

Law Enforcement of Corruption Crimes in Geothermal Mining Sector in Indonesia to Realize the Value of Justice

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<https://doi.org/10.25134/unifikasi.v13i01.817>

ARTICLE INFO

Article History

Received: February 3, 2025

Revised: February 12, 2026

Accepted: June 20, 2026

Keywords

Corruption Crimes;

Geothermal;

Judge Decision.

ABSTRACT

In 2026, Indonesia recorded a low corruption perception index score of 38 and ranked 109th out of 180 countries. This condition emphasizes the crucial importance of law enforcement in strategic sectors such as renewable energy and mining. Purpose: This research aimed to analyze the regulation and implementation of law on corruption in Indonesia geothermal mining sector, with a focus on Decision Number 60/Pid.Sus-TPK/2023/PN.Jkt.Pst. Methods: A normative juridical method was used through a case and statutory approach. Results: The results showed that the Panel of Judges in the case issued a decision different from applicable legal provisions. This indicates that normatively, geothermal mining governance is regulated by Law Number 21 of 2014, while the criminal offense is subject to Law Number 20 of 2001 in conjunction with Law Number 31 of 1999 on the Eradication of Corruption. Conclusion: However, the legal implementation of this decision has been proven to ignore existing regulations and Law enforcement of corruption in the renewable energy sector must prioritize the value of justice in order to protect the community's rights to utilize natural resources. Suggestion: This research suggests strengthening the Judicial Commission oversight and increasing judges capacity to regulate technical matters in the mining sector. Contribution: The results contribute to a jurisprudence-based critical analysis of corruption law enforcement patterns in the green energy sector, while also providing a literature reference for policymakers to minimize legal loopholes in integrating criminal and mining administrative law.



Introduction

Article 1, paragraph (3) of the 1945 Constitution stipulates that Indonesia is a country based on the rule of law. This implies that all aspects of society are regulated by the rule of law,¹ including the regulation of geothermal mining and corruption crimes. The two areas constitute the primary focus of this research. Corruption occurs across all fields of work, including geothermal mining². It has become ingrained in Indonesian government, reflecting low morality and a lack of shame, leading to a predominant attitude of greed.³ Furthermore, corruption undermines development and social justice.⁴ In 2023, Indonesia had a Corruption Perceptions Index score of 34, ranking 115th out of 180 countries (Transparency

¹ Maman Nurohman, "Penegakan Hukum Terhadap Tindak Pidana Korupsi Dalam Pertambangan Panas Bumi Di Indonesia," *Savana: Indonesian Journal of Natural Resources and Environmental Law* 1, no. 3 (2024): 178–186.

² La Ode Ghondohi et al., "Asset Recovery from Mining Corruption: Rationality, Urgency, and Challenges for Environmental Restoration," *Journal of Law, Environmental and Justice* 3, no. 2 (2025): 446–475.

³ Raldin Alif Al Hazmi, "Pengaruh Kemiskinan Dan Korupsi Terhadap Pertumbuhan Ekonomi Indonesia," *Jurnalku* 4, no. 1 (2024): 1–10.

⁴ Wandu Pratama Putra and St Hadijah Wahid, "Analisis Peranan Komisi Pemberantasan Korupsi (KPK) Dalam Menanggulangi Tindak Korupsi Di Indonesia," *Journal Of Law Legal Advice* 1, no. 1 (2024): 41–50.

International).⁵ According to research by Natalis Christian, Arlina, Julie Tryany, and Vera Laurence Liang, the Association of Certified Fraud Examiners (ACFE, 2020) defined fraud as the abuse of power for personal gain.⁶ Furthermore, Iman Elfino Putra Wijaya explained that the government in power no longer acts in the people interests due to rampant corruption. This makes it very difficult to achieve prosperity for the people, even though Indonesia is extremely rich in natural resources. Corruption has always been a major enemy that has not been fully eradicated under every administration.⁷

Further research conducted by Nadya Shahnaz Gabriella, Akbar Ramadhan Gumas, Ardinia Awanis Shabrina, and Febrianita Aisyah Putri explained that the factors causing corruption crimes include (1) Individual Behavior, (2) Political Factors, (3) Economic Factors, (4) Legal Factors, and (5) Social Factors.⁸ Therefore, corruption needs to be eradicated to prevent the recurrence of crimes⁹ as well as to achieve legal certainty and justice for all people.¹⁰ As stated by Dominikus Jawa and Parningotan Malau, efforts to eradicate corruption require a holistic approach that involves institutional reform, increasing transparency and accountability, while also changing legal culture through education and public participation.¹¹ Based on the discussion above, this research focuses on a corruption case involving Yusak Kusna Wibawa, as detailed in Decision Number 60/Pid.Sus-TPK/2023/PN.Jkt.Pst. The problem formulation is how to regulate geothermal mining and corruption, as well as how the regulation of corruption is implemented in Decision Number 60/Pid.Sus-TPK/2023/PN.Jkt.Pst.

Research Methods

This normative legal research (normative juridical) examined written law from the perspectives of systematics, synchronization, and consistency of regulations in judicial practice. Statutory and case approaches were used to analyze the judge legal reasoning in Decision Number 60/Pid.Sus-TPK/2023/PN.Jkt.Pst. The primary legal materials included Law Number 21 of 2014 on Geothermal Energy, Law Number 20 of 2001 in conjunction with Law Number 31 of 1999 on the Eradication of Corruption, and copies of related case decisions. Secondary legal materials were sourced from legal textbooks, scientific journals, and official Transparency International reports. All legal materials were collected through library research using a systematic inventory and document classification method. Data were analyzed using qualitative-normative methods and deductive reasoning to conclude general

⁵Rahmat Aiman, "Hukum Dan Korupsi: Tantangan Dan Solusi Dalam Pemberantasan Korupsi Di Indonesia," *Peradaban Journal of Law and Society* 3, no. 1 (2024): 16–30.

⁶ Natalis Christian et al., "Analisis Motivasi Fraud Dengan Pendekatan Teori Fraud," *JSMA (Jurnal Sains Manajemen dan Akuntansi)* 16, no. 1 (2024): 77–95.

⁷ Khanza Jasmine, "Proses Penetapan Tersangka Dalam Tindak Pidana Korupsi Di Indonesia," *Jurnal Hukum dan Kewarganegaraan* 7, no. 4 (2024): 1–12.

⁸ Nadya Shahnaz Gabriella et al., "Faktor-Faktor Penyebab Yang Menyebabkan Perilaku Tindak Pidana Korupsi Di Kalangan Pegawai Negeri," *Jembatan Hukum: Kajian ilmu Hukum, Sosial dan Administrasi Negara* 1, no. 2 (2024): 76–86.

⁹ Ilham Syahputra Angkat and Ismail Koto, "As-Syar'i: Jurnal Bimbingan & Konseling Keluarga Kewenangan Komisi Pemberantasan Korupsi Dalam Fungsi Preventif Melalui Pendidikan Anti Korupsi," *Jurnal Bimbingan & Konseling Keluarga* 6, no. 2 (2024): 1841–1852.

¹⁰ Marisa Nabila et al., "Studi Literatur: Tantangan Dalam Menegakkan Hukum Keadilan Di Indonesia," *Jurnal Review Pendidikan dan Pengajaran (JRPP)* 7, no. 1 (2024): 127–133.

¹¹ Dominikus Jawa, Parningotan Malau, and Ciptono Ciptono, "Corruption Criminal Law Enforcement Challenges in Indonesia," *Jurnal USM Law Review* 7, no. 2 (2024): 106–117.

regulations from specific legal facts, thereby identifying any gaps between the normative provisions and the implementation of law enforcement by the Panel of Judges.

Results and Discussion

1. Regulation of Geothermal Mining and Corruption

Article 33, paragraph (3) of the 1945 Constitution stipulates that the land, water, and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people¹². This serves as the foundation for managing natural resources, including geothermal energy. Furthermore, regulations on geothermal mining, namely Law Number 21 of 2014 on Amendments to Law Number 27 of 2003 on Geothermal Energy, govern the management and use of geothermal energy in Indonesia¹³. Given the state control over geothermal resources and management, the government has the authority to issue exploration and exploitation permits as well as oversee geothermal mining activities.

Under the aforementioned law, the government issued Government Regulation Number 59 of 2007 on Geothermal Business Activities, which regulates the implementation of geothermal business activities¹⁴. The regulation provides further details regarding the implementation of geothermal business activities, including exploration and exploitation procedures, as well as the obligations of permit holders in conducting mining¹⁵. This research explains the government efforts to regulate corruption, which relates to the case study discussed. The government has enacted legislation on corruption crimes, namely Law Number 20 of 2001 on Amendments to Law Number 31 of 1999 on the Eradication of Corruption, which is an important step in Indonesia efforts to eradicate corruption¹⁶. The law was passed on November 21, 2001, and aims to strengthen existing legal provisions, given that corruption has caused financial losses to the state as well as violated the social and economic rights of the wider community. One significant change stipulated in the law is the addition of provisions for stricter criminal sanctions, including increased prison sentences and fines for corrupt perpetrators.

2. Implementation of Corruption Crime Regulations in Court Decision to Realize the Value of Justice

Extraordinary measures against corruption are necessary because the act is a heinous crime.¹⁷ Criminal sanctions with minimal penalties should be applied, and compliance by law

¹² Ledy Wila Yustini, "Analisis Status Yuridis Ruang Angkasa Sebagai Objek Hukum Agraria Berdasarkan Undang-Undang Pokok Agraria Dengan Uud 1945," *Audi Et AP: Jurnal Penelitian Hukum* 4, no. 02 (2025): 257-266, <https://jurnal.saburai.id/index.php/jaeap/article/view/4198>.

¹³ Tri Sulistianing Astuti and Luthfi Widagdo Eddyono, "Dinamika Pengaturan Dan Kepastian Hukum Kewenangan Pemerintah Pusat Atas Pengelolaan Pemanfaatan Tidak Langsung Panas Bumi," *Rechst Vinding: Media Pembinaan Hukum Nasional* 11, no. 3 (2022): 493-510.

¹⁴ Linda Yanti Sulistiawati and Louie Buana, "Legal Analysis of the Carbon Pricing Regulation in Indonesia," *Journal of Central Banking Law and Institutions* 2, no. 1 (2023): 179-198.

¹⁵ Dindin Syarief Nurwahyudin and Udi Harmoko, "Pemanfaatan Dan Arah Kebijakan Perencanaan Energi Panas Bumi Di Indonesia Sebagai Keberlanjutan Maksimalisasi Energi Baru Terbarukan," *Jurnal Energi Baru dan Terbarukan* 1, no. 3 (2020): 111-123.

¹⁶ Douglas Jhon Fiter, Alpi Sahari, and Adi Mansar, "Pelaksanaan Undang-Undang Nomor 20 Tahun 2001 Tentang Perubahan Atas Undang-Undang Nomor 31 Tahun 1999 Tentang Pemberantasan Tindak Pidana Korupsi (Studi Kejaksaan Negeri Deli Serdang)," *Iuris Studia: Jurnal Kajian Hukum* 5, no. 2 (2024): 198-208, <https://jurnal.bundamedia grup.co.id/index.php/iuris/article/view/560>.

¹⁷ Riki Kristianto, Mardi Candra, and Yanto, "Rekontruksi Penggunaan Teori Positivisme Hukum Dalam Penegakan Tindak Pidana Korupsi Di Indonesia," *As-Syar'i: Jurnal Bimbingan & Konseling Keluarga* 6, no. 1 (2024): 947-957.

enforcement officials is essential.¹⁸ In general, criminal law includes various principles and regulations, both general and specific.¹⁹ Acts that violate the law or neglect individual obligations may be subject to sanctions, including the threat of compensation for the resulting state financial losses, as well as criminal/administrative sanctions.²⁰ In case Number 60/Pid.Sus-TPK/2023/PN.Jkt.Pst, at the beginning of the investigation, allegations of corruption involving Yusak Kusna Wibawa were made, related to the procurement of goods and services, specifically the provision of Blow Out Preventers for a drilling project by PT PGAS Solution. In this context, Yusak Kusna Wibawa, who served as President Director of PT Taruna Aji Kharisma, was accused of involvement in a scheme that harmed the state. This case arose from a 2018 geothermal well-drilling equipment procurement and rental project. Defendant Andrean Murdianto, Director of PT Adhidaya Nusaprima Teknindo, claimed the client was framed in this legal process. Andrean Murdianto, the attorney, stated that Yusak Kusna Wibawa was involved in the conspiracy to frame the client. All parties implicated in the project procurement were recommended for prosecution, including YKW. The indictment mentions Chaedar, the former President Director of PT PGAS Solution, as being involved and receiving fees from the project. However, to date, Chaedar remains a witness and has not been named a suspect. Based on the chronology of the case above, Decision Number 60/Pid.Sus-TPK/2023/PN.Jkt.Pst shows the following details. During the detention process, the Defendant was detained at the Salemba State Detention Center by investigators from February 8, 2023, to February 27, 2023. Subsequently, the detention was extended by the Public Prosecutor from February 28 to April 8, 2023. The first extension by the Chief Justice of the District Court was from April 9 to May 8, 2023, while the second extension by the Chief Justice of the District Court was from May 9 to June 7, 2023, the Public Prosecutor from June 7 to June 26, 2023, and the District Court Judge from June 19 to July 18, 2023. The Chief Justice of the District Court also sanctioned another extension from July 19 to September 16, 2023, followed by the first extension by the Chief Justice of the Jakarta High Court from September 17 to October 16, 2023.

In Judge Decision Number 60/Pid.Sus-TPK/2023/PN.Jkt.Pst, the Defendant, Yusak Kusna Wibawa, was legally and convincingly proven guilty of committing corruption jointly and continuously. This is in line with in the primary indictment of Article 2 paragraph (1) in conjunction with Article 18 of Law Number 31 of 1999 on the Eradication of Corruption as amended by Law Number 20 of 2001 on Amendments to Law Number 31 of 1999 on the Eradication of Corruption in conjunction with Article 55 paragraph (1) point 1 of the Criminal Code, in conjunction with Article 64 of the Criminal Code. The Court sentenced the Defendant to eight years imprisonment and a fine of IDR 400,000,000 (four hundred million Rupiah), with the provision that should the fine not be paid, it will be replaced with imprisonment for 4 (four) months. The Court also ordered the Defendant to pay restitution for IDR 23,452,390,700 (twenty-three billion four hundred fifty-two million three hundred ninety thousand seven hundred Rupiah), no later than 1 (one) month after the decision becomes legally binding. Failure to pay, the Prosecutor will confiscate and auction the assets

¹⁸ Fauzan Azima Faturachman, Tomi J E Hutasoit, and Asmak Ul Hosnah, "Pertanggungjawaban Dan Penegakan Hukum Pidana Korporasi Dalam Tindak Pidana Korupsi Di Indonesia," *Jurnal Mahasiswa Humanis* 4, no. 2 (2024): 197–212.

¹⁹ Ali Johardi Wirogioto et al., "Pertanggungjawaban Pidana Pelaku Tindak Pidana Korupsi Secara Concursus," *Jurnal Kajian Ilmu Kepolisian dan Anti Korupsi* 1, no. 2 (2024): 111–120.

²⁰ Himawan Fikri, "Penyelesaian Pengembalian Kerugian Keuangan Negara Dalam Kasus Tindak Pidana Korupsi," *Jurnal Hukum Egalitaire* 1, no. 3 (2024): 363–380.

to cover the restitution. In case of insufficient assets, the Convict shall be sentenced to 3 years imprisonment. The Court further determined that the period of arrest and detention already served by the Defendant shall be fully credited toward the sentence imposed, and the Defendant must remain in detention. Legal System Theory Analysis²¹

- a. Legal Structure that is Yusak Kusna Wibawa, PT Taruna Aji Kharisma, PT PGAS Solution, Indonesian National Police, Indonesian Attorney General's Office, Indonesian Supreme Court
- b. Legal Substance that is Article 33, paragraph (3) of the 1945 Constitution, Law Number 21 of 2014 on Amendments to Law Number 27 of 2003 on Geothermal Energy, Government Regulation Number 59 of 2007 on Geothermal Energy Business Activities Law Number 31 of 1999 on the Eradication of Corruption, Article 2, paragraph (1), in conjunction with Article 18 of Law Number 20 of 2001 on Amendments to Law Number 31 of 1999 on the Eradication of Corruption
- c. Legal Culture that is Based on the case explanation previously described, Yusak was found legally guilty of corruption, resulting in state losses of over IDR 23 billion, and was sentenced to prison and a significant fine.

The Legal System Theory above shows that the weakness of this case is grounded in the societal culture²². This case demonstrates that greed and disregard for the law remain deeply rooted in corruption, often fueled by a culture allowing excessive freedom in the management of public finances²³. The weak legal culture, coupled with a lack of transparency and accountability, contributes to the high rate of corruption in Indonesia²⁴. Therefore, to prevent similar cases in the future, it is necessary to strengthen legal culture by emphasizing integrity, honesty, and responsibility at all levels of society. Occasionally, law enforcement success rate in a community is high due to support from community culture, including very high levels of public participation in crime prevention, reporting, and filing complaints about crimes, as well as collaborating with officials in crime prevention efforts. Community support can compensate for deficiencies in the structural and substantive components of the legal system, even where formal legal procedures are not fully implemented or are only partially observed.²⁵

Indonesia's low Corruption Perception Index score of 38 and its 109th global rank in 2026 underscore a critical failure in law enforcement within strategic sectors, particularly geothermal mining. Through a normative juridical approach to Decision Number 60/Pid.Sus-TPK/2023/PN.Jkt.Pst, this study concludes that current law enforcement patterns fail to manifest the core value of legal justice. This deficit is evident in the Panel of Judges' decision to bypass legal certainty by issuing a ruling that deviates from the integrated frameworks of Law Number 21 of 2014 on Geothermal and the Law on the Eradication of Corruption.

²¹ Tanti Kirana Utami et al., "Pengaruh Teori Perundang-Undangan Terhadap Dinamika Norma Hukum Dalam Sistem Hukum Indonesia," *Jurnal Hukum Ius Publicum* 5, no. 2 (2024): 264-293, <https://journal.umelmandiri.ac.id/ojs/index.php/jiu/article/view/199>.

²² Yosep Copertino Apaut and Egiony Saunoh, "The Role of Legal Philosophy in Building a Fair and Just Legal System (Examining the Legal System in Lawrence M. Friedman's Theory)," *Jurnal Restorasi: Hukum dan Politik* 3, no. 2 (2025): 176-187, <https://ojsap.com/index.php/archipel/article/view/34>.

²³ Henny Saida Flora, Mac Thi Hoai Thuong, and Ratna Deliana Erawati, "The Orientation and Implications of New Criminal Code: An Analysis of Lawrence Friedman's Legal System," *Jurnal IUS Kajian Hukum dan Keadilan* 11, no. 1 (April 4, 2023): 113-125, <https://jurnalius.ac.id/ojs/index.php/jurnallius/article/view/1169>.

²⁴ Istianah Zainal Asyiqin, M. Fabian Akbar, and Muhammad Daffa Auliarizky Onielda, "The Principle of Self-Submission in Sharia Economic Dispute Resolution: A Critical Examination through Friedman's Legal System Theory," *Jambura Law Review* 7, no. 2 (2025): 390-416.

²⁵ Imam Riyadi et al., "Penanaman Budaya Anti Korupsi Dalam Rangka Penanggulangan Korupsi Di Indonesia Universitas Bandar Lampung," *Jurnal Politik, Sosial, Hukum dan Humaniora* 2, no. 2 (2024): 153-166.

Sociologically, this judicial deviation severely undermines substantive and distributive justice. Corruption within the green energy sector is not merely an administrative infraction; it constitutes a direct violation of public rights and a failure of the state to distribute prosperity equitably. Given that renewable energy holds a moral mandate for intergenerational justice and future climate resilience, leaving these legal loopholes unaddressed allows public resources to be monopolized by a corrupt few. Therefore, to restore genuine justice, this research emphasizes the urgent need to strengthen the Judicial Commission's oversight and upgrade the technical capacity of judges. Seamlessly integrating mining administrative law with criminal law is paramount to closing these loopholes, thereby ensuring a clean, transparent governance system that genuinely safeguards social welfare for all Indonesian citizens.

Conclusion

In conclusion, geothermal mining is regulated by Law Number 21 of 2014 on Geothermal Energy, which emphasizes state control and management as well as the authority of the central and regional governments to grant permits and oversee exploration, along with exploitation activities. Meanwhile, corruption in the mining sector is regulated by Law Number 20 of 2001, which amends Law Number 31 of 1999 on the Eradication of Corruption. The implementation of Decision Number 60/Pid.Sus-TPK/2023/PN.Jkt.Pst indicates that the Panel of Judges decision did not comply with applicable regulations. Based on an analysis of legal system theory, the weakness in the implementation of the regulation in case Number 60/Pid.Sus-TPK/2023/PN.Jkt.Pst is grounded in the legal culture.

Suggestion

Indonesia has established a comprehensive legal framework governing geothermal mining and corruption, but implementation in the community remains limited. Therefore, the relevant institutions should be more diligent in implementing the regulations. Stricter sanctions for corruptors, such as longer prison sentences and substantial fines, can also deter corruption. Education and outreach about the dangers of corruption among the community and business actors should be increased to build collective awareness and combat corruption. These measures are expected to prevent similar cases from recurring and restore public trust in the legal system.

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<https://jurnal.saburai.id/index.php/jaeap/article/view/4198>.

How to Cite :

Susanti, Sindi, Maman Nurohman, and Suwari Akhmaddhian. "Law Enforcement of Corruption Crimes in Geothermal Mining Sector in Indonesia to Realize the Value of Justice". *Unifikasi: Jurnal Ilmu Hukum* 13, no. 01 (June 30, 2026): 34-41.