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Judicial Considerations in Determining Criminal Liability for Corruption in the Tin Trading Sector: A Study of Supreme Court Decision No. 5009 K/Pid.Sus/2025

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Abstract

Corruption in natural-resource governance presents distinctive challenges because criminal liability may arise from complex commercial arrangements involving public resources, state revenues, and private actors. The tin trading case examined in Supreme Court Decision No. 5009 K/Pid.Sus/2025 provides an important context for analysing how judicial reasoning determines individual criminal responsibility in large-scale economic crimes. This study aims to examine the ratio decidendi employed by the Supreme Court in assessing the defendant's criminal liability and the relationship between commercial conduct, state financial losses, and the elements of corruption. A normative juridical method is employed through statutory, conceptual, and case approaches. The analysis focuses on the construction of unlawful conduct, causation between the defendant's conduct and state losses, the evidentiary basis for attribution of responsibility, and the judicial assessment of punishment. The study argues that corruption cases involving natural resources require courts to distinguish carefully between legitimate business activities and conduct that constitutes criminal participation in the misuse of public resources. The decision is particularly relevant because the Supreme Court rejected the cassation applications, thereby maintaining the legal consequences of the lower courts' adjudication. The research demonstrates that judicial reasoning in resource-related corruption cases must integrate criminal-law principles with the regulatory structure governing natural-resource commerce. The study contributes to discussions on corporate-related corruption, state-loss doctrine, and judicial accountability in the governance of strategic natural resources.

[*Korupsi dalam tata kelola sumber daya alam menghadirkan tantangan tersendiri karena tanggung jawab pidana dapat timbul dari pengaturan komersial yang kompleks yang melibatkan sumber daya publik, pendapatan negara, dan aktor swasta. Kasus perdagangan timah yang diperiksa dalam Putusan Mahkamah Agung No. 5009 K/Pid.Sus/2025 memberikan konteks penting untuk menganalisis bagaimana penalaran yudisial menentukan* *tanggung jawab pidana individu dalam kejahatan ekonomi skala besar. Studi ini bertujuan untuk memeriksa ratio decidendi yang digunakan oleh Mahkamah Agung dalam menilai tanggung jawab pidana terdakwa dan hubungan antara perilaku komersial, kerugian keuangan negara, dan unsur-unsur korupsi. Metode yuridis normatif digunakan melalui pendekatan hukum, konseptual, dan kasus. Analisis berfokus pada konstruksi perilaku yang melanggar hukum, kausalitas antara perilaku terdakwa dan kerugian negara, dasar pembuktian untuk atribusi tanggung jawab, dan penilaian hukuman oleh pengadilan. Studi ini berpendapat bahwa kasus korupsi yang melibatkan sumber daya alam mengharuskan pengadilan untuk membedakan secara cermat antara kegiatan bisnis yang sah dan perilaku yang merupakan partisipasi kriminal dalam penyalahgunaan sumber daya publik. Keputusan ini sangat relevan karena Mahkamah Agung menolak permohonan kasasi, sehingga mempertahankan konsekuensi hukum dari putusan pengadilan tingkat bawah. Penelitian ini menunjukkan bahwa penalaran yudisial dalam kasus korupsi terkait sumber daya harus mengintegrasikan prinsip-prinsip hukum pidana dengan struktur regulasi yang mengatur perdagangan sumber daya alam. Studi ini berkontribusi pada diskusi tentang korupsi terkait korporasi, doktrin kerugian negara, dan akuntabilitas yudisial dalam tata kelola sumber daya alam strategis.*]

Keywords: corruption, state financial loss, tin trading, criminal liability, natural resources, Supreme Court

Introduction

The governance of natural resources presents a distinctive challenge for criminal law because the exploitation of publicly controlled resources frequently involves interactions among state-owned enterprises, government institutions, private corporations, intermediaries, and local economic actors. In such settings, corruption cannot always be reduced to a conventional transaction in which a public official directly receives an unlawful payment. Instead, corrupt arrangements may be embedded within commercial structures, contractual relationships, procurement mechanisms, trading arrangements, or corporate transactions that appear formally legitimate but are allegedly designed to facilitate the private appropriation of public economic value. The tin trading corruption case involving PT Timah Tbk provides a particularly significant illustration of this problem. The case demonstrates how the criminal-law system must determine whether commercial conduct constitutes legitimate participation in economic activity or criminal participation in the unlawful exploitation of natural resources. Such questions become especially important when criminal liability is imposed upon private actors who do not formally hold public office but allegedly participate in a scheme affecting state-controlled resources.

The legal significance of the case is reinforced by the constitutional position of natural resources in Indonesia. Article 33 paragraph (3) of the 1945 Constitution provides that land, water, and natural resources contained therein are controlled by the state and must be utilized for the greatest prosperity of the people. The constitutional mandate creates a normative foundation for state regulation and management of strategic natural resources, including minerals such as tin. Consequently, unlawful exploitation or manipulation of natural-resource governance may generate consequences extending beyond an ordinary private economic dispute. Corruption in the mining sector can simultaneously affect state finances, public revenue, environmental sustainability, market competition, and the constitutional obligation to manage natural resources for public welfare. Previous research has demonstrated that corruption in Indonesian mining governance is frequently associated with regulatory fragmentation, abuse of licensing systems, weak institutional supervision, and cooperation between public officials and private economic actors (Tegnan et al. 2021).

The case examined in this article concerns Supreme Court Decision No. 5009 K/Pid.Sus/2025, involving Harvey Moeis in connection with the corruption case concerning tin commodity trading within the mining business permit (*Izin Usaha Pertambangan* or IUP) area of PT Timah Tbk. The Supreme Court decided the case on June 25, 2025, with a panel consisting of Dwiarso Budi Santiarto as presiding justice and Arizon Mega Jaya and Achmad Setyo Pudjoharsoyo as members. The Court's disposition was *tolak*, meaning that the cassation application was rejected, and the decision acquired permanent legal force. The official Supreme Court directory classifies the case as a corruption offence involving state financial losses.

The procedural history is important for understanding the development of the judicial assessment of criminal responsibility. At the first-instance level, the Central Jakarta Corruption Court convicted Harvey Moeis of corruption committed jointly and money laundering. The Jakarta High Court subsequently altered the punishment substantially. Through Decision No. 1/PID.SUS-TPK/2025/PT DKI, the appellate court maintained the finding of guilt under the primary corruption and money-laundering charges but increased the imprisonment to twenty years, imposed a fine of IDR 1 billion, and ordered the defendant to pay replacement money amounting to IDR 420 billion. The Supreme Court subsequently rejected the cassation application, thereby leaving the principal appellate judgment in force.

The case is particularly significant because the alleged conduct involved a complex commercial arrangement rather than a straightforward transfer of public funds into the defendant's personal account. Harvey Moeis was associated with PT Refined Bangka Tin (RBT), a private smelting company, and was alleged to have acted as an intermediary within the arrangement involving PT Timah's mining concession. Previous legal analysis of the case has identified his alleged role in facilitating cooperation between illegal mining activities and smelting companies, including the use of a corporate structure and arrangements presented as corporate social responsibility (*CSR*). (Ejournal Unisba) This factual structure raises a fundamental question concerning criminal attribution: to what extent can a private individual be held criminally liable for corruption involving state resources when his role is situated within a broader network of corporate and institutional actors?

The question of state financial loss provides an additional doctrinal difficulty. Article 2 paragraph (1) of Law No. 31 of 1999, as amended by Law No. 20 of 2001, requires proof that an unlawful act has enriched the perpetrator or another person or corporation and has caused losses to state finances or the state economy. Following Constitutional Court Decision No. 25/PUU-XIV/2016, the phrase "can harm state finances" cannot be interpreted merely as potential harm. The element must be demonstrated through an actual state financial loss. Scholarly research has emphasized that this constitutional development transformed the evidentiary structure of corruption offences under Articles 2 and 3 and requires courts to address the existence and causal relationship of actual loss rather than relying exclusively on hypothetical or potential loss (Firmansyah et al. 2020).

The PT Timah case illustrates the complexity of this requirement because different figures concerning losses have circulated during investigation, prosecution, adjudication, and public debate. The prosecution and public discussion initially referred to losses reaching approximately IDR 300 trillion, a figure associated with calculations encompassing environmental, economic, and recovery-related losses. Scholarly analysis has noted that the broader calculation involved environmental and ecological components in addition to conventional state financial losses. Yet the judicial treatment of Harvey Moeis must ultimately be distinguished from broader public estimates of total harm. Criminal responsibility must be based on the loss legally established in the judgment and causally attributable to the defendant's criminal conduct, rather than on an undifferentiated aggregate figure.

Previous studies have examined several dimensions of the PT Timah corruption case. Some have focused on environmental degradation and the consequences of illegal mining (Prabowo et al. 2024), while others have examined abuse of power and the role of Harvey Moeis within the tin-trading structure (Lubis, Kusuma, and Hosnah 2024). Other scholarship has examined the broader relationship between natural-resource governance, corporate governance, corruption, and institutional accountability. Naomi and Akbar (2023), for example, emphasize corporate governance as an important institutional mechanism for reducing fraud and corruption in natural-resource management. These studies provide valuable foundations but leave room for a more focused examination of the judicial reasoning by which individual criminal liability is attributed to a private actor within a complex natural-resource trading system.

The urgency of this research arises from the risk that criminal liability in natural-resource corruption may either be constructed too narrowly or too broadly. A narrow approach could fail to hold private intermediaries accountable even when they are essential to the operation of a corrupt scheme. Conversely, an overly broad approach could criminalize legitimate commercial participation merely because a transaction subsequently becomes associated with public loss or unlawful activity. The court must therefore establish a legally defensible causal relationship between the defendant's conduct, the unlawful scheme, the enrichment obtained, and the actual state financial loss. This requirement is essential to preserve the principle of individual criminal responsibility and to prevent the concept of state-loss corruption from becoming an instrument of automatic liability for every participant in a commercial chain.

This study employs a normative juridical method using statutory, conceptual, and case approaches. The statutory approach examines the Anti-Corruption Law, particularly Articles 2, 18, and provisions concerning participation, as well as relevant legislation governing mining and state finances. The conceptual approach examines criminal responsibility, participation, causation, state financial loss, corporate involvement, natural-resource governance, and proportionality. The case approach focuses on Supreme Court Decision No. 5009 K/Pid.Sus/2025 and the preceding decisions of the Central Jakarta Corruption Court and Jakarta High Court. The analysis uses primary legal materials consisting of legislation and judicial decisions and secondary materials consisting primarily of peer-reviewed academic literature addressing corruption, natural-resource governance, state financial loss, and corporate accountability.

The contribution of this study is threefold. First, it reconstructs the judicial reasoning concerning the criminal liability of a private actor participating in a natural-resource corruption scheme. Second, it distinguishes the existence of state financial loss from the attribution of that loss to an individual defendant, thereby emphasizing causation as a necessary component of criminal responsibility. Third, it argues that corruption in the natural-resource sector requires an integrated judicial analysis combining criminal-law principles with the regulatory structure governing mining and commodity trading. The central argument is that the legitimacy of criminal liability in complex economic corruption depends not simply upon demonstrating that a state loss occurred, but upon demonstrating how the defendant's unlawful conduct materially contributed to the creation of that loss and the acquisition of an unlawful benefit.

Natural-Resource Governance and the Criminalization of Tin Trading

Natural-resource corruption differs from many conventional corruption offences because the object of the unlawful conduct is frequently not a single government payment but the economic value generated through control over publicly regulated resources. Mining activities require permits, production arrangements, transportation, processing, trading, environmental compliance, and interaction with state-owned or state-controlled enterprises. Each stage creates opportunities for manipulation. Corruption can therefore occur not only through direct embezzlement but also through arrangements that facilitate unauthorized extraction, preferential access, manipulated transactions, or private appropriation of economic value that should accrue to the state.

The Indonesian constitutional framework is particularly relevant because natural resources are not treated as ordinary private commodities. Article 33 paragraph (3) of the 1945 Constitution establishes state control over natural resources and directs their utilization toward public prosperity. This principle does not eliminate private participation in mining or commodity trading, but it places private economic activity within a regulatory structure designed to protect public interests. Consequently, when a private actor participates in an arrangement that allegedly facilitates unlawful extraction or processing of state-controlled resources, the legality of the conduct must be evaluated not solely according to private commercial norms but also according to the public-law framework governing the resource.

The PT Timah case illustrates this structural relationship. PT Timah Tbk is a state-controlled enterprise operating within the tin sector, and its mining business permits encompass areas where tin extraction and related activities are subject to state regulation. Research concerning the case has emphasized that unlawful mining and trading arrangements can produce multiple dimensions of harm, including financial losses, environmental degradation, and disruption of lawful resource governance (Prabowo et al. 2024). The legal significance of such conduct therefore extends beyond the immediate parties to the commercial arrangement.

Natural-resource corruption may also involve what can be described as institutional interdependence. Private corporations may require access to permits, production areas, processing arrangements, or state-owned enterprises, while public or state-owned entities may rely upon private firms for commercial operations. This interdependence creates opportunities for corrupt agreements to be concealed within apparently ordinary commercial transactions. Riyadi and Mustofa's analysis of corruption in Indonesian natural-resource management demonstrates how political and economic actors can exploit institutional relationships surrounding strategic resources and mining contracts (Riyadi and Mustofa 2020).

This structural perspective is important for interpreting Harvey Moeis's alleged role. The legal question is not whether he personally held a mining license or formally possessed public authority. Rather, the relevant question is whether his conduct functioned as an essential component of an unlawful arrangement that exploited the regulatory and commercial structure of PT Timah's mining activities. Criminal liability can arise for private actors under Indonesian corruption law because Article 2 is not restricted to public officials. It criminalizes unlawful acts that enrich the perpetrator, another person, or a corporation and cause state financial loss or loss to the state economy.

Accordingly, the distinction between formal status and functional participation becomes critical. A person does not necessarily escape corruption liability simply because he or she is a private businessman. Conversely, private commercial status does not automatically establish criminal responsibility. The court must determine the defendant's actual contribution to the unlawful scheme and whether that contribution satisfies the elements of the relevant offence.

The PT Timah case therefore demonstrates why natural-resource corruption must be analyzed through an integrated framework. The mining regulatory system establishes the conditions under which extraction and processing are lawful; the Anti-Corruption Law determines when unlawful conduct becomes criminal corruption; and general criminal-law principles determine whether the defendant's individual conduct can be attributed to the resulting harm. Judicial reasoning must connect these legal layers rather than treating them as independent questions.

Constructing the Elements of Corruption and the Role of the Defendant

The central criminal-law issue in Decision No. 5009 K/Pid.Sus/2025 is the construction of Harvey Moeis's individual responsibility within a broader network of actors. The appellate judgment expressly found him guilty of corruption committed jointly and of money laundering under the primary charges. It imposed twenty years' imprisonment, a fine of IDR 1 billion, and replacement money of IDR 420 billion. The Supreme Court subsequently rejected the cassation application, thereby leaving the appellate judgment in force.

Article 2 paragraph (1) of the Anti-Corruption Law contains several interconnected elements: an unlawful act; enrichment of oneself, another person, or a corporation; and actual harm to state finances or the state economy. Each element must be independently established. The existence of a large state loss cannot substitute for proof that the defendant committed the unlawful act that produced or materially contributed to that loss. Likewise, evidence that a defendant obtained financial benefits does not automatically establish that every loss occurring within the relevant sector is attributable to that defendant.

This is where the principle of individual criminal responsibility becomes particularly important. Criminal law ordinarily requires a sufficient relationship between the conduct of the accused and the prohibited consequence. In complex economic crimes, this relationship may be established through direct conduct, joint participation, coordination, facilitation, or other legally recognized forms of participation. The existence of multiple actors does not eliminate individual responsibility, but it requires the court to identify the defendant's specific contribution.

The alleged position of Harvey Moeis as a representative or intermediary associated with PT RBT is therefore legally significant. Previous analysis of the case identifies him as a connector between illegal mining activities and smelting companies and as an actor involved in coordinating the use of corporate structures within the arrangement. If established by evidence, such conduct would go beyond passive commercial participation. It would indicate functional participation in the mechanism through which unlawfully obtained tin entered the processing and trading chain.

The concept of joint participation is particularly relevant in such circumstances. Complex corruption rarely depends upon a single actor. A mining company, intermediary, state-owned enterprise official, smelter operator, and financial intermediary may each perform different functions. Criminal liability therefore does not require every participant to perform the same physical act. What is necessary is that the evidence establish the defendant's intentional contribution to the common criminal undertaking under the applicable rules on participation.

The court must nevertheless distinguish between legitimate business intermediation and criminal facilitation. An intermediary who negotiates a commercial transaction, communicates with a state-owned enterprise, or facilitates the sale of tin is not automatically a corrupt participant. The conduct becomes criminal when the evidence demonstrates that the intermediary knowingly and intentionally contributed to an unlawful scheme and that his conduct satisfied the statutory requirements of corruption.

This distinction is particularly important because criminal law should not punish commercial relationships merely because one party later turns out to have engaged in unlawful conduct. The relevant standard must be whether the defendant knew of and intentionally contributed to the unlawful arrangement. In other words, the court should identify not merely *what the defendant did*, but *why he did it and what criminal objective his conduct served*.

The judicial attribution of criminal responsibility should therefore proceed through at least four questions. First, what specific act did the defendant perform? Second, what was the legal status of that act within the mining and trading regulatory framework? Third, how did the act contribute to the corrupt arrangement? Fourth, what benefit and state loss were causally connected to that contribution? This analytical sequence protects both the effectiveness of corruption enforcement and the principle of personal culpability. The PT Timah case is especially relevant because the defendant was not the sole actor controlling the mining system. His liability therefore illustrates the importance of distinguishing between being part of a commercial ecosystem and being part of a criminal scheme. The Supreme Court's rejection of the cassation confirms that the lower courts' attribution of criminal responsibility was not considered legally erroneous. Nevertheless, from a doctrinal perspective, the case demonstrates why future judgments should explain the causal contribution of private actors with particular precision.

State Financial Loss, Causation, and the Evidentiary Threshold

The concept of state financial loss is one of the most contested dimensions of Indonesian corruption law. Article 2 and Article 3 of the Anti-Corruption Law historically employed language concerning acts that "can" cause losses to state finances. Constitutional Court Decision No. 25/PUU-XIV/2016 fundamentally changed the interpretation by requiring actual loss rather than merely potential loss. Firmansyah et al. (2020) explain that this development transformed the offence into a material offence and required proof of a real consequence.

This doctrinal transformation has major implications for natural-resource corruption. Mining-related cases frequently generate very large estimates because the harm may include lost production, lost state revenue, environmental damage, rehabilitation costs, and broader economic consequences. Yet these categories cannot automatically be treated as identical for purposes of establishing the "state financial loss" element under the Anti-Corruption Law. Courts must identify the legal basis, calculation methodology, and causal relationship supporting the specific loss used to establish criminal liability.

Research concerning the PT Timah case demonstrates this difficulty. Public discussions have referred to losses approaching IDR 300 trillion, with calculations incorporating environmental, economic, and recovery dimensions. Such figures illustrate the enormous social and ecological consequences of the alleged conduct, but they should not automatically be equated with the precise amount of state financial loss legally attributable to each defendant.

This distinction is essential because aggregate harm and individual criminal loss are analytically different categories. Suppose a corrupt mining scheme causes environmental degradation across thousands of hectares, reduces production efficiency, generates lost state revenue, and produces private profits. The aggregate damage may be enormous. However, the court must still determine which component constitutes state financial loss under the relevant statutory provision and which portion can be causally attributed to the defendant's conduct.

The requirement of causation prevents criminal liability from becoming purely associative. If the state has suffered a loss, the court must establish that the defendant's unlawful conduct materially contributed to that loss. This does not necessarily mean that the defendant must have personally received an amount equal to the entire loss. Article 2 expressly contemplates enrichment of "oneself, another person, or a corporation." Joint criminal activity can therefore generate losses greater than the amount personally received by an individual defendant. Nevertheless, there must remain a legally sufficient connection between the unlawful act, enrichment, and state loss.

This point is especially important in the PT Timah case because the defendant's replacement-money obligation was set at IDR 420 billion, while the broader public discourse concerning total losses used much larger figures. The appellate court expressly ordered payment of IDR 420 billion as replacement money and provided for seizure and auction of assets if payment was not made, with substitute imprisonment if the defendant lacked sufficient assets The replacement-money order should therefore be understood as a sanction connected to the criminal benefit and legally determined liability, rather than as a simple mathematical equivalent of all environmental and economic harm associated with the entire tin case.

The evidentiary problem consequently requires courts to distinguish at least three concepts: (1) total social and environmental harm; (2) legally established state financial loss; and (3) the illicit benefit or enrichment attributable to the defendant. These concepts may overlap, but they are not identical. Failure to distinguish them risks creating uncertainty concerning both the elements of the offence and the appropriate punishment.

The issue is particularly important because natural-resource corruption may produce environmental harm that is difficult to translate into conventional financial accounting. Mining can alter land, water systems, biodiversity, and community livelihoods. Tegnan et al. (2021) emphasize that corruption in Indonesian mining governance can be closely associated with environmental degradation and regulatory failure. Thus, courts should recognize the broader consequences of corruption while maintaining doctrinal precision when determining the statutory element of state financial loss.

A sound judicial approach would therefore require the court to identify the legal source of the loss, the methodology used to calculate it, the evidence supporting the calculation, and the causal chain connecting the defendant's conduct to the loss. This methodology would improve consistency and reduce the risk that extraordinary numerical estimates become detached from the specific criminal responsibility of individual defendants.

Criminal Liability, Corporate Structures, and the Limits of Attribution

One of the most important dimensions of the case is the role of corporate structures in facilitating the alleged corruption. Modern corruption frequently occurs through companies rather than through direct personal transactions. Corporate accounts, contracts, intermediary companies, consultants, and purported CSR arrangements can provide mechanisms for moving resources while creating an appearance of commercial legitimacy. This creates a fundamental challenge for criminal law: corporate form can be legitimate, but it can also be exploited as a vehicle for criminal conduct.

Research on natural-resource governance has emphasized the importance of corporate governance in preventing fraud and corruption. Naomi and Akbar (2023) argue that corporate governance mechanisms are particularly important in sectors involving significant natural-resource value because weak internal controls can permit corruption and fraud to become embedded in organizational practices. The PT Timah case demonstrates why this institutional perspective matters for criminal adjudication. The alleged use of multiple corporate entities in the tin-trading arrangement indicates that criminal liability cannot be analyzed exclusively through direct transfers to an individual's personal account. The relevant question is whether the corporate structure was used as a mechanism for facilitating the unlawful conduct. If companies were used merely for legitimate commercial transactions, their existence would not establish criminality. If, however, corporate entities were knowingly employed to disguise illegal mining, channel payments, or distribute illicit benefits, the corporate structure becomes evidence of the criminal mechanism.

This issue also illustrates the difference between corporate liability and individual liability. Indonesian law provides mechanisms through which corporations can be prosecuted for corruption, but the present case concerns the individual responsibility of Harvey Moeis. The existence of corporate involvement does not automatically make the individual liable. The court must establish his personal participation, knowledge, intent, and contribution. Conversely, the fact that a transaction was formally conducted through a company does not immunize an individual who knowingly directs or facilitates the criminal use of that company.

The concept of functional control is therefore important. An individual may be criminally responsible even if he does not formally own or control every entity involved. What matters is whether he exercised a meaningful role in coordinating the unlawful transaction. Previous scholarship describing Harvey Moeis as an intermediary or coordinator within the alleged tin-trading scheme is relevant precisely because it shifts the analysis from formal corporate title to substantive participation.

The judicial approach should nevertheless remain cautious. Criminal law must not transform ordinary corporate affiliation into evidence of guilt. The mere fact that an individual works for a company later implicated in corruption is insufficient. There must be evidence demonstrating that the individual knowingly participated in the unlawful conduct. This is particularly important for large corporate investigations in which hundreds of employees, suppliers, consultants, and business partners may have interacted with the relevant company.

The case therefore raises a broader principle concerning corporate complexity and criminal attribution: complexity should not become a shield for corruption, but neither should it become a reason to dilute the requirements of individual culpability. Courts must penetrate the corporate structure sufficiently to identify actual decision-making and participation while maintaining the evidentiary standards required by criminal law.

The PT Timah judgment is consequently relevant beyond the individual defendant. It illustrates the need for judicial reasoning capable of identifying how private actors can become participants in corruption involving public resources without assuming that all private economic activity is suspicious. The strongest doctrinal approach is one that links corporate conduct to the statutory elements of corruption through evidence of intentional participation, unlawful enrichment, and causally connected state loss.

Sentencing, Asset Recovery, and Judicial Accountability

The sentencing development in the Harvey Moeis case is itself significant. The Central Jakarta Corruption Court initially imposed a substantially lower sentence, while the Jakarta High Court increased the imprisonment to twenty years. The appellate judgment also imposed a fine of IDR 1 billion and replacement money of IDR 420 billion. The Supreme Court's rejection of the cassation left the twenty-year sentence in force.

The dramatic increase between the first-instance and appellate sentences illustrates the importance of judicial reasoning in determining proportionality. In serious corruption involving strategic natural resources, punishment should reflect not only the amount of personal enrichment but also the scale of the defendant's participation, the duration of the conduct, the institutional consequences, the nature of the public resource involved, and the extent of the resulting harm. At the same time, sentencing must remain connected to legally established culpability rather than public outrage or aggregate estimates of harm.

The replacement-money order adds another dimension. Article 18 of the Anti-Corruption Law provides mechanisms for recovering assets or benefits associated with corruption. Replacement money differs conceptually from ordinary fines. A fine is principally punitive, whereas replacement money is directed toward restoring the economic position of the state by requiring the convicted person to surrender the proceeds or benefits associated with corruption. The appellate judgment ordered IDR 420 billion in replacement money and provided for seizure and auction of assets if payment was not made.

Asset recovery is particularly important in natural-resource corruption because financial sanctions can otherwise be insufficient to neutralize the economic incentives underlying the offence. If corruption allows a private actor to retain substantial economic benefits while serving a prison sentence, the deterrent and restorative functions of criminal law may be weakened. Effective asset recovery therefore complements imprisonment by ensuring that crime does not remain economically profitable.

However, replacement money must also be based on a transparent calculation. The amount should correspond to the legally attributable illicit benefit and the statutory requirements for its recovery. This is particularly important where a corruption scheme involves multiple participants and corporate entities. A court should explain why a particular amount is attributable to a particular defendant and distinguish that amount from the total loss suffered by the state.

The twenty-year sentence likewise demonstrates the symbolic and institutional dimension of punishment. Corruption involving strategic natural resources can undermine public confidence in the state's capacity to protect resources that constitutionally belong under state control for public welfare. The severity of punishment can therefore communicate the seriousness of the offence.

Nevertheless, judicial legitimacy requires that this severity be supported by transparent legal reasoning.

The Supreme Court's rejection of the cassation is significant in this regard because it represents the final judicial confirmation of the lower courts' determination. The official Supreme Court record confirms that the cassation was rejected and that the case acquired permanent legal force. The decision therefore provides an important reference point for examining how Indonesia's highest court treats criminal responsibility in large-scale natural-resource corruption. The case ultimately demonstrates that judicial accountability operates at two levels. First, courts must hold actors accountable when public resources are unlawfully exploited. Second, courts themselves must articulate sufficiently clear reasoning to demonstrate why individual defendants are legally responsible for specific conduct and specific consequences. The legitimacy of corruption adjudication depends upon both dimensions.

Conclusion

Supreme Court Decision No. 5009 K/Pid.Sus/2025 demonstrates the complexity of determining individual criminal liability in corruption involving natural resources and commercial trading structures. The case illustrates that corruption in the tin sector cannot be understood merely as a conventional financial transaction between a public official and a private actor. Instead, it may involve a network of corporate entities, intermediaries, state-owned enterprises, mining activities, and trading arrangements through which unlawful access to natural resources is facilitated and private economic benefits are generated. The judicial task is therefore to establish a legally sufficient connection between the defendant's specific conduct, the unlawful scheme, the enrichment obtained, and the resulting state financial loss.

The analysis indicates that the most important doctrinal issue is the distinction between aggregate harm and individually attributable criminal responsibility. The PT Timah case generated extensive public discussion concerning state losses and environmental damage, but criminal liability must ultimately rest upon the loss and unlawful conduct legally established in the judgment. Following Constitutional Court Decision No. 25/PUU-XIV/2016, actual state financial loss must be demonstrated rather than merely potential loss. The court must consequently establish not only that a substantial loss occurred but also that the defendant's unlawful conduct materially contributed to that loss. This requirement is particularly important where the defendant is a private actor operating within a complex corporate and commercial structure. The case also demonstrates that private status does not constitute immunity from corruption liability. Under Article 2 of the Anti-Corruption Law, criminal responsibility can extend to private individuals who knowingly and intentionally participate in unlawful conduct that enriches themselves, others, or corporations and causes state financial loss.

Nevertheless, corporate affiliation or commercial involvement alone should not be sufficient. Judicial reasoning must identify the defendant's actual contribution, knowledge, intent, and causal role. In this respect, the Supreme Court's rejection of the cassation and the continued validity of the twenty-year sentence confirm the judicial system's willingness to impose substantial criminal consequences upon private actors participating in large-scale corruption involving strategic natural resources.

Ultimately, the Harvey Moeis case demonstrates that effective enforcement against natural-resource corruption requires a balance between strong accountability and doctrinal precision. Courts must respond firmly to corruption that undermines public control over strategic resources, while simultaneously preserving legality, individual culpability, causation, and evidentiary rigor. Future corruption judgments involving mining and other natural resources should therefore articulate more explicitly the relationship between unlawful conduct, corporate participation, enrichment, environmental consequences, and legally recognized state financial losses. Such transparency would strengthen judicial consistency, improve asset recovery, and reinforce public confidence that the criminal justice system is capable of protecting natural resources while respecting fundamental principles of criminal responsibility.

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N/A