



**LEGAL ANALYSIS OF THE SUBSTANCE OF SANCTIONS AND
IMPLEMENTATION OF CRIMINAL ACTS OF CORRUPTION IN THE
2023 CRIMINAL CODE**

THESIS

Tiara Angelina Wijaya

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FACULTY OF HUMANITIES

LAW STUDY PROGRAM

CIKARANG

2023



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CRIMINAL CODE**

THESIS

**Submitted to the Humanities Faculty of President University as a Part of and One of
The Requirements to Obtain Sarjana Hukum (S.H.)**

By:

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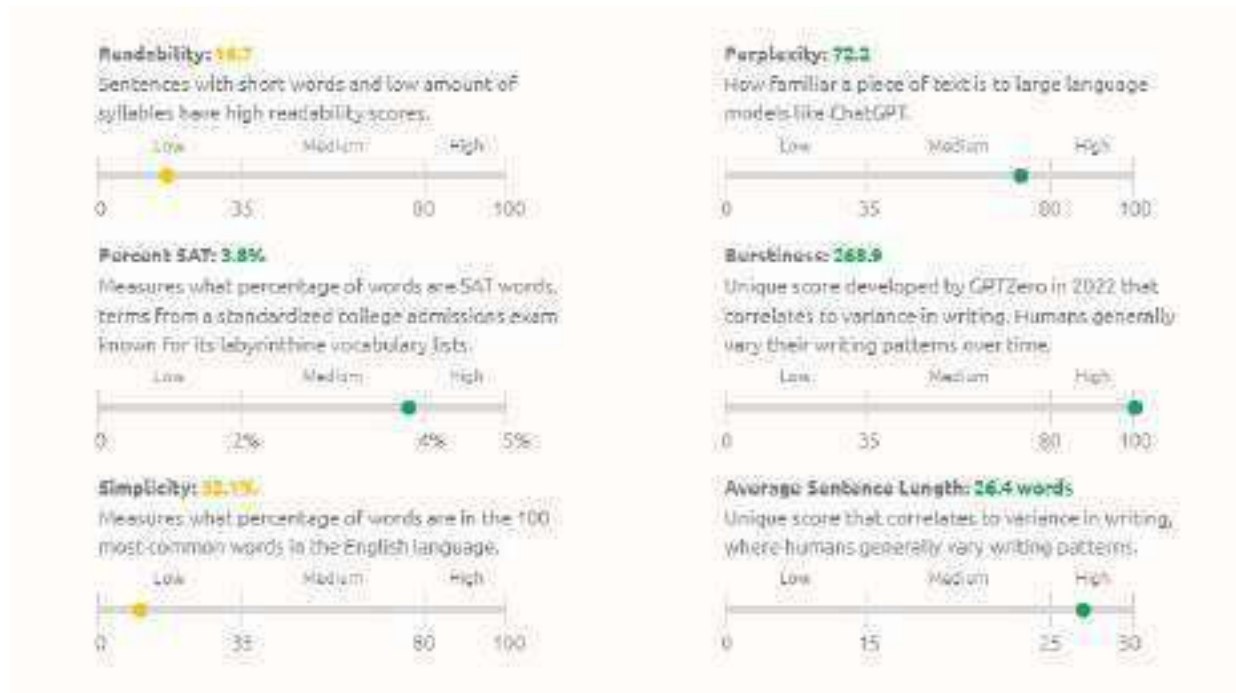
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ABSTRACT

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Title : **LEGAL ANALYSIS OF THE SUBSTANCE OF SANCTIONS AND IMPLEMENTATION OF CRIMINAL ACTS OF CORRUPTION IN THE 2023 CRIMINAL CODE**

Law Number 1 of 2023, known as the 2023 Criminal Code, which has been passed into law and will come into effect in 2026, includes corruption offenses in Article 603 and Article 604 of the 2023 Criminal Code with minimum sanctions regulated by the 2023 Criminal Code for private sector and state officials are subject to 2 (two) years imprisonment and a minimum category II fine, IDR 10,000,000.00 (ten million rupiah). According to the Minister of Law and Human Rights, Yasonna Laoly, the establishment of equalization of sanctions in the 2023 Criminal Code is to implement the principle of equality before the law and justice. The purpose of this research is to determine the legal analysis related to the principle of equality before the law in the formulation of sanctions in Article 603 and Article 604 of the 2023 Criminal Code and legal analysis of the future implementation of the existence of criminal acts of corruption in the 2023 Criminal Code. The method used in this research uses legal research methods, normative juridical, by researching primary legal materials such as laws and literature through journals or e-books. The results of this research show that the principle of equality before the law is implemented by determining the same minimum sanctions, thus creating legal justice. As for future implementation of this regulation, it will prevent disparities in judges' decisions, the KPK's authority will not be reduced in eradicating corruption. However, the minimum sanctions are lower than those regulated in the Corruption Law.

Keywords: Article 603 and Article 604 2023 Criminal Code, equality before the law, sanction.

ABSTRACT

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Title : **LEGAL ANALYSIS OF THE SUBSTANCE OF SANCTIONS AND IMPLEMENTATION OF CRIMINAL ACTS OF CORRUPTION IN THE 2023 CRIMINAL CODE**

Undang-Undang Nomor 1 Tahun 2023 atau dikenal dengan KUHP 2023 yang telah disahkan menjadi Undang-Undang dan berlaku pada tahun 2026, memasukkan delik korupsi kedalamnya pada Pasal 603 dan Pasal 604 KUHP 2023 dengan minimal sanksi yang diatur oleh KUHP 2023 masing-masing bagi pihak swasta maupun pejabat negara adalah 2 (dua) tahun hukuman penjara dan minimal denda kategori II, yaitu sebesar Rp10.000.000,00 (sepuluh juta rupiah). Menurut Menteri Hukum dan Hak Asasi Manusia, Yasonna Laoly mengenai alasan penetapan penyetaraan sanksi pada KUHP 2023 untuk mengimplementasikan asas persamaan di mata hukum dan keadilan. Tujuan dari penelitian ini untuk mengetahui analisa hukum terkait asas persamaan di mata hukum pada rumusan sanksi Pasal 603 dan Pasal 604 KUHP 2023 dan analisis hukum terhadap implementasi kedepan dari pemberlakuan eksistensi tindak pidana korupsi dalam KUHP 2023. Metode yang digunakan pada penelitian ini menggunakan metode penelitian hukum yuridis normative, dengan meneliti bahan hukum primer seperti undang-undang dan bahan hukum sekunder atau kepustakaan melalui jurnal hukum, ataupun e-book. Hasil penelitian ini menunjukkan adanya implementasi dari asas persamaan di mata hukum dari penetapan minimal sanksi yang sama, sehingga menciptakan keadilan hukum. Adapun pada implementasi kedepan apabila peraturan ini mulai diterapkan akan mencegah adanya disparitas putusan hakim, kewenangan KPK tidak akan berkurang dalam memberantas korupsi, tidak ada duplikasi hukum pada KUHP 2023 dan Undang-Undang Tipikor. Namun minimal sanksi yang diberikan lebih rendah dibandingkan dengan yang diatur di Undang-Undang Tipikor.

Keyword: Pasal 603 dan Pasal 604 KUHP 2023, Persamaan di mata hukum, sanksi.

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