



The Reconstruction of Free Judgments in Corruption Crimes and Its Implications for Enforcement Laws in Indonesia

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Abstract: Acquittals in corruption cases often generate controversy and undermine public trust, necessitating their reconstruction to strengthen justice and law enforcement in Indonesia and mitigate errors in the application of law (error in recht) in acquittal decisions. The problem at hand is how to reconstruct acquittals in corruption cases under the Corruption Eradication Law and the implications of acquittals for law enforcement in Indonesia. The research method used is normative juridical legal research. The results indicate that the reconstruction of acquittals in corruption cases is necessary to affirm justice and legal certainty. This effort requires limiting judicial interpretation, strengthening evidence, and tightening oversight to maintain judicial integrity and increase public trust. The reconstruction of acquittals strengthens accountability, transparency, and consistency in the judiciary, while ensuring substantive justice. This reform also increases public trust and strengthens commitment to corruption eradication and the rule of law.

Keyword: Reconstruction, Acquittals, Corruption, Law Enforcement

INTRODUCTION

Corruption is one of the extraordinary crimes which has a systemic impact on the joints of the life of the nation and the state (Afrizal, 2024; Bahar et al., 2024). One of the most common forms of corruption is the crime of bribery, where a person gives something to a civil servant or state administrator with the intention of doing or not doing something in his position, as stipulated in Article 5 paragraph (1) letter a of Law Number 31 of 1999 concerning the Eradication of Corruption as amended by Law Number 20 of 2001 (hereinafter referred to as the Corruption Crime Law). The practice of bribery not only hurts the integrity of state apparatus, but also damages moral order, hinders development, and lowers public trust in the government and law enforcement (Atmasasmita, 2004). Therefore, its eradication requires firm, consistent, and sustainable legal measures, as mandated by the Corruption Law.

One of the important instruments in the eradication of corruption is a court decision that contains fair and proportionate legal reasoning. Court decisions have a strategic role not only as a means of *law enforcement*, but also as a means of *law making* through precedent or *jurisprudence* (Harahap, 2017). However, in practice, there is a phenomenon of free verdicts

(*vrijspraak*) in corruption cases that trigger academic and practical debates, especially related to the consistency of law enforcement and public perception of judicial integrity (Permatasari et al., 2024).

A free verdict in a corruption case essentially means that the defendant is declared not legally and convincingly proven to have committed the criminal act charged (Mansyur et al., 2024). According to Article 191 paragraph (1) of the Criminal Procedure Code (KUHP), a free verdict is handed down if the court is of the opinion that from the results of the examination at the trial, the defendant's guilt for the alleged act is not legally and convincingly proven. In the context of corruption cases, this condition often poses a dilemma, because on the one hand it is a form of protection for the principle of *presumption of innocence*, but on the other hand it can cause the perception of the state's lack of seriousness in eradicating corruption (Hamzah, 2010).

The existence of the Corruption Crime Law in Indonesia has a very important position in the national legal system. This law was born as a response to the rampant corrupt practices that are considered to damage the joints of the life of the nation and state (Pane & Pudjiastuti, 2020 ;Taufan et al., 2025).

In this study, the researcher was interested in raising the case of the Supreme Court Decision Number 2205 K/Pid.Sus/2022, where in his verdict it stated that the defendant was free from all lawsuits, on the grounds that the elements of the crime were not legally and convincingly fulfilled. This decision is certainly relevant because the decision acquits the defendant from the charge of corruption on certain legal grounds that need to be studied constructively. The corruption criminal case with the defendant Samin Tan began with the allegation of giving a sum of money to a member of the Indonesian House of Representatives, Eni Maulani Saragih, who at that time served as Deputy Chairman of Commission VII. The allegations are related to the management of the extension of the Coal Mining Concession Work Agreement (PKP2B) owned by PT Asmin Koalindo Tuhup, a company affiliated with Samin Tan. In the indictment, the Public Prosecutor of the Corruption Eradication Commission (KPK) ensnared Samin Tan with Article 5 paragraph (1) letter a and Article 13 of the Corruption Crime Law with the charge of giving gifts or promises to state administrators.

However, in its ruling, the Corruption Crimes Court at the Central Jakarta District Court through Decision Number 72/Pid.Sus-TPK/2021/PN Jkt.Pst stated that Samin Tan was free from all lawsuits. The panel of judges stated that although Eni Maulani Saragih (a member of Commission VII of the House of Representatives of the Republic of Indonesia for the 2014-2019 period) received Rp 5 billion, there was not sufficient evidence that the money was given directly by Samin Tan or on his orders. Furthermore, the panel also considered that the prosecutor's indictment was unable to prove the existence of an agreement or causal relationship between the grant and Eni's position in its legislative function.

In line with the principle of *in dubio pro reo*, the panel of judges considered that the ambiguity in the evidence must be interpreted for the benefit of the defendant. Thus, Samin Tan was acquitted because his actions were considered not a criminal offense, even though the facts of the trial showed that there was a flow of funds to members of the House of Representatives. Against this decision, the public prosecutor filed a cassation legal remedy to the Supreme Court.

The Supreme Court in the cassation level through Decision Number 2205 K/Pid.Sus/2022 dated June 9, 2022, stated that it rejected the KPK Public Prosecutor's appeal for cassation. The panel of supreme court judges chaired by H. Suhadi with members Suharto and H. Ansori, decided to uphold the decision of the Corruption Court at the Central Jakarta District Court and stated that the evidence at the cassation level was not enough to declare Samin Tan guilty of committing the crime of corruption as charged by the public prosecutor. The Supreme Court's legal considerations in this case emphasize that the Corruption Law,

especially Article 12B paragraph (1), explicitly only regulates criminal threats for the recipient of the gratuity, not the giver. Therefore, the prevailing criminal provisions have not provided a sufficient legal basis to punish the giver of gratuities under conditions that are not preceded by certain requests or promises that are convincingly proven (Saragih, 2017).

This ruling provoked various responses from academics and legal practitioners. Some appreciate the courage of judges in applying the principle of prudence in proving and respect the principle of legality (*nullum crimen sine lege*). However, not a few also criticize that this ruling can create a legal loophole in the eradication of corruption, especially when the giver of bribes or gratuities can escape the legal trap just because there is no explicit regulation that regulates the giver directly.

On the other hand, this decision opens up a space for debate on the need to revise the Corruption Law to accommodate gratuities in active criminal schemes, so that it is not only focused on recipients. In previous judicial practice, bribe-givers were often charged with criminal provisions using the construction of Article 5 or Article 13 of the Corruption Law, but in this case the Supreme Court seemed to be more careful in assessing the suitability of the elements of the article charged with the legal facts revealed at trial.

Thus, the Supreme Court's decision Number 2205 K/Pid.Sus/2022 on behalf of Samin Tan is one of the important precedents in the dynamics of corruption criminal law in Indonesia. This ruling reflects the tension between substantive law enforcement and the principles of legality and formal proof in the criminal justice system. In the future, a more comprehensive and responsive reformulation of legal norms is needed to close the juridical gap in the eradication of corruption, without having to sacrifice the principles of justice and legal certainty.

As is known, the legal construction used by the panel of judges in this free verdict will provide an overview of how the criminal procedure law, the Corruption Law, and judicial principles are implemented in practice. In addition, it is important to analyze the implications of the decision to assess its impact on the effectiveness of law enforcement, legal certainty, and a sense of justice in society. This research is expected to make a scientific contribution in understanding the pattern of judges' considerations, as well as offering legal policy recommendations to strengthen efforts to eradicate corruption in Indonesia. Based on the above background, there are several problems that need more concreteness, including:

- a. How is the reconstruction of the acquittal in corruption crimes in the Corruption Crime Law?
- b. What are the implications of free verdicts on law enforcement in Indonesia?

METHOD

The type of research used in this study is normative juridical legal research, which is research conducted by examining literature materials or secondary data consisting of primary legal materials, secondary legal materials, and tertiary legal materials. Normative legal research focuses on research based on literature review and secondary data in the form of legal materials (Taekema, 2018). The data used in this study was collected through literature study techniques. The tools used for the collection of legal materials are in the form of document studies that come from various sources that are appropriate and relevant to the research topic. The approaches used are a legislative approach and a conceptual approach. This research uses qualitative descriptive analysis, namely the legal materials obtained, analyzed qualitatively, and presented descriptively. The qualitative method is a research procedure that produces descriptive-analytical legal materials.

RESULTS AND DISCUSSION

Reconstruction of Free Verdicts in Corruption Crimes in the Corruption Crimes Law

Free verdicts (*vrijspraak*) in corruption cases are one of the most controversial issues in law enforcement practice in Indonesia. This is because corruption is categorized as *an extraordinary crime* that demands extraordinary handling, but still often leads to free verdicts by the courts (Adhi et al., 2025). This condition creates a negative perception in the community that the judicial process in corruption cases has not fully reflected the sense of justice and integrity of law enforcement agencies (Arief, 2016).

Normatively, the Corruption Law has not explicitly regulated the mechanism or limitations on free verdicts in corruption cases. The Corruption Law only emphasizes the elements of corruption, proof, and criminal charges. As a result, in practice, judges have a wide enough scope of interpretation in deciding cases, including issuing a free verdict if they consider that the elements of the offense are not legally and convincingly proven (Saputra & Salmah, 2024).

However, in the context of substantive justice, reconstruction of the concept and application of free verdicts in corruption crimes is very important. The reconstruction in question does not eliminate the possibility of free judgment, but rearranges the juridical, philosophical, and sociological foundations of its application so that it does not conflict with the spirit of eradicating corruption.

This needs to be done considering that the main purpose of criminal law, especially in the context of corruption eradication, is not only to formally enforce the rules, but also to realize substantive justice that is in favor of the public interest and the integrity of the state. Reconstruction in this case means improving the perspective and application of the law by judges so that they are not solely oriented to procedural aspects, but also consider moral values, social justice, and the impact of corruption on the wider community. Therefore, there is a need to reinterpret the elements of corruption offenses so that they do not only depend on administrative evidence, but also on the substance of the act of bribery as stipulated in Article 5 paragraph (1) letter a of the Corruption Law, which emphasizes the prohibition of giving or promising something to a civil servant or state administrator to do or not do something in his position. In addition, from a philosophical perspective, the reconstruction of the acquittal also reflects an effort to balance the rights of the defendant with the interests of the community as the collective victims of bribery practices. Thus, the legal system must provide space for judges to assess cases comprehensively, without losing the principles of prudence and objectivity.

From a sociological perspective, this reconstruction has a major impact on public perception of justice and trust in the judiciary. Independent verdicts handed down without careful consideration can raise suspicions that the law has lost its function as an instrument of justice. On the other hand, if the application of free will is based on clear, transparent, and accountable legal principles, the public will judge that the law is enforced honestly and balanced. Therefore, stricter jurisprudence guidelines and regulatory updates in the Corruption Law are needed to narrow the space for interpretation that has the potential to be abused.

With these measures, the reconstruction of acquittals in corruption crimes is not only a juridical technical agenda, but also part of national legal reform. The goal is to realize a judicial system with integrity, ensure legal certainty, and strengthen the state's commitment to eradicating corruption comprehensively and fairly (Gunarto & Wahyuningsih, 2022; Nurohman & Kusriyah, 2022).

In addition to being an effort to uphold substantive justice, the reconstruction of free verdicts must also be seen as an instrument to improve the effectiveness of the criminal justice system as a whole. In this context, it is important to review the relationship between the norms in the Corruption Law and the general principles in the Criminal Procedure Code (KUHP), especially regarding the limits of the judge's authority in issuing acquittal decisions. So far,

many free verdicts in bribery cases have occurred because judges have used a purely legalistic approach, without considering the dimensions of social justice and the moral implications of the act as stipulated in Article 5 paragraph (1) letter a of the Corruption Law, namely the giving or promise of something to a civil servant or state administrator to do or not do something in his position. Therefore, reconstruction must also be directed at structuring legal *reasoning methodology* so that judges are able to balance legal certainty and the value of justice in every decision consideration.

In addition, strengthening evidentiary standards is also key in preventing the emergence of controversial independent decisions. In many cases, prosecutors face difficulties in proving the element of bribery as referred to in Article 5 paragraph (1) letter a of the Corruption Act, due to the limitations of formal evidence recognized by the court. In fact, substantively, acts of bribery can be proven through the giving or promise of something to a civil servant or state administrator to do or not do something in their position, which is often implied through communication patterns, fund flows, or certain interests relationships. Therefore, a more adaptive and progressive procedural law reform is needed to the complexity of proving bribery cases, including the recognition of electronic evidence, records of financial transactions, and the results of investigative audits that have the same evidentiary power as conventional evidence.

Furthermore, the reconstruction of free verdicts also touches on the institutional aspect of the judiciary. Judicial reform includes not only changes in the substance of the law, but also the integrity and independence of judges in carrying out their duties. The enforcement of the judge's code of ethics as well as internal and external supervision mechanisms must be strengthened to ensure that every decision, including independent verdicts, is truly born from objective legal considerations and not from the intervention of certain powers or interests. In this case, the Supreme Court plays an important role in establishing consistency of jurisprudence and technical guidelines for judges at all levels to have uniform standards in assessing corruption cases.

In the end, the reconstruction of acquittal in corruption crimes is not only a technical change in the procedural law level, but a strategic step to strengthen the legitimacy of the national legal system. By balancing the principles of justice, certainty, and utility, this reconstruction is expected to restore public trust in the judiciary and affirm the state's commitment to upholding the law indiscriminately. In the long term, this reform will also encourage the realization of a legal system that is progressive, responsive to social justice, and oriented towards the nation's moral values in eradicating corruption.

In addition, the Supreme Court through the cassation system on acquittal verdicts (Article 244 of the Criminal Procedure Code jo. Constitutional Court Decision No. 114/PUU-X/2012) has opened up space for the Public Prosecutor to file an appeal against acquittal in corruption cases. This policy is a significant form of juridical reconstruction, because previously, free decisions were final. With this mechanism, the opportunity to strengthen the proper application of the law by the courts of first instance becomes more open, while increasing the accountability of the judicial process.

The Supreme Court's Decision Number 2205 K/Pid.Sus/2022 should be criticized because it is considered not to reflect the application of the principles of substantive justice and legal certainty as mandated in Article 28D paragraph (1) of the 1945 Constitution. The decision actually strengthens the free decision of the District Court, even though juridically and factually, the public prosecutor has filed an appeal on the grounds that there was an error in the application of the law (*error in recht*) in the previous decision. Normatively, Article 253 paragraph (1) of the Criminal Procedure Code provides a basis for the Supreme Court to examine cassation if there is an error in the application of the law or the method of adjudication that is not in accordance with the provisions of laws and regulations. However, the Supreme

Court in this case does not seem to have studied in depth the aspect *of error in law* that is the basis of the prosecutor's cassation application, but only assesses from the formal side of the independent verdict. This overly formalistic approach ignores the substance of justice and the corrective function of the Supreme Court as *the court of law* that is tasked with ensuring consistency in the application of the law throughout the judiciary.

Furthermore, by strengthening the free verdict that allegedly contains errors in legal reasoning, the Supreme Court indirectly weakens the principle of *equality before the law* and creates legal uncertainty in criminal justice practice. In this context, the Supreme Court should interpret its authority progressively, as has been applied in several previous jurisprudences that allow the annulment of an independent judgment if it is based on the erroneous application of the law and not on a mere assessment of the facts.

From the point of view of *legal policy*, this decision shows the weak consistency in the mindset of the cassation judge in understanding the boundary between *vrijspraak* (free judgment) and *onslag van rechtvervolging* (free from lawsuits). If a free verdict is handed down on the basis of misapplying elements of a criminal act or misinterpreting evidence, the Supreme Court should be able to cancel and order a re-examination. In this case, the strengthening of free verdicts has the potential to perpetuate errors in the application of the law and hinder the enforcement of substantive justice, especially since it is clear that the judge in his consideration does not ensnare the giver of the gratuity, as we know that the giver of the gratuity should be included as an act of bribery as regulated in Article 5 paragraph (1) letter a of the Corruption Crime Law.

Thus, Decision Number 2205 K/Pid.Sus/2022 can be considered not in line with the corrective function of the Supreme Court where the Supreme Court Justice who examines *the case a quo*, should be able to examine *the judex faxctie case*, so that it is in line with the provisions of the Corruption Crime Law, especially the function of the Supreme Court as the guardian of justice). Criticism of this ruling is important not only because of the difference in interpretation, but because it concerns a fundamental principle in the criminal justice system: that justice should not be sacrificed by rigid procedural approaches.

Thus, the reconstruction of free verdicts in corruption cases should ideally be directed at the establishment of a legal system that balances the protection of the rights of the accused and the public interest in eradicating corruption. This reform includes strengthening norms in the Corruption Law, limiting judicial interpretation that is too broad, and stricter supervision of the independence and integrity of judges (Asshiddiqie, 2022).

Implications of Free Will on Law Enforcement in Indonesia

The reconstruction of free verdicts in corruption crimes has broad implications for the law enforcement system in Indonesia, both in terms of juridical and institutional, and social aspects. Juridically, this reconstruction strengthens the principle of *equality before the law* and clarifies the limits of authority between law enforcement agencies. With the existence of an cassation mechanism for free decisions as affirmed in the Constitutional Court Decision Number 114/PUU-X/2012, law enforcement now has an instrument for the proper application of the law at the court level, which previously could not be reached by ordinary legal remedies. This is a form of progress in the criminal justice system, as it allows for more effective supervision of the integrity and professionalism of judges.

From an institutional perspective, this reconstruction encourages stronger synergy between law enforcement agencies such as the KPK, the Prosecutor's Office, and the Police. With clearer evidentiary standards and legal mechanisms, the investigation and prosecution process is expected to run more consistently and efficiently, and reduce the potential *for dismissal cases* due to formal or technical weaknesses. In addition, strengthening the rules

regarding criminal liability in the Corruption Law can suppress the practice of legal manipulation by certain parties who seek to find loopholes to free corruption defendants.

In the institutional context, synergy between law enforcement officials is an important foundation for the effectiveness of law enforcement in corruption cases. The reconstruction of free verdicts requires solid and continuous coordination between the KPK, the Prosecutor's Office, and the Police, not only in the investigation and prosecution stages, but also in the formation of legal policies and the interpretation of norms used in judicial practice. So far, differences in paradigms and sectoral egos between institutions have often led to overlapping authority, weak information exchange, and inconsistencies in evidence, which ultimately have an impact on the emergence of free judgments. Therefore, reconstruction must be directed at strengthening coordination mechanisms and work integration, including through the establishment of a cross-agency forum that functions to establish uniform operational standards and evidentiary guidelines in corruption cases (Firmansyah et al., 2020).

Furthermore, institutional reconstruction also requires improvements in the governance of law enforcement agencies themselves. Transparency, professionalism, and accountability are the main principles that must be maintained so that public trust in the legal system does not decline. Reforms in the KPK, the Prosecutor's Office, and the Police need to be directed at improving the competence of human resources, implementing a merit-based career system, and strengthening internal supervision so that each stage of law enforcement is free from political intervention or economic interests (Arabella, 2025). In addition, the Supreme Court and the Judicial Commission have a strategic role in ensuring the independence of judges and maintaining that the judicial process runs according to the principles *of due process of law* and is free from corrupt practices in the judicial environment (Behuku et al., 2025).

From the perspective of the legal system, strengthening synergy between law enforcement agencies must also be accompanied by regulatory harmonization. So far, there have been several overlaps between the Corruption Crime Law, the Criminal Code, and the internal regulations of each institution which often cause differences in interpretation in the application of the law. For example, regarding the definition and scope of the crime of bribery as stipulated in Article 5 paragraph (1) letter a of the Corruption Law, including the standard of proof for giving or promising something to a civil servant or state administrator to do or not do something in his position. For this reason, there is a need for revision and alignment of regulations so as not to create legal loopholes that can be used by certain parties to obtain free verdicts, as well as ensuring consistency in law enforcement against bribery practices at all levels of the judiciary.

In addition to structural and normative aspects, reconstruction also demands changes in institutional culture. Effective law enforcement depends not only on rules and structures, but also on the moral integrity and commitment of law enforcers to the values of justice. It is necessary to establish a *legal culture* that upholds ethics, responsibility, and moral courage in cracking down on corrupt perpetrators indiscriminately. This effort must be strengthened with ethical training, improving the welfare of law enforcement officials, and implementing strict sanctions for integrity violations.

Thus, the reconstruction of free verdicts in corruption crimes ultimately requires not only normative legal reform, but also comprehensive institutional reform. Through inter-institutional synergy, harmonization of regulations, and changes in work culture, the law enforcement system in Indonesia can become more effective, transparent, and fair. This step also emphasizes the national commitment to realizing the rule of law and the eradication of corruption in a consistent and sustainable manner.

The relevance of these principles can be reflected in the Supreme Court Decision Number 2205 K/Pid.Sus/2022, where the Supreme Court strengthened law enforcement on the acquittal of defendants in corruption cases previously handed down by the court of first

instance and appeal. In the decision, the Supreme Court reaffirmed the importance of applying a comprehensive standard of proof and rejected the narrow interpretation of the element of "giving something to a public servant or state administrator with the intention of doing or not doing something in his position" as stipulated in Article 5 paragraph (1) letter a of the Corruption Crime Law, which is often used as a basis for justification to acquit the defendant. The Supreme Court's attitude shows that there is a direction of change (reconstruction) in the practice of corruption justice from a formalistic approach to a more substantive and fair approach.

This decision is a concrete example of how legal reconstruction is not only at the theoretical level, but has been implemented in judicial practice. The Supreme Court through the decision indirectly strengthens the synergy between law enforcement agencies by providing certainty that the results of valid investigations and prosecutions must be respected as long as they meet the standard of valid and convincing evidence. Furthermore, this ruling shows the efforts of the judiciary to maintain the integrity of law enforcement from possible abuse of interpretation that can weaken the eradication of corruption.

Thus, the Supreme Court Decision Number 2205 K/Pid.Sus/2022 can be seen as one of the real manifestations of efforts to reconstruct acquittals in corruption crimes. Through the application of the principles of substantive justice and the strengthening of progressive legal interpretations, the Supreme Court plays an important role in encouraging judicial consistency, strengthening the rule of law, and restoring public trust in the judiciary in Indonesia.

Juridically, Supreme Court Decision Number 2205 K/Pid.Sus/2022 shows that the Supreme Court has reaffirmed the principle that the acquittal of defendants in corruption cases should not be carried out solely because of technical errors or administrative weaknesses in the evidentiary process. The Court is of the opinion that when there are clear legal facts showing that there is a provision of something to a civil servant or state administrator with the intention of influencing the decision or action of the position, as referred to in Article 5 paragraph (1) letter a of the Corruption Law, then the court should not necessarily issue an independent verdict. This approach emphasizes a paradigm shift from *formal justice* to *substantive justice* in the context of criminal law enforcement of bribery.

In the decision, the Supreme Court also highlighted the weakness of the judge of first instance and appeals who focused too much on *the aspect of mens rea* (malicious intent) without examining in depth the relationship between the defendant's actions and the purpose of giving bribes as referred to in Article 5 paragraph (1) letter a of the Corruption Law. By reinforcing a more comprehensive legal consideration, the Supreme Court showed that the element of "giving something to a public servant or state administrator with the intention of doing or not doing something in his office" should not be understood narrowly only from the recognition or direct evidence of the giving, but must be assessed comprehensively in the context of the causal relationship between the defendant's actions and the existence of an attempt to influence the decision or authority of the public official.

From the point of view of *legal policy*, this decision also emphasizes that efforts to reconstruct the free verdict in corruption crimes are not only needed to improve the substance of the law, but also to establish consistency in the mindset and legal reasoning of judges. When the judge understands corruption as an *extraordinary crime*, the evidentiary approach must also be extraordinary, namely not solely relying on procedural formalities, but focusing on the integrity of the series of facts and the malicious intentions of the perpetrator in giving something to a civil servant or state administrator with the intention of influencing the actions or decisions of the position, as referred to in Article 5 paragraph (1) letter a Corruption Act.

Furthermore, the implications of this Supreme Court decision are also very important in building *judicial precedents* that strengthen the direction of corruption eradication in Indonesia. Through this decision, the Court affirms its role as a guardian of substantive justice

values and a guardian of legal consistency so that there is no disparity in verdicts in similar corruption cases. Thus, the direction of law enforcement becomes more measurable, transparent, and in accordance with the spirit of national law reform.

The reconstruction as reflected in the decision also shows that legal reform is not enough only through legislation, but also through judicial practices oriented to the values of justice. The Supreme Court, with this ruling, implicitly reminds that the judiciary is not only the implementer of the law, but also the moral interpreter and guardian of the integrity of the law. When judges are able to balance legal certainty with substantive justice, the law is no longer a tool of formality, but an ethical instrument that functions to protect the interests of society and the state from the threat of corruption.

Thus, Supreme Court Decision Number 2205 K/Pid.Sus/2022 can be considered a *landmark decision* that strengthens the direction of legal reconstruction in corruption crimes in Indonesia. Through this ruling, it can be seen that the reform of the anti-corruption criminal law does not only depend on changes in legal norms, but also on the courage of judges in upholding substantive justice, interpreting the law progressively, and rejecting all forms of irregularities that can erode the spirit of corruption eradication in Indonesia.

Seeing these legal dynamics, Supreme Court Decision Number 2205 K/Pid.Sus/2022 can be seen as a tangible form of judicial reconstruction in the Indonesian criminal law system, especially in the context of handling corruption crimes. This reconstruction not only corrects the errors in the application of the law at the lower level, but also becomes a symbol of systemic strengthening of the judicial paradigm that is too formalistic and procedural. Through this decision, the Supreme Court shows its strategic role as *the guardian of justice*, namely to keep the law from losing the spirit of substantive justice in upholding the rule of law.

Conceptually, the ruling affirms that the court should not use the principle *of in dubio pro reo* (doubt in favor of the defendant) as an absolute reason to acquit a corrupt perpetrator without considering the social context and the real impact of his actions on the state's finances. The Supreme Court in its consideration emphasized that this principle should not be abused to cover up weaknesses in legal interpretation or inaccuracies in the assessment of evidence. Thus, a new understanding emerges that substantive justice cannot be achieved only through the textual application of the law, but must be through legal reasoning that is contextual, rational, and oriented to the values of public justice.

In the framework of the reconstruction of free verdicts, this step by the Supreme Court is also an important jurisprudence guideline for other judicial institutions, especially the courts for corruption crimes at the first level and appeals. This decision directs judges to have the moral and intellectual courage to reject rigid positivistic thinking patterns, as well as to dare to enforce the law based on conscience and a sense of justice in society. This is in line with the idea of progressive law that places law as a means of liberation rather than a procedural shackle that actually hinders the realization of substantive truth.

In terms of legal policy, the decision also signals that the Supreme Court encourages the realization of a legal system oriented towards integrity, transparency, and accountability. This judicial reconstruction is expected to affect the legislative process, especially in the improvement of the Corruption Law to be more adaptive to the needs of public justice and the challenges of increasingly complex corruption practices, especially regarding the affirmation of gratuities, can also be charged with criminal law.

Thus, the Supreme Court Decision Number 2205 K/Pid.Sus/2022 is not just a strengthening of one case, but a reflection of a new awareness in law enforcement in Indonesia, where the Supreme Court Justice in *a quo* case should be able to ensnare the giver of gratuities with the provisions of Article 5 paragraph (1) letter a of the Corruption Law. The reconstruction of free judgments through this judicial approach is an integral part of national legal reform, which aims to harmonize legal certainty, substantive justice, and social benefits. Ultimately,

this step strengthens the Supreme Court's position as the last bastion of justice and enforcer of the principle that "the law must not be defeated by crime, much less by corruption."

Sociologically, the reconstruction of free verdicts has direct implications for public trust in the judiciary. Untransparent free verdicts often raise public suspicion of power intervention or judicial corruption. With more rigorous reform and supervision, the public will see that the law is enforced objectively and indiscriminately, thereby increasing the legitimacy of the national legal system. In the long run, this condition can foster a healthier *legal culture*, where people believe that justice can be obtained through legal channels, not through power or money.

Thus, Decision Number 2205 K/Pid.Sus/2022 can be considered inconsistent with the corrective function of the Supreme Court as the guardian *of justice* where the Supreme Court Justice who examines *a quo case* should be able to examine *the judex faxctie* case in line with the provisions of the Corruption Law. This criticism is justified because the Supreme Court should have assessed the error in the application of the law (*error in rechi*) in the free decision, not just affirming the validity of the decision formally. The Supreme Court's overly procedural attitude ignores the essence of *substantive justice* and has the potential to set a negative precedent for law enforcement. In fact, the principle of fair legal certainty as guaranteed in Article 28D paragraph (1) of the 1945 Constitution requires that every decision reflects material truth, not just formal truth. Therefore, this decision shows the weakness of the Supreme Court's corrective function in ensuring consistency in the application of the law and the protection of the public's sense of justice.

CONCLUSION

The results of this study show that the reconstruction of acquittals in corruption cases under the Corruption Law is urgently needed to reaffirm the principles of justice and legal certainty in eradicating corruption. The reformulation should be directed at limiting the judge's interpretative space, particularly regarding the broad meaning of gratuities, as reflected in Decision Number 2205 K/Pid.Sus/2022, where the giver of gratuities such as Samin Tan should have been charged under Article 5 paragraph (1) letter a of the Corruption Law concerning bribery. Strengthening evidentiary standards and supervision mechanisms over free verdicts is also crucial to prevent judicial misuse. This reconstruction is expected to restore the corrective function of the Supreme Court as the guardian of justice, enhance the integrity of the judiciary, and increase public trust in Indonesia's law enforcement system.

The implications of this reconstruction emphasize the need for improving accountability, transparency, and consistency within the justice system. The government should revise the Corruption Law to clarify the boundaries of free verdicts, particularly in expanding the definition of gratuities so that the giver is also subject to punishment. Furthermore, the Supreme Court needs to reinforce judicial guidelines, while the KPK, Prosecutor's Office, and Police must improve coordination in evidence handling and case processing. Strengthening judicial capacity, transparent oversight, and public participation in monitoring corruption cases are also essential to ensure that every verdict reflects fairness, integrity, and adherence to the rule of law in Indonesia.

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