corruption offense in the *RKUHP*?; (2) what are the legal consequences of regulating corruption offenses in the *RKUHP*?.

B. RESEARCH METHOD

This is a doctrinal legal research with a statutory approach and also a type of research with content analysis, which is simply defined as a method in collecting and analyzing the content of a "text" (Tan, 2021; Tan, 2022). The two problems mentioned above are examined using normative legal research with a statutory approach and the *RKUHP*. Secondary legal data is collected from primary, secondary, and tertiary legal materials. The purpose of examining these two problems is to determine the position of corruption offenses in the *RKUHP* and the legal consequences of regulating corruption offenses in the *RKUHP*.

C. RESULTS AND DISCUSSION

Division of Special Offenses and General Offenses

The Draft Criminal Law (*RKUHP*) status is still in process, although there has been further discussion between the Government and the Indonesian House of Representatives on May 25, 2022. In terms of substance, there are still criticisms, including particular offenses in the *RKUHP*. It is suspected of being a particular error and has a unique character that has existed so far, including a corruption offense. In various literature, the term '*delik*' ('offense') is often used to replace the term '*perbuatan pidana*' ('criminal act') so that when we talk about the elements of the offense and the types of offense, we are talking about the elements of a criminal act and the types of criminal acts (Hiariej, 2016). Furthermore, there are at least 12 (twelve) divisions of the types of offenses, one of which is general offenses and particular offenses. General offense or *delicta communia* is an offense that anyone can commit (Khasan, 2017). Most of the offenses regulated in the Criminal Code are general offenses. At the same time, particular offenses or *delicta propria* are offenses that people with specific qualifications can only carry out (Hiariej, 2016).

The division of types of offenses into general and special offenses cannot be separated from the regulation of Indonesian criminal law, which is divided into general and special criminal law (Alfiyah, 2021). If general criminal law is in the Criminal Code, then special criminal law is regulated in criminal law outside the Criminal Code. Regarding this division, Wirjono Prodjodikoro argues that there is a qualitative and quantitative relationship between general offenses in the Criminal Code and specific

offenses outside the Criminal Code. The qualitative problem is that the Criminal Code is a codification, which means that, in principle, it is a collection of all provisions of criminal law in one law book. If new offenses are created, there is a principle that these offenses must be included in the Criminal Code (Prodjodikoro, 2012). It is only done if the new offense is qualitatively related to the types of offenses collected in each title of the Criminal Code. It rarely happens. In general, the provisions of the new criminal law have to do with certain state administration matters regulated in a particular law. Usually, the law regulates criminal provisions for violations of various articles in the law, with the provision consistently whether the offense is a crime or a violation (Prodjodikoro, 2012). It should be noted that in the *RKUHP*, the classification of offenses into crimes and violations is no longer adopted because it is considered irrelevant to the development of the current era.

As for the quantity, there are many offenses regulated in specific laws outside the Criminal Code. Thus, the criminal law's codification principle may be a bit vague. However, it also turns out that the offenses submitted in court are mainly in the form of offenses contained in the Criminal Code (Prodjodikoro, 2012). So is the corruption offense still relevant to efforts to reform the *RKUHP*, which should aim to create regularity in criminal law norms? On the contrary, it can create legal uncertainty, in the sense that there is confusion in the realization of the principles and special provisions of criminal law? This question is a positive discourse to continue to be criticized in discussions or any activities that carry the theme of reforming the national criminal law (*RKUHP*).

Prof. Muladi: *"RKUHP is the Indonesian Way"*

"*RKUHP is the Indonesian Way*", Muladi said. We should note that this opinion is to respond to and mediate conflicting views on the death penalty between abolitionist and retentionist groups. The Indonesian Way is embodied in the regulation of 'conditional capital punishment,' issued from the main punishment with certain conditions that can be changed to a life sentence or a temporary sentence (Muladi, 2020). The conditional death penalty can be applied in the context of corruption offenses. Criminal law does not stand alone as an instrument of crime prevention. Both as a theoretical discipline in the form of '*criminal jurism*' or as a '*criminal law application*.' The criminal law as a whole, in the form of codification and criminalization process, will always be related to a broader structure, namely general criminology and criminal policy, law enforcement, and social policy ((Muladi, 2020). It is a theory and concept developed by Peter G. Hoefnagels regarding the relationship between criminal law policies and criminal policies and social/community protection policies.

The development of the times demand that the Indonesian state reform the criminal law, which is expected to create laws that animate the nation. The reform begins with reforming the criminal law system, from the legal substance and structure to the legal culture. The *RKUHP* is a form of reforming the substance of criminal law. Thus, *Raison D'etre*, or the essential goal of reforming the Criminal Code, is to realize a new national criminal law based on Pancasila, the 1945 Constitution of the Republic of Indonesia, Human Rights, and general legal principles recognized by civilized society to replace the WvS Criminal Code. Judging from the history of the Criminal Code renewal, the idea of replacing the Criminal Code-WvS has emerged since the Proclamation of Independence of the Republic of Indonesia. It is illustrated in Chapter II of the Transitional Rules of the 1945 Constitution and Law Number 1 of 1946. Law Number 73 of 1958 concerning the Criminal Law Regulations. This thought grew more robust and reached its climax at the National Law Seminar I in Jakarta in 1963, the results of which recommended that the existence of the National Criminal Code should be pursued in the shortest possible time. This recommendation became the basis for the policy of the Ministry of Justice (now the Ministry of Law and Human Rights) to issue a Draft Law on 'Principles and Basic Principles of Indonesian Criminal Law and Criminal Law' to replace Book I of the Criminal Code (General Section) (Muladi, 2020).

The journey, as mentioned above, continues with the Draft Criminal Code of 1964. From 1964 it was continued with the Draft Criminal Code of 1968, Draft Criminal Code 1971/1972, Draft Criminal Code Basaroeding (BAS Concept) 1977, Draft Criminal Code 1979, Draft Criminal Code 1982/1983, Draft Criminal Code 1984/1985, Draft Criminal Code 1986/1987, Draft Criminal Code 1987/1988, Draft Criminal Code 1989/1990, Draft Criminal Code 1991/1992 which was revised up to 1997/1998, and Draft Criminal Code 1999/2000. Then in 2004, the Ministry of Justice and Human Rights of the Republic of Indonesia issued the 2004 Criminal Code Bill, which revised the 1999/2000 Criminal Code Draft. Next was the 2012 Criminal Code Bill which revised the 2004 Criminal Code Bill (Bahiej, 2006). Furthermore, the 2015 Criminal Code Bill was revised through the 2019 Criminal Code Bill. The 2019 Criminal Code Bill was about to be ratified on 24 September 2019 but was canceled because there were still 14 (fourteen) controversial articles. In 2022, the Criminal Code Bill was again questioned after the ratification postponement in 2019; the Indonesian government has not yet opened up opportunities for the public to see the improvements or revisions made to the fourteen controversial articles; instead, it is planned to be ratified in 2022. It is what is again questioned by the community, including the particular offense of corruption.

Corruption Offenses in Indonesian Criminal Law Politics

Corruption in Indonesia can be said to have become entrenched. This culture can be seen in rampant corruption cases from the regional to the main level. The presence of Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption is felt as an instrument of law enforcement which is considered less than optimal because it turns out to cause different interpretations by scholars. In addition, the issue of transitional provisions that are not explicitly stated and the issue of reverse proof is being discussed again. The *RKUHP* for proving burden reversal is not formulated, so it is believed to be able to eliminate the severity of corruption as has been experienced in other countries (Danil, 2011). Then amendments were made to the law with the issuance of Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning Eradication of Criminal Acts of Corruption. This law is a refinement to realize reverse evidence aimed at the defendant to prove that he is innocent.

The Corruption Eradication Commission (*KPK*) is the institution that eradicates corruption in Indonesia following Law Number 30 of 2002. Before the *KPK*'s establishment, corruption eradication was carried out by the Police and the Prosecutor's Office. However, during the eradication of corruption, the roles of the two institutions are still less effective and efficient. So, the effort to eradicate corruption is left to an independent institution, the *KPK*. However, it does not close the authority of the National Police and the Prosecutor's Office to eradicate corruption. The *KPK* is to eliminate corruption in Indonesia with special powers. Since the establishment of the *KPK*, the eradication of corruption in Indonesia has progressed. Many cases of major corruption were revealed that the police and prosecutors could not do because they were related to state institutions, such as the example of corruption cases carried out by ministers as high state officials.

The crime of corruption is a violation of the community's social rights and economic rights, so corruption can no longer be classified as an ordinary crime but has become an extraordinary crime (Muntaha, Amelia & Baskoro, 2021). So that to eradicate it, it can no longer be carried out by common means or efforts but is required in extraordinary ways (extraordinary enforcement). Dealing with the eradication of corruption which has become an extraordinary crime, it is necessary to form an institution to eradicate corruption. Corruption in Indonesia is already a crime which is an extraordinary crime, so demands for the availability of exceptional and sophisticated legal instruments and institutions that deal with corruption are unavoidable. May the people of Indonesia agree that corruption must be prevented and eradicated from the homeland because corruption has proven to be very miserable

for the people and has even violated the Indonesian people's economic and social rights (Saragih, 2018). The problem of eradicating corruption in Indonesia is not only a matter of law and law enforcement but also a severe social and psychological issue that is as serious as the legal problem, so it must be addressed simultaneously. Corruption is also a social problem because corruption results in the absence of equitable distribution of welfare and is a social psychological problem because corruption is a social disease that is difficult to cure (Oetari & Mahmud, 2021).

Along with the development of crime in Indonesia, considering that Indonesian criminal law is a legacy from the Dutch colonial era, namely the Criminal Code (*KUHP*), which has been in effect for more or less 69 years, it is considered no longer following the times. Many crimes have been regulated outside the Criminal Code due to the developed criminal acts so that the old Criminal Code can no longer accommodate them. Therefore, there was a desire to reform the criminal law by making the Indonesian National Criminal Code. Efforts to reform the criminal law by forming a Draft Law on the National Criminal Code (*RUU KUHP*) are a basic need of the community to create fair law enforcement. Criminal law reform is a policy that requires reform of all aspects that touch philosophical aspects, namely changes or orientations towards principles up to the stage of the values that underlie them (Zaidan, 2015). Now Indonesia is trying to reform the criminal law by codifying the Criminal Code. According to Sudarto, three reasons become urgent to improve the Criminal Code: **First**, Political Reasons; as an independent country, it is natural that the Republic of Indonesia should have its Criminal Code which is national for national pride. **Second**, for Sociological Reasons, the Criminal Code must reflect the cultural values of a nation. Wvs has not been following the needs of the community. **Third**, practical reasons, based on the fact that the Criminal Code is a translation of the Dutch language. However, in reality, there are fewer and fewer Indonesian legal scholars who can understand Dutch and its principles (Soedarto, 1981).

Based on the three reasons for reforming the law, the government and experts are currently working on the *RKUHP*. The *RKUHP* includes all criminal acts previously regulated by special laws and then compiled into a codification. By incorporating the *RKUHP* for specific crimes into the Criminal Code, which underlies the criteria for general crimes (generic crimes, independent crimes), among others (Arief, 2009): (1) constitutes a separate crime (does not refer to or depend on prior violation of the provisions of administrative law). in the relevant laws and regulations); (2) its effectiveness is relatively sustainable, meaning that it is not associated with problems of administrative procedures or processes (specific crime, administrative dependent crimes); and (3) the punishment is more than one year of deprivation of liberty (imprisonment/imprisonment).

One of the offenses included in the *RKUHP* of the Draft Criminal Code is a corruption offense. The urgency of the drafters of the Criminal Code Bill to have corruption in the Criminal Code Bill is that there is a single criminal law system (both material criminal law and formal criminal law and criminal law enforcement) applicable to all offenses. In the Criminal Code, there are two articles related to the provisions concerning the Crime of Corruption that are problematic, namely: Chapter 2 and Chapter 3 are included in the criminal act of corruption concerning harm to the State. The offense in Chapter 2 concerning against the law to enrich oneself and can harm the State's finances. Then, the crime in Chapter 3 concerning abuse of authority to benefit oneself or harm the State's finances.

The drafters of the Criminal Code Bill included certain offenses outside the Criminal Code, including corruption offenses, into the *RKUHP*. With this in mind, some academics consider that the provisions on corruption offenses that are specifically and explicitly regulated in Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Corruption Crimes can become a general offense if they are in the Draft Criminal Code. The change in the status of a particular offense to a general crime impacts the judicial process against the

wrong. In this case, the criminal procedure law for the offense will be regulated in the Draft Law on the Criminal Procedure Code (*RUU KUHAP*), which is currently being discussed. Then it also has the potential to have implications for law enforcement in conducting investigations, prosecutions, and adjudication in special laws to be lost and disappear. In the author's opinion, the change in the specific nature of corruption has the potential to cause various problems for law enforcement against corruption in Indonesia.

Recodification of the Criminal Code

The Netherlands has much influence on codification in Indonesia. The codification of the Dutch criminal law was first carried out in 1809 under the name *Het Crimineel wet boek voor het koninklijk Holand*. The codification in that year lasted a long time because from 1811 to 1813, the Netherlands was occupied by France. So, the Penal Code was enforced until 1866. The principles in French law came from the Roman legal system, as Rene David classified the legal system as Romano Germanic Legal Family. This legal system is identical to several Mainland European countries, also known as Continental Europe, the legal system of Continental Europe.Recodification of the Criminal Code (Ramadhan, 2018). In fact, for 73 years since the first codification, the Netherlands has prepared a draft criminal law regulation completed in 1881 and promulgated on September 1, 1886. The codification was named *Nederland Wetboek van Strafrecht*. It was enacted in Indonesia in 1918 under the name *Wetboek van Strafreht voor Nederlands-Indisch*. When Indonesia became independent, it changed its name to the Criminal Code (KUHP) in 1946 with Law Number 1 of 1946 concerning the Regulation of Criminal Law (Jaya, 2017).

Codification is a characteristic of the Continental European legal system or Civil Law. This legal system emerged and was first developed in Europe simultaneously (the Middle Ages). It has been used or applied by the colonies in their colonies. Besides Indonesia, there are Spain, Portugal, the Netherlands, Norway, Denmark, Switzerland, Sweden, Turkey, and many more (Iqbal, 2018). In the 19th and 20th centuries, Russia and Japan adopt this system as a form of reform/improvement of their legal system to gain political and economic power comparable to Western European countries (Ramadhan, 2022).

Legal arrangements in the codification form were carried out for the Roman Empire's political interests and other interests outside of that. Codification is needed to create legal uniformity within and amidst legal diversity. For the established habits to become generally applicable law, it is necessary to consider a legal entity with legal certainty. The solution is legal codification (Siagian, Sulaksana, Fernando, Rachmawati & Sumardi, 2021). According to R. Soeroso, legal coordination is the bookkeeping of law in a set of rules in the same material (Soeroso, 2011). Satjipto Rahardjo stated that the general purpose of codification was to make the collection of laws and regulations simple and easy to master, logically arranged, harmonious, and definite (Rahardjo, 2014).

We should realize that society continues to develop, and the law must continue to be updated to adapt so as not to be left far behind with the development of society. From the birth of Law Number 1 of 1946 until the writing of this article, the Indonesian Criminal Code has been approximately 76 years old and is still being updated. The reform of the Criminal Code is essentially an effort to review and re-evaluate (re-orient and re-evaluate) the socio-political, socio-philosophical, and socio-cultural values that underlie and provide content for the normative content and substance of the aspired criminal law. It is not a renewal (reform) of criminal law if the value orientation of the new aspired criminal law (*KUH*) is loaded with the value orientation of the old colonial legacy criminal law (*WvS-NI*) (Rahardjo, 2014). Thus, the Criminal Code-*WvS* should be updated with a foundation oriented towards Indonesia's socio-political, socio-philosophical, and socio-cultural values.

One of the objectives of the Recodification is to include regulated offenses outside the Criminal Code, including those concerning core crimes of particular offenses, such as offenses against gross human rights violations, terrorism offenses,

ISSN : 2301-7295
e-ISSN : 2657-2494

and corruption offenses. The development of criminal legislation outside the codification (*KUHP*), which is adapted to the development of society, science, and technology, requires regulation either through civil law, administrative law, or criminal law. Regulation through criminal law on something means that criminal law (sanctions) is used as an *ultimum remidium* or '*last remedy*' to maintain certain legal norms, or criminal law (sanctions) is used to uphold civil law standards or administrative law. The use of criminal law for administrative law by Indrianto Seno Adji is referred to as administrative penal law or *'administrative criminal law*.' The development of legislation outside the Criminal Code is called Special Law (Jaya, 2016).

Based on the division of criminal law according to legal subjects, criminal law (including criminal sanctions) in corruption offenses is included in special criminal law because it is only devoted to specific legal issues. It can be seen in Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption, later amended by Law Number 20 of 2001 concerning amendments to the previous law. Along the way, the idea emerged to include corruption in the *RKUHP*. The idea arose because the law (including corruption offenses) was defined as (Arief, 2018) *'small buildings*' next to the *'main house*' or *'small trees*' next to the '*mother tree*.' It is a national product but is still under the general rules of the *KUHP-WvS* as a colonial-made *'tree/mother building*.' Its growth is also not systematic (not patterned), inconsistent, likened to wild plants/buildings, and even 'eats *up*' the main system/building.

Integrating corruption offenses in the *RKUHP* is a process of uniting the differences that exist in a country to create national harmony and harmony. Steps like this are comprehensive/integrated/integral; cover all aspects/fields; have a system/pattern, and preparation/rearrangement (reconstruction/reformulation) oriented to the conditions and developments of national and global policies. Through this integration, national harmony will be created. The creation of these two things makes the development of federal criminal law in the future even better.

Corruption as a particular offense included in the RKUHP will not reduce its specificity. The specificity in question is that it is an extraordinary crime equipped with its criminal procedural law (ceremonial law) and has a specific legal subject, namely someone who holds a public office. An offense can be categorized as an extraordinary crime because it has seven characteristics (parameters), including (Suryawulan, 2018): (1) the impact of victimization is broad and multidimensional; (2) transnational organized and supported by modern technology in the field of communication and informatics; (3) the offense is a predicate crime of money laundering; (4) the offense requires the regulation of a particular criminal procedure law; (5) the offense requires particular law enforcement supporting institutions with broad authority; (6) the offense is based on an international convention which is a treaty-based crime; and (7) the offense is *'super mala par se*' (very evil and despicable) and is strongly condemned by the community (people condemnation) both nationally and internationally. As for what is included in the *RKUHP*, only the core crimes of corruption offenses have previously been formulated in Article 2, Article 3, Article 5, Article 11, and Article 13 of Law Number 31 of 1999 concerning Eradication of Criminal Acts of Corruption. Chapter 2 is formulated in Chapter 603 of the *RKUHP*. Chapter 3 is formulated in Chapter 604 of the RKUHP. Chapter 5 is formulated in Chapter 605 of the *RKUHP*. Chapter 11 and Chapter 13 are formulated in Chapter 605 and Chapter 606 of the *RKUHP*.

In the context of comparative law, several countries include corruption offenses in their Criminal Code, including France and Germany. In the French Penal Code, structurally, corruption offenses are regulated in Articles 433-1, 1 (active bribery, carried out by people who bribe public officials) and 432-11, 1 (passive bribery, which bribed public officials to carry out) (Lasry, 2022). Meanwhile, in the German Criminal Code, *Strafgesetzbuch* (*StGB*), the fight against corruption is carried out for the following acts: receiving benefits, passive crime, giving gifts, and bribery can be punished under Articles 331 to 335a *StGB*. However, the offense only relates to corruption involving

public officials. Articles 299, 299a, and 299b of the *StGB* regulate offenses that sanction bribery in business dealings and the health care system. In addition, the bribery of voters and MPs (not only the Federal Parliament but also state and local parliaments) is sanctioned under Articles 108b and 108e of the *StGB*. It can be seen that the two Criminal Codes mentioned above formulate corruption/bribery offenses in their respective Criminal Codes. Reform the Criminal Code country, Indonesia needs to look at the comparisons of the Criminal Code with other countries to formulate a reform of the Criminal Code correctly and by internationally recognized values without reducing or even eliminating the original values of the Indonesian nation. For this matter, it is necessary to make comparisons and proportional adjustments to apply the new Criminal Code properly and maximally.

D. CONCLUSION

Based on the background described using a normative juridical research method with a conceptual and statutory approach to the two problem formulations mentioned above. The author concludes that: *First*, the position of the corruption offense in the Draft Criminal Code (*RKUHP*) is as an offense specifically regulated in general by only formulating the core crimes of corruption offenses. The core crimes in question are the acts developed in Chapter 603 to 606 of the *RKUHP*. *Second*, the legal consequences that can arise from the regulation of including the core crimes of corruption offenses in the *RKUHP* are legal uncertainty regarding the realization of the principle of *lex specialis derogate legi generali*. The position of the corruption offense as a specific offense is gray and unclear. In addition, such an arrangement results in the ambiguous role of the *RKUHP* in the Indonesian legal system. From the two conclusions above, the author recommends two formulations of the problem that could be studied further, namely: regarding the double legality of the regulation of core crimes for corruption offenses in the *RKUHP*; the position of legal codification in the Indonesian legal system based on Law Number 12 of 2011 concerning the Establishment of Legislations (Establishment of Legislations Law).

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