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Codifying Anti-Corruption Law in Indonesia: A Legal Necessity for Harmonization

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Abstract

This article aims to analyse the legal gap in anti-corruption regulations in Indonesia. Using legal research methods, this article reveals the many regulations that have the potential to hamper efforts to enforce corruption, so harmonization is necessary. The results of this research are findings regarding the urgency of harmonization of anti-corruption regulations, including; The Anti-Corruption Law, the Corruption Eradication Commission Law, UNCAC (ratified by Indonesian Government), the Money Laundering Crime Law, Criminal Code, and the Asset Confiscation Draft Law, which need to be codified into one integrated anti-corruption regulation.

Keywords

Harmonization; Regulation; Anti-Corruption.

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Introduction

Corruption in Indonesia is nothing new.[1] Likewise, with enforcement and prevention efforts. Philosophically, it is called business as usual.[2] Almost every government regime in Indonesia establishes anti-corruption institutions, but they are not directly proportional to the results obtained. Corruption persists and continues to grow over time.[3] Even the models are getting more and more varied. The author notes that the government has carried out several efforts to prevent and crackdown on corruption cases from time to time through several institutions, such as;[4]

First, Law Number 74 of 1957 on the State of Danger Law established the State Apparatus Retooling Committee (PARAN). General A.H. Nasution heads Paran and is responsible for fighting corruption. Second, there is BAPEKAN, or the State Apparatus Activities Supervisory Agency, which was established based on the Presidential Regulation of the Republic of Indonesia Number 1 of 1959. BAPEKAN, led by Sri Sultan Hamengkubuwono IX. BAPEKAN has the authority to supervise, conduct research, and submit proposals to the President regarding the activities of the state apparatus. Third, Operation Budhi, established in 1963 based on Presidential Decree Number 275 of 1963, targets corruption-prone state institutions to bring corruption cases to justice. Fourth, in 1964, the Supreme Command *for Retooling* the Revolutionary Apparatus (KOTRAR) was formed by Ir. Soekarno with the help of

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1 Syariful Alam et al., "Islamic criminal law study on the seizure of corruptor assets as an indonesian's criminal sanction in the future," *Juris: Jurnal Ilmiah Syariah* 21, no. 2 (December 2022): 143–56, https://doi.org/10.31958/juris.v21i2.6722.

2 Julian Mcmahon, "Anti-death penalty advocacy: a lawyer's view from Australia," *International Journal for Crime* 11, no. 3 (2022), https://doi.org/10.3316/INFORMIT.645384557906591.

3 Sholahuddin Al-Fatih, "The urgency of redefinition of offense formulation of corruption in the law on the eradication of corruption," *Law Research Review Quarterly* 7, no. 1 (February 2021): 1–18, https://doi.org/10.15294/LRRQ.V7I1.43897.

4 Tri Meilani Ameliya, "Sejarah penuh liku lembaga pemberantasan korupsi di Indonesia," ANTARA news, 2021.

Soebandrio. However, Kotrar stagnated during his duties until he disappeared, and President Soekarno resigned.

Fifth, Presidential Decree Number 28 of 1967 established a Corruption Eradication Team at the Attorney General's Office during the New Order Period. The Committee of Four was established by Presidential Decree No. 12 of 1970, making it the sixth institution in Indonesia's corruption eradication history. However, committees composed of influential people, such as former Prime Minister Mr. Wilopo, did not have the authority to crack down on the corrupt until they were dissolved in July 1970. Seventh, the establishment of Orderly Operations, which are regulated by Presidential Instruction (Inpres) Number 9 of 1997. This organization monitors and stops illegal levies and manipulation practices in government.

Eight, the State Administration Wealth Audit Commission (KPPN) was formed to investigate and supervise the wealth of state officials. Ninth, through Government Regulation Number 19 of 2000, a Joint Team for the Eradication of Corruption Crimes (TGPTPK) was formed. However, TGPTPK was eventually disbanded because some aspects of its legality were questioned. Finally, Law Number 30 of 2002 established the Corruption Eradication Commission (KPK), which grants authority related to special courts for corruption.[5]

The main question is whether the 10 corruption eradication agencies have effectively performed their duties. History also records several sociological cases of high-profile corruption. The identity of the real perpetrators and *mens rea* from these cases, such as the cases of Edi Tansil, Hambalang, e-KTP, and Harun Masiku, remained a mystery until this article was written. There are even immoral corruption cases, such as

[5] Jovial Falah Parama and Sholahuddin Al-Fatih, "Kajian yuridis ambivalensi pergeseran independensi komisi pemberantasan korupsi (KPK) ke dalam rumpun lembaga eksekutif," *Journal Komunitas Yustisia Universitas Pendidikan Ganesha Program Studi Ilmu Hukum* 4, no. 1 (2021): 57–65, https://doi.org/10.23887/jatayu.v4i1.33024.

corruption in the procurement of the holy book of the Qur'an and corruption of social aid funds during the COVID-19 pandemic.[6] At first glance, we can assume that a series of anti-corruption agencies have failed in carrying out their duties. However, it is naïve only to blame the existence of its law enforcers, who are very likely to be infiltrated by traitors, named unscrupulous people.

Thus, it is also important in comprehensive law enforcement efforts to see the existence of regulations from a juridical perspective. Because it could be the sluggish efforts to eradicate corruption so far, not because of the law enforcement structure factors, but from the content of the material or regulations that regulate it. Regarding the history of the fight against corruption in Indonesia, anti-corruption regulations are based on the President's political will and implemented in a Presidential Decree or Presidential Regulation—only two agencies, PARAN in 1957 and KPK in 2002, were made by Law. Anti-corruption agencies formed based on law are more trusted by the public than those that are not.[7] Disharmony, legal uncertainty, and loopholes probably happened because of the problem of anti-corruption regulations.

Based on the simple question in the last paragraph, the author tries to examine in this article the various corruption eradication regulations and their problems in Indonesia, as well as the efforts to harmonize anti-corruption regulations. Several studies supported the main-topic of codification in anti-corruption regulations in Indonesia, such as: 1). A. Achmad Aulia found on his article that there is disruption in corruption eradication in Indonesia caused by a number of updated laws, such as the

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[6] Fathor Rahman and Muhammad Saiful Anam, "Hak asasi manusia mantan narapidana korupsi dalam peraturan komisi pemilihan umum nomor 20 tahun 2018 perspektif maqashid syariah jasser auda," *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 3, no. 2 (2020): 65–80, https://doi.org/10.24090/volksgeist.v3i2.3905.

[7] Benjamin Monnery and Alexandre Chirat, "Trust in a national anti-corruption agency: a survey experiment among citizens and experts," *European Journal of Political Economy* 85 (December 2024): 102592, https://doi.org/10.1016/J.EJPOLECO.2024.102592.

Corruption Eradication Commission Law, reduced fines, forbearance toward corrupt criminals, shorter jail terms, and delays in the implementation of the asset forfeiture law;[8] 2). Naseer Jassim Jabr found that important things are collaboration between national and international regulations against corruption, boosting public involvement in the fight against corruption, improving transparency, and fortifying oversight institutions;[9] and 3). Ahmad Althof A. and Muhammad Faisol stated that the Indonesian government needed to unify through the Legislasi Nasional or National Legislation Programme to avoid disharmony in the legal system.[10] Specificity in anti-corruption regulations, often glorified as *lex specialis*, cannot be codified with other similar regulations because corruption is an extraordinary crime. This crime is extraordinary and requires extraordinary efforts to eradicate. Therefore, this article becomes a *baseline* in the study of harmonization of anti-corruption regulations.

Method

By the subject matter, this article was written using mixed research methods,[11] namely normative legal research methods with a statutory approach[12] and comparative approach.[13] Legal norm study, which is generally considered to be legal research restricted to the norms found in

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8 A. Achmad Aulia, "Disruption in corruption eradication in Indonesia," *Public Integrity*, January 2025, 1–22, https://doi.org/10.1080/10999922.2025.2455757.

9 Naseer Jassim Jabr, "The extent of compatibility between national mechanisms and international mechanisms to combat corruption," *Indonesian Journal of Law and Justice* 2, no. 3 (February 2025): 17–17, https://doi.org/10.47134/IJLJ.V2I3.3780.

10 Ahmad Althof, Muhammad Faisol, and Achmad Siddiq Jember, "Analysis of legal unification toward the national legislation program in Indonesia," *Rechtenstudent* 4, no. 1 (April 2023): 1–14, https://doi.org/10.35719/RCH.V4I1.230.

11 Sholahuddin Al-Fatih, *Perkembangan metode penelitian hukum di Indonesia* (Malang: UMM Press, 2023).

12 (Ansari &; State, 2023)

13 Hari Sutra Disemadi, "Lenses of legal research: a descriptive essay on legal research methodologies," *Journal of Judicial Review* 24, no. 2 (2022): 289, https://doi.org/10.37253/jjr.v24i2.7280.

laws and regulations, is not always synonymous with normative legal research. In contrast, broader normative legal research focuses on rules or principles (the concept of harmonization and legal certainty) in the sense of law, which is conceptualized as norms or rules derived from laws and regulations. Research that looks at and evaluates how people or societies behave legally is known as empirical legal research. The legal conduct of people or legal society is the main focus of empirical legal research. The sociology of law approach, on the other hand, examines how interactions and responses take place when society's norm system is in place. The research specifications used are descriptive analytical, which provides a complete and accurate picture of data related to the object of the problem, resulting from literature studies from various references used to research, explore, and study the variety of anti-corruption regulations in Indonesia and their problems. Furthermore, the data obtained will be checked for validity so that the collected data can be analyzed, interpreted, and considered, and conclusions drawn from it.

Result and Discussion

A. Various Anti-Corruption Regulations in Indonesia and Their Problems

Legislative products always aim to appear to reduce the number of corruption cases in the context of attempts to eradicate corruption. In this context, all legal experts seem to agree that legislation is one of the core paths for realizing an orderly state[14] without legal cases, such as corruption. On the other hand, the focus is aimed at law enforcement to detect and punish the corrupt. The Indonesian government has developed numerous

[14] Sholahuddin Al-Fatih, *Perihal metode pembentukan peraturan perundang-undangan: manakah yang paling tepat diterapkan di Indonesia?*, ed. Moh. Fadli et al., *Monograf Dekonstruksi Perundang-Undangan Indonesia: Menggapai Cita-Cita Ideal Pembentukan Peraturan Perundang-Undangan*, 1st ed. (Jakarta: Badan Penerbit FH UI, 2022).

legislations in an attempt to ameliorate the situation and lower the amount of corruption. To stop and end corruption, Indonesia already has a number of anti-corruption laws. The various anti-corruption regulations include laws, regulations, and other mechanisms designed to prevent, detect, and punish acts of corruption.[15] The important role of compliance with anti-corruption regulations must be encouraged to create a good business and investment climate, particularly in high numbers of bribery and corruption cases, as happened in Indonesia.[16]

Indonesian law provides written and unwritten legal sources (although, in general, it is commonly understood that Indonesia has a civil law system that is popular with its written legal sources). Written legal sources include laws proposed and passed by the state legislature, which has the authority to make such laws.[17] When reforms took place in Indonesia in 1998, several efforts were made to prevent and eradicate corruption through amendments and drafting laws related to corruption. The state began drafting the Decree of the People's Consultative Assembly Number XI/MPR/1998 on the Eradication of Corruption, Collusion, and Nepotism (KKN), followed by a vote of the House of Representatives to enact Law Number 28 of 1999 for the realization of a clean and corruption-free state. Furthermore, in 1999, changes were made to the anti-corruption law through Law Number 3 of 1971 on the anti-corruption Law to Law Number 31 of 1999 on the Eradication of Corruption. Furthermore, this

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[15] David Jancsics, "Corruption as resource transfer: an interdisciplinary synthesis," *Public Administration Review* 79, no. 4 (2019): 523–37, https://doi.org/10.1111/puar.13024.

[16] Tinuk Dwi Cahyani and Sholahuddin Al-Fatih, "Peran muhammadiyah dalam pencegahan dan pemberantasan tindak pidana korupsi di kota batu," *Justitia Jurnal Hukum* 4, no. 2 (October 2020): 117–23, https://doi.org/10.21532/apfj.001.18.03.01.14.

[17] Farihan Aulia and Sholahuddin Al-Fatih, "Perbandingan sistem hukum common law, civil law dan islamic law dalam perspektif sejarah dan karakteristik berpikir," *Jurnal Ilmiah Hukum LEGALITY* 25, no. 1 (2018): 98, https://doi.org/10.22219/jihl.v25i1.5993.

Law was revised in 2001 with the enactment of Law Number 20 of 2001 on Amendments to Law Number 31 of 1999.[18]

More specifically, the Indonesian government and other regulatory bodies (such as the UN and other regional organizations) are dedicated to fighting corruption and bribery. To this end, a number of legislative measures have been put in place to support anti-corruption campaigns, including the following:

1. Law No. 1 of 2023 on the Criminal Code
2. Law No. 8 of 2010 on the Prevention and Eradication of Money Laundering
3. Law No. 46 of 2009 on Corruption Courts
4. Law No. 7 of 2006 on the Ratification of the *United Nations Convention Against Corruption* (UNCAC), 2003
5. Law No. 20 of 2001 on Amendments to Law No. 31 of 1999 (Eradication of Criminal Acts of Corruption).
6. Law Number 28 of 1999 on Clean and Free State Administration from Corruption, Collusion, and Nepotism.

Law No. 31 of 1999 *Jo.* Law No. 20 of 2001 has been amended into Law of the Republic of Indonesia Number 1 of 2023 on the Criminal Code (UU KUHP) Part Three. One of the changes made was the replacement of sentences *with penalties, such as special* minimum penalties. In addition to

[18] Ellectrananda Anugerah Ash-Shidiqqi and Hindrawan Wibisono, "Corruption and village: accountability of village fund management on preventing corruption (problems and challenges)," *Journal of Indonesian Legal Studies* 3, no. 2 (December 2018): 195–212, https://doi.org/10.15294/jils.v3i02.27524.

legal action, other anti-corruption initiatives have also been carried out by the Indonesian government, namely:[19]

1. National Guidelines for Good Corporate Governance, published by the National Committee on Governance Policy (KNKG) in 2006.
2. SOE governance policies include the Circular Letter of the Ministry of State-Owned Enterprises No. 106 of 2000 and the Decree of the Minister of State-Owned Enterprises (BUMN) No. 23 of 2000. In addition, the Government also issued the Decree of the State-Owned Enterprises Ministry No. 103 of 2002 on the Establishment of Audit Committees.
3. The Capital Market Supervisory Agency, through Circular No. SE-03/PM/2000 recommends that public companies establish an Audit Committee.
4. Bank Indonesia issued Bank Indonesia Regulation No. 8/4/PBI/2006 on the Implementation of *Good Corporate Governance* for Commercial Banks.
5. The National Strategy for Corruption Prevention in the Medium Term (2012–2014) and Long Term (2012–2025) includes prevention strategies, law enforcement strategies, regulatory harmonization strategies, international cooperation and asset recovery strategies, anti-corruption education and culture strategies, and anti-corruption reporting mechanism strategies.
6. Roadmap of Good Corporate Governance established by the Financial Services Authority in 2013.

[19] Corina Joseph Joseph et al., "A comparative study of anti-corruption practice disclosure among malaysian and indonesian corporate social responsibility (CSR) best practice companies," *Journal of Cleaner Production* 112 (2016): 2896–2906, https://doi.org/10.1016/j.jclepro.2015.10.091.

Efforts to reform the anti-corruption law were also passed in 2002 through Law No. 30 of 2002 on establishing the Corruption Eradication Commission (KPK). In addition, various police powers are added to the practice of law by the legislature and other government organs. However, corruption has not diminished or increased without legal reforms to prevent corruption. Investigators from the National Police and the Attorney General's Office have reported many cases due to law reforms to combat corruption. For example, in the 2004 election, corruption was committed by the General Elections Commission (KPU), and in 2005, there was a case of Nurdin Halid, who was later released. There are also BNI46 bank bribery cases, cases at the Ministry of People's Endowments, and other corruption cases at the provincial and city district levels.

Furthermore, there are several problems related to various anti-corruption regulations in Indonesia, including:

1. Misalignment and Overlap: One of the main problems is the existence of misalignment or disharmonization and overlap between various laws and regulations related to anti-corruption.
2. Capacity and Resource Limitations: Despite strong anticorruption regulations, law enforcement is sometimes limited by institutional capacity, human resources, and budgetary limitations. These limitations can hinder the effective investigation, prosecution, and handling of corruption cases.
3. Corruption in the Legal System: Ironically, there is also the problem of corruption within the law enforcement system itself. This includes bribery, nepotism, and collusion among law enforcement officials, undermining anti-corruption efforts.
4. Vulnerable to Political Abuse: Anti-corruption regulations are often prone to political abuse, where corruption cases can be exploited as a

political tool to attack political opponents or distract from other scandals.

5. Legal Uncertainty: Sometimes, inconsistent or unclear interpretations of anti-corruption regulations can create legal uncertainty for those accused of corruption and law enforcement officials in following up on such cases.

Misalignment and overlap in anti-corruption regulations refer to situations where various laws, regulations, or policies relating to the prevention and enforcement of corruption do not go hand in hand or even contradict each other. Each anti-corruption law or regulation may have different definitions and provisions related to acts of corruption, perpetrators of corruption, and sanctions imposed. For example, one law might define an act as corruption, while another law might use different definitions or set different criteria to define an act of corruption. These different classifications and categorizations are also confusing for law enforcement officials, so the basis for counteracting the problem of regulatory disharmony against corruption is none other than harmonizing regulations.

In addition to the numerous laws, three prominent organizations in Indonesia—Transparency International Indonesia, Indonesia Corruption Watch, and the Corruption Eradication Commission (KPK)—promote anti-corruption initiatives.[20] The KPK has a very broad task and authority to investigate and prosecute criminal acts of corruption. Still, in theoretical and practical discourse, laws and regulations function as instruments (tools/means) in law enforcement efforts. This shows that tools/means or

[20] Juniati Gunawan and Corina Joseph, "The institutionalization of anti-corruption practices in indonesian companies," *Developments in Corporate Governance and Responsibility* 12 (2017): 147–59, https://doi.org/10.1108/S2043-052320170000012012.

instruments to prevent, overcome, and crack down on perpetrators of corruption crimes are available. The urge to eradicate corruption has indeed been echoed, but the completion of corruption crimes, especially those that occupy public attention, has not produced satisfactory results. The community considers the performance in law enforcement of corruption crimes to be neither optimal nor as demanded by the community. Some anti-corruption regulations may have overlapping scopes and responsibilities, leading to confusion in applying the law and preventing effective coordination between the agencies involved. In addition, overlapping anti-corruption regulations can lead to duplication of effort and waste of resources. For example, two different agencies might investigate or prosecute the same case, wasting resources that would otherwise be used more efficiently.[21]

Overlaps in scope and responsibilities between law enforcement agencies can also create vagueness in terms of the authority or authority possessed by each agency. This can be difficult for law enforcement and confusing for those involved in the enforcement process. For example, at the national level, Indonesia ratified UNCAC in 2006 through Law No. 7 of 2006. Indonesia adopts several laws and regulations based on its obligations under UNCAC. Furthermore, as part of its commitment to UNCAC, Indonesia continues to reform national anti-corruption laws. In 2019, Indonesia reformed the Corruption Eradication Commission (KPK) law. KPK is a special organ to eradicate corruption in Indonesia. KPK Law reform focuses on the KPK's institutional design. However, the law changes sparked social unrest when it was announced. Protesters argue that the new KPK Law will weaken the KPK's authority in combating

[21] Mohammad Buchori Muslim and Achmad Hariri, "Peran pemerintah daerah dalam mereduksi tindak pidanaa korupsi di daerah," *Mendapo: Journal of Administrative Law* 4, no. 1 (2023): 63–74, https://doi.org/10.22437/mendapo.v4i1.23442.

corruption. On the other hand, Parliament argues that reforms are important to balance human rights protection and anti-corruption efforts.

Furthermore, a long analysis is required to see how effectively these regulations and institutions reduce corruption rates in Indonesia. Is corruption lessened by anti-corruption laws? Although experts in this sector have created anti-corruption techniques, there is currently insufficient data in the literature to assess the efficacy of these instruments. Anti-corruption regulation will only be effective in this context if a combination of policies or regulations can be implemented that allows potentially compliant organizations actually to comply. Understanding the various anti-corruption regulations and their problems is important in improving Indonesia's legal system and law enforcement to create a cleaner and more transparent environment. Misalignment and overlap in anti-corruption regulations can hamper the effectiveness of law enforcement and create loopholes for corrupt actors to avoid legal accountability. Therefore, it is necessary to carry out good harmonization among all relevant regulators to create a more consistent and effective legal system in the fight against corruption.

B. Harmonization of Anti-Corruption Regulations: Is That a Must?

The author notes that several times, the government issued anti-corruption regulations (and changes to them), including the following: 1) Regulation of the Central War Authority of the Chief of Army Staff of April 16, 1958. No. Prt/Peperpu/013/1958; 2). Regulation of the Central War Authority of the Chief of Naval Staff No. Prt/2.I/17 of April 17, 1958; 3). Law No. 24 Prp of 1960 on the Prosecution, Prosecution and Examination of Criminal Acts of Corruption; 4). Law No. 3 of 1971 on the Eradication of Criminal Acts of Corruption; 5). Law No. 31 of 1999 jo Law No. 20 of 2001 on the Eradication of Criminal Acts of Corruption; 6) Law No. 30 of 2002 and Law No. 19 of 2019 on the KPK; and 7). Law No. 46 of 2009 on Corruption Courts. In addition to these, some regulations align with the

spirit of eradicating corruption in Indonesia, including: 1) Law No. 7 of 2006 on the Ratification of the United Nations Convention Against Corruption (UNCAC) into Law[22] (the comparison would be explained in the next paragraph); 2) Law No. 8 of 2010 on Money Laundering; 3) Asset Forfeiture Bill;[23] and 4). Criminal Code.

Related to the UNCAC ratification into the Law, several experiences in other countries would be captured, such as: 1) In South Africa, the implementation of UNCAC is critically based on resource constraints, lack of coordination, and government restrictions on civil society involvement.[24] The ratification of UNCAC in South Africa also promotes anti-corruption oversight by the private sector.[25] 2) In Nigeria, UNCAC promotes Anti-Corruption Agencies, which grew to at least 24 agencies in 2021.[26] 3) In Ukraine, UNCAC inspired the government to combat corruption through a system of measures to prevent corruption, which should be based on the principles of legality, publicity, transparency, and the inevitability of punishment for perpetrators of corruption crimes;[27] 4) In Malaysia, UNCAC has been ratified completely into law.[28] Even though not all

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[22] Orin Gusta Andini, Nilasari, and Andreas Avelino Eurian, "Restorative justice in indonesia corruption crime: a utopia," *Legality: Jurnal Ilmiah Hukum* 31, no. 1 (2023): 72–90, https://doi.org/10.22219/ljih.v31i1.24247.

[23] Hufron and Sultoni Fikri, "The urgency of regulating forfeiture of assets gained from corruption in indonesia," *Legality : Jurnal Ilmiah Hukum* 32, no. 2 (August 2024): 292–310, https://doi.org/10.22219/LJIH.V32I2.35243.

[24] Aliya Boranbayeva, "Southern Africa report: civil society contributions to UNCAC implementation (2021)" (<bound method Organization.get_name_with_acronym of <Organization: United Nations Office on Drugs and Crime>>, 2021).

[25] Colette Ashton, "Rethinking anti-corruption in South Africa: pathways to reform," *ISS Southern Africa Report*, no. 60 (2024).

[26] Idayat Hassan, "The EFCC and ICPC in Nigeria: overlapping mandates and duplication of effort in the fight against corruption," 2021.

[27] Volodymyr Cherniei et al., "Criminal remedies and institutional mechanisms for combating corruption crimes: the experience of ukraine and international approaches," *Tribuna Juridică* 12, no. 2 (2022): 227–45.

[28] Erma Rusdiana et al., "Preventing the politicisation of corruption crime law enforcement based on local wisdom," *Legality : Jurnal Ilmiah Hukum* 33, no. 1 (January 2025): 110–31, https://doi.org/10.22219/LJIH.V33I1.37429.

articles in UNCAC have been ratified and adopted by Indonesia, the articles should be studied and adjusted to suit local conditions.[29] The experiences of ratified UNCAC in several countries above explain that codifying anti-corruption law is necessary.

Furthermore, the Anti-Corruption Law, the Corruption Eradication Commission Law, UNCAC (ratified by Indonesian Government), the Money Laundering Crime Law, Criminal Code, and the Asset Confiscation Draft Law, found clusters of categorizations of criminal acts of corruption that should be harmonized through a codification of anti-corruption law, including presented in the following table:[30]

Table 1. Categorization of Corruption

No.	Corruption			
	Classification	Regulation	Note	**Harmonization**
1	Harm to state finances	Regulated in Law No. 31 of 1999 jo Law No. 20 of 2001 on the Eradication of Criminal Acts of Corruption; a. Article 2, paragraph (1); b. Article 3;	Both types of corruption norms, under the pretext of harming the country's finances, have the same elements, even though the subjects of the perpetrators are different, namely, ordinary	Harmonization should be made due to overlapping norms. Therefore, harmonization with related regulations, such as the Government Administration and State Finance Law, is needed.

[29] Tinuk Dwi Cahyani, Muhamad Helmi Md Said, and Muhamad Sayuti Hassan, "A comparison between indonesian and malaysian anti-corruption laws," *Padjadjaran Jurnal Ilmu Hukum* 10, no. 2 (2023): 275–99, https://doi.org/10.22304/PJIH.V10N2.A7.

[30] Wicipto Setiadi, "Korupsi di indonesia penyebab hambatan solusi dan regulasi," *Jurnal Legislasi Indonesia* 15, no. 3 (November 2018): 249–62, https://doi.org/10.54629/JLI.V15I3.234.

			people and state officials.	
2	Bribery	Regulated in Law No. 31 of 1999 jo Law No. 20 of 2001 on the Eradication of Criminal Acts of Corruption; a. Article 5 paragraph (1); b. Article 5 paragraph (1) point b; c. Article 5 paragraph (2); d. Article 6 paragraph (1); e. Article 6 paragraph (1) point b ; f. Article 6 paragraph (2); g. Article 11; h. Article 12 point a; i. Article 12 point b;	Legal norms related to bribery are the most widely regulated, with different types and penalties. Unfortunately, bribery has not been regulated in the private or foreign sectors.	Harmonization should be made due to vague norms. Therefore, it is necessary to harmonize with related regulations, such as Article 16 of the UNCAC Law and Article 2, paragraph (1) point b of the Money Laundering Law.

		j. Article 12 point c; k. Article 12 point d; 1. Article 13.		
3	Embezzlement in the office	Regulated in Law No. 31 of 1999 jo Law No. 20 of 2001 on the Eradication of Criminal Acts of Corruption; a. Article 8; b. Article 9; c. Article 10 (a); d. Article 10 (b); e. Article 10 (c).	Related legal norms do not yet regulate embezzlement in the private sector. The embezzlement in office was probably adopted from UNCAC.	Harmonization should be made due to the vacuum of norms. It is necessary to harmonize with Article 21 of the UNCAC.
4	Extortion	Regulated in Law No. 31 of 1999 jo Law No. 20 of 2001 on the Eradication of Criminal Acts of Corruption; a. Article 12 (e);	This extortion norm has the disadvantage that it does not textually mention the classification of civil servants or state administrators in question.	Harmonization should be made due to overlapping norms. Thus, the classification of civil servants or organizers must also be harmonized with related

		b. Article 12 (g); c. Article 12 (h).		laws, such as the Civil Servants Law.
5	Cheating	Regulated in Law No. 31 of 1999 jo Law No. 20 of 2001 on the Eradication of Criminal Acts of Corruption; a. Article 7 paragraph (1) point a; b. Article 7 paragraph (1) point b; c. Article 7 paragraph (1) point c; d. Article 7 paragraph (1) point d; e. Article 7 paragraph (2); f. Article 12 point h.	This fraudulent norm is identical to the Procurement of Goods and Services.	Harmonization should be made due to overlapping norms. It needs to be harmonized with Presidential Regulation No. 12 of 2021 on Amendments to Presidential Regulation No. 16 of 2018 on Procurement of Government Goods/Services. It is also necessary to harmonize with the Army and Police Law.
6	Conflict of Interest in the Procurement	Regulated in Law No. 31 of 1999 jo Law No. 20	Similar to the note in number 5 above.	Harmonization should be made due to overlapping

	of Goods and Services	of 2001 on the Eradication of Criminal Acts of Corruption; a. Article 12 point i.		norms. It is necessary to synchronize with Presidential Regulation No. 12 of 2021 on Amendments to Presidential Regulation Number 16 of 2018 on Procurement of Government Goods/Services.
7	Gratuities	Regulated in Law No. 31 of 1999 jo Law No. 20 of 2001 on the Eradication of Criminal Acts of Corruption; a. Article 12B (1); b. Article 12C (1).	Legal norms regarding gratification are duplicated in Article 12 and Article 5 of the Law *a quo*.	Harmonization should be made due to overlapping norms. It is necessary to harmonize between the lawmakers, so there is no disharmony.

Source: Author(s), 2025

Harmonization should be made because of overlapping norms, vague norms, and a vacuum of norms. The harmonization should be made within some regulations, such as UNCAC, Money Laundering Law, Government

Administration Law, and the State Finance Law. Civil Servants Law, Presidential Regulation on Procurement of Government Goods/Services, Army Law, and Police Law. Why harmonization? L.M. Gandhi, who quoted the book *Tussen Eenheid en Verscheidenheid: Opstellen over harmonisatie instaaat en bestuurecht*, said that harmonization in law includes adjustments to laws and regulations, government decisions, judges' decisions, legal systems and legal principles to increase legal unity, legal certainty, justice (justice, *gerechtigheid*) and comparability (equit, *billijkeid*), usefulness and clarity of law, without obscuring and sacrificing legal pluralism if it is needed.[31] The harmonization of regulations is needed to ensure legal certainty without any disharmony in the regulations.[32]

Moreover, in Table 1, there are at least 7 classifications of unlawful acts categorized as criminal acts of corruption. Unfortunately, the seven types still need more attention, especially in passing the latest Criminal Code. Why is that, because some articles in the Criminal Law were deleted with the latest regulations in the Criminal Code. Article 2 paragraph (1), Article 3, Article 5, Article 11, and Article 13 of the Criminal Law are deleted and replaced by regulations stipulated in Article 622 paragraph (1), letter l of the latest Criminal Code. In addition to changing the legal norms regarding anti-corruption, the latest Criminal Code also categorizes the amount of fines, including as stipulated in Article 79 Paragraph (1), namely: Category I, Rp1,000,000.00 (one million rupiah); Category II, Rp10,000,000.00 (ten million rupiah); Category III, Rp50,000,000.00 (fifty million rupiah); Category IV, Rp200,000,000.00 (two hundred million rupiah); Category V, IDR 500,000,000.00 (five hundred million rupiah); Category VI, IDR 2,000,000,000.00 (two billion rupiah);

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[31] BPK SUlawesi Tenggara, "Harmonisasi dan sinkronisasi peraturan perundang-undangan," 2018.

[32] Patricia Augier, Olivier Cadot, and Marion Dovis, "Regulatory harmonization with the european union: opportunity or threat to moroccan firms?," *Review of World Economics* 160, no. 3 (August 2023): 813–41, https://doi.org/10.1007/S10290-023-00515-3/TABLES/19.

Category VII, IDR 5,000,000,000.00 (five billion rupiah); and Category VIII, Rp50,000,000,000.00 (fifty billion rupiah).

To further facilitate the subject matter, the following compares the differences in regulations against corruption in the Criminal Code and Criminal Law.[33]

Table 2. Comparison of Corruption Regulations

No.	Corruption			Difference
	Classification	Typical of Law	Criminal Code	
1	Harm to state finances	Article 2 paragraph (1)**;** Any person who unlawfully enriches himself or another person or a corporation that can harm state finances or the country's economy, shall be punished with life imprisonment or imprisonment for a minimum of 4 (four) years and a maximum of 20 (twenty) years and a fine of at least Rp.	Article 603; Any person who unlawfully enriches himself, others, or Corporations that undermine state finances or the country's economy, shall be punished with life imprisonment or imprisonment for a	The minimum threat of imprisonment (Article 603 of the new Criminal Code) was originally 4 years (in Article 2 of the Anti-Corruption Law) to 2 years, and the previous fine can be imposed at least Rp 200 million to

[33] Faisal Rachman Januar, "Konstruksi hukum pengembalian kerugian keuangan negara oleh jaksa pengacara negara terhadap terdakwa tindak pidana korupsi yang dijatuhkan putusan bebas," *Lex LATA* 4, no. 3 (2023): 362–83, https://doi.org/10.28946/lexl.v4i3.2219.

		200,000,000.00 (two hundred million rupiah) and a maximum of Rp. 1,000,000,000.00 (one billion rupiah).	minimum of 2 (two) years and a maximum of 20 (twenty) years and a fine of at least category II and a maximum of category VI.	only Rp 10 million.
2		Article 3; Any person who, intending to benefit himself or another person or a corporation, abuses the authority, opportunity or means available to him because of a position or position that can harm state finances or the country's economy, shall be punished with life imprisonment or imprisonment for a minimum of 1 (one) year and a maximum of 20	Article 604; Any person who to benefit himself, others, or the Corporation abuses the authority, opportunity, or means available to him because of a position or position that harms state finances or the country's economy, shall be punished with life imprisonment or	a. Increased minimum threat of imprisonment from 1 (one) year to 2 (two) years. b. The minimum threat of fines decreased from only 50 million to 10 million. c. Increased maximum threat of fines from 1 billion rupiah to 2 billion.

		(twenty) years and or a fine of at least Rp. 50,000,000.00 (fifty million rupiah) and a maximum of Rp. 1,000,000,000.00 (one billion rupiah).	imprisonment for a minimum of 2 (two) years and a maximum of 20 (twenty) years and a fine of at least category II and a maximum of category VI.	
3	Bribery	Article 5 paragraph (1) letter a**;** Sentenced to imprisonment of at least 1 (one) year and a maximum of 5 (five) years, and or a fine of at least Rp. 50,000,000,00 (fifty million rupiah) and a maximum of Rp. 250,000,000.00 (two hundred fifty million rupiah) any person who gives or promises something to a	Article 605 paragraph (1)**;** Sentenced to imprisonment for a minimum of 1 (one) year and a maximum of 5 (five) years and a fine of at least category III and a maximum of category V. Any person who: a. gives or promises something to a public servant or state administrator	Increased threat of maximum fine from 250 million to 500 million.

		civil servant or state administrator with the intention that the civil servant or state administrator does or does not do something in their position, that conflicts with their obligations**;**	with the intention that the civil servant or state administrator does or does not do something in his position, contrary to his obligations; or b. gives something to a public servant or state administrator because of or in connection with something contrary to the obligation, done or not in his post.	
4		Article 5, paragraph (2); For civil servants or state administrators who receive gifts or promises as referred to in paragraph (1), letter a or letter b,	Article 605 paragraph (2); Public servants or state administrators who Receiving gifts or promises as referred to in	a. Increased maximum threat of imprisonment from 5 years to 6 years b. Increased threat of maximum fine from 250

		shall be punished with the same crime as referred to in paragraph (1).	paragraph (l) shall be punished with a maximum imprisonment of 1 (one) year and a maximum of 6 (six) years and a fine of at least category III and a maximum of category V.	million to 500 million.
5		Article 13**;** Any person who gives a gift or promise to a public servant given the power or authority attached to his position or position, or by the giver of the gift or promise is considered, attached to such position or position, shall be punished with a maximum imprisonment of 3 (three) years and or a	Article 606 paragraph (1); Any Person who gives a gift or promise to state officials or state maintainers keeping in mind the power or authority that attached to the department or its position, or by The giver of the gift or promise is	Increased the maximum fine from 150 million to 200 million.

		maximum fine of Rp. 150,000,000.00 (one hundred fifty million rupiah).	deemed attached to such a position or position, punishable by imprisonment for a maximum of 3 (three) years and criminal Fines are at most category IV.	
6		Article 11: Sentenced to imprisonment for a minimum of 1 (one) year and a maximum of 5 (five) years, and or a fine of at least Rp. 50,000,000.00 (fifty million rupiah) and a maximum of Rp. 250,000,000.00 (two hundred fifty million rupiah) a civil servant or state administrator who receives a gift or promise	Article 606 paragraph (2); Public servants or state administrators who receive a gift or promise as intended In paragraph (1), it shall be punished with the maximum imprisonment length of 4 (four) years and a maximum fine of category IV.	a. Decreased maximum threat of imprisonment from 5 years to 4 years. b. The maximum threat of fines decreased from 250 million to only 200 million.

		when it is known or reasonably suspected that the gift or promise was given because of power or authority related to his position, or that in the mind of the person giving the gift or promise has something to do with his position.		

Source: Author(s), 2025

When referring to table 2, there are at least 2 classifications of anti-corruption that are changed through the Criminal Code, namely norms regarding punishment related to the classification of corruption cases in terms of; 1) harm to state finances; and 2) bribery (both active and passive bribes involving civil servants and state administrators). Polemics in society are widespread, related to several things, including; 1) the inclusion of several typicor norms into the Criminal Code makes *lex specialis* The Typicality Law has become a norm of a greater nature *generalis*; 2) The reduction of sentences, both imprisonment and fines, has the potential to have a reduced deterrent effect on perpetrators of corruption. Moreover, until this article was made, the Asset Forfeiture Bill had not been passed by the Government or the House of Representatives.

Thus, based on this study, through this article, the author strongly recommends harmonization of regulations against corruption by involving several related regulations, including; 1) Criminal Code; 2) the Anti-Corruption Law; 3) KPK Law; 4) TPPU Law; 5) UNCAC Ratification Act; 6) Asset Forfeiture Bill; as well as several supplements in related regulations that can be harmonized and synchronized, such as in 7) the Government Administration Law; 8) Army Law; 9) Judicial Power Law; 10) ASN Law; 11) Police Law; 12) State Finance Law and 13) Presidential Regulation on Procurement of Goods and Services. Harmonization (or, if possible, synchronization) can be carried out in the preparation of the bill to amend the anti-corruption Law,[34] So that in the future, the regulation against corruption becomes a codification that is carried out properly. *Lex specialis* regulates eradicating corruption in an integrative, not partial, and *generalis* way in the Criminal Code. An omnibus law can serve as a model for codifying the anti-corruption Bill.[35] or Regulatory Impact Assesment (RIA),[36] By the House of Representatives with executive bodies such as the Ministry of Law and Human Rights, BPHN, and cooperation with academia, such as MAHUPIKI, ASPERHUPIKI, and ASIIPER.

Conclusion

This article concludes with the importance of immediately harmonising Indonesia's anti-corruption regulations. Harmonisation can be achieved using procedures such as omnibus law or analytical approaches such as

[34] Dwi Seno Wijanarko, "Combatting corruption in indonesian regional governance: strategies, challenges, and pathways to stability," *Jurnal Pembaharuan Hukum* 11, no. 2 (September 2024): 416–28, https://doi.org/10.26532/JPH.V11I2.39311.

[35] Ibnu Sina Chandranegara, "kompabilitas penggunaan metode omnibus dalam pembentukan undang-undang," *Jurnal Hukum Ius Quia Iustum* 27, no. 2 (2020): 241–63, https://doi.org/10.20885/iustum.vol27.iss2.art2.

[36] Dian Agung Wicaksono, "Quo vadis pengaturan regulatory impact analysis (ria) dalam pembentukan peraturan perundang-undangan," *Jurnal Legislasi Indonesia* 20, no. 2 (2023): 44–60, https://doi.org/10.54629/jli.v20i2.1012.

Regulatory Impact Assessment (RIA). Harmonization should be achieved through a partnership between the government and academia to increase the formulation of anti-corruption law. As a result, a new codification of anti-corruption rules is expected in Indonesia, which will continue to be the lex specialis in efforts to eradicate criminal corruption.

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