

The Application of Abolition to Corruption Offenses and Disruption of the Integrated Criminal Justice System

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Abstract

An integrated criminal justice system requires consistency, coordination, and synchronization among its subsystems to achieve the objectives of criminal sanctioning. As corruption is recognized as an extraordinary crime, it necessitates firm, consistent, and coordinated legal responses throughout every stage of the criminal justice process. Against this backdrop, the granting of presidential abolition in the corruption case involving Thomas Trikasih Lembong at the prosecution stage raises fundamental questions regarding its compatibility with the principles of an integrated criminal justice system. This study examines two main issues: the implementation of integrated criminal justice system principles within Indonesia's anti-corruption policy framework and the consistency of granting abolition in the Thomas Trikasih

Lembong case with those principles. Employing a normative legal research method, this study utilizes statutory, conceptual, and case approaches. The findings indicate that the granting of abolition disrupted structural, substantive, and cultural synchronization within the criminal justice system, thereby affecting the continuity of legal proceedings and weakening the consistency of anti-corruption policy. The study further highlights the need for clearer normative limitations on the exercise of presidential abolition powers to ensure alignment with the objectives of criminal law enforcement and to preserve the integrity of Indonesia's anti-corruption efforts. In addition, the issue offers valuable insights for clinical legal education, particularly in fostering students' capacity to undertake systemic and critical analyses of legal policies within the broader framework of criminal justice governance.

KEYWORDS

Abolition, Corruption, Disruption, Integrated Criminal Justice System.

Introduction

The criminal justice system in Indonesia is designed as an integrated whole, covering the stages of investigation, inquiry, prosecution, trial examination, up to the execution of the verdict.¹ This concept is known as the integrated criminal justice system, which asserts that each subsystem of the police, prosecutors, courts, and correctional institutions works within a framework of shared goals to achieve justice, legal certainty, and benefits for society.² Consistency and coordination among subsystems are prerequisites so that the criminal policies formulated do not lose direction in the law enforcement process.³

¹ Mardjono Reksodiputro, *Sistem Peradilan Pidana Indonesia: Melibat Kejahatan Dan Penegakan Hukum Dalam Batas-Batas Toleransi* (Jakarta: Pusat Pelayanan Keadilan dan Pengabdian Hukum UI, 1994), hlm. 1.

² Muladi, *Kapita Selekt Sistem Peradilan Pidana* (Semarang: Badan Penerbit Universitas Diponegoro, 1995), hlm. 7.

³ Romli Atmasasmita, *Sistem Peradilan Pidana Kontemporer* (Jakarta: Kencana Prenada Media Group, 2010), hlm. 14.

As stated by various legal experts and international institutions, the integration of the criminal justice system not only concerns structural aspects, but also functional aspects that require alignment between legislative policy, enforcement policy, and judicial policy.⁴ Disruptions in any stage of the judicial process have the potential to undermine the entire chain of law enforcement efforts that have been built, thereby reducing the effectiveness of the system as a whole.

Corruption is categorized as an extraordinary crime that damages the pillars of the economy and public trust, and therefore is handled through a firm and consistent criminal policy as stipulated in Law Number 31 of 1999 as amended by Law Number 20 of 2001 concerning the Eradication of Corruption Crimes.⁵ The National Strategy for Corruption Prevention also emphasizes that law enforcement against corruption must be carried out in an integrated, measured, and sustainable manner.⁶ The principle of integration of the criminal justice system in corruption cases is strengthened even more precisely because any intervention that interrupts the legal process at a certain stage has the potential to create policy discontinuity and weaken the integration of the system.

The urgency of integrated anti-corruption efforts is not only national in nature but also part of the global commitment as outlined in the Sustainable Development Goals (SDGs) established by the United Nations in 2015. SDG 16 explicitly positions the eradication of corruption as a prerequisite for achieving peace, justice, and strong institutions, as reflected in Target 16.5 which calls for the reduction of corruption and bribery in all forms, Target 16.6 which promotes the development of effective, accountable, and transparent institutions at all levels, and Target 16.3 which emphasizes the importance of advancing

⁴ United Nations Office on Drugs and Crime, *Criminal Justice Assessment Toolkit* (New York: UNODC, 2006).

⁵ Republik Indonesia, “Undang-Undang Nomor 31 Tahun 1999 Tentang Pemberantasan Tindak Pidana Korupsi Sebagaimana Diubah Dengan Undang-Undang Nomor 20 Tahun 2001,”.

⁶ Komisi Pemberantasan Korupsi, *Strategi Nasional Pencegahan Korupsi 2021–2025* (Jakarta: KPK, 2021).

the rule of law and ensuring equal access to justice for all.⁷ The three targets are directly related to the principle of integration of the criminal justice system and equality before the law, which are the pillars of this study. Within the framework of the SDGs, any policy that has the potential to weaken the consistency and integrity of the anti-corruption law enforcement system is not only of a national dimension but also has implications for achieving the sustainable development agenda that Indonesia has committed to in international forums.

The granting of abolition by the President in corruption cases involving Thomas Trikasih Lembong, former Minister of Trade, through Presidential Decree Number 18 of 2025 on August 1, 2025, became a legal event that attracted widespread attention.⁸ Thomas Trikasih Lembong is a former Minister of Trade for the 2015-2016 period who was charged in a sugar import corruption case. On July 18, 2025, the Jakarta Corruption Court sentenced him to 4 years and 6 months in prison.⁹ Nevertheless, considering the findings of the panel of judges that Thomas Trikasih Lembong was not proven to have gained personal benefits and there was no *mens rea* in his actions, the President submitted a petition for abolition to the House of Representatives and obtained its approval.

Abolition is a constitutional authority of the President regulated in Article 14 paragraph (2) of the 1945 Constitution of the Republic of Indonesia.¹⁰ Theoretically, an abolition stops the legal process against someone who is undergoing or will undergo a judicial process. Nevertheless, the use of this instrument in the context of corruption cases that have entered the stage after a first-instance court decision raises a fundamental question, namely whether granting such abolition

⁷ United Nations, "Goal 16: Peace, Justice and Strong Institutions" (UN Sustainable Development, 2015), <https://www.un.org/sustainabledevelopment/peace-justice/> (diakses 17 Mei 2026).

⁸ Republik Indonesia, "Keputusan Presiden Nomor 18 Tahun 2025 Tentang Pemberian Abolisi Kepada Thomas Trikasih Lembong".

⁹ Pengadilan Negeri Jakarta Pusat, "Putusan Pengadilan Negeri Jakarta Pusat Nomor 34/Pid.Sus-TPK/2025/PN Jkt.Pst." (2025).

¹⁰ Republik Indonesia, "Pasal 14 Ayat (2) Undang-Undang Dasar Negara Republik Indonesia Tahun 1945".

is consistent with the principles of the integrated criminal justice system that forms the backbone of criminal law enforcement in Indonesia.

Academic studies on the impact of abolition on the integrated criminal justice system are still limited to discussions on constitutionality and the procedures for granting abolition. Yuspar and Fahmiron, in their study, analyzed abolition from the perspective of corruption crimes using the Thomas Trikasih Lembong case study, and concluded that from the perspective of deterrence theory, abolition weakens the deterrent effect and legal certainty, and has the potential to reinforce political elite impunity, however, the study has not yet addressed the dimension of integration among the justice subsystems systematically.¹¹ In line with that, Sinta and Kosasih studied amnesty and abolition in the cases of Hasto Kristiyanto and Thomas Trikasih Lembong through a juridical-normative approach, and found that the application of abolition to corruption crimes has the potential to violate the principle of equality before the law and weaken the integrity of the judicial system, although it is constitutionally valid.¹² As for the study by Wibowo and Sunaryanto, it focuses its attention on the intervention of executive power in criminal justice and its impact on the independence of judicial institutions, concluding that such intervention undermines due process of law and lowers public trust in the legal system.¹³ From the perspective of system effectiveness, Febriansyah et al. analyzed various obstacles in handling corruption through the criminal justice system, including weak inter-agency coordination and political intervention, but did not specifically relate it to the abolition instrument.¹⁴ Meanwhile, Fauzi discussed the legal politics of granting

¹¹ Yuspar and Fahmiron, “Abolisi Dalam Perspektif Tindak Pidana Korupsi: Studi Kasus Tom Lembong,” *Jurnal Fakta Hukum* 4, no. 1 (2025): 1–12.

¹² Eling Sinta and Ade Kosasih, “Amnesti Dan Abolisi Dalam Sistem Hukum Tata Negara Indonesia: Kajian Kritis Atas Kasus Hasto Kristiyanto Dan Tom Lembong,” *Staatsrecht: Jurnal Hukum Kenegaraan Dan Politik Islam* 5, no. 2 (2025): 264–82.

¹³ Kurniawan Tri Wibowo and Happy Sunaryanto, “Intervensi Kekuasaan Eksekutif Dalam Peradilan Pidana: Tantangan Terhadap Independensi Kekuasaan Peradilan Pidana,” *Jurnal Hukum Sasana* 12, no. 1 (2026): 166–83.

¹⁴ Muhammad Fadhel Febriansyah et al., “Efektivitas Sistem Peradilan Pidana Dalam Menangani Kasus Korupsi Di Negara Indonesia,” *Jurnal Kajian Hukum Dan Kebijakan Publik* 2, no. 2 (2025): 1020.

pardons, amnesties, and abolitions as the logical consequence of the President's prerogative rights from the perspective of constitutional law, including the checks and balances mechanism with the House of Representatives, without analyzing the impact on the overall integration of the criminal justice system.¹⁵

There has not been much research analyzing this issue systematically through the lens of the integrated criminal justice system to assess whether the abolition instrument strengthens or actually disrupts cooperation and consistency among subsystems. In fact, this understanding is very important for the development of clinical legal education, because law students and practitioners need to be equipped with the ability to analyze the impact of legal policies on the integrity of the system as a whole, not just on formal normative aspects.

Based on the above description, this study identifies two main issues. First, how the principles of the integrated criminal justice system are applied in the context of policies to eradicate corruption in Indonesia. Second, whether the imposition of abolition on the Thomas Trikasih Lembong corruption case is consistent with the principles of the integrated criminal justice system. This study is expected to provide a conceptual contribution to the development of consistent criminal policies, as well as to serve as a point of reflection in the practice of clinical legal education regarding the role of public policy advocacy in maintaining the integrity of the criminal justice system in Indonesia.

To address this issue, this study uses the framework of an integrated criminal justice system analysis as developed by Muladi, particularly the three dimensions of synchronization that serve as benchmarks for system integration, namely structural synchronization, substantial synchronization, and cultural synchronization. This framework is chosen because it is capable of capturing not only the normative-formal aspects of a legal policy, but also the functional and cultural impacts it generates on the cooperation among law enforcement subsystems comprehensively. With this framework, the granting of abolition in the Thomas Trikasih Lembong case is assessed not only

¹⁵ Suyogi Imam Fauzi, "Politik Hukum Pemberian Grasi, Amnesti Dan Abolisi Sebagai Konsekuensi Logis Hak Prerogatif," *Jurnal Hukum & Pembangunan* 51, no. 3 (2021): 621–36.

from the perspective of constitutional validity, but also from the perspective of consistency and its systemic impact on the integration of the criminal justice system.

This research uses normative or doctrinal legal research methods, which is research that places law as a positive norm and emphasizes analysis on legislation, legal principles, doctrines, and the synchronization of law within the applicable legal system. Normative legal research focuses its study on law as a rule that is systematic, logical, and hierarchically organized within a certain legal system.¹⁶

The approaches used include the statutory approach, the conceptual approach, and the case approach. The statutory approach is used to examine regulations regarding abolition in Article 14 paragraph (2) of the 1945 Constitution, Emergency Law Number 11 of 1954 concerning Amnesty and Abolition, as well as regulations related to the eradication of criminal acts of corruption. The conceptual approach is used to analyze the concept of an integrated criminal justice system through the theory of structural, substantial, and cultural synchronization. Meanwhile, the case approach is used to examine the granting of abolition to Thomas Trikasih Lembong as a concrete study regarding the relationship between the President's prerogative authority and the integration of the criminal justice system.

The legal materials used consist of primary legal materials in the form of statutes and court decisions, secondary legal materials in the form of books, scientific journals, and previous research results, as well as tertiary legal materials in the form of legal dictionaries and encyclopedias. The collection of legal materials is conducted through library research, while the analysis is carried out qualitatively using systematic and conceptual interpretation methods to assess the consistency of the use of abolition with the principles of an integrated criminal justice system in combating corruption.

¹⁶ Nur Solikin, *Buku Pengantar Metodologi Penelitian Hukum* (Pasuruan: Qiara Media, 2021), hlm. 32-33.

A. Principles of the Integrated Criminal Justice System in Anti-Corruption Policies in Indonesia

The integrated criminal justice system is essentially a system within society to address crime, whose main goal is to control crime so that it remains within the limits of societal tolerance. Mardjono Reksodiputro emphasizes that the criminal justice system is considered successful if the majority of reports or complaints from members of the public who are victims of crime can be resolved, the perpetrators are proven guilty, and those found guilty receive commensurate punishment.¹⁷ Remington and Ohlin added that the criminal justice system can be interpreted as the use of a systems approach to the mechanisms of criminal justice administration, in which criminal justice as a system is the result of interactions between legislation, administrative practices, and social attitudes that are prepared rationally and efficiently to provide specific outcomes.¹⁸

Frank Hagan distinguishes between the criminal justice process and the criminal justice system. The criminal justice process refers to each stage of judgment that brings a suspect into a process that leads to the determination of a penalty, whereas the criminal justice system refers to the interconnection between the decisions of each agency involved in the criminal justice process.¹⁹ This distinction is important because it emphasizes that the criminal justice system is not merely a series of procedures experienced by a defendant, but rather a network of decisions that are organically interconnected among all law enforcement subsystems. The components that work together in this network include the police, prosecutors, courts, and correctional institutions, which together form what is known as the integrated criminal justice system.

¹⁷ Mardjono Reksodiputro, *Hak Asasi Manusia Dalam Sistem Peradilan Pidana Kumpulan Karangan Buku Ketiga* (Jakarta: Pusat Pelayanan Keadilan dan Pengabdian Hukum (d/h Lembaga Kriminologi, Universitas Indonesia), 2007), hlm. 84.

¹⁸ Atmasasmita, *Op. cit.*, hlm. 1.

¹⁹ *Ibid.*

The integration of the system, according to Muladi, contains three dimensions that complement each other and cannot be separated from one another.²⁰ First, structural synchronization, which is uniformity and harmony in the context of relationships between law enforcement institutions. Second, substantial synchronization, which is uniformity and harmony that is vertical and horizontal in relation to positive law. Third, cultural synchronization, which is uniformity and harmony in internalizing views, attitudes, and philosophies that comprehensively underpin the functioning of the criminal justice system. These three dimensions must occur simultaneously because disruption in one dimension will spread and affect the other dimensions, resulting in inconsistency that ultimately damages public trust in the system as a whole.

Romli Atmasasmita identifies three forms of approaches that can be used to understand how the criminal justice system works.²¹ The normative approach views the four law enforcement agencies as institutions that implement the prevailing laws and regulations, making all four an integral part of the law enforcement system. The administrative approach sees these four agencies as a management organization that has working mechanisms, both horizontal and vertical relationships, in accordance with their organizational structure. The social approach views the four law enforcement agencies as an inseparable part of a social system, so that society is also responsible for their success or failure in carrying out their duties. In fact, these three approaches complement each other: norms provide a foundation, management provides a mechanism, and society provides legitimacy. A criminal justice system that only pursues formal truth without considering the values that live in society is actually prone to causing injustice, because an approach that is too formal, if based solely on the interest of legal certainty, will lead to disaster in the form of injustice.

Romli Atmasasmita's three approaches have concrete relevance in the architecture of corruption eradication in Indonesia. From a normative approach perspective, Indonesia's anti-corruption regime is

²⁰ Muladi, *Op. cit.*, hlm. 1-2.

²¹ Romli Atmasasmita, *Sistem Peradilan Pidana (Criminal Justice System) Perspektif Eksistensialisme Dan Abolisionisme* (Bandung: Binacipta, 1996), hlm. 17-18.

built on layers of regulations that reinforce each other, namely Law Number 31 of 1999 as amended by Law Number 20 of 2001 as *lex specialis*, Law Number 30 of 2002 concerning the Corruption Eradication Commission, up to the ratification of the United Nations Convention Against Corruption (UNCAC) through Law Number 7 of 2006 on the Ratification of the United Nations Convention Against Corruption. This normative layer requires that every subsystem, from investigators, prosecutors, to judges, is bound to a consistent policy direction and not fragmented.²² From an administrative approach perspective, the establishment of the KPK as an independent agency with investigative, prosecutorial, and litigation functions at the same time is an institutional breakthrough explicitly designed to address the ineffectiveness of coordination between the police and the attorney general's office as stated in considerations letters b and c of Law No. 30 of 2002, which state that these two institutions have not functioned effectively and efficiently in eradicating corruption.²³ Meanwhile, from a social approach perspective, public trust in the anti-corruption system is cumulative, because it is built from the consistency of decision after decision, and can collapse due to a single decision perceived as a power-based exception.²⁴

The application of this principle of integration gains higher urgency in the context of eradicating corruption, considering that corruption is categorized as an extraordinary crime whose handling requires coordination and consistency across law enforcement agencies without gaps.²⁵ Law Number 31 of 1999 as amended by Law Number 20 of 2001 establishes a regime of anti-corruption law enforcement that

²² Republik Indonesia, "Undang-Undang Nomor 7 Tahun 2006 Tentang Pengesahan United Nations Convention Against Corruption".

²³ Hilmi Ihza Mahendra and Pramutikho Suryo Kencono, "Pengambilalihan Penyidikan Tindak Pidana Korupsi Berdasarkan Undang - Undang Nomor 19 Tahun 2019 Tentang Komisi Pemberantasan Korupsi (Studi Kasus Tindak Pidana Korupsi Oleh Lembaga Pembiayaan Ekspor Impor)," *Indonesian Journal of Law and Justice* 3, no. 1 (2025): 4.

²⁴ Febriansyah et al., *Op. cit.*, hlm.1020."

²⁵ Soerjono Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum* (Jakarta: Raja Grafindo Persada, 2011), hlm. 7.

requires all subsystems to move in the direction of a firm policy.²⁶ The consistency and predictability of the anti-corruption law enforcement system, as noted by Transparency International Indonesia,²⁷ is a determining factor in building public trust. The National Strategy for Corruption Prevention contained in Presidential Regulation Number 54 of 2018 also explicitly affirms the government's commitment to maintaining that consistency.²⁸ Any action that has the potential to disrupt the continuity of legal processes in corruption cases from any source not only impacts individual cases, but also the legitimacy of the entire anti-corruption system, because the signal sent to the public goes far beyond a single concrete case.

The principle of the integration of the criminal justice system then comes into confrontation with the constitutional instrument of abolition. Normatively, abolition is regulated in Article 14 paragraph (2) of the 1945 Constitution. Abolition is the prerogative authority of the President to stop legal proceedings against someone who is undergoing or will undergo a judicial process, and can only be used by considering the advice of the House of Representatives. Jimly Asshiddiqie emphasizes that the president's prerogative authority in the judicial field is intended as a mechanism of checks and balances against potential errors in the judicial process, but must still be subject to the principle of rule of law and must not be used for purposes that are contrary to the spirit of law enforcement.²⁹ The concept of abolition has historically been intended for extraordinary situations such as post-conflict reconciliation or correction of politically motivated

²⁶ Indonesia, “Undang-Undang Nomor 31 Tahun 1999 Tentang Pemberantasan Tindak Pidana Korupsi Sebagaimana Diubah Dengan Undang-Undang Nomor 20 Tahun 2001.”

²⁷ Transparency International Indonesia, “Indeks Persepsi Korupsi Indonesia 2025,” 2025, <https://ti.or.id/indeks-persepsi-korupsi-2025-penurunan-kebebasan-sipil-akses-pada-keadilan-mengancam-perjuangan-melawan-korupsi/> (diakses 17 Mei 2026).

²⁸ Republik Indonesia, “Peraturan Presiden Nomor 54 Tahun 2018 Tentang Strategi Nasional Pencegahan Korupsi”.

²⁹ Jimly Asshiddiqie, *Hukum Tata Negara dan Pilar-Pilar Demokrasi* (Jakarta: Sinar Grafika, 2011), hlm. 195-198.

criminalization, not as a routine instrument that can annul the results of judicial processes that have been conducted comprehensively.³⁰

The difference between constitutionality and systemic consistency is what becomes the main point of tension. Something can be constitutionally valid because its formal procedures are fulfilled, yet at the same time cause a real disruption to the principle of integration in the criminal justice system. Romli Atmasasmita emphasized that the biggest challenge in developing an integrated criminal justice system in Indonesia is not in the formal normative aspect, but rather in the aspect of implementation and policy consistency.³¹ Verification of formal legality alone is not sufficient; a comprehensive legal analysis requires further assessment of the appropriateness of the exercise of authority and the systemic impact it generates. The ability to understand both dimensions simultaneously is an analytical competence that distinguishes reactive law enforcers from reflective ones.

B. Abolition of Thomas Trikasih Lembong and Its Consistency with the Principles of the Integrated Criminal Justice System

The granting of abolition to Thomas Trikasih Lembong through Presidential Decree Number 18 of 2025 on August 1, 2025, procedurally followed the constitutional pathway determined. The President submitted Presidential Letter Number 43 dated July 30, 2025, to the House of Representatives (DPR), which then gave its consideration through the DPR Leadership Decree Number 139/PIMP/IV/2024-2025. The abolition was granted after the Jakarta Corruption Court found him guilty with a sentence of 4 years and 6 months in prison on July 18, 2025, based on the consideration that Thomas Trikasih Lembong was not proven to have obtained personal

³⁰ Herry Rosdyanto and Moh. Lubsi Tuqo Romadhan, "Amnesti Dan Abolisi Wajah Baru Reformasi Hukum Atau Ancaman Politisasi Hukuman," *Jurnal Hukum POSITUM* 10, no. 2 (2025): 382, <https://doi.org/https://doi.org/10.35706/positum.v10i2.13552>.

³¹ Atmasasmita, *Op. cit.*, hlm. 20-21.

gain and there was no mens rea in his actions.³² Thus, the formal legality of granting such abolition does not need to be questioned. The core of this study is its consistency with the three dimensions of synchronization that serve as benchmarks for the integrated criminal justice system as outlined in the previous sub-chapter, namely structural, substantive, and cultural synchronization.

Structural synchronization requires uniformity and harmony in the relationships between law enforcement institutions. The processes in the criminal justice system work sequentially, which means that one stage must not skip another stage, and each subsystem is a part that mutually determines one another.³³ The most immediate disruption evident from the granting of this abolition is the interruption of continuity between the court subsystem and the correctional subsystem. The decision of the Jakarta Corruption Court on July 18, 2025, which is the output of the court subsystem, should have served as input for the appeals process and ultimately for the correctional subsystem. However, the abolition issued two weeks later effectively cuts off the flow of this process.³⁴

Furthermore, more serious structural disruption occurs because the abolition was granted before the court ruling gained permanent legal force (*inkracht van gewijsde*). In the normal mechanism of the criminal justice system, first-level decisions are still open to review through appeals by the defendant or by the public prosecutor. With the issuance of the Presidential Decree of abolition two weeks after the ruling was rendered, the state's right through the public prosecutor to file an appeal effectively becomes meaningless. In fact, one of the functions of legal remedies in an integrated criminal justice system is to ensure that the output from the court subsystem has undergone an adequate verification process before being declared final. Executive intervention

³² Jakarta Pusat, Putusan Pengadilan Negeri Jakarta Pusat Nomor 34/Pid.Sus-TPK/2025/PN Jkt.Pst.

³³ Supriyanta, "KUHP Dan Sistem Peradilan Pidana Terpadu," *Wacana Hukum* 8, no. 1 (2009): 2.

³⁴ Shela Octavia and Ardito Ramadhan, "JPU Tegaskan Abolisi Tom Lembong Tidak Berlaku Untuk Terdakwa Lain," 2025, <https://nasional.kompas.com/read/2025/10/23/12052221/jpu-tegaskan-abolisi-tom-lembong-tidak-berlaku-untuk-terdakwa-lain> (diakses 17 Mei 2026).

that precedes the completion of this verification process essentially cuts off one of the internal system mechanisms designed to maintain the accuracy and fairness of the ruling.

More serious structural fragmentation occurs within the case itself. A single corruption case with a series of factual acts is now divided into two different legal process tracks based on the legal subject. The Panel of Judges of the Jakarta Central Corruption Court, in its decision on October 29, 2025, acknowledged that abolition is specific, meaning it only applies to the person explicitly mentioned in the Presidential Decree, namely Thomas Trikasih Lembong, and does not automatically apply to other parties who are also involved or related to the same criminal act.³⁵ This assertion implicitly confirms the existence of fragmentation within the system, while 11 other suspects in the sugar import corruption case with state losses amounting to Rp578.1 billion continue to undergo legal proceedings, Thomas Trikasih Lembong has been removed from the system through an executive decision. This condition directly contradicts Frank Hagan's principle, as referred to by Atmasasmita, that the criminal justice system is an interconnection of decisions from each agency involved in a network that now has a missing node.³⁶

From an institutional perspective, the structural impact of this abolition is also directly felt by the Attorney General's Office as a prosecution subsystem. Public prosecutors who have built indictments during a long investigation and prosecution process find that the entire series of institutional work is annulled not by a higher court ruling as is usual in the appeals system, but by an executive political decision. This condition creates a precedent that has the potential to weaken the functional autonomy of the prosecution subsystem within the framework of an integrated criminal justice system, because the subsystem can no longer ensure that the output of the processes it conducts will be respected by all nodes of the system. By comparison, the amnesty and abolition granted to combatants of the Free Aceh

³⁵ Agatha Olivia Victoria, "Hakim PN Jakpus: Abolisi Tom Lembong Tak Hapus Pidana Terdakwa Lain," 2025, <https://www.antaranews.com/berita/5207149/hakim-pn-jakpus-abolisi-tom-lembong-tak-hapus-pidana-terdakwa-lain> (diakses 17 Mei 2026).

³⁶ Atmasasmita, *Op. cit.*, hlm. 1.

Movement (GAM) following the Helsinki Agreement in 2005 was prepared in the context of a nationally scaled political reconciliation and applied before the judicial process began, thus not interrupting ongoing proceedings and not creating fragmentation in case handling. This difference in context shows that the structural impact of abolition is greatly determined by the stage of the legal process at which it is applied.³⁷

Substantial synchronization requires vertical and horizontal alignment with positive law. In this case, abolition actually creates a substantial paradox, which was clearly expressed by the Criminal Law Expert from Riau University, Erdianto Effendi, in his testimony during the sugar import case trial on September 26, 2025. Erdianto stated that, in theory, abolition should erase the act. However, in the case of Thomas Trikasih Lembong, what was erased was only the prosecution against Thomas Trikasih Lembong, limited to Thomas Trikasih Lembong. The mistake lies in the Presidential decision on abolition. If the President intends to acquit certain perpetrators, the instrument that should be used is amnesty (which forgives the perpetrator), not abolition (which, in theory, erases the act), because the conceptual mix-up between the two in its implementation causes inconsistency with criminal law doctrine.³⁸

This conceptual inconsistency is rooted in the confusion between two prerogative instruments that normatively have different objects. Essentially, amnesty is intended to eliminate the legal consequences of a criminal act for the perpetrator, whereas abolition is intended to stop or nullify prosecution for a criminal act entirely. If abolition is applied individually to one person in a case involving multiple perpetrators, an internal contradiction occurs, namely that the act forming the basis of the charge is not eliminated (because other parties are still tried for the same act), yet the prosecution for that act is stopped for only one person.

³⁷ Republik Indonesia, “Keputusan Presiden Nomor 22 Tahun 2005 Tentang Pemberian Amnesti Umum Dan Abolisi Kepada Setiap Orang Yang Terlibat Dalam Gerakan Aceh Merdeka”.

³⁸ Shela Octavia and Jessi Carina, “Ahli Sebut Abolisi Tom Lembong Tak Sesuai Teori Hukum, Harusnya Semua Terdakwa Ikut Ditiadakan,” 2025, <https://nasional.kompas.com/read/2025/09/26/13212131/ahli-sebut-abolisi-tom-lembong-tak-sesuai-teori-hukum-harusnya-semua> (diakses 17 Mei 2026).

This condition places the Presidential Decree on abolition in a position that is not vertically aligned with the normative foundation that should regulate it.

This paradox not only undermines the coherence of criminal law doctrine, but also conflicts with the principle of equality before the law, which is a pillar of the rule of law and is guaranteed by Article 27 paragraph (1) of the 1945 Constitution. Therefore, the application of abolition for corruption offenses has the potential to violate the principle of equality before the law, as it creates individual exceptions based on closeness to the executive power within the same series of criminal acts. If using the substantial synchronization standard formulated by Muladi, where alignment must be vertical (with higher norms) and horizontal (with provisions at the same level),³⁹ thus the abolition decision that creates two accountability regimes in one case cannot be stated to be in accordance with the applicable positive law principles.

From the perspective of international law, this substantial inconsistency is also relevant when associated with Indonesia's obligations under UNCAC, which was ratified through Law Number 7 of 2006 and therefore constitutes binding domestic law. Several provisions of UNCAC directly speak to the consistency and integrity of anti-corruption law enforcement. Article 5 of UNCAC requires each State Party to develop and implement or maintain effective, coordinated anti-corruption policies, reflecting the primacy of a systemic and integrated approach to combating corruption, which is an obligation that is undermined when executive prerogative interrupts an ongoing judicial process without reference to the integrity of the system as a whole. Article 11 of UNCAC specifically obliges States Parties to take measures to strengthen integrity and prevent opportunities for corruption among members of the judiciary and prosecution services, including by making rules with respect to the conduct of those persons. The application of abolition at the post-verdict stage, without clear and transparent criteria, risks creating precisely the kind of discretionary gap that Article 11 seeks to close. Furthermore, Article 26 of UNCAC calls for accountability of legal persons involved in corruption offenses,

³⁹ Muladi, *Op. cit.*, hlm. 1-2.

reinforcing the convention's general orientation toward consistent enforcement rather than selective or discretionary termination of proceedings. Article 30 of UNCAC requires States Parties to impose sanctions that take into account the severity of corruption offenses, and Article 41 of UNCAC encourages States Parties not to use political considerations as a basis for terminating legal proceedings in corruption cases.⁴⁰ Although UNCAC does not explicitly prohibit the use of prerogative instruments such as abolition, the spirit of the convention calls for consistency and predictability in the enforcement of anti-corruption laws, anchored in the rule of law principles that run throughout the convention's Preamble and operative provisions. Granting abolition in the context of corruption cases that have reached the stage of a first court ruling, taking into account arguments that are individual and political in nature, has the potential to be seen as inconsistent with Indonesia's international commitments to combating corruption.

The dimension of cultural synchronization as uniformity and harmony in appreciating views, attitudes, and philosophies that comprehensively underpin the functioning of the criminal justice system is a dimension whose impact is the most long-term and the most difficult to restore.⁴¹ From the perspective of deterrence theory, the effectiveness of an integrated criminal justice system is measured not only by the success in convicting offenders but also by its ability to ensure certainty and consistency of punishment so as to provide a deterrent effect. The certainty of punishment in criminology literature is even considered more determinant than the severity of punishment in influencing the behavior of potential offenders. By granting abolition in corruption cases that have gone through long trial processes and resulted in guilty verdicts, the signal sent to the public is that the certainty of punishment in Indonesia's anti-corruption system is conditional, depending not only on the quality of the charges and the strength of the evidence but also on the defendant's political position within the executive power constellation. From the perspective of

⁴⁰ United Nations, *United Nations Convention against Corruption* (New York: United Nations, 2004).

⁴¹ Supriyanta, *Op. cit.*, hlm. 3.

rational choice theory, the weakening of certainty of punishment can theoretically increase the incentive for officials to engage in corruption with the calculation that an escape route from the system is available that does not rely on the judicial process itself.⁴²

The impact on cultural synchronization not only targets potential perpetrators but also directly affects the value orientation and work motivation of actors within the criminal justice system itself. Studies on executive intervention in criminal justice note that this type of intervention undermines due process of law, decreases public trust, weakens judicial morality, and reinforces the perception that the law favors those in power.⁴³ Public prosecutors who have worked for years building substantial corruption cases find that all of that institutional work can be overturned by a single decision outside the system within days after a verdict is issued. Such a precedent has the potential to weaken the work ethic and institutional commitment of law enforcement officers, not because they lose their professionalism individually, but because the system no longer guarantees that the integrity of the processes they carry out will be consistently respected.

At a more macro level, the weakening of cultural synchronization is reflected in the erosion of public trust in the overall anti-corruption system. Legal legitimacy theory in the Max Weber sociological tradition distinguishes between rational-legal legitimacy, where compliance with the law is based on belief in the legality of rules and the authority that enforces them.⁴⁴ If the public perceives that the same rules are not applied consistently based on the social and political position of the defendant, then the rational-legal legitimacy of the criminal justice system is degraded. Degraded public trust affects not only symbolic perceptions but also society's willingness to cooperate with the system: reporting suspected corruption, testifying in trials, and respecting court decisions. This directly contradicts the spirit of consistency in law enforcement, which is at the core of the National Strategy for Corruption Prevention, which explicitly places strengthening the

⁴² Yuspar dan Fahmiron, *Op. cit.*, hlm. 4.

⁴³ Wibowo dan Sunaryanto, *Op. cit.*, hlm. 174.

⁴⁴ Max Weber, *Economy and Society: An Outline of Interpretive Sociology* (Berkeley: University of California Press, 1978), hlm. 212-216.

integrity of the judicial system as one of the main pillars of corruption prevention.⁴⁵

Some academic circles view this abolition from a different perspective. Prof. Iwan Satriawan from Muhammadiyah University of Yogyakarta argues that granting abolition serves as a warning signal to the judicial institutions regarding the importance of consistency in the application of criminal law principles, especially in the context of the boundary between policy criminalization and corruption offenses that have not yet been fully resolved in Indonesian jurisprudence.⁴⁶ This interpretation places abolition as an institutional dialogue between the executive and judicial branches in maintaining constitutional balance. The judges' finding that Thomas Trikasih Lembong did not prove to have gained personal benefit and that there was no *mens rea* in his actions opens an argument space that cannot be ignored that the criminal justice system should not convict someone for an act in which the judge himself did not find malicious intent.

Although this perspective provides a justificatory basis that cannot be dismissed lightly, it does not negate the fact that the systemic impact on the three dimensions of synchronization has been proven real and measurable. The President's prerogative authority in the judicial field is understood as a logical consequence of the state administration design and must be positioned as a checks and balances mechanism that remains subject to the principle of the rule of law, not as an absolute power that can override the judicial process at any time and on any consideration. The greatest challenge faced by the integrated criminal justice system does not lie in the existence or absence of a prerogative instrument, but rather in the absence of clear, transparent, and accountable normative limitations regarding the conditions under which such an instrument can and cannot be used.

Therefore, the reconstruction of abolition regulations has become an urgent necessity. There are at least three directions of reconstruction that need to be considered. First, regulations requiring that abolition in

⁴⁵ Korupsi, *Strategi Nasional Pencegahan Korupsi 2021–2025*.

⁴⁶ Muhammad Pasya Rulli, "Vonis Tom Lembong: Refleksi Suram Atas Penegakan Hukum Pidana Di Indonesia," 2025, <https://law.uii.ac.id/blog/2025/12/31/vonis-tom-lembong-refleksi-suram-atas-penegakan-hukum-pidana-di-indonesia/> (diakses 17 Mei 2026).

criminal cases can only be granted after a court decision has obtained permanent legal force (*inkracht van gewijsde*), so as not to cut off the internal system verification process through the appeal mechanism. Second, regulations that exclude or strictly limit the use of abolition in corruption criminal cases considering its status as an extraordinary crime, whose handling is regulated under a special legal regime. Third, strengthening the checks and balances mechanism in the process of granting abolition, not only through the consideration of the House of Representatives as already exists, but also through the consideration of the Supreme Court and meaningful public participation, so that this prerogative decision does not merely reflect executive considerations. Such reconstruction is not intended to eliminate the prerogative powers of the President, which have a strong constitutional basis, but rather to ensure that their use does not cause systemic disruption to the principle of integration in the criminal justice system.

The Thomas Trikasih Lembong abolition case is not merely a legal event relevant only to practitioners and policymakers. For the field of clinical legal education, this case offers a very rich pedagogical value precisely because of its layered complexity: it brings together constitutional authority with the principle of system integration, formal legality with substantive consistency, and individual justice interests with the integrity of the system as a whole. Clinical legal education is not designed to produce graduates who are only skilled at reading and mechanically applying legal texts. The more substantive goal is to develop systemic analytical abilities, sensitivity to the social impacts of legal decisions, as well as proficiency in public policy advocacy based on a deep understanding of how the legal system operates as an integrated whole. Within this framework, the Thomas Trikasih Lembong case provides an ideal analytical laboratory, where students are not only challenged to answer the question of whether this abolition is legally valid, an answer that can be relatively easily found through reading Article 14 paragraph (2) of the 1945 Constitution, but also the more challenging question of what the systemic impact of this decision is on the integrity of the criminal justice system, and how a public policy advocate should respond to it.

Through Muladi's three synchronization framework, students can be guided to perform layered analysis that covers three levels simultaneously. At the structural synchronization level, students are trained to identify and map fragmentation points in the flow of processes among the subsystems of the criminal justice system. At the substantial synchronization level, students are trained to identify inconsistencies between various applicable legal instruments and formulate coherent legal arguments on how these inconsistencies should be resolved through systematic and hierarchical interpretation. At the level of cultural synchronization, which is the most challenging yet most important dimension for prospective legal practitioners, students are trained to analyze the long-term impact of a legal decision on public trust, legal culture, and the work ethic of law enforcement officials. In addition, this case is also relevant for the development of simulation-based learning methods, where students can be placed in different roles such as prosecutors who must respond to an abolition ruling, judges who examine other defendants in the same case, members of parliament who provide considerations, or representatives of civil society who assess the impact of the decision, so that they can understand how a single legal decision produces different consequences for different actors in the system. In the end, the matter of Thomas Trikasih Lembong's abolition teaches a fundamental lesson that is at the heart of clinical legal education: that law does not operate in a vacuum, that every legal decision is part of a larger system, and that the most important competence of a legal practitioner is not merely the ability to read texts, but the ability to understand and be accountable for the systemic impact of every legal choice made.

Conclusion

Based on the analysis that has been conducted, this article concludes two main points. First, the principle of an integrated criminal justice system in combating corruption crimes demands the synchronization of structural, substantive, and cultural aspects among law enforcement subsystems in order to ensure consistency, coordination, and continuity of the criminal justice process as a whole. Second, the granting of abolition in the Thomas Trikasih Lembong

case, although constitutionally valid from a formal aspect, does not fully align with the principles of an integrated criminal justice system because it causes disruption in the structural, substantive, and cultural dimensions, which has implications for the interruption of legal process continuity and weakening of consistency in anti-corruption policy.

The findings have important implications, both at the policy level and in legal education. From a policy perspective, more detailed, transparent, and accountable regulations are needed regarding the conditions and limits of the use of abolition, particularly in cases of corruption crimes, so that the prerogative authority continues to operate in line with the principles of the rule of law and the anti-corruption agenda. From the perspective of clinical legal education, this case can be used as a learning tool to develop students' analytical abilities regarding the relationship between formal legality, substantive legitimacy, and the systemic impact of a legal policy on the integration of the criminal justice system. These findings also contribute to efforts to achieve Sustainable Development Goals Targets 16.3, 16.5, and 16.6, which call for consistent, accountable, and fair law enforcement as the foundation of strong institutions, as well as Target 4.7, which promotes the development of systemic analysis competencies through clinical legal education oriented towards the values of justice and sustainable development.

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During the preparation of this manuscript, I used Claude to assist in language refinement, grammar correction, and improving readability. After using this tool, I carefully reviewed, edited, and validated all outputs to ensure their accuracy and academic integrity. I take full responsibility for the final content of this manuscript. Claude was used solely as a supportive tool and is not credited as an author.