CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA

SUMMARY OF DECISION
FOR CASE NUMBER 123/PUU-XXIII/2025

Concerning

The “Bridge Clause” Provisions That Connect the Applicability of Norms in the Corruption Eradication Law with Criminal Acts Regulated in Sectoral Laws

Petitioner : **Adelin Lies**

Type of Case : Judicial review of Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption as amended by Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption (Corruption Eradication Law) against the 1945 Constitution of the Republic of Indonesia (1945 Constitution)

Subject Matter : Judicial review of Article 14 of the Corruption Eradication Law is contrary to Paragraph IV of the Preamble, Article 1 paragraph (3), Article 4 paragraph (1), Article 24 paragraph (1), Article 27 paragraph (1), Article 28D paragraph (1), and Article 33 paragraph (2) and paragraph (3) of 1945 Constitution

Verdict :

1. To grant the Petitioner’s petition in part;
2. To declare that Article 14 of Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption (State Gazette of the Republic of Indonesia of 1999 Number 140, Supplement to the State Gazette of the Republic of Indonesia Number 3874) as amended by Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption (State Gazette of the Republic of Indonesia of 2001 Number 134, Supplement to the State Gazette of the Republic of Indonesia Number 4150) is contrary to the 1945 Constitution of the Republic of Indonesia and does not have binding legal force conditionally if it is not interpreted as “except if the crime in the sectoral law fulfills the elements of a criminal act of corruption;”
3. To order this decision to be published in the State Gazette of the Republic of Indonesia as appropriate;
4. To dismiss the remainder of the Petitioner’s petition.

Date of Decision : Monday, March 16, 2026

Overview of Decision :

The Petitioner is an Indonesian citizen and the Finance/General Director of PT Keang Nam Development Indonesia (PT KNDI) who was found guilty in a case of violations in the financial sector for collecting timber forest products outside the annual work plan (*rencana karya tahunan* or RKT) as per Supreme Court Decision Number 68 K/PID.SUS/2008 in conjunction with Supreme Court Decision Number 6 PK/Pid.Sus/2010 in conjunction with Supreme Court Decision Number 307 PK/Pid.Sus/2024 in conjunction with Supreme Court Decision Number 760 PK/Pid.Sus/2022. According to the Petitioner, the norm of Article 14 of the Corruption Eradication Law govern the conditional applicability of violations of other laws, and *in casu*, the Petitioner's violation resulted in the Petitioner being punished under Article 2 paragraph (1) of the Corruption Eradication Law, thereby causing the Petitioner to suffer losses in the form of legal uncertainty and unequal treatment before the law, as guaranteed by Article 27 paragraph (1) and Article 28D paragraph (1) of the 1945 Constitution.

With respect to the Court's authority, because the Petitioner petitions for a review of the constitutionality of the statutory norms, *in casu* the norm of Article 14 of the Corruption Eradication Law against the 1945 Constitution, the Court has the authority to hear the petition *a quo*.

Regarding the legal standing of the Petitioner, the Court is of the opinion that, after carefully examining the Petitioner in his capacity as an individual Indonesian citizen and also a convict of a criminal act of corruption, the Petitioner has been able to explain that he has constitutional rights guaranteed under the 1945 Constitution of the Republic of Indonesia. The alleged loss of constitutional rights, as described by the Petitioner, is specific and actual in nature and has a causal relationship (*causal verband*) with the enactment of the legal norm being petitioned for review. Therefore, if the *a quo* is granted, the alleged constitutional loss as described will no longer occur petition. Therefore, the Petitioner have the legal standing to submit the petition *a quo*.

Regarding the Petitioner's argument questioning the constitutionality of the norm of Article 14 of the Corruption Eradication Law, the Court is of the opinion that, upon further examination, the existence of Article 14 of the Corruption Eradication Law may in fact be regarded as a "bridge clause" that connects the applicability of the special norms under the Corruption Eradication Law with criminal acts regulated under sectoral laws, whereby, as long as the relevant sectoral law expressly stipulates that certain criminal act constitutes a criminal act of corruption, the law enforcement process may be carried out under the Corruption Eradication Law. However, in this regard, pursuant to the legal facts established during the trial, there are a number of sectoral laws that do not stipulate that criminal acts arising from violations of the respective sectoral laws constitute criminal acts of corruption, even though such criminal acts fulfill the elements of a criminal act of corruption. Accordingly, if these legal facts are read together with the provisions of Article 14 of the Corruption Eradication Law, the norm *a quo* has been shown to have the potential to create legal uncertainty because, on the one hand, Article 14 of the Corruption Eradication Law contains a bridging clause that permits the enforcement of the Corruption Eradication Law against criminal acts constituting violations under sectoral laws, provided that such acts are expressly stated as criminal acts of corruption in the relevant sectoral laws. However, on the other hand, Article 14 of the Corruption Eradication Law may also give rise to a different interpretation, namely that such criminal act cannot be prosecuted under the Corruption Eradication Law if the relevant sectoral law does not expressly state it as a criminal act of corruption, even though the criminal act fulfills the elements of a criminal act of corruption.

Pursuant to the description of the legal facts above, and considering that corruption is an extraordinary crime that causes losses to state finances or the state economy, hinders national development, and impedes the fulfillment of public welfare, and further considering that corruption is committed through increasingly varied modes and methods in line with advances in technology and information, efforts to combat corruption likewise require legal certainty and extraordinary law enforcement measures compared to those applied to ordinary criminal offences. Moreover, in fact, law enforcement authorities have also been applying the Corruption Eradication Law to criminal acts regulated under sectoral laws even though the relevant sectoral laws do not expressly state such acts as criminal acts of corruption. Therefore, with respect to the norm of Article 14 of the Corruption Eradication Law, the Court is of the opinion that it is necessary to provide clarification in order to ensure fair legal certainty by declaring that Article 14 of the Corruption Eradication Law is contrary to the 1945 Constitution of the Republic of Indonesia and has no binding legal force conditionally if it is not interpreted as “except if the crime in the sectoral law fulfills the elements of a criminal act of corruption.”

Furthermore, regarding the Petitioner’s arguments concerning Article 14 of the Corruption Eradication Law, including the Petitioner’s concern that the norm *a quo* may be applied to violations of certain sectoral laws even in the absence of a “bridge clause” as the legal basis permitting such application, including violations that have never previously been regulated as criminal offences; that the norm of Article 14 of the Corruption Eradication Law opens the possibility of disparities in law enforcement due to differing interpretations by judicial institutions in its application, thereby giving rise to unequal treatment before the law; that the norm of Article 14 of the Corruption Eradication Law prioritizes violations regulated under other sectoral laws as criminal acts of corruption, thereby disregarding the administrative law enforcement mechanisms previously provided for under the relevant sectoral laws. According to the Court, the norm of Article 14 of the Corruption Eradication Law no longer gives rise to differing interpretations or creates ambiguity in its application. This is because, through the Court’s interpretation of the norm of Article 14 of the Corruption Eradication Law as set out above, the determination of whether a criminal act regulated under a sectoral law falls within the category of a criminal act of corruption or a general criminal offence becomes a matter within the authority of the law enforcement authorities handling the relevant criminal act. This means that if a criminal act regulated under a sectoral law fulfills the elements of a criminal act of corruption, law enforcement authorities may prosecute the perpetrator for a criminal act of corruption and apply the provisions of the Corruption Eradication Law, even if the relevant sectoral law does not expressly state the said criminal act as a criminal act of corruption. Likewise, if the law enforcement authorities determine that the said criminal act does not fulfill the elements of a criminal act of corruption, the matter will, of course, be processed under the general criminal law enforcement regime, including where the matter falls within the scope of administrative law, it will be processed through the applicable administrative law enforcement mechanism. Therefore, the Petitioner’s concern that disparities will arise in the enforcement of criminal law with respect to criminal acts regulated under sectoral laws will not, in the Court’s opinion, materialize following the Court’s interpretation as set out in the decision *a quo*. Moreover, as the Court has previously considered, criminal acts of corruption are committed through increasingly varied modes and methods in line with advances in technology and information. Therefore, extraordinary measures are required to address such crimes. Accordingly, the affirmation of the Court’s opinion in the decision *a quo* is intended to anticipate and strengthen efforts to eradicate criminal acts of corruption.

Furthermore, in relation to the said opinion, the norm *a quo* functions as a legal instrument to ensure that every act constituting a criminal act of corruption, although regulated under sectoral laws, remains subject to and may be prosecuted under the legal regime governing criminal acts of corruption, including through the application of the Corruption Eradication Law. Accordingly, the norm *a quo* provides a clear legal basis for law enforcement authorities to take effective and proportionate enforcement action. Furthermore, the application of Article 14 of the Corruption Eradication Law serves to ensure the realization of social justice, uphold the rule of law, and protect the broader public interest that has been harmed, disrupted, or impeded by criminal acts of corruption regulated under sectoral laws but which, due to legal uncertainty surrounding Article 14 of the Corruption Eradication Law, could not be addressed under the Corruption Eradication Law. Therefore, the existence of this norm plays a fundamental role in creating a deterrent effect and strengthening the integrity of the legal system in combating criminal acts of corruption. Meanwhile, Law 1/2023 also regulates provisions concerning criminal acts of corruption in relation to the principle of *lex specialis derogat legi generali*, as set out in Article 125 paragraph (2) of Law 1/2023, which provides: "An act regulated under both general criminal legislation and special criminal legislation shall be subject only to the special criminal legislation, unless otherwise provided by law." Accordingly, where an act falls within both the general criminal law and the special criminal law, such act may only be prosecuted under the special criminal law, unless otherwise provided by law. Moreover, the Elucidation to the Article 125 paragraph (2) of Law 1/2023 *a quo* further confirms that the purpose of the article *a quo* is to eliminate any doubt on the part of law enforcement authorities where a criminal case arises to which the criminal provisions of two different laws may both apply. Accordingly, where law enforcement authorities handle an act that, by law, fulfills the elements and qualifications of a criminal act of corruption, such act shall be prosecuted under the special criminal law provisions. In addition, as has been considered in the foregoing legal considerations, with respect to criminal acts of corruption, there has in fact been an increase in and expansion of the modus operandi regulated under various sectoral laws. Accordingly, in order to address the various modus operandi of irregularities involving state finances or the state economy, the Court's interpretation of Article 14 of the Corruption Eradication Law is intended to broaden the scope of the norm *a quo* so that the eradication of criminal acts of corruption may be carried out more effectively.

Furthermore, with respect to violations in certain sectors, sectoral laws, among others Law Number 19 of 1998 concerning Banking, Law Number 41 of 1999 concerning Forestry, and Law Number 32 of 2009 concerning Environmental Protection and Management, essentially regulate administrative criminal law aimed at ensuring compliance with administrative norms by imposing criminal sanctions, including imprisonment or fines, for serious violations. Meanwhile, with respect to violations in the sectoral law, Law Number 28 of 2007 concerning the Third Amendment to Law Number 6 of 1983 concerning General Provisions and Tax Procedures (Law 28/2007) expressly provides that certain tax violations constitute criminal acts of corruption as regulated under the Corruption Law [*vide* Article 36A paragraph (4) and Article 43A paragraph (3) of Law 28/2007]. In relation to the foregoing legal facts, the Court is of the opinion that, as has been considered in the preceding legal considerations, even if a sectoral law does not expressly state that a criminal act regulated therein constitutes a criminal act of corruption, where the act fulfills the elements of a criminal act of corruption, the perpetrator may nevertheless be prosecuted under the Corruption Eradication Law. Therefore, it is necessary to reiterate that where a criminal act regulated under a sectoral law fulfills the elements of both categories of criminal offences, it is for the law enforcement authorities to determine whether the act concerned may be categorized as a criminal act of corruption, taking into account, among other things, the modus operandi of the offence and the resulting losses to state finances or the state economy, while at the same time ensuring that the rights of the perpetrator are respected proportionately. However, the Court considers it important to emphasize that, in formulating criminal provisions under sectoral laws that overlap with criminal acts fulfilling the elements of criminal acts of corruption, the lawmakers must expressly provide for such qualification, as exemplified by Article 36A paragraph (4) and Article 43A paragraph (3) of Law 28/2007. Therefore, pursuant to the above considerations, the argument *a quo* of the Petitioner is legally unjustifiable;

Accordingly, the Court subsequently passed down a decision which verdict states:

1. To grant the Petitioner's petition in part;
2. To declare that Article 14 of Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption (State Gazette of the Republic of Indonesia of 1999 Number 140, Supplement to the State Gazette of the Republic of Indonesia Number 3874) as amended by Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999

concerning the Eradication of Criminal Acts of Corruption (State Gazette of the Republic of Indonesia of 2001 Number 134, Supplement to the State Gazette of the Republic of Indonesia Number 4150) is contrary to the 1945 Constitution of the Republic of Indonesia and does not have binding legal force conditionally if it is not interpreted as “except if the crime in the sectoral law fulfills the elements of a criminal act of corruption;”

3. To order this decision to be published in the State Gazette of the Republic of Indonesia as appropriate;

4. To dismiss the remainder of the Petitioner’s petition.