

Legal Analysis of Judges' Reasoning in Cases Involving Corruption at Regionally-Owned Enterprises: A Case Study of PD Petrogas Persada Karawang*

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Abstract

This study examines two primary research questions: first, how corruption offenses are regulated under applicable laws in relation to the case of PT Petrogas Persada, a Regional Government-Owned Enterprise (BUMD) in Karawang Regency; and second, how judges deliberated in sentencing at both the first-instance and appellate levels. This research employs a normative legal method with statute and case approaches. The findings reveal that the first-instance judicial panel applied Article 3 of the Anti-Corruption Law regarding abuse of authority under the subsidiary indictment. At this level, the defendant was sentenced to 2 years of imprisonment and required to pay substitute compensation amounting to IDR 5,145,224,363. Subsequently, the Bandung High Court increased the sentence to 4 years of imprisonment, which ultimately attained final and binding legal force (*inkracht*). The divergence in judicial deliberations between the two levels of adjudication reflects the dynamic application of sentencing theories, balancing individual considerations for the defendant against general preventive objectives in enforcing anti-corruption laws within regional state-owned enterprises. This study offers deep insights into the dynamics of judicial discretion and underscores the necessity of consistent legal reasoning to ensure justice and legal certainty in handling corruption cases involving segregated regional state assets.

Keywords: Judicial Considerations; Regional Government Owned Enterprise Corruption; Corruption Crime; Anti-Corruption Law Enforcement; Appeal Proceedings

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A. INTRODUCTION

Corruption is one of the most serious legal issues in Indonesia, as it not only causes financial losses to the state but also hinders regional development. Corruption in the Local Government-Owned Enterprises (hereinafter referred to as BUMD) sector is of particular concern because BUMDs are supposed to serve as a source of Local Original Revenue (hereinafter referred to as PAD) and an instrument for regional economic development. Data from the Corruption Eradication Commission (KPK) indicates that BUMDs are among the institutions most vulnerable to corruption in Indonesia. (Korupsi, 2021)

The corruption case involving the former CEO of PD Petrogas Persada Karawang, Giovanni Bintang Rahardjo, reflects the phenomenon of weak governance in regionally-owned enterprises (BUMD), which leads to criminal acts of corruption. The defendant's actions, which took place from 2019 to 2024, resulted in financial losses to the state amounting to Rp 7,115,224,363 billion and became the subject of prosecution, which subsequently led to two different verdicts at two different levels of the judicial system.

Law No. 31 of 1999 as amended by Law No. 20 of 2001 on the Eradication of Corruption (hereinafter referred to as the Anti-Corruption Law) has provided a comprehensive legal framework for the prosecution and imposition of criminal penalties on perpetrators of corruption. The provisions in Articles 2 and 3 of the Anti-Corruption Law provide two distinct avenues for prosecution, each carrying different criminal penalties; consequently, the panel of judges' choice of which article to apply becomes a decisive factor in the sentencing process.

From a legal philosophy perspective, there is a gap between *das Sollen* (the law as it ought to be) and *das Sein* (the reality of the law as it exists in practice). In the context of combating corruption in BUMDs, this is reflected in the provisions of the Anti-Corruption Law, which mandates clean, transparent, and accountable management of state finances and requires the imposition of strict sanctions for any abuse of official authority. This norm requires that every public official, including the directors of BUMDs, carry out their duties in accordance with laws and regulations and the principles of good governance. (Rahardjo, 2014)

However, practice reveals a different reality. The corruption case involving the former CEO of PD Petrogas Persada Karawang, Giovanni Bintang Rahardjo, demonstrates that the internal oversight mechanisms of BUMDs are still ineffective in preventing the abuse of authority. The state loss of Rp 7.1 billion incurred during the 2019–2024 period is a clear reflection of the gap

between idealized legal norms and the actual management practices of BUMDs. It is this gap between “das Sollen” and “das Sein” that lends the legal analysis of the judges’ reasoning in this case high academic and practical urgency, while also serving as the foundation for this study to examine the extent to which the judges’ ruling has bridged the gap between legal norms and the substantive justice expected by the public. (Karawang, 2025)

Consistency and firmness in the enforcement of criminal law are essential to building public trust in the judicial system. Fair law enforcement reflects the state’s commitment to earnestly combating corruption, including within regionally owned enterprises (BUMD). (Deny Guntara, Didiek Kurnia, Gary Gagarin & Muhamad Abas, 2025)

The management of public institutions, including regionally-owned enterprises (BUMD), demands a high level of accountability from all those in charge. The abuse of authority by BUMD officials that causes financial losses to the region constitutes a serious violation that requires the appropriate and proportionate application of criminal law as both a means of enforcing justice and a preventive measure. (Muhamad Abas, Ade Yunas Setiawan & Farhan Asyhadi, 2024)

Japan has positioned itself as a leader in AI governance through a structured and forward-looking regulatory approach. The Japanese government has introduced comprehensive strategies, including the AI Strategy 2019 and subsequent policy frameworks, which emphasize ethical AI use, human-centered development, and integration into education systems.

Based on this background, this study formulates two main research questions: First, how do the provisions governing corruption offenses under applicable laws and regulations relate to the PD Petrogas Persada Karawang case? Second, what were the judges’ considerations in imposing sentences in the first-instance and appellate rulings in the PD Petrogas Persada Karawang corruption case?

B. METHODS

This study employs a normative legal research method, which involves a systematic and comprehensive examination of legislation, court decisions, and relevant legal doctrines. Normative legal research draws on primary legal sources, such as laws and court decisions; secondary legal sources, such as

literature, scholarly journals, and expert opinions; and tertiary legal sources, such as legal dictionaries and encyclopedias. (Marzuki, 2011)

The approaches used include: (1) the statutory approach, which involves examining Law No. 31 of 1999 as amended by Law No. 20 of 2001 on the Eradication of Corruption, Law No. 48 of 2009 on Judicial Power, Law No. 8 of 1981 on the Criminal Procedure Code (KUHP), and Government Regulation No. 54 of 2017 on Regionally Owned Enterprises (BUMD); and (2) the case approach, which involves examining Judgment No. 77/Pid.Sus/2025/PN Bandung and the appellate decision of the Bandung High Court. All legal materials were gathered through a literature review and analyzed qualitatively using deductive reasoning to conclude general norms to specific cases.

C. RESULTS AND DISCUSSION

1. Regulations on Corruption Offenses Under the Law

The legal framework for corruption offenses in Indonesia is primarily outlined in Law No. 31 of 1999 on the Eradication of Corruption Offenses, as amended by Law No. 20 of 2001. This law addresses various forms of corruption offenses, with criminal penalties varying according to the severity of the acts committed. In the handling of the PD Petrogas Persada Karawang corruption case, the two main articles forming the basis of the indictment are Article 2(1) and Article 3.

Article 2, paragraph (1) of the Anti-Corruption Law stipulates that any person who unlawfully commits an act of enriching themselves, another person, or a corporation in a manner that may cause harm to state finances or the national economy shall be punished by life imprisonment or imprisonment for a minimum of 4 (four) years and a maximum of 20 (twenty) years, and a fine of not less than Rp 200,000,000 and not more than Rp 1,000,000,000. (Ivan Hanafi, Deny Guntara & Muhamad Abas, 2024).

The fundamental difference between Article 2 and Article 3 lies in the elements of the offense: Article 2 requires the element of “unlawfulness” (*wederrechtelijkheid*), whereas Article 3 requires the “abuse of authority, opportunity, or means” arising from one’s office or position. In the context of a corruption case involving an official of a regionally owned enterprise (BUMD), Article 3 is more relevant because the defendant’s actions are directly related to the abuse of authority derived from his position as President Director.

In addition to principal criminal penalties, the Anti-Corruption Law provides for additional penalties under Article 18. These provisions include the forfeiture of both movable and immovable property used in or obtained from corrupt acts, as well as the payment of restitution in an amount not exceeding the value of the property derived from the crime. This restitution requirement is specifically designed as a crucial primary legal instrument to optimize state asset recovery efforts. Through these mechanisms of asset forfeiture and mandatory compensation, law enforcement focuses not only on penalizing offenders with imprisonment, but also on effectively restoring state financial losses incurred as a result of corruption.

In the context of the PD Petrogas Persada Karawang case, Government Regulation (hereinafter referred to as PP) No. 54 of 2017 on Regionally Owned Enterprises (BUMD) also serves as a relevant normative reference. This regulation mandates that BUMDs be managed in accordance with the principles of good corporate governance, which include transparency, accountability, responsibility, independence, and fairness. Violations of these principles by BUMD managers that result in financial losses to the region may be prosecuted through the criminal justice system for corruption offenses.

Weak internal oversight systems and a lack of public accountability within government institutions and regionally owned enterprises (BUMDs) create an environment conducive to the abuse of office. These conditions underscore the urgency of strictly and consistently enforcing anti-corruption regulations against BUMD managers proven to have committed misconduct. (Ivan Hanafi, Deny Guntara & Muhamad Abas, 2024)

Under the Indonesian legal system, corruption is classified as a special criminal offense with distinctive features in terms of both substantive and procedural criminal law. These distinctive features include, among others, a limited system of reverse burden of proof, severe criminal penalties, and provisions for restitution as a means of recovering losses incurred by the state, all of which set the Corruption Eradication Law apart from the general provisions of the Criminal Code. (Hamzah, 2012)

Abuse of authority in the management of regionally owned enterprises (BUMDs) is one of the most common forms of corruption encountered in corruption trials in Indonesia. The nature of executive positions at BUMDs, which grant the authority to manage finances independently without strict oversight, makes these positions vulnerable to abuse; therefore, the application of Article 3 of the Corruption Eradication Law serves as the most appropriate legal instrument for addressing such acts. (Djaja, 2010)

2. The Judge's Considerations in Imposing a Sentence in the PD Petrogas Persada Karawang Corruption Case

a. The Duties and Functions of Judges in the Criminal Justice System

A judge is a state judicial official authorized by law to preside over trials. In the criminal justice system (SPP), judges play a central role as the executors of an independent judiciary, administering justice to uphold the law and justice. Law No. 48 of 2009 on Judicial Power affirms that judicial power is an independent state power to administer justice to uphold the law and justice based on Pancasila and the 1945 Constitution.

The criminal justice system is, by its very nature, a process of law enforcement, and it is closely tied to criminal law. Criminal law represents the enforcement of the law in the abstract, which is realized through the enforcement of the law in concrete terms. Andi Hamzah explains that within the criminal justice system, judges hold an independent position and cannot be subject to interference by any party, including the executive branch. This independence of judges serves as a crucial foundation for ensuring a fair, impartial, and accountable judiciary. In corruption cases that have far-reaching impacts on society, the independence and integrity of judges are critical factors that determine the quality of judicial decisions. (Margo Hadi Puro, Raka Indra Pratama & Hana Faridah, 2012)

When imposing a sentence, judges do not merely act as the mouthpiece of the law, but also as creators of law who are obligated to explore the values of justice that are alive in society. This is in line with Article 5(1) of Law No. 48 of 2009, which requires judges to explore, follow, and understand the legal values and sense of justice that are alive in society. (Muladi & Barda Nawawi Arief, 2005)

b. Legal Basis and Factors Considered by Judges in Corruption Cases

The judge's considerations in imposing a criminal sentence are governed by several provisions. Article 183 of the Criminal Procedure Code requires that a judge may not impose a criminal sentence on a person unless, based on at least two pieces of valid evidence, the judge is convinced that a criminal offense actually occurred and that the defendant is guilty of committing it. In addition, Article 197 of the Criminal Procedure Code requires judges to include a complete legal rationale in their verdicts.

The principle of *lex favor reo* (in dubio pro reo), which applies in criminal law, requires that where there is doubt regarding the interpretation of a statute,

the interpretation most favorable to the defendant must be adopted. This principle explains why the Panel of Judges in this case chose to apply Article 3 to the alternative charge rather than Article 2 to the primary charge, since the minimum penalty under Article 3 (1 year) was deemed more favorable than that under Article 2 (4 years). (Moeljatno, 2008)

The factors considered by judges in corruption cases generally fall into two main categories. First, aggravating factors, including: the extent of the losses incurred by the state; the duration of the offense; the defendant's position or role as a manager of public assets; and the social impact on the local community. Second, mitigating factors, including: the defendant's cooperative attitude during the trial, no prior convictions (no criminal record), the defendant's family circumstances, and efforts to reimburse the state for its losses. (Djaja, Meredesain Pengadilan Tindak Pidana Korupsi, 2010)

c. The First-Instance Judge's Rationale (Judgment No. 77/Pid.Sus/2025/PN Bandung)

The Panel of Judges of the Corruption Crimes Court at the Bandung Class IA Special District Court, presided over by Agus Komarudin, S.H., with members Novian Saputra, S.H., and Jeffry Yetta Sinaga, S.H., read the verdict on December 17, 2025. In its verdict, the Panel of Judges found the defendant, Giovanni Bintang Rahardjo, legally and convincingly guilty of committing a corruption offense as stipulated in Article 3 in conjunction with Article 18(1)(a) and (b) of Law No. 31 of 1999 in conjunction with Law No. 20 of 2001, in accordance with the alternative charge. (Muhamad Abas, Yuniar Rahmatiar & Suyono Sanjaya, 2025)

The ruling of the court of first instance is as follows: (1) to find the defendant legally and convincingly guilty of committing a criminal act of corruption; (2) to impose a prison sentence of 2 (two) years, reduced by the time the defendant has already spent in custody; (3) to impose a fine of Rp 200,000,000, or in default thereof, 1 month's imprisonment; and (4) to order the defendant to pay restitution for Rp 5,145,224,363. If this amount is not paid within 1 month after the verdict becomes final and binding, the prosecutor is authorized to seize and auction the defendant's property; if the proceeds are insufficient, the defendant shall be subject to an additional 1 year of imprisonment.

One of the legal considerations underlying the first-instance ruling was the choice of Article 3 of the Anti-Corruption Law for the alternative charge, rather than Article 2 for the primary charge. The application of Article 3 was

based on the panel of judges' determination that the defendant's actions were more appropriately classified as abuse of official authority. Article 3 carries a minimum sentence of 1 year, giving the judges greater discretion in determining the sentence compared to applying Article 2, which carries a minimum sentence of 4 years.

In the context of corruption offenses committed by officials of regionally owned enterprises (BUMD), the judge's interpretation of the element of "abuse of authority" in Article 3 is a critical factor that determines the severity of the sentence. The judge's assessment of the presence or absence of criminal intent (*mens rea*), the amount of provable losses, and the relationship between the official's position and the act are factors that determine the severity of the sentence imposed. (Muhamad Abas, Yuniar Rahmatiar & Suyono Sanjaya, 2025) (Muhamad Abas, Yuniar Rahmatiar & Suyono Sanjaya, 2025)

In the criminal justice system, the principle of *lex favor reo* or *in dubio pro reo* applies; this principle requires judges to apply the legal interpretation most favorable to the defendant when there is doubt regarding the application of the law. This principle explains why the Panel of Judges in this case chose to apply Article 3 of the Anti-Corruption Law to the subsidiary charge rather than Article 2 to the primary charge, given that the minimum penalty under Article 3 (1 year) is lower than that under Article 2 (4 years), making it more favorable to the defendant. (Moeljatno, *Asas-Asas Hukum Pidana*, 2008)

The provisions of Article 183 of Law No. 8 of 1981 on Criminal Procedure (KUHP) stipulate that a judge may not impose a sentence on a person unless, based on at least two pieces of valid evidence, the judge is convinced that a criminal offense has indeed occurred and that the defendant is guilty of committing it. In this case, the evidence was based on witness testimony, expert testimony, documentary evidence, and the defendant's statement, all of which corroborated one another, thereby leading the Panel of Judges to reach a conviction that the elements of Article 3 of the Anti-Corruption Law had been proven.

Based on the facts revealed during the trial, the Panel of Judges considered both aggravating and mitigating factors in determining the severity of the sentence imposed. Aggravating factors include: (1) the magnitude of the financial loss to the state, amounting to Rp 7.1 billion; (2) the duration of the offense, spanning 5 years (2019–2024); and (3) the defendant's position as CEO of a regionally-owned enterprise (BUMD), entrusted with managing public assets. Mitigating factors include: (1) the defendant's courteous demeanor during the trial; (2) the defendant's lack of prior criminal convictions; and (3) the defendant's

family dependents, which were considered on humanitarian grounds. (Putri Rana Dewi Siauta, M. Gary Gagarin Akbar & Muhamad Abas, 2024)

A judge's comprehensive deliberation must simultaneously take into account the aspects of legal certainty, justice, and public interest. Imposing a sentence that does not proportionately satisfy these three aspects risks undermining the authority of the ruling and public trust in the judicial system. (Deny Guntara, Didiek Kurnia, Gary Gagarin Akbar & Muhamad Abas, 2025)

In imposing a sentence, judges are required to comprehensively consider the purposes of criminal punishment, which include retributive, preventive, and rehabilitative aspects. In the PD Petrogas Persada Karawang corruption case, the application of sentencing theory by judges at the two levels of the court revealed a difference in emphasis: the trial court judge placed greater weight on the individual circumstances of the defendant, while the appellate court judge placed greater emphasis on general preventive aspects to serve as a deterrent to the public and other officials of state-owned enterprises. (Robilah, Deny Guntara, Muhamad Abas & Raka Indra Pratama, 2025)

d. The Judge's Rationale at the Appellate Level (Appellate Decision of the Bandung High Court)

The Public Prosecutor of the Karawang District Attorney's Office filed an appeal against Judgment No. 77/Pid.Sus/2025/PN Bandung on December 22, 2025, on the grounds that the first-instance court's decision did not reflect the public's sense of justice and did not provide an adequate deterrent effect for perpetrators of corruption in the regionally owned enterprise (BUMD) sector. This appeal is based on the right guaranteed by Article 67 of the Criminal Procedure Code (KUHP). (Suara Investigasi News, 2026)

In its ruling, the Bandung High Court increased the defendant's sentence from 2 (two) years to 4 (four) years in prison. This increase in the sentence by the High Court indicates that the appellate judges had a different assessment of the gravity of the defendant's actions. The main factors underlying the increase were the magnitude of the state's losses, which amounted to Rp 7,115,224,363 billion, and the duration of the offense, which spanned 5 years—factors deemed disproportionate to the 2-year sentence imposed by the trial court. (M.S. Nasution, Deny Guntara & Muhamad Abas, 2025)

In its deliberations, the Panel of Judges of the Bandung High Court determined that the first-instance ruling had not fully taken into account the

aggravating factors against the defendant. The appellate judges emphasized three key points: first, the state's loss of Rp 7.1 billion, which was highly significant and detrimental to Karawang Regency's local revenue; second, the duration of the offense over a period of 5 years (2019–2024), which indicated systematic intent; and third, the defendant's position as CEO of a regionally owned enterprise (BUMD), a role that entrusted him with the management of public finances, necessitated a higher standard of accountability. Therefore, increasing the sentence from 2 years to 4 years is deemed more proportionate and provides an adequate deterrent effect. (Karawang News.com, 2026)

The imposition of appropriate and proportionate criminal penalties in corruption cases is part of a formal social control mechanism that serves to restore violated norms and prevent the recurrence of similar acts. An appellate ruling that increases the sentence reflects the judicial system's ability to correct itself through available legal remedies. (Putri Rana Dewin Siauta, M. Gary Gagarin Akbar & Muhamad Abas, 2024)

The Bandung High Court's appellate ruling, which increased the sentence to 4 years, became final and binding (*inkracht*) because the defendant did not file a cassation appeal with the Supreme Court. The finality of this ruling marks the conclusion of the judicial process in the PD Petrogas Persada Karawang corruption case, while also confirming that the defendant is required to serve a 4-year prison sentence and pay restitution in the amount of Rp 5,145,224,363. (KarawangNews.com, 2026)

The effectiveness of law enforcement is measured not only by criminal convictions alone, but also by whether or not the state's losses have been recovered. In this case, in addition to the four-year prison sentence, a positive development worth noting is the return of Rp 101 billion in dividends from PD Petrogas Persada Karawang, which were seized by investigators and returned to the regional-owned company after the verdict became final. (M.S. Nasution, Deny Guntara & Muhamad Abas, 2025)

Criminal offenses of a structural nature within formal institutions rarely occur in isolation. The question of the possible involvement of other parties in the corruption chain at PD Petrogas Persada Karawang—as highlighted by PERADI—is an important consideration for law enforcement officials as they conduct a more comprehensive investigation to ensure substantive justice is achieved. (Ivan Hanafi, Deny Guntara & Muhamad Abas, 2024)

D. CONCLUSIONS

First, the provisions on corruption offenses in Law No. 31 of 1999 as amended by Law No. 20 of 2001 provide two main avenues for prosecution through Article 2 (unlawful acts) and Article 3 (abuse of official authority), each carrying different criminal penalties. In the PD Petrogas Persada Karawang corruption case, the trial court applied Article 3 to the alternative charge because the defendant's actions were deemed more appropriately classified as an abuse of authority derived from his position as CEO of a regionally owned enterprise (BUMD). In addition to the principal penalty, Article 18 of the Anti-Corruption Law provides for an additional penalty in the form of restitution, which in this case was set at Rp 5,145,224,363. (KarawangNews.com, 2026)

Second, the judges' reasoning at the trial and appellate levels revealed differing assessments of the gravity of the defendant's actions. The Bandung District Court imposed a two-year sentence, taking into account mitigating factors in the defendant's favor, while the Bandung High Court increased the sentence to four years, placing greater emphasis on the magnitude of the state's losses of Rp 7.1 billion and the duration of the offense. These differing considerations between the two levels of the judiciary are part of the legitimate judicial mechanism within the Indonesian legal system and do not merely reflect inconsistency. The final 4-year sentence reaffirms the commitment to enforcing anti-corruption laws against BUMD officials. This study recommends: (1) strengthening BUMD internal oversight mechanisms; (2) enhancing the accountability of BUMD managers to local shareholders; and (3) ensuring consistent application of the Anti-Corruption Law to all parties involved in the BUMD corruption chain.

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