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FUNCTIONALIZATION OF CORRUPTION ERADICATION COMMISSION (KPK) INVESTIGATIONS IN HANDLING CORRUPTION CRIMINAL ACTS AFTER THE NEW CRIMINAL CODE

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ABSTRACT

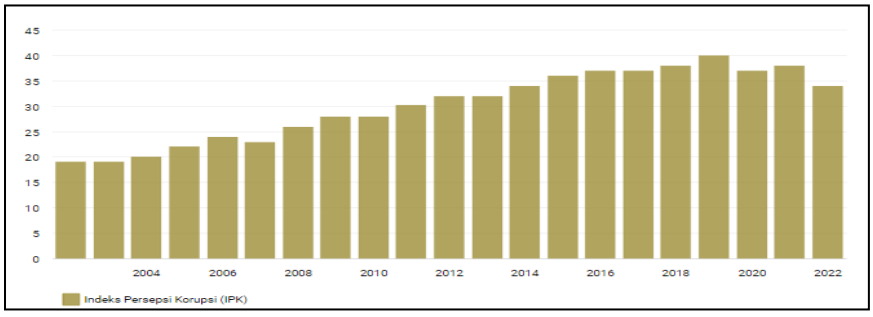
The regulation of the National Criminal Code is in the public spotlight. One of them was because a number of articles in the new Criminal Code actually reduce the punishment for corruptors. The aim of this research was to analyze the handling of criminal acts of corruption at the KPK regarding changes to criminal acts of corruption in the Criminal Code. This research was a normative legal approach with an explanatory descriptive method to collect data in the field related. The Result show that The New Criminal Code, namely Law Number 1 of 2023, brings significant changes in handling corruption crimes, including in the context of the authority of the Corruption Eradication Commission (KPK). One of the main changes is that corruption is no longer considered an "extraordinary crime" but rather a general crime, which has an impact on the authority of the KPK. This change can limit the KPK's authority in handling corruption cases, especially related to wiretapping and handling crimes involving BUMN, where state losses are not necessarily considered a crime.

Keyword: *Functionalization, Corruption, New Criminal Code*

INTRODUCTION

The term corruption comes from Latin, namely corruptio. In English it is corruption or corrupt, in French it is called corruption and in Dutch it is called coruptie. It can be seen from the Dutch language that the word corruption was born in Indonesian. Corrupt means bad; damaged; rotten; likes to use goods (money) entrusted to him; can be bribed (using his power for personal gain). Corruption is defined variously by legal experts, but in Law No. 31 of 1999 as amended by Law No. 20 of 2001 concerning the Eradication of Criminal Acts of Corruption, it states that an act is considered corruption if anyone unlawfully commits an act of enriching himself, another person, or a corporation or by abusing the authority, opportunity or means available to him because of his position or position which can harm the state finances or the state economy.

Figure 1
Indonesia Corruption Perception Index (2002-2022)



Source: databoks.katadata.co.id, 2023

The latest Transparency International report shows that Indonesia's corruption perception index (CPI) was recorded at 34 (thirty-four) points on a scale of 0-100 in 2022. This figure decreased

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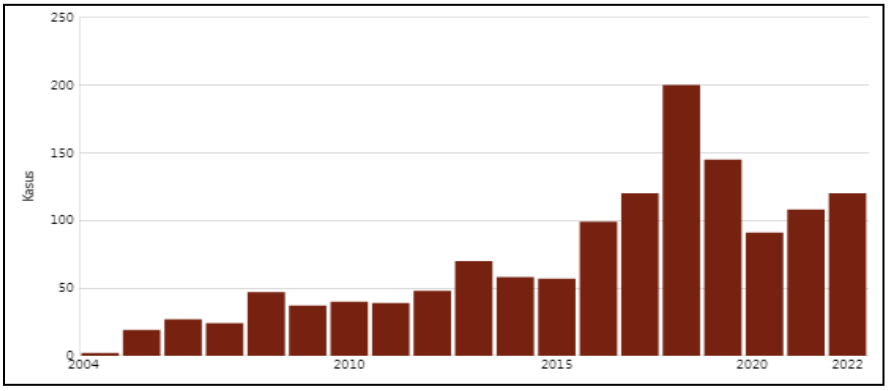
by 4 (four) points from the previous year. This decrease in CPI also dropped Indonesia's CPI ranking globally. It was recorded that Indonesia's CPI in 2022 was ranked 110th (one hundred and tenth). In the previous year, Indonesia's CPI was ranked 96th (ninety-sixth) globally. The average world CPI in 2022 was recorded at 43 (forty-three). This value has not changed for 11 (eleven) consecutive years. Two-thirds of countries still have scores below 50 (fifty), which indicates that these countries have serious corruption problems.

The Corruption Eradication Commission (KPK) report shows that the anti-corruption agency has handled 1,351 (one thousand three hundred and fiftyone) corruption cases from 2004 to 2022, with details of the case handling data as follows:

Figure 2
Data Graph on the Number and Settlement of Corruption Cases



Source: databoks.katadata.co.id, 2023

In the last 18 years, the number of corruption cases handled by the institution has tended to fluctuate. The KPK prosecuted the most corruption cases in 2018, reaching 200 (two hundred) cases, while the lowest in 2004 was only 2 (two) cases. Based on the type of case, the corruption case most handled by the KPK is bribery or gratification with 904 (nine hundred and four) cases throughout 2004 to 2022. It was noted that the bribery cases successfully prosecuted by the KPK were the most in 2018, reaching 168 (one hundred and sixty eight) cases, followed by 2019 and 2017 with 119 (one hundred and nineteen) cases and 93 (ninety three) cases respectively. Furthermore, procurement of goods or services is the corruption case most handled by the KPK, reaching 277 (two hundred and seventy seven) cases. Followed by budget misuse, money laundering (TPPU), levies or extortion, licensing, and obstruction of the investigation process. The following are details of corruption crimes in Indonesia that were successfully handled by the KPK based on the type of case throughout 2004-2022, namely Gratification/bribery: 904 (nine hundred and four) cases, Procurement of goods/services: 277 (two hundred and seventy seven) cases, Budget misuse: 57 (fifty seven) cases, TPPU: 50 (fifty) cases, Levies/extortion: 27 (twenty seven) cases, Licensing: 25 (twenty five) cases, Obstructing the KPK process: 11 (eleven) cases. According to the KPK report, the majority of corruption crimes were committed in district/city government agencies, namely 548 (five hundred and forty-eight) cases from 2004 to 2022. Then, followed by ministerial/institutional agencies and provincial governments, each with 422 (four hundred and twenty-two) cases and 174 (one hundred and seventy-four) cases.

In concrete terms, there is a tendency and no fear of regional/state officials, economic,

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political and/or community actors committing corruption, collusion and nepotism. In 2017-2021, the Corruption Eradication Commission received 10,735 (ten thousand seven hundred and thirty-five) reports of gratification with details, in 2017 there were 1,897 (one thousand eight hundred and ninety-seven) cases, in 2018 there were 2,349 (two thousand three hundred and forty-nine) cases, and in 2019 there were 2,523 (two thousand five hundred and twenty-three) cases. In 2020 there were 1,839 (one thousand eight hundred and thirty-nine), and in 2021 there were 2,127 (two thousand one hundred and twenty-seven) cases.

On the other hand, the number of corruption crimes in 2017-2021 was 1,166 (one thousand one hundred and sixty six) cases with details in 2017 of 686 (six hundred and eighty six) cases, 2018 of 164 (one hundred and sixty four) cases and 2019 of 70 (seventy) cases. In 2020 the number of corruption cases was 119 (one hundred and nineteen). In 2021 the number of corruption cases was 127 (one hundred and twenty seven).

In addition, corruption cases that are included in the cassation level, the Annual Report of the Supreme Court of the Republic of Indonesia in 2017-20219 shows that Indonesia is in a corruption emergency with a total of 2,727 (two thousand seven hundred and twenty seven) cases, with details in 2017 totaling 686 (six hundred and eighty six) cases, in 2018 totaling 662 (six hundred and sixty two) cases. In 2019 totaling 533 (five hundred and thirty three) cases, in 2020 totaling 428 (four hundred and twenty eight), and in 2021 totaling 418 (four hundred and eighteen).

Efforts to prevent and eradicate corruption in Indonesia are not new, because they have been going on since before 1960, namely in 1957 there was the Military Authorities Regulation Number PRT/PM/06/1957 concerning the Eradication of Corruption and in 1958 the Central War Authorities Regulation Number: PRT/PEPERPU/013/1958 concerning Investigation, Prosecution and Examination of Corruption and Ownership of Property. Then the legal instrument in the form of a Law related to the eradication of corruption after that, was regulated in the Government Regulation in Lieu of Law of the Republic of Indonesia No. 24 of 1960 (enacted as Law of the Republic of Indonesia Number 1 of 1961 concerning Investigation, Prosecution and Examination of Criminal Acts of Corruption, which was subsequently issued as Law of the Republic of Indonesia Number 3 of 1971 concerning Eradication of Criminal Acts of Corruption and finally Law of the Republic of Indonesia Number 31 of 1999 as amended by Law of the Republic of Indonesia Number 20 of 2001.

As for other laws and regulations related to the eradication of criminal acts of corruption, namely Law of the Republic of Indonesia Number 1 of 2006 concerning Mutual Assistance in Criminal Matters, Law of the Republic of Indonesia Number 8 of 2010 concerning the Prevention and Eradication of the Crime of Money Laundering, Presidential Instruction of the Republic of Indonesia Number 5 of 2004 concerning the Acceleration of Corruption Eradication, Presidential Instruction of the Republic of Indonesia Number 9 of 2011 concerning Actions to Prevent and Eradicating Corruption in 2011, Presidential Instruction of the Republic of Indonesia Number 17 of 2011 concerning Actions to Prevent and Eradicating Corruption in 2012, Presidential Regulation of the Republic of Indonesia Number 55 of 2012 concerning the National Strategy for the Prevention and Eradication of Corruption in the Long Term for 2012-2025 and the Medium Term for 2012-2014, Presidential Instruction of the Republic of Indonesia Number 1 of 2013 concerning Actions to Prevent and Eradicating Corruption in 2013 and Presidential Instruction of the Republic of Indonesia Number 7 of 2015 concerning Action for Prevention and Eradication of Corruption in 2015. In addition to the

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provisions of the legislation, Indonesia has also ratified international regulatory instruments, namely the United Nations Convention Against Corruption (UNCAC) 2003 which was ratified by the Indonesian Government through Law of the Republic of Indonesia Number 7 of 2006 and the United Nations Convention Against Transnational Organized Crime 2000 which was ratified by the Indonesian Government through Law of the Republic of Indonesia Number 5 of 2009.

The legal basis for eradicating corruption within the framework of the 1945 Constitution (UUD 1945) should be able to guarantee and maintain a balance of protection for the human rights of suspects and defendants as well as corruption convicts and victims (individually and collectively) in accordance with the provisions of Article 28 D paragraph (1) and Article 28 J of the 1945 Constitution. Referring to the description above, and related to the legal issues that are considered dilemmatic and controversial in the implementation of the PK Law so far, it is necessary to explain the position and role of the Criminal Code (lege generali) (hereinafter abbreviated as KUHP) and the PK Law (lex specialis) on the one hand, and administrative laws that are strengthened by criminal provisions (lex specialis systematic). In the Criminal Code, Article 63 paragraph (1) emphasizes that if a crime falls into two criminal regulations, then the criminal regulation with the more severe criminal provisions must be applied (the principle of concursus idealis). In paragraph (2) it is further emphasized that if an act which falls within a general criminal regulation is also regulated in a special criminal regulation, then only the special one will be subject to punishment. In practice, a criminal act of corruption originating from banking activities, capital markets or in the tax sector, has often been subject to the provisions of this article, so that it is then prosecuted and punished as a criminal act of corruption.

In the development of law in Indonesia, the enactment of Law Number 1 of 2023 concerning the Criminal Code or called the "New Criminal Code" revokes some articles related to corruption crimes as regulated in Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption as amended by Law Number 21 of 2001. The serious implication of the implementation of the New Criminal Code in the future is that corruption crimes are not extraordinary crimes (extraordinary crimes) or are equated with ordinary crimes such as theft or embezzlement. Regarding corruption as a special crime in the National Criminal Code, it is formulated so that it can reach various modus operandi of state financial or state economic irregularities that are increasingly sophisticated and complicated, so corruption crimes regulated in the National Criminal Code are formulated in such a way that they can include reprehensible acts which according to the sense of public justice must be prosecuted and punished.

Law Number 1 of 2023 concerning the Criminal Code has been officially enacted and corruption is no longer an extraordinary crime. In fact, corruption crimes often use complicated, evolving modes of operation, and their impacts are very detrimental to the wider community. The formulation of norms governing corruption is still contemporary, dynamic, and can adapt to the development of these crimes in society. Moreover, Indonesia as a participating country in the UN Convention against Corruption has not yet criminalized a number of recommended crimes in it. Thus, the legislators should prioritize revising the Corruption Eradication Law rather than pulling corruption crimes into the Criminal Code, which would be a problem.

The new Criminal Code is considered by several parties to be a "sweet gift" for corruptors. This is because the threat of punishment for corruption in the Criminal Code is lower than that stated

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in the Corruption Eradication Law (Tipikor). Corruption as an extraordinary crime is an explanation given by Law Number 21 of 2001, so as long as the law is not revoked, the status and qualifications of corruption remain extraordinary crimes. This explanation is based on the Wetboek van Strafrecht which was ratified as the Criminal Code by the Dutch East Indies Government on January 1, 1918. The implementation of the Criminal Code is based on the UUDNRI 1945) which states that all existing laws and regulations remain in effect as long as there are no new ones according to the UUDNRI 1945 and is strengthened by Law Number 1 of 1946 concerning the Implementation of the Wetboek van Strafrecht as the Criminal Code.

The enactment of Law Number 1 of 2023 concerning the Criminal Code is also considered to have the potential to hinder the investigation process of corruption cases carried out by the KPK. The explanation of Article 603 of the new Criminal Code states, "What is meant by 'harming state finances' is based on the results of the audit of the state financial audit institution". For him, this definition directs the authorized party to only the Audit Board of Indonesia (BPK). Meanwhile, the public knows that the results of the calculation of state losses by the BPK often take a long time, thus hindering the process of determining suspects by law enforcement. The regulation of the new Criminal Code actually contradicts the decision of the Constitutional Court (MK) No. 31 / PUU-X / 2012 which emphasizes that law enforcers can not only coordinate with the Audit Board of Indonesia (BPK) when calculating state losses, but can coordinate with other agencies. In fact, it allows law enforcers to prove it themselves outside the findings of the state institution.

Another obstacle faced by KPK investigators is the duplication of articles on core crimes regulated in the Criminal Code with the original Law. For example, in Article 603 of the Criminal Code which is a form of a similar article to Article 2 of the Corruption Eradication Law. The problem is, Article 603 of the Criminal Code actually reduces the minimum threat of imprisonment to 2 years and a minimum fine of Rp10 million (ten million rupiah). In fact, in Article 2 of Law 31/1999 the minimum threat is 4 years and a minimum fine of Rp200 million (two hundred million rupiah). If in one case there is the use of two laws with the same duplication and offense, but the criminal threat is different, it actually opens up opportunities for law enforcement officers to use their discretion to 'buy and sell' articles that are most beneficial to corruption suspects/defendants. The loss of the special nature of corruption has the potential to hinder the process of investigating corruption cases carried out by the KPK.

Another problem was related to the non-inclusion of provisions regarding additional criminal penalties in the form of compensation payments. As a result, it further undermines the spirit of returning assets resulting from crime. According to him, Indonesia Corruption Watch (ICW) noted the trend of 2021 verdicts, from a total state loss of IDR 62.9 trillion (sixty-two trillion nine hundred billion rupiah), compensation only reached IDR 1.4 trillion (one trillion four hundred billion rupiah). Meanwhile, a number of important regulations such as the Draft Law (RUU) on Asset Confiscation have never been included in the Priority Prolegnas. During the handling of corruption cases by the KPK, there was a value of state financial loss recovery that was successfully uncovered by KPK investigators through confiscation and blocking in the period 2017 to 2019, where the value of state financial losses from corruption cases based on calculations by the Audit Board of Indonesia (BPK) and the Development Finance Supervisory Agency (BPKP) amounted to IDR 8,809,182,324,783.00 (eight trillion eight hundred nine billion one hundred eighty two million three hundred twenty four

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thousand seven hundred eighty three rupiah) of which, of that amount, only IDR 4,702,702,350,270.00 (four trillion seven hundred two billion seven hundred two million three hundred fifty thousand two hundred seventy rupiah) was successfully saved in the investigation process.

The definition of functionalization according to Barda Nawawi Arief, is interpreted as an effort to make everything function, operate or be realized concretely. Referring to the definition of functionalization as stated by Barda Nawawi Arief, the meaning of functionalization of KPK investigators refers to the regulation of investigator positions in the KPK as functional positions, not just structural positions. This means that KPK investigators have certain specializations and expertise in the field of investigation and investigation of corruption crimes, which are officially recognized through laws and regulations. With functionalization, it is hoped that KPK investigators will have deeper and more specific expertise in handling corruption cases, and can work more effectively and professionally.

Disharmony in the authority of law enforcement between law enforcement agencies, namely the KPK and the Directorate of Corruption and Corruption of the National Police, such as the authority of investigation and prosecution carried out by the same agency is contrary to the principle of functional differentiation in the criminal justice system, so that a policy is needed by the KPK in responding to the legal implications of corruption as an extraordinary crime included in Law No. 1 of 2023. Based on the background above, the author is interested in conducting a research study entitled "Functionalization of Corruption Eradication Commission (KPK) Investigators in Handling Corruption Crimes Post-New Criminal Code".

METHODS

The approach used in this study was a normative legal approach. The normative legal approach uses laws that are conceptualized as norms, rules, principles or dogmas. The normative legal research stage uses literature studies (review of literature). In this study, library materials are basic data for researchers that are classified as secondary data, namely by researching legal material data in the form of laws and regulations related to the handling of corruption crimes after the New Criminal Code. The data collection methods in this study are library research (library research) and field research (field research). The data analysis method in writing this law uses qualitative data analysis methods.

RESULT AND DISCUSSION

Efforts to Minimize Conflict in Corruption Crime Investigations After the Enactment of Law No. 1

Criminal Law Policy in Combating Corruption is the formulation and scope of good criminal legislation, or a policy to determine prohibited acts and the threat of criminal penalties determined for corruption. Changes in criminal law policy in combating corruption, criminal regulations in the new Criminal Code are considered less effective because they consider corruption to be a minor crime. This makes corruptors free to commit corruption. Regarding the criminal law policy in including the formulation of corruption crimes in the Criminal Code, there are 3 important things that need to be considered, namely first, related to the policy of formulating corruption crimes in the

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Criminal Code, which policy includes crimes outside the Criminal Code, one of which is corruption as a step in an effort to unify and consolidate into one book. The formulation of Corruption Crimes whose placement in the Criminal Code if enforced will potentially cause problems in the future. This problem can have implications for the existence of Law No. 31 of 1999 in conjunction with Law No. 20 of 2001 concerning the Eradication of Criminal Acts of Corruption which is threatened with being abolished because it takes all provisions on criminal acts of corruption from the law.

The ratification of the 2023 Criminal Code on December 6, 2022 has the potential to create turmoil and dynamics in the eradication of corruption in Indonesia. Public expectations for the eradication of corruption to improve will apparently be difficult to achieve with the regulations in the 2023 Criminal Code. This proves that the direction of the government's and DPR's legal policies in enforcing corruption laws is still questionable. Most of the articles on corruption contained in the RKUHP actually hinder the work of eradicating corruption. The ratification of the 2023 Criminal Code apparently provides dynamics that there is an unclear orientation of the government and DPR in formulating a strategy to eradicate corruption. Although President Joko Widodo claimed on World Anti-Corruption Day 2022 that corruption is the root cause of Indonesia's development challenges, his response was the ratification of the Criminal Code proposed by the government, which includes reducing the punishment for corrupt individuals. What is even more concerning is that the contents of the ratification of the Criminal Code, including its formal aspects, are full of serious problems. For example, during the ratification of the 2019 KPK Law. In this case, the understanding of council members regarding the formal requirements for the formation of laws and regulations is questionable. In addition, there are very important aspects to consider in the drafting of laws, namely community participation and interests.

There are at least 4 critical comments regarding the inclusion of corruption articles in the new 2023 Criminal Code (KUHP).

1. Elimination of corruption. It should be noted that the addition of corruption articles to the Criminal Code actually eliminates the specificity of corruption and makes it a general crime. Thus, corruption is no longer referred to as an extraordinary crime. In fact, corruption often uses complex and developing modus operandi, and as a result can be detrimental to society. It is only right that provisions on corruption crimes must also be modern, dynamic and adjusted to the development of these crimes in society. In addition, Indonesia, a party to the United Nations Convention Against Corruption (UNCAC), has not criminalized many of the crimes it supports. Based on this, legislators should prioritize revising existing corruption laws rather than adding problematic corruption articles to the Criminal Code.
2. Duplication of articles on principal crimes (principal crimes) regulated in the Criminal Code with the original law. For example, Article 603 of the Criminal Code, which is similar in form to Article 2 of the Corruption Law. The problem is, this Criminal Code article actually reduces the minimum corporal punishment of 4 years (in the Corruption Law) to 2 years and the fine that could previously be imposed from a minimum of IDR 200 million to IDR 10 million. However, if two laws are used in one case with overlap and the same violation has different criminal sanctions, it actually opens up opportunities for law enforcement officers to use their discretion to "buy and sell" the most profitable goods to corruption suspects. In several articles, the minimum level of physical punishment is also lowered in criminal law. Although there are several articles that

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increase the minimum limit of physical punishment, such as Article 604 which is another form of Article 3 of the Corruption Law, from one year to a minimum of 2 years in prison. However, this is certainly not commensurate with the subject regulated in this article, namely, public officials or state administrators. The low risk of the new criminal law to punish corruptors makes the corruption agenda even more regrettable. The reason is, based on ICW's 2021 criminalization trend data, the average prison sentence for 1,282 corruption cases was only 3 years and 5 months.

3. Does not contain provisions regarding additional fines in the form of compensation payments. This certainly undermines the spirit of recovering the proceeds of crime. ICW exemplifies the 2021 assessment trend, of the total state loss of IDR 62.9 trillion, compensation money was only IDR 1.4 trillion. Meanwhile, several important provisions such as the Asset Confiscation Bill have never been included in the priority agenda of national legislation.
4. This can hinder the investigation of corruption cases. Because in the explanation of Article 603 of the 2023 Criminal Code it is written that the state economic losses referred to are based on the results of the state audit. This definition stipulates that the authorized party is only the Audit Board of Indonesia (BPK). It is known that the results of the BPK's calculation of national losses often take a long time, making it difficult for law enforcement officers to identify suspects..

In terms of the 2023 Criminal Code, as reported in an article by the National Legal Development Agency (BPHN), the status of corruption as an extraordinary crime has the potential to be lost. The reason is, quoted through Romli on the National Legal Development Agency page, the regulation of corruption in the 2023 Criminal Code aims to implement decolonization through a partial recodification approach. However, in reality, there was a complete recodification because there was a fundamental change, including in the aspect of the philosophy of punishment, towards a non-punishment philosophy or in other words, abandoning the purely punitive approach. In this context, the abandonment of the principle of lex specialis derogat legi generalis has significant implications as a result of the revocation of five articles in Law Number 31 of 1999 which was amended by Law Number 21 of 2001, namely Article 2 paragraph (1), Article 3, Article 5, Article 11, and Article 13, which are now regulated in Article 622 paragraph (1) letter l of the 2023 Criminal Code.

When corruption is no longer considered an extraordinary crime but has been made a general crime equivalent to conventional crimes such as theft with violence or embezzlement, Romli emphasized that the legal implication of this condition is the loss of specialization of authority among law enforcement agencies, including the Police, Prosecutors, and the Corruption Eradication Committee, in carrying out their duties. For example, the Corruption Eradication Committee will no longer have the authority to conduct wiretapping without permission from the court. In this context, the change in the status of corruption from an extraordinary crime to a general crime eliminates the privileges in handling corruption cases that were previously given to law enforcement agencies such as the Corruption Eradication Committee. The absence of differences in the approach to law enforcement between corruption cases and other crimes such as theft or embezzlement means that the authority and methods of law enforcement that were previously specific to corruption cases are limited or even no longer relevant.

Changes in the regulation of corruption crimes reflect the direction of the government's legal

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policy regarding the eradication of corruption in this country. Increasing awareness of the negative impact of corruption on development and economic stability has prompted the government to take firm steps to improve the effectiveness of anti-corruption laws. This can include improving the definition of corruption, expanding the scope of corruption crimes, and increasing sanctions for perpetrators of corruption. The aim of these changes is to create a tougher legal environment for corruption crimes and strengthen efforts to eradicate corruption as a whole.

Legal certainty was an important principle in the legal system that ensures that the law is applied clearly, consistently, and fairly. In the context of changes in the regulation of corruption crimes, it is important to maintain clarity regarding the definition of corruption, the elements of the crime, and the law enforcement mechanisms that will be used. This legal certainty provides clear guidelines for law enforcement officers, courts, and the general public in understanding and implementing anti-corruption laws. Thus, it is hoped that the implementation of the law does not provide room for ambiguous interpretations or abuse of power.

The effectiveness of changes in the regulation of corruption crimes will depend greatly on strong and impartial law enforcement. Enforcement of efforts to eradicate corruption crimes includes investigations, inquiries, prosecutions, and court processes against perpetrators of corruption. Good coordination is needed between law enforcement agencies, such as the police, prosecutors, and courts, so that this process runs smoothly and fairly. In addition, it is also important to prevent political interference or intervention that can disrupt the law enforcement process. By maintaining the independence and integrity of law enforcement agencies, efforts to eradicate corruption crimes can be carried out more effectively. Furthermore, Yunan Hilmy, Head of the Center for Legal Analysis and Evaluation at the National Legal Development Agency (BPHN) under the Ministry of Law and Human Rights (HAM), is of the opinion that the problems that often hinder the effectiveness of law enforcement in Indonesia are not only related to regulations alone, but also related to problems of law enforcement institutions, legal culture, and lack of optimal support for facilities and infrastructure. However, it must be acknowledged that currently the criminal justice system related to law enforcement of corruption crimes has not been running optimally, so it has not been able to provide legal certainty, justice, and maximum benefits for the community.

The ratification of the new Criminal Code by the President and the Indonesian House of Representatives is an important milestone in the development of the criminal law system in Indonesia. Through this change, it is hoped that law enforcement can be more effective, justice can be better upheld, and human rights can be better protected. In facing the future, changes to the Criminal Code must continue to be directed to face developing challenges, so that it can continue to be relevant and provide significant benefits to the Indonesian people. In conclusion, the ratification of the new Criminal Code is an important step in strengthening the criminal law system in Indonesia. However, effective implementation, monitoring, and periodic review remain challenges that need to be overcome. With the commitment and cooperation of all parties, it is hoped that the new Criminal Code can be an effective instrument in maintaining justice, protecting human rights, and improving law enforcement in Indonesia.

Given these findings, it is appropriate that there are concrete steps to strengthen supervision of all government activities in order to strengthen transparency and accountability in the management of state finances. These improvements can begin by perfecting the financial

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management system that is oriented towards the general principles of good governance. More specifically, in the context of state financial management, every state apparatus needs to implement the principles as stipulated in Article 3 paragraph (1) of Law No. 17 of 2003 concerning State Finances, including accountability, professionalism, proportionality, and openness in the management of state finances, as well as financial audits by an independent and autonomous auditing body. In addition, in the context of law enforcement, there needs to be an effort from law enforcement officers to optimize criminal penalties that are oriented towards the return of assets resulting from crime.

This study highlights that the reform process in the regulation of corruption crimes needs to find a careful balance between aligning with contemporary legal standards and maintaining the unique nature of corruption as a serious social problem. This study emphasizes the need for continuous evaluation and improvement to ensure that legal changes support strong and comprehensive anti-corruption efforts. The complexity of addressing corruption through legal reform in the National Criminal Code emphasizes the importance of continued research and collaboration between legal experts, policymakers, and practitioners to refine and strengthen the legal framework while upholding the broader societal goals of eradicating corruption and promoting good governance.

Management is very important for every individual or group activity in an organization to achieve the desired goals. Management is process-oriented, meaning that management requires human resources, knowledge, and skills so that activities are more effective or can produce actions in achieving success. Strategic management is a series of managerial decisions and actions that determine the company's long-term performance. The KPK must be able to formulate the right strategy with the differences in provisions after Law Number 1 of 2023 concerning the Criminal Code. The ratification of the new Criminal Code through Law Number 1 of 2023 concerning the Criminal Code is not only a legal process, but also has a major social impact on Indonesian society. As a reference for law enforcement officers, the new Criminal Code has a crucial role in prosecuting and punishing perpetrators of criminal acts, as well as maintaining security and justice in society. Therefore, a clear understanding of KPK investigators and confirmation of the new Criminal Code are very important to ensure protection and security for all citizens. However, not all parties have responded positively to the ratification of the new Criminal Code. Some parties have criticized several provisions that are considered inappropriate to the current context and have the potential to cause abuse of authority by law enforcement officers. Therefore, it is important for the KPK to carry out periodic evaluations and reviews of the new Criminal Code to ensure that existing provisions can be implemented fairly and effectively.

Functionalization of the Corruption Eradication Commission in Carrying Out Investigations of Corruption Crimes

The United Nations Convention Against Corruption (UNCAC) was ratified by Indonesia through Law Number 7 of 2006. UNCAC does not provide guidelines on how an anti-corruption agency should be formed. This is left to each country. However, UNCAC creates standards so that each country can give independence to its anti-corruption agency. UNODC then provides technical guidelines regarding the independence of anti-corruption agencies. This independence includes

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regulations on the appointment, term of office, and dismissal of leaders, the composition of the supervisory body, budget and remuneration for employees, budget for the agency, procedures for recruitment, appointment, evaluation, and promotion, periodic reports, cooperation, and community and media involvement. The establishment of an anti-corruption agency to address the problem of corruption is a global trend. This is because corruption has become a global phenomenon, so too have efforts to combat corruption. The spread of anti-corruption agencies is becoming more massive because it is prescribed by world institutions in the design of institutions and strategies to combat corruption. However, the establishment of a special anti-corruption agency does not eliminate previously existing related institutions. Anti-corruption mechanisms in most countries combine their traditional institutions with special anti-corruption institutions.

In political science, law contains three things that can be used to study legal politics as a regulation, namely: First, the official line that can be found in the academic text of the draft law; Second, the tug-of-war of political, social and cultural interests; Third, the implementation of law enforcement in the field. In the academic text on the amendment to the KPK Law, it can be seen regarding the reasons or things behind the amendment to this law, namely the Constitutional Court's decision stating that certain elements of the old KPK Law are unconstitutional. Therefore, it is necessary to make arrangements for realignment related to criminal procedure standards and basic criminal law standards.

In political science, law contains three things that can be used to study legal politics as a regulation, namely: First, the official line that can be found in the academic text of the draft law; Second, the tug-of-war of political, social and cultural interests; Third, the implementation of law enforcement in the field. In the academic text on the amendment to the KPK Law, it can be seen regarding the reasons or things behind the amendment to this law, namely the Constitutional Court's decision stating that certain elements of the old KPK Law are unconstitutional. Therefore, it is necessary to make arrangements for realignment related to criminal procedure standards and basic criminal law standards.

The government as a state party has the authority to create and place the KPK as an anti-corruption forum adopted using the state regulatory system, namely in the regulatory system of the Unitary State of the Republic of Indonesia. In this case, the Government and the DPR through their authority intend to design the KPK so that it is easy to carry out synchronous supervision using the principle of checks and balances by placing it in the executive group. By placing the KPK in the executive group, the KPK has an equal position and balances and controls each other. The KPK is placed as a state auxiliary agencies or a state forum assistant in the executive group, in this case becoming a state forum assistant to the President in the field of law enforcement. If viewed from Law Number 19 of 2019, there is an additional phrase that was previously not found in Law Number 30 of 2002 which has implications for changes in the institutional format of the KPK, the addition of the phrase is, "The KPK is a state institution in the executive power group" in the revision of the KPK Law explicitly places the KPK as an institution in the executive environment. The establishment of the KPK Supervisory Board is an implementation of Article 5 of the UNCAC, which requires member states to develop effective anti-corruption policies. The KPK Supervisory Board places itself on a par with the KPK as an institution that implements a check and balance system. The objectives are formulated and positioned in such a way that the KPK is no longer absolute.

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The New Criminal Code, namely Law Number 1 of 2023, brings significant changes in handling corruption crimes, including in the context of the authority of the Corruption Eradication Commission (KPK). One of the main changes is that corruption is no longer considered an "extraordinary crime" but rather a general crime, which has an impact on the authority of the KPK. This change can limit the KPK's authority in handling corruption cases, especially related to wiretapping and handling crimes involving BUMN, where state losses are not necessarily considered a crime.

CONCLUSION

The New Criminal Code, namely Law Number 1 of 2023, brings significant changes in handling corruption crimes, including in the context of the authority of the Corruption Eradication Commission (KPK). One of the main changes is that corruption is no longer considered an "extraordinary crime" but rather a general crime, which has an impact on the authority of the KPK. This change can limit the KPK's authority in handling corruption cases, especially related to wiretapping and handling crimes involving BUMN, where state losses are not necessarily considered a crime. The investigator's perspective on the differences in provisions that deviate from the rules of criminal law in the perspective of material criminal law and formal criminal law in Law No. 31/1999 Jo Law No. 20/2001 with Law No. 1/2023 (New Criminal Code) in handling corruption crimes that the weak sanctions against corruption crimes contained in the New Criminal Code can weaken the eradication of corruption itself. Investigators are of the view that it is appropriate for the Criminal Code to regulate the maximum penalty for perpetrators of corruption crimes to be threatened with the death penalty. With this threat, it is hoped that people who want to commit corruption crimes that harm state finances can change their minds, so that the number of corruption cases in Indonesia can be reduced.

Referring to the research results, the author provides several suggestions, as follows:

1) The government should review the articles related to corruption crimes in the 2023 Criminal Code so that it does not become a legal rule that is regressive compared to the Corruption Eradication Law. In addition, there must be synchronization of regulations between the 2023 Criminal Code and the Corruption Eradication Law.
2) It is necessary to conduct legal counseling for KPK investigators regarding changes in the New Criminal Code supported by the existence of clear SOPs in handling corruption crimes by the KPK. In addition, with the issuance of the New Criminal Code, it should be communicated through a mechanism for channeling aspirations of both related institutions and agencies to respond well so that legal products can be useful and effective for the interests and progress of the nation and state that have been aspired to together by the KPK, Police, Prosecutors, Justice, National Narcotics Agency (BNN) and the Financial Transaction Reports and Analysis Center (PPATK), and the Judicial Commission which has the authority to maintain the dignity and honor of judges as a consequence of the performance of judges as the final part in a decision in seeking material truth that is responsible not only to the community but also justice based on God Almighty to prioritize professionalism that is accompanied by ethical values that are reflected in every movement and step of law enforcers who have been awaited and waited for by millions of Indonesian people who want a country that is advanced, safe, peaceful and prosperous and

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civilized.

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