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Substantive Reform of Law No. 1 of 2023 and Its Implications for Corruption Enforcement in Indonesia

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Abstract:

The enactment of Law Number 1 of 2023 concerning the Criminal Code (KUHP) is a significant milestone in national criminal law reform, with significant implications for the enforcement of corruption crimes in Indonesia. As an extraordinary crime that is systemic and has a broad impact on the public interest, corruption demands an effective, firm, and consistent law enforcement strategy. Substantive reforms in the new Criminal Code, particularly those related to the reformulation of the principle of legality, the introduction of a more flexible, objective-oriented sentencing system and the strengthening of corporate criminal liability, have the potential to influence the direction and strategy of corruption enforcement. This study aims to analyze the implications of substantive reforms of Law No. 1 of 2023 on the investigation, prosecution, and sentencing strategies in enforcing corruption crimes. The research method used is a normative juridical approach with a statutory approach, through a study of the new Criminal Code, the Corruption Eradication Law, and relevant secondary legal materials. The research results show that the reform of the Criminal Code opens up opportunities for a more modern law enforcement approach oriented towards recovering state losses, but also raises challenges in the form of potential legal uncertainty, complexity of proof, and the risk of weakening the deterrent effect if it is not accompanied by harmonization of norms and increased capacity of law enforcement officers.

Keywords: corruption crimes; law enforcement strategy; new criminal code.

INTRODUCTION

National criminal law reform is a fundamental agenda in developing a sovereign, modern, and just Indonesian legal system. The enactment of Law Number 1 of 2023 concerning the Criminal Code (KUHP) marks the end of the dominance of the colonial legacy of the Wetboek van Strafrecht and is a significant milestone in national criminal law reform. This reform is not only codifying but also brings substantive changes to the principles, concepts of criminal responsibility, and the direction of criminal punishment policies, which have broad implications for various criminal regimes, including corruption. These changes reflect a shift in the criminal law paradigm from a purely repressive approach to one that is more proportionate, humane, and oriented towards corrective and restorative justice. The new Criminal Code also strengthens the principle of individualization of punishment, expands alternative sentencing options, and emphasizes a balance between protecting the community, victims, and perpetrators. In the context of corruption, this reform has important implications for law enforcement strategies, particularly in terms of sentencing, assessing culpability, and the effectiveness of recovering state losses. Thus, criminal law

reform through the National Criminal Code not only changes the normative structure of criminal law, but also demands adjustments in law enforcement practices to remain in line with the goal of eradicating corruption as an extraordinary crime in Indonesia (Setiawan & Afita, 2025).

Conceptually, the creation of the new Criminal Code is intended to align criminal law with the development of constitutional values, human rights principles, and the needs of contemporary Indonesian society. The Criminal Code no longer functions solely as a repressive instrument, but also as a means of social engineering that balances legal certainty, justice, and expediency. This shift in orientation demonstrates that criminal law is positioned not only to punish criminals but also to prevent criminal acts through a more systematic and humane approach. In this context, any substantial changes to the Criminal Code have the potential to impact the overall pattern of criminal law enforcement, including strategies for combating extraordinary crimes such as corruption. This is because the basic principles of the Criminal Code, such as criminal liability, types of sanctions, and the objectives of punishment, serve as a general reference in the national criminal law system. Therefore, reform of the Criminal Code cannot be separated from efforts to harmonize it with specific laws, including the law on corruption. This adjustment is crucial to prevent disharmony of norms that could impact the effectiveness of law enforcement. Thus, the new Criminal Code has a strategic role in shaping the direction of criminal law policy that is more adaptive, responsive, and in accordance with the dynamics of modern crime in Indonesia (Silalahi & Marpaung, 2025).

Corruption has long been understood as a systemic, organized crime that directly impacts the foundations of national life. Corruption not only harms state finances but also undermines public trust, hinders development, and weakens the legitimacy of laws and state institutions. Therefore, law enforcement against corruption is a national priority, requiring a firm, progressive, and effectiveness-oriented legal approach. From a criminal law policy perspective, corruption is also viewed as an extraordinary crime (extraordinary crime) which requires special handling instruments to optimally minimize its impact. Nevertheless, the practice of enforcing corruption crimes in Indonesia still faces various structural and normative challenges. These challenges include the complexity of evidence, overlapping regulations, debates regarding applicable criminal law principles, and the dynamics of law enforcement institutions. In many cases, differences in legal interpretation and changes in criminal policy actually create uncertainty in the application of the law, which ultimately can weaken the power of deterrence (deterrent effect) corruption enforcement. This condition shows that the effectiveness of corruption eradication is not only determined by the substance of the law, but also by the consistency of implementation and synergy between law enforcement officers in carrying out their duties professionally and with integrity (Agustina et al., 2025).

In this context, the validity of the new Criminal Code through Law Number 1 of 2023 is an important variable that deserves critical examination within the framework of national criminal law reform. As general criminal law (general law), the Criminal Code has the potential to influence the application of special criminal laws (special law), including the Corruption Eradication Law. Although the Corruption Eradication Law remains in principle specifically applicable, changes to the Criminal Code can have an indirect impact on how corruption law enforcement is carried out, particularly in terms of the interpretation of basic principles of criminal law. Changes to the principles of punishment, the concept of guilt, types of punishment, and the objectives of punishment in the new Criminal Code can have strategic implications for the direction and methods of enforcing corruption crimes. For example, strengthening alternative punishments and an individualized approach to punishment can influence sentencing patterns by judges. Furthermore, a paradigm shift from a purely repressive approach to a more proportional and corrective approach also has the potential to shift the orientation of law enforcement. Therefore, an in-depth study is needed to ensure that the implementation of the new Criminal Code remains in line with the characteristics of corruption as an extraordinary crime that requires firm, consistent handling, and is oriented towards a deterrent effect and recovery of state losses (Erwanti, 2024).

A fundamental question arises regarding the extent to which substantive reforms in the new Criminal Code support or potentially limit the existing corruption enforcement strategies developed in Indonesia. This question is crucial because changes in general criminal law cannot be separated from their impact on specific criminal laws that have already developed progressively, particularly in the context of eradicating corruption as an extraordinary crime. The relationship between the Criminal Code as general criminal law (general law) and the Corruption Crimes Act as a special criminal law (special law) demands

conceptual clarity and harmonization of norms to avoid overlapping regulations or conflicting interpretations. The lack of clarity in the relationship between the two legal regimes has the potential to create legal uncertainty in law enforcement practices, both at the investigation, prosecution, and court decision stages. On the other hand, the reform of the Criminal Code, which brings changes to the principles of punishment, the objectives of punishment, and the types of sanctions, can also affect the pattern of corruption law enforcement, which has previously been oriented towards deterrence and recovery of state losses. Therefore, an in-depth study is needed to ensure that criminal law reform continues to support the strengthening of corruption eradication strategies, rather than weakening their effectiveness in practice (Padang; et al., 2024).

Analysis of the implications of the new Criminal Code becomes increasingly relevant given that the strategy for enforcing corruption crimes depends not only on the criminal provisions alone, but also on the sentencing framework, the flexibility of prosecution, and the overall orientation of criminal law policy. Changes to the National Criminal Code have significant consequences for how the state formulates and implements criminal law enforcement policies, including in corruption cases, which have been categorized as extraordinary crimes. Every paradigm shift in the Criminal Code, whether restorative, corrective, or preventive, needs to be tested for its suitability to the characteristics of corruption crimes that have a broad impact on state financial losses and public trust. Furthermore, the updated Criminal Code also has implications for the role and discretion of law enforcement officials, including investigators, public prosecutors, and judges, in formulating strategies for handling corruption cases. Law enforcement officials are required to be able to interpret and implement new norms carefully, consistently, and oriented towards the goal of eradicating corruption. This is crucial to prevent criminal law reform from creating weaknesses in law enforcement. Therefore, a balance is needed between reforming the criminal justice system and the need to maintain effectiveness and firmness in eradicating corruption in Indonesia (Susilawati, 2025). Therefore, an analysis of the implications of the substantive reforms of Law No. 1 of 2023 on the strategy for enforcing corruption crimes is urgently needed. This study is needed to assess the extent to which the new Criminal Code supports, adapts to, or potentially limits existing corruption enforcement policies, and to formulate a strategic approach that aligns the new Criminal Code with corruption eradication policies.

The reform of criminal law in Indonesia through the enactment of Law Number 1 of 2023 concerning the Criminal Code (National Criminal Code) is one of the most significant changes in the history of national legal reform. This law not only replaces the Wetboek van Strafrecht (WvS) legacy of the colonial era that has been in effect for more than a century, but also brings a paradigm shift in the criminal system, criminalization, and the orientation of criminal law enforcement in Indonesia. In the context of criminal corruption, this reform cannot be viewed in isolation but must be read in relation to special legal regimes such as the Corruption Crime Law (UU Tipikor), which has been the main instrument for eradicating corruption in Indonesia. Therefore, a literature review on the implications of the substantive reform of the new Criminal Code on corruption enforcement strategies is crucial for understanding the future direction of Indonesian criminal law policy (Amalia et al., 2025).

Theoretically, criminal law reform is always associated with a paradigm shift from a retributive approach to a more proportional and restorative one. The new Criminal Code embodies the spirit of a more modern national codification by prioritizing the principle of balance between community protection, victim protection, and respect for human rights. In this context, law enforcement is no longer solely oriented toward maximum punishment, but also toward effectiveness, proportionality, and broader criminal objectives. Modern criminal law literature emphasizes that major codification changes such as this will impact the entire criminal law system, including special criminal laws such as corruption. However, in the Indonesian legal system, corruption remains classified as an extraordinary crime with its own legal regime. This results in the Corruption Eradication Law remaining a lex specialis, standing outside the Criminal Code (Harefa et al., 2025). Nevertheless, the new Criminal Code continues to exert a significant influence by changing the basic principles of general criminal law, which serve as the foundation for all special criminal regulations. For example, changes regarding the principles of sentencing, minimum-maximum criminal regulations, strengthening alternative sentencing, and the individualization of criminal approaches will influence the way judges issue decisions in corruption cases, even though they still formally refer to the Corruption Eradication Law.

In academic literature, there is a view that the new Criminal Code strengthens the judicial discretion approach in sentencing. This is evident in the flexibility in the selection of types of punishment, including the strengthening of non-prison sentences such as supervision, community service, and conditional sentences. In the context of corruption enforcement, this change could spark serious debate. On the one hand, flexibility in sentencing could increase the effectiveness of law enforcement by reducing correctional overcrowding and providing space for the recovery of state losses through more adaptive mechanisms. However, on the other hand, there are concerns that this flexibility could weaken the deterrent effect, which has long been a key pillar of corruption eradication in Indonesia (Arsawati & Rusmana, 2026).

A literature review of corruption in Indonesia shows that the effectiveness of law enforcement depends heavily on the consistency of sanctions and the firmness of law enforcement officials. Over the past two decades, anti-corruption strategies have relied heavily on a repressive approach, imposing heavy prison sentences, large fines, and confiscating assets obtained through corruption. Institutions such as the Corruption Eradication Commission (KPK) have played a key role in strengthening this paradigm. However, with the introduction of the new Criminal Code, there has been a shift in orientation, placing greater emphasis on proportionality of punishment and the integration of the national criminal justice system. This raises questions about how corruption law enforcement strategies will adapt to these changes. In addition to the criminal aspect, substantive reforms to the Criminal Code also bring changes to the concept of criminal liability. The new Code places greater emphasis on the principle of culpability and clarifies the boundaries between individual culpability and corporate responsibility. In the literature on economic criminal law, corruption often involves corporate actors or complex networks, not just individuals. Therefore, strengthening the concept of corporate criminal liability in the new Criminal Code can provide a stronger foundation for enforcing corruption laws in the private sector. This is important because many modern corruption cases involve companies, government contracts, and complex procurement schemes (Agung & Nahak, 2025).

On the other hand, changes to the Criminal Code also reflect efforts to harmonize national criminal law with international principles. Literature on good governance and the anti-corruption framework emphasizes the importance of integrating national law with global standards such as the United Nations Convention Against Corruption (UNCAC). In this context, the new Criminal Code can be seen as an effort to strengthen a more modern criminal justice system compatible with international standards. However, its effectiveness remains dependent on implementation on the ground, particularly coordination between law enforcement agencies such as the police, the prosecutor's office, and the Corruption Eradication Commission (KPK). Another implication widely discussed in the literature is the potential for dualism or overlapping norms between the new Criminal Code and the Corruption Eradication Law. While the Corruption Eradication Law remains in principle a lex specialis, changes to the Criminal Code could impact the interpretation of criminal elements, the concept of attempted offenses, inclusion, and grounds for expungement. This could create greater interpretative space for judges, but could also lead to inconsistencies in court decisions if not balanced with clear guidelines (Sitepu et al., 2025). Therefore, it is necessary to harmonize jurisprudence and technical guidelines to avoid disparities in decisions in corruption cases.

From a criminal law policy perspective, the reform of the Criminal Code also reflects a shift from an overly sectoral approach to a more integrated system. The literature shows that the fragmentation of criminal law in Indonesia has been a major challenge in law enforcement, including in eradicating corruption. With the new Criminal Code, it is hoped that there will be a consolidation of the basic principles of criminal law, resulting in more consistent and targeted law enforcement. However, the main challenge remains how to implement this Criminal Code effectively without weakening the commitment to eradicating corruption as an extraordinary crime. Criminal Code reform also has implications for prevention-based law enforcement strategies. In modern literature on economic crime, a prevention approach is considered more effective than a purely repressive approach. A new Criminal Code that provides space for alternative punishments and a rehabilitative approach can open up opportunities for a more comprehensive law enforcement strategy, including strengthening compliance systems in the public and private sectors. In the context of corruption, this could mean strengthening internal oversight systems, transparency in procurement, and digitizing the state administration system (Ratnayutika, 2025).

However, some critical literature believes that reforming the Criminal Code has the potential to undermine the spirit of corruption eradication if not accompanied by strengthening law enforcement agencies and specialized instruments such as the Corruption Eradication Commission (KPK). This is because corruption is not only a legal issue but also a political, economic, and cultural one. Therefore, changes to general criminal law are insufficient without institutional reform and increased integrity of law enforcement officers. In this regard, future corruption enforcement strategies must be multidimensional, combining legal, institutional, and social approaches. The literature indicates that the implications of the substantive reforms of Law No. 1 of 2023 on the enforcement of corruption crimes are complex and ambivalent. On the one hand, the new Criminal Code offers a modernization of the criminal justice system, strengthening the principle of proportionality, and flexibility in sentencing that can improve the efficiency of the criminal justice system. However, on the other hand, there is a risk of weakening the deterrent effect and creating legal uncertainty if harmonization with the Corruption Eradication Law is not optimally implemented (Waluyo, 2022). Therefore, the future strategy for enforcing corruption crimes in Indonesia must balance general criminal law reform with the need to maintain the extraordinary character of corruption eradication. Therefore, this literature review confirms that reform of the Criminal Code is not merely a normative change, but also a paradigm shift in criminal law enforcement in Indonesia. In the context of corruption, the greatest challenge is ensuring that legal modernization does not diminish the state's decisiveness in eradicating crimes that harm the country's finances and economy at large.

METHOD

This research uses a normative juridical method with a statutory regulatory approach to examine and analyze positive legal provisions related to the enforcement of corruption crimes in Indonesia. The normative juridical method is a legal research approach that focuses on the study of legal norms contained in laws and regulations, legal doctrine, and relevant court decisions. This approach is used to understand how law is constructed and applied in law enforcement practices, particularly in the context of eradicating corruption crimes. Through this method, the research does not conduct direct field data collection, but rather focuses on library research sourced from primary, secondary, and tertiary legal materials. Primary legal materials include laws related to corruption crimes, such as the Corruption Crime Law and the National Criminal Code. Secondary legal materials include scientific literature, journals, and the opinions of legal experts who provide analysis of the issues studied. Meanwhile, tertiary legal materials are used as support to clarify the legal terms and concepts used. With this approach, the research is expected to provide a comprehensive understanding of the implications of legal reform on the strategy for enforcing corruption crimes in Indonesia in a systematic and in-depth manner (Pujiati, 2024).

The legislative approach in this study is carried out by systematically and comprehensively reviewing various regulations related to the eradication of criminal acts of corruption in Indonesia. This study includes Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption and the amendments stipulated in Law Number 20 of 2001, which has been the main basis for enforcing corruption laws in Indonesia. In addition, this study also analyzes Law Number 1 of 2023 concerning the Criminal Code (National Criminal Code) as a form of substantive reform of criminal law that has implications for the criminal system and basic principles of criminal law in Indonesia (Creswell, 2014). Furthermore, various other relevant laws and regulations are also reviewed to provide a more complete picture of the legal system governing criminal acts of corruption, including implementing regulations and technical provisions that support the implementation of criminal law policies. Through this approach, researchers seek to understand how written laws are formulated by legislators, how they are implemented by law enforcement officials, and how these norms are interpreted in judicial practice. Thus, this approach allows for an in-depth analysis of the consistency, harmonization, and effectiveness of regulations in supporting efforts to eradicate corruption in Indonesia.

The data used in this study are sourced from secondary legal materials, consisting of primary legal materials and secondary legal materials. Primary legal materials include various laws and regulations in force in Indonesia, including statutes, government regulations, and other regulations directly related to the regulation and enforcement of corruption crimes. Meanwhile, secondary legal materials include various legal literature that provides explanations, analyses, and interpretations of primary legal materials, such as law books, scientific articles, academic journals, research results, and other

documents relevant to the research object. All of these legal materials were obtained through library research methods that were carried out systematically, directed, and comprehensively. The search for legal sources was conducted to gain an in-depth understanding of the legal issues studied, particularly those related to the implications of criminal law reform on the strategy for enforcing corruption crimes in Indonesia. Therefore, the use of these secondary legal materials is expected to support the normative legal analysis process, resulting in an accurate, logical study that is in accordance with applicable legal research principles (Soekanto, 2018).

RESULTS AND DISCUSSION

Substantive Amendments to Law No. 1 of 2023 Relevant to Corruption Eradication Enforcement

The government has undertaken various efforts to eradicate corruption, including the establishment of the Corruption Eradication Commission (KPK) and strengthening regulations and law enforcement. However, corrupt practices persist across various sectors. As an extraordinary crime, corruption is not only a legal issue but also relates to political, economic, and socio-cultural dimensions, and has become deeply rooted in the government and bureaucratic systems (Syakila & Tanudjaja, 2025). Criminal law reform through Law Number 1 of 2023 concerning the Criminal Code brings significant conceptual changes to the national criminal law system, including in the enforcement of corruption crimes. Although the corruption criminal regime remains regulated by specific laws, the paradigm shift in the new Criminal Code cannot be separated from the overall corruption enforcement strategy. While this reform offers a more substantive and modern approach, it also raises the potential for normative and practical issues that could have negative impacts if not carefully anticipated by law enforcement officials (Yustiana & Kusumadewi, 2020).

The first and most fundamental change in the new Criminal Code is the reformulation of the principle of legality with the recognition of living law in society (living law), through the provisions of Article 1 paragraph (1). This provision still emphasizes that no act can be punished except based on previously existing criminal laws, but in its development the Criminal Code also opens up space for the recognition of legal values that exist in society as part of the national criminal law system. This reflects the expansion of the approach in understanding criminal acts that do not only rely on written norms alone, but also consider the values of justice that develop in society. In the context of criminal acts of corruption, this change can have complex implications. On the one hand, the enforcement of corruption law must still adhere to the principle of legality strictly because it is a crime that is expressly regulated in law. However, on the other hand, the social value approach can strengthen substantive arguments in assessing acts of abuse of authority that are detrimental to the public interest. Thus, this reformulation of the principle of legality requires caution from law enforcement officials so as not to create legal uncertainty in the practice of eradicating corruption (Nadianti & Ali Kusumo, 2025).

This principle of legality changes the way corruption is assessed because it demands legal certainty (prVIA) (nullum crimen nulla poena sine lege praevia), meaning that prosecutors must prove that matters comply with existing laws. While existing laws can weaken the certainty of corruption if applied broadly by judges. This can lead to disagreements between law enforcers and judges about the boundaries of applicable laws. Defendants can use this situation in corruption enforcement to argue that their actions do not clearly violate written regulations or are still within the scope of policy discretion. Consequently, if the principle of legality is expanded with the aim of strengthening substantive justice without being accompanied by consistent standards of interpretation, law enforcement can be less effective (Karomatul et al., 2025).

The second significant change was the introduction of a new, more flexible, and more objective-oriented sentencing system. In corruption cases, this system shifts the focus from corporal punishment to restitution of state losses and asset recovery. The new sentencing system in the 2023 Criminal Code, particularly Article 81, allows for the confiscation and auctioning of a convict's assets to settle unpaid fines, supporting the focus on asset recovery in the Corruption Eradication Commission (Tipikor) by replacing mere fines with imprisonment. Article 12 paragraph (1) broadens criminal sanctions and measures, influencing prosecutors' prosecution strategies, which now emphasize quantitative proof of state financial losses to ensure loss restoration. In enforcing the Anti-Corruption Act, Article 81 requires prosecutors to prepare integrated charges with asset confiscation mechanisms, shifting the focus from imprisonment to

loss recovery, in line with Articles 2 and 3 of the Anti-Corruption Law, although it requires inter-agency coordination for effective asset tracing (Marrismawati et al., 2024).

This approach is normatively consistent with the character of corruption as an economic crime. However, a weakness of this system is the potential for a reduced deterrent effect if imprisonment is no longer the primary focus of prosecutions, particularly for corruptors with economic and political power. The emphasis on asset recovery requires law enforcement officers to accurately and comprehensively prove state financial losses. In practice, proving state losses often faces technical obstacles, such as differing calculation methods, audit limitations, and lengthy asset tracing processes. If the sentencing strategy relies too heavily on asset recovery without adequate evidentiary instruments, this can weaken the position of public prosecutors and open up loopholes for defendants to escape proportionate criminal responsibility (Hasibuan et al., 2024). Furthermore, flexibility in the sentencing system also has the potential to create disparities in sentencing in corruption cases. Without clear guidelines, judges can issue widely varying verdicts in cases with relatively similar characteristics. This disparity risks reducing public trust in the consistency and integrity of anti-corruption law enforcement, especially in the context of eradicating corruption which demands legal certainty and firmness (Ayuningtyas, 2020).

The third crucial change is the strengthening of corporate criminal liability in Law No. 1 of 2023. Corporate criminal liability is regulated in Article 48 of the 2023 Criminal Code, which states that a corporation is responsible if the crime falls within the scope of its articles of association and unlawfully benefits the corporation, thus expanding the target of Corruption Eradication Commission (Tipikor) investigations to corporate entities, including functional managers or beneficial owners. This reform allows KPK investigators to target corporations as the primary criminal subjects in bribery or embezzlement cases, with legal requirements such as unlawful profit, opening up a new model of indictment based on internal corporate evidence. Fines and supervisory penalties under Article 81 can be imposed directly on corporations, complementing Article 20 of the TIPikor Law, although increasing the burden of proving corporate wrongdoing through Articles 49-50 (Girsang et al., 2024). However, this expansion also presents serious challenges in terms of evidence, as law enforcement officials must be able to prove the link between corporate policies, controllers, and the crimes committed. The main weakness in corporate criminal liability lies in the potential difficulty in determining concretely responsible parties within the corporate structure. Organizational complexity and the division of authority can be exploited to obscure criminal accountability, making the investigation process lengthier and more complicated. If not balanced by increased capacity of investigators and prosecutors, this expansion of accountability risks delaying the handling of corruption cases (Muladi & Priyatno, 2025).

The imposition of criminal sanctions on corporations also has the potential to cause undesirable economic and social impacts, such as disrupting the business climate or harming parties not directly involved in the crime. In this context, corruption enforcement must be able to balance the effectiveness of eradicating corruption and protecting legitimate economic interests. Without this balance, corporate criminal liability can be perceived as a counterproductive, repressive instrument (Fadhila, 2024). In line with this, the 2023 Amendment to the Criminal Code, Articles 603-604, adjust corruption offenses to avoid overlap with the Corruption Law, with minimum penalties modified by the Delphy system to maintain harmony with the legality principle of Article 1. However, the combination of the legality principle and living law has the potential to create a normative paradox that weakens the prosecution of Corruption, while the criminal system of Article 81 is effective for recovery but vulnerable to failure if asset tracing fails. Article 48 corporate liability also slows down the process due to the complexity of proof, so the enforcement strategy must integrate Article 1 for certainty with Article 81 for recovery priority while limiting living law to non-corruption contexts.

The substantive changes in Law No. 1 of 2023 present both opportunities and challenges for the strategy of enforcing corruption crimes in Indonesia. Reformulation of the legality principle, a new criminalization system, and strengthening of corporate criminal liability have the potential to strengthen substantive and structural approaches to eradicating corruption. However, without clear derivative regulations, increased capacity of law enforcement officials, and consistent implementation, these changes could create legal uncertainty, weaken the deterrent effect, and reduce the effectiveness of corruption enforcement.

Implications of the Reform on the Corruption Eradication Strategy

The reform of the Criminal Code through Law No. 1 of 2023 has direct implications for the strategy of enforcing corruption crimes, not only at the normative level, but also on the operational practices of law enforcement officers. Changes in the principles, criminal system, and construction of criminal responsibility require comprehensive adjustments in the stages of investigation, prosecution, and sentencing in court. Thus, the strategy of enforcing corruption laws can no longer rely solely on old patterns, but must adapt to the new national criminal law framework (Nadianti & Ali Kusumo, 2025). In the context of the investigation strategy, the application of the principle of modern legality as accommodated in Law No. 1 of 2023 has an impact on the scope of investigations into corruption crimes. Based on the principle of modern legality in Article 1 paragraph (1), which limits the scope of investigations only to acts explicitly regulated in previous criminal laws, so that KPK investigators must focus efforts on evidence of written norms without broad analogical interpretation. This provision narrows the authority of preventive investigations, requiring precise mapping of corruption offenses in accordance with Articles 2 and 3 of the Corruption Eradication Law to avoid the nullification of case files in the initial investigation stage. The introduction of living law Article 2 paragraph (1) has the potential to expand the space for argumentation if social norms are relevant, but instead requires investigators to limit its application to maintain legal certainty (Andini, 2025).

The general criminal changes in the new Criminal Code, particularly Article 12 paragraph (1) concerning criminal sanctions and actions, impact investigative techniques by expanding the authority to collect asset evidence through coordination with tracing agencies, in line with the focus of asset recovery. Investigators must now integrate forensic accounting techniques earlier to quantitatively prove state losses, shifting from a conventional approach to a financial data-based strategy. However, the narrowing of the legality principle forces adjustments to investigative protocols to avoid overreach that risks being overturned by judges. Adjustments to the criminal justice and criminal accountability system require investigators to expand or even limit their authority in accordance with the new provisions. On the one hand, there is an opportunity to strengthen investigations through a more systematic and concrete action-based approach. However, on the other hand, the potential for narrowing of authority can arise if investigators are unable to adapt investigative techniques to the normative limitations tightened by the modern legality principle (Maulana et al., 2025).

At the prosecution strategy stage, the Criminal Code reforms forced public prosecutors to adjust their indictment and evidentiary strategies. Indictments can no longer be formulated generically or simply imitate previous patterns, but must align with the crime structure, the sentencing system, and the objectives of sentencing adopted in the new Criminal Code. This requires prosecutors to have a deeper understanding of the relationship between general criminal law and the specific criminal law for corruption (Ragil Surya et al., 2024). Another implication of these reforms is seen in the adjustment of evidentiary procedures in court. Prosecutors are required to formulate an evidentiary strategy that is oriented not only toward fulfilling the elements of the crime but also toward proving guilt and criminal responsibility in accordance with the new paradigm. Thus, the corruption prosecution strategy becomes more complex, as it must be able to bridge the specific characteristics of corruption with the general principles of the updated criminal law (Magala, 2023).

Changes to the criminal system and the introduction of new penalties in the Criminal Code have also impacted prosecutors' prosecution strategies. Prosecutors consider not only the principal penalty but also additional penalties, fines, and other relevant forms of punishment. This reform allows for more proportional and contextual demands, but also requires caution to ensure that the demands submitted still reflect the goal of eradicating corruption and do not weaken the legal force of criminal law. In the realm of sentencing strategies in court, the new sentencing system in the Criminal Code has significantly influenced the pattern of judges' decisions in corruption cases. Judges are faced with a more flexible sentencing framework oriented toward the purpose of sentencing, so that decisions are no longer solely repressive but also consider corrective and preventive aspects. This changes the strategies of the parties in court, including how prosecutors and legal counsel argue their demands and defenses (Kurniawan, 2023).

The impact of the new criminal justice system also impacts the effectiveness of deterrence and the deterrent effect in enforcing corruption crimes. On the one hand, flexibility in sentencing can increase individual justice in decisions. However, on the other hand, there is a risk of reducing the deterrent effect if punishment is not applied consistently and firmly to perpetrators of corruption. Therefore, the sentencing

strategy must be designed in such a way as to continue to support the goal of eradicating corruption systematically (Sirait, 2020). The substantive reform of Law No. 1 of 2023 ultimately forces law enforcement officials to implement comprehensive and integrated strategic changes. Investigators, prosecutors, and judges can no longer work within the old, fragmented framework but must instead build strategic synergy in line with the new criminal law paradigm. Failure to adapt has the potential to weaken the effectiveness of enforcing corruption crimes. Thus, the implications of the Criminal Code reform on the strategy for enforcing corruption crimes demonstrate that changes in the substance of criminal law are not merely normative changes, but also changes in the strategies and working methods of law enforcement officials. The success of corruption eradication after the enactment of Law No. 1 of 2023 is largely determined by the ability of the authorities to translate these reforms into effective, consistent, and justice- and prevention-oriented investigation, prosecution, and sentencing strategies.

Criminal law reform through Law Number 1 of 2023 concerning the Criminal Code (KUHP) represents a significant milestone in the renewal of Indonesia's national criminal law system. This change is not merely a re-codification but also brings about a paradigm shift in how the state views crime, including corruption (tipikor). Corruption, as an extraordinary crime, has not only a legal dimension but is also embedded in complex political, economic, and socio-cultural aspects. Although various instruments have been established, such as the Corruption Eradication Commission (KPK), sectoral regulations, and the strengthening of the criminal justice system, corrupt practices remain adaptive and systemic. This demonstrates that the problem of corruption lies not only in weak law enforcement but also in the design of the legal system itself (Nissa et al., 2025).

In this context, Law No. 1 of 2023 is relevant because it introduces fundamental changes such as a reformulation of the principle of legality, a new criminal punishment system, and strengthening corporate criminal liability. However, these changes are not entirely without risks. On the one hand, there is the potential to strengthen the effectiveness of criminal law, but on the other hand, normative and operational challenges arise in its implementation in corruption cases. One of the most fundamental changes in the new Criminal Code is the reformulation of the principle of legality, which is no longer rigid and instead allows for the recognition of living law. Traditionally, the principle of legality (nullum crimen sine lege) requires that an act is only punishable if it is regulated by law before the act is committed. However, the 2023 Criminal Code introduces a more flexible approach by recognizing living law in society. In the context of corruption, this change has two major implications (Nugraha et al., 2025).

First, theoretically, this approach can strengthen substantive justice. Many corrupt practices do not necessarily take the form of explicit violations of written norms, but rather abuse of authority that is morally and socially considered deviant. With the existence of living law, law enforcement officers can have an additional basis for argumentation to assess actions that harm the public interest even if they are not rigidly stated in positive norms. However, second, this expansion also has the potential to create legal uncertainty. In corruption cases that require a high standard of proof, an overly flexible legality principle can open up room for differing interpretations among investigators, prosecutors, and judges. This situation risks weakening the principles of lex praevia and lex certa, which are the main foundations of modern criminal law. Defendants can use the unclear boundaries of norms as a defense strategy, arguing that their actions fall within the realm of policy discretion. Without a uniform standard of interpretation, the application of a flexible legality principle can actually weaken the effectiveness of corruption enforcement. The second significant change is a shift in the criminal justice system, which is more flexible and oriented towards the objectives of punishment, particularly the recovery of state losses (asset recovery) (Mahmud, 2021).

In the 2023 Criminal Code, criminal penalties are no longer viewed solely as a means of retribution, but also as an instrument of restitution. This approach aligns with the character of corruption as an economic crime that causes direct financial losses to the state. Therefore, the focus on asset confiscation and restitution of state losses becomes rational from a legal policy perspective. However, this change also carries important consequences. First, there is a risk of a reduced deterrent effect if imprisonment is no longer the primary instrument of law enforcement. In practice, corruptors with significant economic power may prefer to settle their financial obligations rather than face severe corporal punishment. Second, the effectiveness of the asset recovery system depends heavily on the ability of authorities to trace assets and prove state losses. In many cases, the audit process and calculation of state losses are often weak points, both due to differences in methods and technical limitations of the relevant institutions. Third, the flexibility

of sentencing has the potential to lead to disparities in sentencing. Without strict guidelines, judges can issue significantly different verdicts in similar cases. This can erode public trust in the criminal justice system, particularly in socially sensitive corruption cases (Ritonga & Azizah, 2026). Thus, although this system is progressive in concept, its implementation requires strong supporting tools so that it does not turn into a loophole in law enforcement.

The third highly strategic change is the strengthening of corporate criminal liability in the 2023 Criminal Code. Corporations can now explicitly be held criminally liable if the crime is committed within the scope of their business and benefits the corporation. In the context of corruption, this is particularly relevant because many corruption cases involve business entities as perpetrators or beneficiaries. With this expansion, law enforcement no longer focuses solely on individuals but also on more complex organizational structures. However, implementing this concept is not simple. The main difficulty lies in proving the link between corporate policies, decision-makers, and criminal acts. Complex corporate structures often create blurred layers of responsibility, making it difficult to determine who is truly responsible. Furthermore, there is the risk of unintended economic impacts. Sanctions against corporations can impact employees, investors, and third parties not directly involved in the crime (Sugianto et al., 2025). Therefore, a balance is needed between law enforcement and protecting economic stability. Thus, although this expansion strengthens the legal instrument, its implementation must be accompanied by increased investigative capacity and caution in determining the subject of accountability.

The substantive changes to the 2023 Criminal Code directly impact law enforcement strategies at all stages: investigation, prosecution, and sentencing. During the investigation phase, law enforcement officers must be more careful in determining the legal basis because the stricter principle of legality demands normative precision. Investigators are also required to strengthen financial evidence-based approaches and forensic accounting from the beginning of the investigation process. During the prosecution phase, prosecutors must adapt the construction of charges to the new paradigm of the Criminal Code. Charges can no longer be generic but must be integrated with the criminal system and the objectives of sentencing. This requires increased prosecutorial competence in understanding the relationship between the Criminal Code and the Anti-Corruption Law. Meanwhile, during the trial phase, judges have broader discretion in sentencing. However, this flexibility must be balanced with consistency to avoid excessive disparity in decisions (Husin, 2025)v.

This reform demands a paradigm shift from a retributive approach to a more restorative and systemic one. However, without coordination between law enforcement agencies, this change could lead to fragmentation in law enforcement practices. The substantive changes to Law No. 1 of 2023 present two conflicting sides in the enforcement of corruption crimes. On the one hand, this reform provides a significant opportunity to strengthen a modern approach to criminal law, particularly through the recognition of living law, strengthening asset recovery, and expanding corporate criminal liability. All of this aligns with the need to address the complexity of corruption crimes in the modern era. However, on the other hand, this reform also opens up the potential for new problems, such as legal uncertainty due to the elasticity of the legality principle, a weakened deterrent effect due to an orientation toward asset recovery, and difficulties in proving corporate liability (Buulolo & Jamba, 2026). Therefore, the successful implementation of this reform depends heavily on three main factors: (1) harmonization between the Criminal Code and the Corruption Law, (2) increasing the capacity of law enforcement officials, and (3) developing consistent technical guidelines. Without it, reforms intended to strengthen the criminal justice system could instead turn into a new source of uncertainty in eradicating corruption in Indonesia.

CONCLUSION

Substantive reforms through Law Number 1 of 2023 concerning the Criminal Code (KUHP) have significant strategic implications for the enforcement of corruption crimes in Indonesia. Changes encompassing the principle of legality, the sentencing system, and the strengthening of corporate criminal accountability normatively open up space for the development of a more modern, adaptive, and restitution-oriented approach to law enforcement. From this perspective, criminal law is positioned not only as an instrument of punishment but also as a means to redress losses arising from corruption and strengthen the accountability of perpetrators, including corporations as legal subjects. However, these reforms are not without challenges that need to be anticipated. Potential legal uncertainty may arise due to differences in interpretation between the provisions of the new Criminal Code and the Corruption Eradication Law as lex

specialis. Furthermore, there is a risk of a reduced deterrent effect if the sentencing provisions are not applied consistently and firmly. The complexity of proof may also increase, particularly in corruption cases involving corporations and broader networks of perpetrators. Therefore, the effectiveness of corruption eradication after the enactment of Law No. 1 of 2023 depends heavily on regulatory harmonization and the ability of law enforcement officials to adapt integrated investigation, prosecution, and sentencing strategies. Consistent law enforcement is key to ensuring that this reform is not merely normative but also has a real impact in strengthening efforts to eradicate corruption as an extraordinary crime that harms the interests of the state and society at large.

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