

Law Enforcement of Corruption Crimes in Perspective Legal Benefits (Study of Decision Number 39/Pid.Sus-TPK/2024/PN Jkt Pst)

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Abstract. *This study aims to examine and analyze the law enforcement of corruption crimes in decision Number 39/Pid.Sus-TPK/2024/PN Jkt Pst reviewed from the perspective of legal benefits. This study uses a normative juridical approach method, analytical descriptive research specifications. The data used are secondary data. The data collection method is a literature study, and the data analysis method is qualitative. The theories used in this study are the theory of law enforcement and the theory of legal benefits. Based on the results of the study, it can be concluded that the law enforcement of corruption crimes in decision Number 39/Pid.Sus-TPK/2024/PN Jkt Pst does not reflect legal benefits. The judge's considerations in decision Number 39/Pid.Sus-TPK/2024/PN Jkt Pst are not in line with legal benefits. Corruption in CPO oil has an impact on increasing cooking oil prices in the community and causing public unrest, harming small consumers, and widening social injustice. However, in his considerations, the judge paid little attention to the socio-economic aspects, resulting in a decision that did not pay attention to the aspect of recovering losses to society and the state.*

Keywords: *Criminal Acts Of Corruption; Judge's Decisions; Law Enforcement.*

1. Introduction

Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia states that Indonesia is a state based on law. The concept of a state based on law (*rechtsstaat*) as outlined in the country's constitution is the basic law of the state which occupies the position of the highest law in the legal order.¹ The Republic of Indonesia is a country based on law, which means that all legal regulations in force in the Republic of Indonesia must be obeyed by citizens and state administrators.² However, in fact, there are still many legal regulations that are violated by citizens and state administrators, one of which is the rampant criminal act of corruption which is very detrimental to the state.³ The corruption case itself is a cruel crime case and has an extraordinary impact on the country, which has spread to the political system, economic system and law enforcement system in a country.⁴ In criminology literature, corruption is a type of white-collar crime. Corruption attracts public attention because the perpetrators are perceived by society as well-known or respected, yet these individuals are the ones who create poverty in the community.⁵

Corruption in Indonesia has been rampant year after year. Therefore, law enforcement against corruption is necessary to uphold the rule of law, uphold justice, and achieve peace in society. However, it is deeply concerning that law enforcement against corruption in Indonesia is very weak. This is evident in the continued presence of many lawmakers and law enforcers themselves who engage in corruption.⁶ Indonesia is one of many countries in the world with a relatively high level of corruption. Indonesia Corruption Watch (ICW), a non-governmental organization dedicated to monitoring and reporting on corruption in Indonesia, recorded that in 2023, based on its monitoring of 866 cases tried in the Corruption Court, involving 898 defendants, totaling Rp 56 trillion in state losses. In corruption cases, people generally believe that there is no fair decision other than the maximum criminal penalty, so that every decision handed down by the court is always considered unfair and injures the sense of justice of the community, but on the contrary in cases involving poor people, such as in the case of theft of cocoa fruit or theft of flip-flops, the community always considers it unfair if they are sentenced even with the lightest type of sentence, then is the concept of justice in the reform era like that? This means that every defendant is poor, so the court may not impose a sentence even though he is clearly proven guilty and every corruption case may not be released or given a light sentence.⁷⁸ This study is intended to examine and analyze the law enforcement of corruption crimes in decision Number 39/Pid.Sus-TPK/2024/PN Jkt Pst from the perspective of legal benefits.

¹Oksidelfa Yanto, (2020), *Negara Hukum: Kepastian, Keadilan Dan Kemanfaatan Hukum*. Bandung : Pustaka Reka Cipta.

The impact of corruption is so great that it is a serious problem that affects the welfare of people's lives, this is the responsibility of all elements of society and stakeholders because the problem of corruption must be fought together and eradicated together so that we can minimize the crime of corruption that is currently rampant in Indonesia.⁹ The public perception that corruption crimes must receive a heavy portion of punishment is because corruption has been classified as an extraordinary crime. Corruption is the enemy of good and professional governance; also an enemy of humanity. However, it is not uncommon for the resolution of corruption crimes to remain far from justice. This is because many corruption cases are decided with light sentences, even dismissed from all legal charges (onslagh) by the panel of judges.

This is certainly a serious violation of justice. Moreover, the acquittal verdict is because the judge handling the case has accepted bribes or gratuities from the defendants. The verdict is a corruption case that was acquitted by the panel of judges is Decision Number 39 / Pid.Sus-TPK / 2024 / PN Jkt Pst with defendants PT. Nagamas Palmoil Lestari, PT. Pelita Agung Agrindustri, PT. Nubika Jaya, PT. Permata Hijau Palm Oleo, and PT. Permata Hijau Sawit which are part of the Permata Hijau Group company group.

2. Research Methods

This research uses a normative juridical approach, with descriptive analytical specifications. The data used are secondary data, and the data collection method is literature study. The data analysis method is qualitative. The theories used are the theory of law enforcement and the theory of utility.

²Ana Aniza Karunia, "Penegakan Hukum Tindak Pidana Korupsi Di Indonesia Dalam Perspektif Teori Lawrence M. Friedman," *Jurnal Hukum Dan Pembangunan Ekonomi*, Vol. 10, No. 1, 2022, p.115

³Angga Dwi Arifian & Sri Kusriyah, The Investigation on Criminal Acts of Corruption in the Jurisdiction of Rembang Police, *Law Development Journal*, Volume 3 Issue 3, September 2021, p.460.

⁴Wicipto Setiadi, "Korupsi Di Indonesia (Penyebab, Bahaya, Hambatan Dan Upaya Pemberantasan, Serta Regulasi)" *Jurnal Legislasi Indonesia*, Vol. 3 No. 2, 2018, p.249

⁵Teguh Sulista & Aria Zurnetti, (2011), *Hukum Pidana: Horizon Baru Pasca Reformasi*, Jakarta : PT. Raja Grafindo Persada, p.63

⁶Karunia, "Penegakan Hukum Tindak Pidana Korupsi Di Indonesia Dalam Perspektif Teori Lawrence M. Friedman." *Jurnal Hukum dan Pembangunan Ekonomi*, Vol. 10 No. 1, 2022, p.117

⁷Sutrisno, Fenty Puluhulawa, & Lusiana Margareth Tijow, "Penerapan Asas Keadilan, Kepastian Hukum Dan Kemanfaatan Dalam Putusan Hakim Tindak Pidana Korupsi," *Gorontalo Law Review*, Vol. 3 No. 2, 2020, 168.

⁸Ayuk Ivani Siagian, Kronologi Kasus Korupsi Minyak Goreng yang diputus Lepas, <https://www.tempo.co>, accessed August 20, 2025,

⁹Muslihin Rais, "Nilai Keadilan Putusan Hakim Pada Perkara Tindak Pidana Korupsi," *Al Daulah : Jurnal Hukum Pidana Dan Ketatanegaraan*, Vo. 6, No. 1, 2017, p.121

3. Results and Discussion

3.1. Law Enforcement of Corruption Crimes in Decision Number 39/Pid.Sus-TPK/2024/Pn Jkt Pst Reviewed from the Perspective of Legal Benefit

To understand the enforcement of corruption law in Decision Number 39/Pit.Sus-TPK/2024/PN. Jkt Pst, the following describes the case.

1. Case

PT. Nagamas Palmoil Lestari, PT. Pelita Agung Agrindustri, PT Nubika Jaya, PT. Permata Hijau Palm Oleo, PT. Permata Hijau Sawit which are members of the company Permata Hijau Group has committed or participated in committing an act through Stanley Ma as Senior Manager of Corporate Affairs of PT. Victorindo Alam Lestari, together with Indrasari Wisnu Wardhana as Director General of Foreign Trade of the Ministry of Trade of the Republic of Indonesia, Weibinanto Halimdjati as Director of PT IRAI Independent Research & Advisory Indonesia) who is also the Assistance Team of the Coordinating Minister for Economic Affairs of the Republic of Indonesia (each decision has permanent legal force), in an unlawful manner.enrich oneself or another person or a corporation that caused detrimental to the country's economy worth Rp. 937,558,181,691.26, with details of illegal profits amounting to Rp. 124,418,318,216, detrimental to state finance samounting to Rp.186,430,960,865.26as per the Audit Report on the Calculation of State Financial Losses by the Financial and Development Supervisory Agency regarding the Alleged Corruption Case in the Provision of Export Facilities for CPO and its Derivatives, Number: PE.03/SR-511/D5/01/2022 dated July 18, 2022 anddetrimental to the household and business sectorsamounting to Rp.626,708,902,610as stated in the Study Report on the Analysis of Illegal Profits and State Economic Losses Due to Corruption in the Cooking Oil Sector from the Faculty of Economics and Business, Gadjah Mada University, dated July 15, 2022.

2. Charges:

a. Primair

The actions of the defendants as regulated in Article 2 paragraph (1) in conjunction with Article 18 of the Corruption Crime Law in conjunction with Article 55 (1) point 1 of the Criminal CodeArticle 2 Paragraph (1) in conjunction with Article 18 of the Corruption Crime Law.

b. Subsidiary

The actions of the Defendants are regulated and subject to criminal penalties based on Article 3 in conjunction with Article 18 of the Corruption Crime Law in conjunction with Article 55 paragraph (1) point 1 of the Criminal Code.

3. Demands:

- a. Declaring that the defendants have been legally and convincingly proven guilty of committing the crime of corruption which was carried out jointly as regulated and subject to criminal penalties in Article 2 paragraph (1) in conjunction with Article 18 of the Corruption Crime Law.
- b. Imposing the principal penalty therefore on the defendants with criminal fines each amounting to Rp1,000,000,000.00 (one billion rupiah)
- c. Imposing additional penalties on each of the Defendants to pay replacement money on state economic losses amounting to Rp937,558,181,691.26

4. Decision

Declaring that the Defendants were proven to have committed the acts charged against them as per the primary and subsidiary charges, however, these acts did not constitute a criminal act (ontslag van alle recht vervolging) and releasing the Defendants from all legal charges.

Based on the description above, it can be seen that in the decision Number 39/Pid.Sus-TPK/2024/PN Jkt Pst, 6 companies are members Permata Hijau Group has been charged with criminal corruption. enrich oneself or another person or a corporation Which detrimental to the country's economy worth Rp. 937,558,181,691.26 (nine hundred thirty seven billion five hundred fifty eight million one hundred eighty one thousand six hundred ninety one rupiah point twenty cents).

In the decision of case Number 39/Pid.Sus-TPK/2024/PN Jkt Pst, the Public Prosecutor is of the opinion that the actions of the corporate defendants in corruption in the provision of Crude Palm Oil CPO export facilities have caused a total state financial loss of IDR 937,558,181,691.26 based on the BPKP Audit Report Number: PE.03/SR-511/D5/01/2022 dated July 18, 2022 which is the realization of the distribution of Additional Direct Cash Assistance (BLT) Specifically for Cooking Oil that has been received by Beneficiary Families (KPM).

The state financial losses are a direct result of irregularities in the form of misuse of Export Approval (PE) facilities for Crude Palm Oil products and their derivatives

by manipulating the fulfillment of Domestic Market Obligation (DMO)/Domestic Price Obligation (DPO) requirements, as a result of the non-distribution of Domestic Market Obligation (DMO) and the state having to disburse Direct Cash Assistance (BLT) funds in order to reduce the burden on the people as consumers.

The state's financial losses include the burden that the government was forced to bear in the form of the distribution of Additional Direct Cash Assistance (BLT) specifically for Cooking Oil to minimize the burden on 20.5 million underprivileged households due to the scarcity and increase in the price of cooking oil and harming the business and household sectors.

In decision 39/Pid.Sus-TPK/2024/PN, the panel of judges acquitted the defendant. Acquittal is a common occurrence in the judicial system, demonstrating the judge's independence in assessing a case. Dissenting parties still have the option to challenge the case at a higher court, as permitted by law.

An acquittal of all charges is permitted under the Criminal Procedure Code (KUHAP), as stipulated in Article 191. This occurs when the court is of the opinion that the act charged against the defendant is proven, but the act does not constitute a crime. Even if the court is of the opinion that, based on the results of the examination at trial, the defendant's guilt for the act charged against him has not been legally and convincingly proven, the defendant must be acquitted. Meanwhile, according to Article 193 of the Criminal Procedure Code, a new sentence can only be imposed if the court is of the opinion that the defendant is guilty of committing the crime charged against him.¹⁰

However, in the case of decision 39/Pid.Sus-TPK/2024/PN, behind the acquittal decision by the judge, the Attorney General's Office found that there had been a criminal act of bribery against the judge handling the case. The Attorney General's Office of the Republic of Indonesia later revealed that the acquittal in the CPO corruption case was allegedly the result of bribery involving the Chief Justice of the South Jakarta District Court, Muhammad Arif Nuryanta, and three other judges: Djuyamto, Agam Syarif Baharuddin, and Ali Muhtarom. The bribe was allegedly disbursed in cash, with evidence in the form of Rp 5.5 billion in cash found under Judge Ali Muhtarom's mattress. This fact was revealed in a press conference by the Deputy Attorney General for Special Crimes (Jampidsus), who also revealed the involvement of private parties as intermediaries.¹¹

¹⁰Erianto, Mencermati Putusan Lepas Korupsi Berbau Suap, <https://www.adhyaksadigital.com>, accessed September 2, 2025

¹¹Syailendra Azka Ramadean, *Oligarki Sawit: Analisis Kasus Dugaan Suap Hakim dalam Putusan Lepas Perkara Ekspor CPO*, Sebelas Maret University, 6 July 2025

The *modus operandi* used in this case is considered systematic and organized. In addition to cash payments, foreign currency transactions and the use of intermediary accounts are suspected. This suggests that the judicial mafia in corruption cases does not operate in isolation but is part of a network involving corporations, legal professionals, and court officials.

Two judges from the Central Jakarta District Court, Agam Syarif Baharuddin and Ali Muhtarom, were summoned and questioned as witnesses by the investigative team of the Deputy Attorney General for Special Crimes (Jampidsus). Both were known to be members of the panel of judges that ruled on the CPO export case. Jampidsus' Director of Investigation, Abdul Qohar, explained that MAN is suspected of involvement in this case while still serving as Deputy Chief Justice of the Central Jakarta District Court.

He is said to have received a bribe channeled by two lawyers, MS and AR, through Wahyu Gunawan. The bribe, allegedly amounting to Rp 60 billion, is strongly suspected to have been intended to influence the verdict of the panel of judges. The disputed verdict was handed down by a panel of judges at the Central Jakarta District Court chaired by Djuyamto, with two judges, Ali Muhtarom and Agam Syarif Baharuddin. The verdict acquitted the defendants of all charges, although the court stated that the elements of the act as charged by the prosecutor had been proven, but it was not considered a crime.¹²

The enforcement of corruption law in decision Number 39/Pid.Sus-TPK/2024/PN Jkt Pst is not in line with the theory of legal expediency, which states that the law aims solely to provide the greatest benefit or happiness for as many citizens as possible. The judge's decision to acquit the defendants of corruption is not in line with legal expediency. Law enforcement does not provide substantive justice, does not create a deterrent effect for corporate perpetrators, and does not align with the legal objectives of eradicating corruption, which should protect state finances and public welfare. The acquittal indicates the absence of true justice for the public. CPO corruption has harmed the state's finances and economy, as well as undermined public welfare, so strict penalties are needed to fulfill a sense of justice. With the acquittal, the corporations involved in this case, PT Permata Hijau Group, do not receive commensurate sanctions, thus potentially committing similar crimes. The CPO corruption case has caused a shortage of cooking oil and a very detrimental increase in oil prices. The acquittal verdict is not in line with the spirit of eradicating corruption which aims to restore state finances, provide a deterrent effect, and realize general welfare.

¹²Dugaan Suap Rp 60 Miliar Putusan Lepas Kasus Ekspor CPO Wilmar Group Permata Hijau Group dan PT Musim Maas Group, Ini faktanya, <https://riaupos.jawapos.com/>, accessed August 30, 2025.

3.2. Judge's Considerations in Decision Number 39/Pid.Sus-TPK/2024/PN Jkt Pst

The panel of judges acknowledged that the corporate defendants had committed the acts they were accused of, but that they did not constitute a crime. In case No. 39/Pid.Sus-TPK/2024/PN.Jkt Pst, the panel's reasoning that the defendants had committed the acts they were accused of, but that they did not constitute a crime, was based on three considerations.

First, the defendants' actions are closely related to the implementation of the Indonesian Ministry of Trade's policy regarding the management of cooking oil and have entered the authority of the State Administrative Court as has been disputed by the defendants with the Indonesian Minister of Trade and has been decided by the Jakarta State Administrative Court Number 473/G/TF/2023/PTUN JKT dated March 5, 2024.

Second, the defendants' actions are closely related to civil disputes and claims for compensation that have entered the authority of the General Court as has been disputed by the defendants with the Minister of Trade of the Republic of Indonesia and has been decided by the Central Jakarta District Court Number 230/PDT.G/2024/PN Jkt Pst dated December 17, 2024 Jo. Decision of the DKI Jakarta High Court Number 163/PDT/2025/PT DKI dated February 17, 2025.

Third, the state's financial losses related to the granting of export facilities for crude palm oil (CPO) and its derivatives to the palm oil industry between January 2022 and March 2022 remain unclear and uncertain.

The panel of judges' consideration in this case, based on the legal grounds of the acquittal decision, is a common occurrence in the judicial system, demonstrating the judge's independence in assessing a case. In this case, those who disagree with the decision still have the right to appeal, namely to challenge it at a higher court, as permitted by law. However, the problem arises when bribery or gratuities amounting to a fantastic amount of 60 billion rupiah, as revealed by the prosecutor's office, of course, the independence, objectivity, and legal considerations made by the panel of judges are worthy of questioning by many parties and it is highly unlikely that it is a pure decision from a legal perspective. These legal considerations should be influenced by the bribes received by the panel of judges.

The judge's considerations in the CPO oil corruption case ruling, which resulted in the acquittal of all charges, are inconsistent with Gustav's theory of legal expediency. Based on the legal facts, the CPO corruption case has resulted in an increase in the price of cooking oil in the community. This has led to unrest, harmed small consumers, and widened social injustice. However, in his considerations, the judge focused more on the aspect of legal certainty and paid

less attention to socioeconomic aspects, resulting in a decision that did not consider the aspect of restitution for losses to society and the state. In making his considerations, the judge should have considered the aspect of expediency, namely by protecting the interests of the wider community, providing a deterrent effect for perpetrators, and restoring public trust in the judiciary and government.

4. Conclusion

The enforcement of corruption law in Decision Number 39/Pid.Sus-TPK/2024/PN Jkt Pst does not reflect legal expediency. In its deliberations, the judge paid little attention to socioeconomic aspects, resulting in a decision that neglected to address the recovery of losses to the community and the state. Therefore, judges should consider the expediency aspect, which aims to protect the wider community, when making legal considerations.

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