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ANALYZING FORMULATION OF CRIMINAL PROVISIONS IN LAW NUMBER 12 OF 2012 CONCERNING HIGHER EDUCATION

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Abstract
The policy on criminal determination legislation outlined in Law No. 12 of 2012 concerning Higher Education constitutes a crucial element within the spectrum of crime prevention measures within the higher education. This policy aims to offer clear guidance to law enforcement authorities during the application and execution stages of criminal proceedings by establishing comprehensive sentencing regulations. Nonetheless, it has come to light that the criminal provisions delineated the law represent an incomplete toolkit when addressing criminal activities within the higher education. *This research employs a normative juridical approach supplemented by statutory approaches. Based on this research, it can be concluded that this* can be seen from the many juridical problems in the law, including the absence of juridical qualifications, corporate criminal responsibility issues, and so on. Consequently, a necessary course of action involves future revisions aimed at overhauling the existing criminal provisions articulated in the framework of the Higher Education Law.

Keywords: Criminal Law Policy; Formulation; Juridical Issues

Abstrak
Kebijakan legislasi penetapan pidana dalam UU No. 12 Tahun 2012 tentang Pendidikan Tinggi adalah sebagian tahapan penanggulangan kejahatan di bidang pendidikan tinggi yang diharapkan mampu memberikan arah terang bagi aparat penegak hukum pada tahap aplikasi dan eksekusi pidana dengan menyediakan aturan pemidanaan yang utuh. Namun ternyata, ketentuan pidana dalam UU tersebut hanyalah sebagai incomplete or partial set of tools dalam rangka menanggulangi tindak pidana di bidang pendidikan tinggi. Penelitian ini menggunakan metode penelitian yuridis normatif dengan pendekatan perundang-undangan. Berdasarkan penelitian ini, dapat disimpulkan bahwa masalah yuridis dalam UU tersebut anatra lain tidak adanya kualifikasi yuridis, masalah pertanggungjawaban pidana korporasi dan lain sebagainya. Untuk itu kedepan perlu pembaharuan melalui revisi terhadap kebijakan formulasi ketentuan pidana yang ada saat ini dalam UU Pendidikan Tinggi.

Kata kunci: *Kebijakan Hukum Pidana; Formulasi; Masalah Yuridis*

Introduction

The provision outlined in Law No. 12 of 2012 concerning Higher Education (hereinafter abbreviated as the Higher Education Law) (JDIH BPK, n.d.) emphasizes in its explanatory section that "Higher Education, functioning as an institution for Higher Education Research and Community Service, must have autonomy in managing its own institution". What is essential is the cultivation of an environment where academic freedom, academic discourse, and scientific independence thrive in tandem with the advancement of Science and Technology in Higher Education. Thus Higher Education can develop an academic culture for

the Academic Community which functions as an authoritative scientific community and is able to carry out interactions that elevate the dignity of the Indonesian nation on the global stage. As a vanguard in nurturing the nation's intellectual growth, Higher Education takes the lead in the cultivation of Science and Technology, ultimately propelling societal welfare and ensuring social justice for all Indonesian citizens. The provision set forth by the Higher Education Law on August 10, 2012, underscores the necessity of aligning higher education practices with the formulated (administrative) norms within the law. As part of the effort to ensure adherence to administrative norms within the higher education domain, the government introduced provisions encompassing both administrative and criminal sanctions. The inclusion of criminal provisions within administrative laws, as evident in the Higher Education Law, signifies the emergence of what can be termed "*criminal administrative law*". The formulation of criminal law in the Higher Education Law is certainly in line with the general purpose of criminal law to protect society, by prohibiting acts that cause or threaten the public interest, in this case what happens on campus.

Related to this, Barda Nawawi Arief in his book entitled "Kapita Selekta Criminal Law", can be said that *"administrative criminal law is essentially an embodiment of criminal law policy as a means to enforce/implement administrative law"*. So, it is a form of "functionalization/operationalization/instrumentalization of criminal law in the field of administrative law" (Nawawi Arief, 2010). Thus the criminal provisions in the Law on Higher Education are only criminal law as auxiliary law (hulprecht) for State Administrative Law.Criminal as a means to maintain that the norms of administrative law in the field of higher education are adhered to (Halim Koentjoro, 2004).

The functionalization or operationalization of criminal law policies in the field of higher education, in this case, goes through several stages as stated by M. Cherif Bassiouni, The Stages of Criminal Law Enforcement Policy go through the following stages (Nawawi Arief, 2012):

1. The formulation stage (legislative process);
2. Application stage (judicial/judicial process); And
3. Execution stage (administrative process).

Besides Bassiouni, Masaki Hamano for the same purpose also stated the scope of jurisdiction in criminal law enforcement policies:

1. Legislative jurisdiction or jurisdiction to define;
2. Judicial jurisdiction or jurisdiction to adjudicate; And
3. Executive jurisdiction or jurisdiction to enforce;

The insights shared by M. Cherif Bassiouni and Masaki Hamano offer an understanding that the Criminal Provisions outlined in the Higher Education Law constitute merely a component of the formulation stage (referred to as the stage of criminal determination) or legislative jurisdiction in the endeavor to address criminal offenses within the higher education domain. Furthermore, it becomes apparent that policy formulation or sentencing constitutes just one facet within the broader spectrum of stages entailed in the functionalization of criminal law. Regarding criminal punishment, Barda Nawawi Arief stated (Arief & Muladi, 1984):

> "As one part of the eyes of overcoming criminal disturbances to achieve the welfare of the community, the stage of determining our frugal punishment must actually be a careful planning stage regarding what policy actions should be taken in terms of punishment in the event of a violation of the law. In other words, this stage must be the stage of strategic planning in the field of punishment which is expected to provide guidance on the next stage, namely the stage of the application of punishment and the stage of implementation of the sentence."

The criminal imposition policy in the Higher Education Law is thus a strategic planning stage in the framework of overcoming criminal acts in the higher education sector. Hence, the criminal provisions within the Higher Education Law need meticulous preparation to ensure their capacity to offer clear guidance to law enforcement authorities during the phases of delivering and executing sentences. Within the framework of formulating the sentencing policy, it becomes imperative to eliminate any potential juridical issues. This necessitates the construction of a policy formulation that aligns seamlessly with the prevailing penal system. This endeavor draws from the established criminal law system, acknowledging its current state (Nawawi Arief, 2012):

1. Criminal provisions in special laws (including in this case the Law on Higher Education, pen.) outside the Criminal Code are a sub-system of criminal law;
2. As a subsystem, the Special Law is bound by the general provisions/rules contained in Chapters I to VIII (Article 1 to Article 85) Book I of the Criminal Code, as long as the Special Law does not make other provisions that deviate (see Article 103). This means the attachment of the Special Law to the general rules is not absolute. Special laws may make "other provisions" that deviate;
3. General provisions/rules in Chapter IX Book I of the Criminal Code (Articles 86 to 102) only apply to the Criminal Code, not to specific laws outside the Criminal Code (see Article 103).

This research aims to explore the criminal imposition policy in Law no. 12 of 2012 relating to tertiary institutions and the formulation of punishment in the law

in the future. The novelty is to get the most appropriate sentencing formulation that can be applied to universities through Law no. 12 of 2012

Research Problems

Firstly, this research aims to delve into the Criminal Determination Legislation Policy outlined in Law No. 12 of 2012 concerning higher education. Secondly, drawing on the insights gleaned from Law No. 12 of 2012, what recommendations can be proposed to formulate criminal determination policies for forthcoming higher education laws?

Research Methods

This article was compiled from the results of normative juridical research using a statutory approach. The normative juridical research method involves library law research conducted by scrutinizing library materials or secondary data. This research was undertaken to procure materials encompassing theories, concepts, legal principles, and regulations pertinent to the subject matter. The research commences with an inventory of legal materials, followed by their classification in alignment with the problem formulation. The main legal material used is Code of Criminal Law, and Law Number 12 of 2012.

In the analysis section, the first thing to do is review how criminal determination legislation policy in law no. 12 of 2012 concerning higher education. The next analysis makes some formulation about Criminal determination legislation policies in the future higher education law.

Discussion

The Criminal Determination Legislation Policy outlined in Law No. 12 of 2012 concerning Higher Education

Barda Nawawi Arief, stated that a 'juridical issue' (in policy formulation) is a matter of formulation 'in view of the formulation policy it should be' (according to the criminal law system/criminal system currently in effect) (Nawawi Arief, 2012). Thus, in simple terms, it can be said that the study will explore whether the criminal provisions of the law have been prepared as they should be in accordance with the current penal system.

Referring to the theory, criminal law policy is the entirety of the regulations that determine what actions are prohibited and included in criminal acts, as well as how the sanctions are imposed on the perpetrators to overcome crime. In theory, many of the doctrines raised by experts are related to the notion of criminal law policy (Nawawi Arief, 2008).

Prof. Sudarto gives the meaning of "Penal Policy" as quoted by Barda Nawawi Arief namely:

1. Efforts to realize good regulations in accordance with the circumstances and situation at a time
2. Policies from the state through authorized bodies to establish the requested regulations which are expected to be used to express what is contained in society and to achieve what is aspired to (Sudarto, 1981).

The formulation policy in the Higher Education Law is contained in the chapter on criminal provisions which only contains 1 (one) article, which is in full in the quote below:

CHAPTER IX
CRIMINAL PROVISIONS
Article 93

"Individuals, organizations or Higher Education providers who violate Article 28 paragraph (6) or paragraph (7), Article 42 paragraph (4), Article 43 paragraph (3), Article 44 paragraph (4), Article 60 paragraph (2), and Article 90 paragraph (4) shall be subject to imprisonment for a maximum of 10 (ten) years and/or a maximum fine of Rp. 1,000,000,000.00 (one billion rupiah)."

The provisions above basically only regulate offenses whose elements are:

1. Legal subject
    a. Individual;
    b. Organization;
    c. Higher education organizers
2. Forbidden acts
    a. Individuals, organizations, or Higher Education providers "who are unlawfully prohibited from granting academic degrees, vocational degrees, or professional degrees" (Article 28 paragraph (6));
    b. Individuals "without rights are prohibited from using academic degrees, vocational degrees, and/or professional titles" (Article 28 paragraph (7));
    c. Individuals, organizations, or Higher Education administrators "who are unlawfully prohibited from awarding diplomas" (Article 42 paragraph (4));
    d. Individuals, organizations, or Higher Education providers "who are unlawfully prohibited from giving professional certificates (Article 43 paragraph" (3));
    e. Individuals, organizations, or Higher Education providers "who are unlawful are prohibited from providing competency certificates" (Article 44 paragraph (4));
    f. PTS is established by the community by forming an administrative body with a non-profit legal entity and is required to obtain a permit from the Minister (Article 60 paragraph (2));
    g. Higher education institutions of other countries as referred to in paragraph (1) must: a. obtain government permits; b. non-profit principle;

c. cooperate with Indonesian Universities with permission from the Government, and d. prioritize lecturers and educational staff who are Indonesian citizens (Article 90 paragraph (4)).

3. Criminal threats

"maximum imprisonment of 10 (ten) years and/or a maximum fine of Rp. 1,000,000,000.00 (one billion rupiah)."

Examining the criminal provisions within the Higher Education Law, which solely govern the delineation of offenses as presented in Article 93, reveals a spectrum of juridical issues. This indicates that the policy formulation has not been developed in congruence with the existing penal system as it should be. The juridical issues are identified by looking from the point of view of the 3 main issues in criminal law, namely criminal acts, criminal liability, and crime:

1. Criminal Acts (There is no delict qualification)

The practice within national legislation exhibits indications of certain laws that explicitly outline the qualification of offenses as either 'crimes' or 'violations,' while others do not. In cases where laws do not specify qualifications for offenses using the terms 'crimes' or 'violations,' such as the Law on Higher Education, it gives rise to a juridical concern. (However, this does not eliminate the possibility that laws specifying these qualifications might also confront juridical issues; for instance, due to the inclusion of specific minimum criminal provisions without accompanying rules for penalties or implementation.).The juridical problem here is the inability to use the general rules in Book I of the Criminal Code because the qualification of a delict as a 'crime' or 'violation' is a juridical qualification or a qualification made by the legislators that contains juridical consequences as well. It is said so because in the Criminal Code, the distinction of offenses into crimes (Book II) and violations (Book III) contains juridical consequences of the application of different general principles, where there are general rules for crimes and there are also general rules for violations. So if the Law on Higher Education in this case, does not distinguish whether the offense is a 'crime' or a 'violation' the juridical consequences have no basis for being able to apply general rules in the Criminal Code, for example in the case of probation, assistance, expiration of criminal prosecution, and expiration of criminal prosecution.

2. Criminal Liability/Mistakes

a. Unclear juridical boundaries regarding legal subjects

Article 93 clearly states that the legal subject is an individual; Higher education organizations or administrators. Thus there is an expansion of the subject of criminal law which is not only human but also 'organizations' or 'organizers of higher education'. In other words, there is a broadening of the subject in the form of a corporation, although the term used is an

organization or provider of higher education. But unfortunately, it is not followed by giving juridical restrictions from:

1) Organization

It is not regulated what is meant by an organization as a subject in Article 93 of the Law on Higher Education. In the Law, various articles use the word organization, including Organization (Article 28 paragraph (3), (4), (6)); Student Organization (Article 14 paragraph (2), Article 77); Professional Organizations (Article 17 paragraph (2), 24 paragraph (2), 25 paragraph (2), Article 36, etc.); Higher Education Organizing Organization (Article 60);

2) Higher education organizers

There is not a single article that provides limitations regarding higher education providers as referred to in Article 93.

b. Corporate Criminal Liability Issues

The provisions of Article 93 of the Higher Education Law expand the subject of criminal law in the form of Corporations. Even though the juridical term used is the Higher Education Organization or Provider. But unfortunately not accompanied by criminal responsibility.

As we all know, the general punishment rules in the Criminal Code are person-oriented (natural person), not aimed at "corporations" or in the Higher Education Law the term Higher Education Organizations or Organizers is used. Hence, it becomes imperative to establish distinct sentencing regulations that extend beyond the mere acknowledgment that corporations can engage in criminal acts, as stipulated in Article 93. The editorial aspects of the criminal law lack precise sentencing guidelines concerning the entities that can be held liable, the circumstances under which corporations or management can be held accountable, criteria for exempting corporations from prosecution or charges, and similar considerations.

3. Criminal

The Higher Education Law in the provisions of Article 93 explicitly stipulates that sanctions that can be imposed on corporations (organizations or higher education providers) are imprisonment for a maximum of 10 (ten) years and/or a fine of up to Rp. 1,000,000,000.00 (one billion rupiah). It becomes a juridical problem because the law does not stipulate special provisions regarding special rules related to the implementation of fines for corporations (not their management), for example in cases where fines cannot be fulfilled by corporations.

The formulation of Article 30 of the Criminal Code essentially governs the substitution of imprisonment for a fine (KPD), which can be implemented when the offender is unable to pay the imposed fine. The alternative penalty takes the

form of imprisonment, lasting at least 1 (one) day and at most 6 (six) months, or 8 (eight) months if aggravating factors are present. Naturally, the imposition of KPD is not applicable to corporations that are unable to satisfy the fines imposed upon them. ASo basically it is a necessity that special laws outside the Criminal Code regulate corporations as subjects of criminal law, so the whole system of criminal sanctions must be regulated in its entirety. In the case of fines, it is not enough just to include the amount of the penalty, other matters need to be regulated so that the fines can operate properly. For example, such as a. The grace period when the fine must be paid, b. Things that can guarantee the fulfillment of fines, c. Compensation punishment if the fine is not able to be paid, d. And so forth.

Formulate Criminal Determination Policies for Forthcoming Higher Education Laws

In the policy of formulating criminal provisions in the Higher Education Law in the future, the following matters need to be considered:

1. Problem Formulation of Criminal Acts (Juridical Qualification)

In future formulation policies on criminal provisions of the Higher Education Law, consideration should be given to stipulating explicitly whether the offenses in the law qualify as crimes or violations. This juridical qualification is a must because bearing in mind that the general rules of Book I Chapters I-VIII of the Criminal Code can be applied to offenses in the Higher Education Law if there is a determination of an offense to be a crime or violation. According to Barda Nawawi Arief, the determination of the juridical qualifications functions:

a. To bridge the enactment of the general rules of the Criminal Code against criminal acts in the Special Law (in this case the Law on Higher Education, pen.);
b. Contains the function of harmonization of system unity.

2. Issues of Criminal Liability (Corporate Criminal Liability)

It is better to use the term "Corporate" not "organization or organizer of higher education" as found in Article 93 of the Law on Higher Education. The reason is based on what was stated by Rudi Prasetyo as quoted by Muladi and Dwidja Priyatno, "the word corporation is a term commonly used by criminal law experts to refer to what is commonly referred to in other fields of law, particularly in the field of civil law, as a legal entity, or what is called *rechtsperson* in Dutch, or what is called legal entities or corporation in English". Further continued by Muladi and Dwidja Priyatno, regarding the use of the term "corporation", it should be used consistently. So far, the use of the term "corporation" has been used in

various ways and is not uniform. So for the future (bold, pen), in carrying out legislative policies the term "corporation" should be used (Priyatno Muladi, 2012).

After reading and understanding the weaknesses in the corporate criminal liability regulations in the current Higher Education Law, in the future in formulating criminal law policies it is best to pay attention to what was conveyed by Barda Nawawi Arief, which will be presented below:

"The general criminal provisions in the Criminal Code are oriented towards 'people' (natural persons), not aimed at corporations (legal persons or legal entities, pen.). Therefore, if special laws (including the Law on Higher Education, pen.) state that the subject of a criminal act is a corporation, then it should also be accompanied by special provisions on punishment for corporations, which may include:

a. assertion of corporations as the subject of a crime;
b. Determination of criminal sanctions/actions for corporations (crimes that can be imposed include financial, structuraland stigmatising sanctions, etc);
c. Identification of accountable parties.;
d. Establishment of circumstances for holding corporations/management accountable.;
e. Formulation of distinct punishment regulations for corporations (including specialized conditional criminal regulations).;
f. Definition of factors warranting the discontinuation of prosecution or the removal of criminal penalties for corporations.

3. Criminal Matters

a. Types of Criminal Sanctions for Corporations

Article 93 of the Higher Education Law states that for legal subjects 'individuals, organizations or providers of higher education' the available sanctions are in the form of 'a maximum imprisonment of 10 (ten) years and/or a maximum fine of Rp. 1,000,000,000.00 (one billion rupiah)'. Thus the sanction that can be imposed on Corporations (organizations or providers of higher education) is only a fine because it is impossible to be sentenced to imprisonment.

Furthermore, Cristina de Maglie, (Professor of Criminal Law, University of Pavia and Fellow of the Institute for Legal Research, University of California, Berkeley) (de Maglie, 2011) as quoted by Barda Nawawi Arief, divided the pattern of sanctions for corporations into 3 (three) types: (1) Financial Sanctions (fine); (2) Structural Sanctions (restrictions on business

activities, dissolution of the corporation), (3) Stigmatising Sanctions (announcement of judge decisions, corporate reprimands).

that to complement the criminal law policy regarding the types of sanctions that can be imposed on corporations, on this occasion a comparative study of various foreign Criminal Codes will be described to complement it in considering future policies.

Such as Criminal Codes Lativa section 70 Types of Coercive Measures Applicable to a Legal Person, Section 70. Conditions for the Application of Coercive Measures to a Legal Person. Criminal Code Moldova Republic Article 63 Categories of Punishments Applicable to Legal Entities. Criminal code Prancis Article 131-37 Penalties for felonies and misdemeanors incurred by legal persons. Article 131-39 Where a statute so provides against a legal person, a felony or misdemeanour may be punished by one or more of the following penalties. Article 131-40 The penalties incurred by legal persons for petty offenses Article 131-42, Article 131-43.

The description of the comparative study above also intends to provide information enrichment that the types of sanctions that can be imposed on corporations are not only in the form of fines, as emphasized in various Special Laws outside the Criminal Code, including in this case the Law on Higher Education. So that it should be considered in criminal law policies in the future. Of course, the types of criminal sanctions that will be introduced in the Higher Education Law must be accompanied by provisions on how to implement them or the rules needed so that these crimes can operate properly.

b. There is a need for sanctions in the form of actions; currently, there are only principal punishments in the form of imprisonment or fines.

Based on the basic idea of the Double Track System, the Double Track System is both, namely criminal sanctions and action sanctions. The Double Track System does not fully use either of the two types of sanctions. This two-track system places the two types of sanctions in an equal position. The emphasis on equality of criminal sanctions and action sanctions within the framework of the Double Track System is related to the fact that the element of reproach/suffering (through criminal sanctions) and the element of coaching (through action sanctions) are equally important. **H.L.A. Hart** stated that from the point of view of the basic idea of the Double Track System, equality in the status of criminal sanctions and action sanctions is very useful in maximizing the use of both types of sanctions appropriately and proportionally. This is because an integral and balanced sanction policy

(criminal sanctions and actions), in addition to avoiding the application of fragmentary sanctions (which emphasize criminal sanctions), also guarantees the integration of an individual sanction system and a functional sanction system.

c. Create a whole fine criminal system as a whole

High fines for corporations will be meaningless if they are not accompanied by regulations for the implementation of fines/substitute punishments. Because the provisions in the Criminal Code Article 30 cannot be applied to corporations because these provisions only apply to humans, "it is impossible for corporations to be subject to alternative imprisonment in the form of imprisonment in lieu of fines (KPD) for a maximum of 6 months at least 1 day or a maximum of 8 months if there is weight.

By not regulating how the fine is carried out, it will affect whether or not the fine is threatened. For this reason, to end the analysis of fines in the Higher Education Law, it is appropriate to end by presenting the view of Barda Nawawi Arief, "A comprehensive system of criminal sanctions must also include policies that can be expected to guarantee the implementation of these criminal sanctions".

In Indonesia, the role of law in development serves as a mechanism for community revitalization. This premise is founded on the belief that the attainment of peace within development is a vital and indispensable pursuit (Lubis, 2021). To deal with educational crimes that are rife at this time, a policy formulation is needed, namely criminal policies as a response to educational crimes. Criminal policy is a rational and organized effort of a society to prevent, deal with, and react to crime (Dewi, 2020).

So that the best alternative is the penal provisions in the upcoming Higher Education Law containing provisions regarding the implementation of fines and alternative penalties that can be implemented if fines cannot be fulfilled and other rules that support the implementation of fines more effectively.

Furthermore, legislative policy should not only increase the number of fines, because this is not a guarantee for the effectiveness of fines. The legislative policy should make a policy as a whole for the criminal fine system itself, not just determining the amount of criminal sanctions. A comprehensive system of criminal sanctions must also include policies that are expected to guarantee the implementation of these criminal sanctions. In establishing legislative policies relating to the implementation of fines, it is necessary to consider matters including:

a. A framework for determining the fine amount;;
b. Timeframe for the fine payment;
c. Coercive measures designed to ensure fine payment in cases where the offender fails to meet the stipulated deadline;
d. Application of fines in unique circumstances (e.g., involving minors or dependents);
e. Guidelines or criteria for imposing fines.

Conclusion

The conclusions that can be conveyed are:

1. Policy formulation in the Law on Higher Education has not been prepared properly according to the current penal system. This is indicated by the many juridical problems contained therein. These juridical issues include: No qualifications for offenses, Unclear juridical boundaries regarding legal subjects, absence of Corporate Criminal Liability rules, absence of criminal fines and intact regulations for corporations.
2. In the policy for formulating criminal provisions in the Higher Education Law in the future, it is necessary to consider the following matters: Granting Juridical Qualification, special punishment rules for corporations as a whole are made including: the term used is corporation, affirming corporation as the subject of a crime; determining criminal sanctions/actions for corporations (crimes that can be imposed include financial, structure and stigmatising sanctions, penalties); determination of who can be held accountable; determining when the corporation/management can be held accountable; determination of special punishment rules for corporations (among other things, special conditional criminal rules for corporations); determining the reasons for abolishing prosecution or abolishing crimes for corporations). Beside that, it is necessary to formulate more varied types of criminal sanctions for corporations followed by all the rules that enable the punishment to be carried out effectively, and there is a need for sanctions in the form of action, so far there are only sanctions in the form of principal punishment in the form of imprisonment or fines.

Suggestion

A suggestion for legislators, before embarking on the formulation of policies regarding criminal provisions in future iterations of the Higher Education Law, is to recognize that policy formulation constitutes a strategic planning phase within the framework of addressing criminal activities within higher education. Therefore, the formulation stage must encompass comprehensive sentencing guidelines to ensure clear direction for law enforcement officials during the stages of application and execution. The Special Law outside the Criminal Code (Higher

Education Law) is only part of the overall punishment system. As part of the entire penal system, the criminal provisions of the Higher Education Law are systemically bound to the general rules of Book I of the Criminal Code Chapters I to. Chapter VIII as long as it does not set rules that deviate. If the Higher Education Law wants to contain rules that deviate from the Criminal Code, special rules should be made and if you want to apply the general rules in Chapters I to Chapter VIII of Book I of the Criminal Code against criminal acts regulated in the Higher Education Law, it is by stipulating the qualification of the offense as a crime or violation.

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