

Analysis of Legal Certainty of Sugar Import Corruption from the Perspective of Minister of Trade Regulation Number 117 of 2015 (Case Study of Decision Number 55/PID.SUS-TPK/2025/PT DKI)

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Abstract

The normative ambiguity in Articles 6 and 7 of the Minister of Trade Regulation Number 117 of 2015 creates room for interpretation regarding the state of emergency. This ambiguity has created legal uncertainty in the sugar import corruption case, as reflected in Decision Number 55/PID.SUS-TPK/2025/PT DKI. This study aims to analyze the construction of the state of emergency in the regulation and evaluate the application of the elements of the crime of corruption in the court decision from the perspective of legal certainty. The research method used is a juridical-normative approach with a statutory regulatory approach and a case approach, using Jan M. Otto's theory of legal certainty and the doctrine of the state of necessity as analytical tools. The results show that Permendag 117/2015 contains a normative gap regarding the limits of the state of emergency, which triggers the criminalization of the policy. Furthermore, the application of the elements of abuse of authority and state losses in the decision does not meet the principle of legal certainty because it is based on potential losses and ignores the validity of valid administrative permits.

Keywords: legal certainty; state of emergency and sugar imports.

1. INTRODUCTION

From 2024 to this year, many corruption cases have emerged, starting with the tin commodity corruption case by Harvey Moeis in March 2024 with state losses of 371 trillion to the most recent corruption case in October 2025, namely the Hajj quota corruption case with state losses of 1 trillion. In October 2024, the Indonesian people were shocked by the sugar corruption case with the appointment of the former Minister of Trade during the era of former President Jokowi, after being questioned four times by the Attorney General's Office.

In general, the chronology of this case shows that in 2015, under the administration of President Jokowi, the former Minister of Trade at that time, together with the Director of PT Perusahaan Perdagangan Indonesia (PPI), issued sugar import permits and permits for processing raw sugar into refined white crystal sugar to eight agencies. business private. However, these companies only had refining permits, not import permits (Ariansyah, 2025). Due to the importation of raw sugar and its processing into white crystal sugar by these eight private companies, the former Minister of Trade was charged under the Corruption Crimes Law and found guilty. The court's verdict caused public uproar, with many believing the former Minister of Trade was a victim of political criminalization (Arini, 2025).

PT PPI simulated the sugar purchase. In reality, the eight companies distributed the sugar to the public through affiliated distributors at a price of IDR 16,000 per kilogram, exceeding the prevailing highest retail price (HET) of IDR 13,000 per kilogram. No market transactions occurred. Regarding the procurement and sale of raw crystal sugar, which is then processed into white crystal sugar, PT PPI received a fee of IDR 105 per kilogram from the eight importing and processing companies (Fahmiron & Yuspar, 2025). The permit to import and process raw sugar by the eight private business entities was because in the 2015-2016 period, PT PPI's debt was in KOL 5 status (KOL is an abbreviation for Collectibility, which is an assessment of the status of the debtor's credit payment

smoothness on a scale of 1 to 5. The higher the KOL number, the worse the credit record, where KOL 1 means smooth and KOL 5 means bad), the funds available at PT PPI were only IDR 2 billion, while to import 200 tons of sugar required IDR 2 trillion, so the former Minister of Trade granted the permit because the government was unable to meet the sugar needs of the Indonesian people at that time.

Based on the Decision Number 55/PID.SUS-TPK/2025/PT DKI issued by the Central Jakarta District Court on July 18, 2025, the actions committed by the former Minister of Trade and the Director of PT PPI resulted in state losses estimated at around IDR 400 billion. The former Minister of Trade and his colleagues were named as suspects for violating Article 2 Paragraph 1 or Article 3 in conjunction with Article 18 of Law Number 31 of 1999, as amended by Law Number 20 of 2021, concerning the Eradication of Criminal Acts of Corruption, in conjunction with Article 55 Paragraph 1 of the Criminal Code (Salsabila et al., 2024). Subsequently, the former Minister of Trade received an official pardon, effectively dropping the criminal charges against him (Herang, 2025). Previously, the former Minister of Trade had been sentenced to four years and six months in prison for alleged involvement in corruption related to sugar imports. He was released on the evening of August 1, 2025, after the Minister of Law and Human Rights submitted the Presidential Decree (Keppres) on amnesty and abolition to the Corruption Eradication Commission and the Attorney General's Office (Fathir & Yusuf, 2025).

Even though the former The Minister of Trade has received abolition from President Prabowo, but the eight private companies are still defendants and are undergoing trial at the Central Jakarta District Court. The eight private companies were charged with corruption with state losses of 578 billion, where the nominal amount is calculated from losses that have not yet occurred, these losses are losses that would have been experienced if the eight private companies had not imported sugar. If they had not imported sugar, the state would have received revenue from customs of the nominal 578 billion. Meanwhile, the eight private companies carried out sugar imports and processed raw sugar into white crystal sugar with permission from the Minister of Trade for the 2015 period (Martha, Kiara, & Hosnah, 2025).

Article 6 paragraph (1) of the Minister of Trade Regulation No. 117 states: To obtain import approval as referred to in Article 5 paragraph (1), companies must submit an electronic application to the Minister, in this case the Director General, by attaching: API-P and Recommendation from the Director General of Agro Industry, Ministry of Industry, etc. Article 7 regulates import provisions for white crystal sugar. Article 7 paragraph (6) states that the amount of white crystal sugar imports is determined based on the results of a coordination meeting between relevant agencies/institutions and associations, after considering matters as contained in paragraph (4) and paragraph (5). In the trial, evidence was found that there were results of a coordination meeting between related agencies, but the former Minister of Trade was still found guilty and 8 (eight) private companies are currently still undergoing trial at the Central Jakarta District Court.

This problem is interesting to be studied by the author because the verdict was handed down, the former Minister of Trade for the 2015 period was declared to have committed a criminal act of corruption in Decision Number 55/PID.SUS-TPK/2025/PT DKI resulting in 8 (eight) private companies being implicated so that there is a gap in the application of criminal law, namely the Former Minister of Trade for the 2015 period who granted sugar import permits has been given an abolition which means being freed from criminal sanctions, meanwhile eight private companies that import and process raw sugar into white crystal sugar still have the status of defendants even though the purpose of importing the sugar was to save the sugar needs of the Indonesian people in 2015-2016 (Prayogi & Chandra, 2024).

Based on the description above, the author focuses on formulating research problems, namely (1) How is the legal certainty regarding the concept of emergency in Articles 6 and 7 of the Minister of Trade Regulation Number 117 of 2015 regarding corruption cases? sugar imports based on Decision Number 55/PID.SUS-TPK/2025/PT DKI? and (2) How application of elements of criminal

acts of corruption in Decision 55/PID.SUS-TPK/2025/PT DKI regarding the sugar import case when reviewed with the theory of legal certainty?

II. RESEARCH METHOD

A. Types of research

This research uses normative legal research. Normative legal research focuses on the study of applicable legal norms and their application in practice. Normative legal research aims to examine legal rules, legal principles, and vertical-horizontal synchronization within the Indonesian legal system. Normative legal research focuses on examining court decisions or judges' decisions from a statutory regulatory perspective (Soekanto, 1986).

B. Research Approach

A thorough review of the legal framework relevant to the issue under investigation is essential. This research uses a case approach. This approach involves a systematic examination of court decisions and legal processes relevant to the subject under investigation. In the context of the sugar corruption scandal, this approach involves analyzing relevant court decisions and tracking the progress of the trial process at the Central Jakarta District Court related to the case (Muhaimin, 2020). The case approach examines from Decision Number 55/PID.SUS-TPK/2025/PT DKI. As well as observing the trial proceedings of eight private companies at the Central Jakarta District Court from June 2025 until now.

C. Source of Law

This study utilizes three types of legal materials: primary legal materials, secondary legal materials, and tertiary legal materials. This separation is based on the analytical needs of the research object, which focuses on the application of the provisions of the Minister of Trade Regulation No. 117 of 2015 and the elements of corruption in Decision No. 55/PID.SUS-TPK/2025/PT DKI.

The primary legal material in this study is the case study of Decision Number 55/PID.SUS-TPK/2025/PT DKI, which serves as the main object of analysis. The scope of the primary legal material is limited to aspects relevant to the problem formulation, namely:

1. The judge's legal considerations regarding the actions of the Minister of Trade and related parties in issuing sugar import permits.
2. Trial facts that show the reasons, policy basis, and factual conditions that are claimed to be an emergency in the import process.
3. Application of the elements of criminal acts of corruption, particularly Article 2 and Article 3 of the Corruption Eradication Law, in the context of the actions of public officials.
4. Relevant facts relating to whether the import permit complies with or deviates from Article 6 and Article 7 of Minister of Trade Regulation Number 117 of 2015.
5. Analysis court regarding the relationship between sugar import policies and state losses within the framework of positive law.

Secondary legal materials are used to interpret and expand understanding of primary legal materials. Sources of secondary legal materials in this study include:

Secondary legal materials in this study include several groups of sources. First, the laws and regulations that form the basis of the analysis, namely the Regulation of the Minister of Trade Number 117 of 2015, especially Article 6 and PaArticle 7, which regulates the mechanisms and requirements for sugar imports. Furthermore, this study also refers to Law Number 31 of 1999 in conjunction with Law Number 20 of 2021 concerning the Eradication of Criminal Acts of Corruption as a normative basis for assessing the fulfillment of the elements of a criminal act of corruption. The Criminal Code, specifically Article 55 paragraph (1) point 1, is also used to explain the aspects of criminal liability for perpetrators who commit crimes together.

Second, secondary legal materials in the form of literature and doctrine, including books and scientific journals discussing the concept of a state of necessity in administrative law and public policy, the elements of corruption according to various academic perspectives, the theory of legal certainty developed by Hans Kelsen and Lon Fuller, and literature on public official discretion and the limits of its legality. This literature serves as a theoretical basis for interpreting the relevance of regulations to the facts in decisions.

Third, this study utilizes expert opinion in the form of academic analysis, discussing the application of Articles 2 and 3 of the Corruption Law, as well as the doctrine explaining the justification for public policy. This expert opinion strengthens the argument regarding whether the actions taken in the sugar import case can be considered an abuse of authority or whether they constituted emergency measures that are still legally justifiable.

Tertiary legal materials serve to clarify terminology. They also aid in the search for other relevant legal sources. In this study, tertiary legal materials include legal and economic dictionaries, legal encyclopedias, journal indexes, decision databases, and other literature directories.

D. Data Collection and Analysis Techniques

This research employs a legal data collection methodology, primarily through case studies and an in-depth literature review. This process involves a systematic examination of legal texts, official documents, and other scholarly sources relevant to the research topic (Soekanto & Mamudji, 2010). For data analysis, a qualitative approach is employed, namely a structured method for interpreting data, observations, and legal documents, to gain an in-depth understanding of legal phenomena. This approach includes stages such as data simplification, information organization, and iterative interpretation of conclusions to uncover underlying meanings and patterns within the complex data set. Specifically, the authors observed an ongoing trial process at the Central Jakarta District Court involving eight private companies as defendants.

III. RESULTS AND DISCUSSION

Analysis of Legal Certainty regarding the Concept of Emergency in Articles 6 and 7 of the Minister of Trade Regulation Number 117 of 2015 regarding the Sugar Import Corruption Case Based on Decision Number 55/PID.SUS-TPK/2025/PT DKI

To understand how the concept of a state of emergency operates within the framework of positive law and how legal certainty is tested in the sugar import case, a thorough examination of the normative structure underlying the policy is necessary. Articles 6 and 7 of Minister of Trade Regulation No. 117 of 2015 are two key provisions used by the Minister of Trade in determining import policy for the 2015–2016 period. Although this regulation does not explicitly regulate a state of emergency, its practical application demonstrates the potential for interpretation. use

administrative discretion in urgent situations Therefore, before assessing the suitability of the court's decision to the principle of legal certainty, it is first necessary to map how the construction of a state of emergency is implied in the norms of Permendag 117/2015 and how these provisions interact with the legal facts revealed in Decision Number 55/PID.SUS-TPK/2025/PT DKI. This understanding forms the basis for the discussion in answering the first problem formulation.

A. Emergency Construction in the Normative Structure of Minister of Trade Regulation Number 117 of 2015

Normatively, Minister of Trade Regulation No. 117 of 2015 concerning Sugar Import Provisions does not explicitly include the phrase "state of emergency" in its body. However, when examined from the perspective of state administrative law, Articles 6 and 7 of the regulation possess characteristics that open up space for the application of the doctrine of state of necessity or an administrative emergency.

Article 6 stipulates strict administrative requirements, while Article 7, particularly paragraph (6), establishes a mechanism for inter-ministerial coordination meetings as the basis for determining

import quotas and types. This legal structure implies that import decisions are not based solely on static bureaucratic procedures, but rather are responsive to the dynamics of national supply needs, domestic sugar production conditions, and technical recommendations from relevant ministries (Prayogi & Chandra, 2024).

In practice, the coordinating clause often functions as an emergency mechanism to respond to urgent situations that threaten food stability, such as shortages of basic commodities or uncontrolled price increases. When State-Owned Enterprises (SOEs) are deemed unable to meet national needs independently, the mechanism in Article 7 provides legitimacy for the government to take discretionary measures. Therefore, although not written down in text, the norm in Permendag 117/2015 substantially contains an element of "certain circumstances" that justify breaking through normal procedures to ensure food availability, in line with the principle of *salus populi suprema lex esto* (the safety of the people is the highest law).

B. The Urgency of Private Sector Involvement Amidst State-Owned Enterprises' Inability

The relevance of the emergency concept is confirmed by the facts revealed in the trial as stated in Decision No. 55/PID.SUS-TPK/2025/PT DKI. Legal facts show that in the 2015–2016 period, the country faced a real threat in the form of a shortage of white crystal sugar which had the potential to trigger inflation in strategic food prices. On the other hand, the state instrument that should have acted as a buffer, namely PT Perusahaan Perdagangan Indonesia (PPI), was in a state of insolvency with a collectibility financial status of 5 (bad). The extreme financial gap was clearly visible where PT PPI only had liquid funds of IDR 2 billion, even though the need to import 200,000 tons of sugar required financing of up to IDR 2 trillion. This factual condition created an urgent legal causality.

The inter-ministerial coordination meeting that ultimately led to the issuance of import permits was not merely an administrative formality, but rather a crisis mitigation measure. The decision to involve the private sector in the import scheme stemmed from the inability of state-owned enterprises to perform their price stabilization function during an emergency situation. Therefore, this action factually qualifies as an emergency measure (*nude maatregel*) to ensure the availability of basic necessities, not simply a procedural deviation based on malicious intent (*mens rea*) to commit corruption.

C. Analysis of Disparity in Norms and Enforcement

Based on the theory of legal certainty proposed by Jan M. Otto, a legal regulation must have clarity of norms in order to predict legal consequences (predictability). In the context of Permendag 117/2015, there is a crucial normative vacuum due to the lack of objective parameters regarding how "emergency circumstances" are defined, as well as the absence of explicit limits on the Minister's discretion in such situations. This lack of clarity results in the interpretation of emergency situations being highly subjective and dependent on the authorized official at the time. As a result, actions taken based on administrative discretion become vulnerable to future criminalization due to the lack of clear written standards, ultimately undermining the element of legal predictability for business actors. Furthermore, The principle of legality and consistency of law enforcement as argued by Hans Kelsen and Philipus M. Hadjon, appears to have been violated in the handling of cases. This is a glaring law enforcement anomaly, where ministerial-level officials who issue import permits through a coordination meeting mechanism are granted amnesty or abolition, while private corporations acting on those valid permits are charged with corruption (Arini, 2025). This demonstrates a fatal inconsistency: how can the act of implementing (executing) a valid permit be criminalized, when the basis for issuing the permit has never been revoked by the administrative authorities or the state administrative court?

This uncertainty is further exacerbated by the disregard for the principle of trust. In administrative law, citizens or private legal entities have the right to trust the validity of the decisions of state officials. When an import permit is issued by the Minister based on the results of an official

coordination meeting of state institutions, private companies are legally entitled to assume that their actions are legal and protected by law. Charging private parties with corruption on the basis of potential state losses (loss of potential customs revenue), even though they are acting under the umbrella of an administratively valid permit, is a serious violation of the principle of legal certainty, which should protect citizens from arbitrary state action (Kaharudin, 2016).

D. Analysis of Administrative Actions from the Perspective of State of Necessity

In the realm of state administrative law, the doctrine of a state of emergency (state of necessity or noodtoestand) functions as a safety valve that legitimizes public officials to deviate from formal procedures in order to safeguard the greater public interest. The principle of legality in this context is not interpreted strictly as mere textual compliance, but rather compliance with the purpose of the law itself (doelmatigheid). A state of emergency justifies the use of broader discretion and swift action (freies ermesen), provided that constitutive requirements are met: the existence of an objectively urgent situation, the action is carried out proportionally, is based on legitimate authority (such as a coordination meeting), and is solely aimed at the public interest without violating the objectives of the legislation.

The application of these doctrinal elements has cumulatively fulfilled the administrative measures taken during the emergency situation regarding sugar imports. First, there is an urgent national sugar need that cannot be postponed. Second, the state instrument (PT PPI) has proven to lack the financial capacity to carry out imports. Third, the decision was made through a collective mechanism in an inter-agency coordination meeting, not an arbitrary unilateral decision. Fourth, the permit was formally issued by an authorized official. Fifth, the policy's objective is solely to ensure the availability of national sugar stocks. Therefore, the Minister of Trade's policy of appointing a private party is a legitimate administrative action and is justified under administrative law, as it was carried out within the framework of safeguarding the public interest amidst the failure of normal mechanisms.

E. Analysis of Legal Certainty Based on Decision No. 55/PID.SUS-TPK/2025/PT DKI

An analysis of Appeal Decision Number 55/PID.SUS-TPK/2025/PT DKI reveals a significant gap in the application of the principle of legal certainty. The Panel of Judges tended to ignore the emergency context and continued to construct the issuance of import permits as a form of abuse of authority, despite the trial evidence demonstrating the existence of a coordination meeting and the urgency of the situation. This legal construction confirms that the unclear norms in Permendag 117/2015 have opened up loopholes for the criminalization of public policy, where discretion taken to address the crisis is interpreted as a deviation from criminal law on corruption.

This decision also shows an anomaly in the calculation of state losses which is based on the concept of potential loss—namely the loss of potential reception state—which is contrary to the spirit of legal certainty in material crimes of corruption which require actual loss. Furthermore, the inconsistency of law enforcement is evident when state officials granting permits obtain abolition, while corporations implementing the permits are punished. This sets a bad precedent that legal certainty regarding the state of emergency concept in Trade Ministerial Regulation 117/2015 is not adequately fulfilled, which in turn undermines business confidence in the validity of state administrative law.

Based on a comprehensive analysis using the theory of legal certainty and the doctrine of states of emergency, this discussion narrows down to four main conclusions. First, Minister of Trade Regulation No. 117 of 2015 contains substantial weaknesses because it does not provide clear limits on the scope of official discretion in emergency situations. This normative vacuum is the primary cause that led to the action to save the sugar supply being mistakenly perceived as unlawful. Second, law enforcement in this case reflects inconsistency and uncertainty (unpredictability), as evidenced by

the disparity in legal treatment between policy-making officials who enjoy impunity and business actors who become victims of criminalization. Third, the concept of a state of emergency implied in Articles 6 and 7 of the regulation failed to be considered as justification (*rechtvaardigingsgrond*) by the panel of judges, even though the trial facts and general principles of good governance (AUPB) strongly support its application. Fourth, legal certainty was not realized due to the criminalization of public policy. Rigid and inconsistent interpretations of sugar trade regulations demonstrate weak legal protection against officials' use of discretion during times of crisis, which ultimately undermines the sense of justice and legal certainty in Indonesia (Salsabila et al., 2024).

The Application of the Elements of the Criminal Act of Corruption in the Sugar Importation Case Reviewed with the Theory of Legal Certainty in Decision 55/PID.SUS-TPK/2025/PTDKI

After outlining the implications of the unclear norms in Articles 6 and 7 of Trade Ministerial Regulation No. 117 of 2015 on the legal certainty of sugar import policy, the next analysis focuses on the application of the elements of criminal corruption in Decision No. 55/PID.SUS-TPK/2025/PTDKI. These elements include abuse of authority, enrichment of oneself or others, state financial loss, and unlawful acts.

A. Elements of Abuse of Authority

Article 3 of the Corruption Crime Law emphasizes the element of "abusing authority, opportunity, or means." However, legal facts show that the Minister's discretion in issuing import permits arises from complex factual conditions, including the existence of cross-ministerial coordination meetings, the insolvency of PT PPI which hampers the stabilization function, and the urgency of fulfilling the national sugar supply (Fahmiron & Yuspar, 2025). Formally, Minister of Trade Regulation Number 117 of 2015 does provide space for such authority, but does not regulate limitative limits regarding emergency conditions. From the perspective of legal certainty theory, this situation creates unclear norms, where officials act in a gray area of law.

Referring to Hans Kelsen's pure legal theory (*Reine Rechtslehre*), the validity of law enforcement Criminal norms are highly dependent on the clarity of the norms that underlie the action. If the administrative norms governing authority are vague, the assessment of "excess of authority" becomes less objective and vulnerable to unilateral interpretation by law enforcement officials. Charging officials or business actors with the crime of abuse of authority when the parameters of that authority are not clearly and explicitly defined in statutory regulations constitutes a clear violation of the principle of legal certainty (Kasman, 2025). Therefore, the element of abuse of authority in this case is not convincingly fulfilled due to the lack of a standard that was violated.

B. Elements of Enriching Yourself or Others.

The court ruling stated that the element of "self-enrichment" or another person or a corporation" as stipulated in Article 2 of the Corruption Crime Law, which is based on the profit difference between the selling price obtained by the private company and the fee of Rp105/kg received by PT PPI. However, this legal construction deserves criticism. The profits obtained by the private company are a logical consequence of legitimate business activities based on the business judgment rule principle, not the result of malicious policy manipulation. Furthermore, the fee received by PT PPI is an official compensation scheme between business entities, not a bribe or illegal gratuity.

The trial facts also do not prove the existence of a flow personal funds (kickbacks) to state officials that could indicate malicious intent (*mens rea*) to enrich oneself (Martha et al., 2025). In this context, Philipus M. Hadjon's view regarding legal protection for the people is relevant. Hadjon emphasized that administrative actions carried out within the corridor of formal authority, even though discretionary, cannot be immediately brought to the criminal realm unless there is sufficient preliminary evidence of bad faith to enrich oneself unlawfully (Hadjon, 1987). Because the import policy was proven to be aimed at addressing sugar shortages for the public interest and not for the personal gain of officials, the element of enriching oneself or others was not legally and convincingly

proven.

C. Elements of State Financial Loss

The most problematic element in this ruling is the application of the concept of potential state loss, which is the calculation of losses based on the loss of potential state revenue in the form of import duties if imports are carried out by state-owned enterprises. This construction contradicts Constitutional Court Decision No. 25/PUU-XIV/2016, which shifted the paradigm of corruption crimes from formal to material, which requires a real and definite state loss (actual loss). The Supreme Audit Agency (BPK) itself clearly distinguishes between real and potential state losses.

From the perspective of Jan M. Otto's theory of legal certainty, the law must provide predictability. This predictability collapses when criminal liability is based on hypothetical "what if" assumptions, rather than on actual losses. In this case, the state did not disburse funds to the private sector and instead benefited from a stable national sugar supply. Sentencing the defendant based on speculative losses violates the principle of material legality. Therefore, the element of causing financial loss to the state is not met because there was no real and definite reduction in state assets.

D. Elements of Unlawful Actions

The element of "unlawfully" (*legal*) in Article 2 of the Corruption Crime Law requires an act that is contrary to the law, both formally and materially. In this case, the import was carried out based on a valid permit issued by an authorized official through a coordination meeting mechanism, and the permit was never revoked by the State Administrative Court (PTUN). Based on the principle of *presumptio iustae causa*, every state administrative decision must be considered legally valid until there is a court decision that cancels it.

The application of this element also violates the principle of trust (*vertrouwensbeginsel*) in state administrative law. Business actors have the right to trust that permits issued by the Minister are valid and binding. Accusing a party acting in good faith in carrying out a valid permit of unlawful acts constitutes inconsistent law enforcement. As Utrecht argued, legal certainty requires the government to respect the rights arising from its own decisions. Therefore, as long as the import permit remains valid and has not been revoked, the element of unlawfulness cannot be attached to the actions of a private company.

Based on an analysis of the elements of abuse of authority, enrichment of oneself or others, state financial losses, and unlawful acts, it can be concluded that Decision Number 55/PID.SUS-TPK/2025/PT DKI contains fundamental legal flaws when viewed from the theory of legal certainty. The ambiguity of administrative norms in Minister of Trade Regulation Number 117 of 2015, the use of speculative methods for calculating state losses (potential loss), and the disregard for the validity of administrative permits have resulted in the forced application of elements of the criminal act of corruption in this case. The decision not only fails to provide legal certainty, but also creates a dangerous precedent in the form of criminalization of public policy and legitimate business activities, which ultimately undermines the principles of predictability and justice in the national legal system.

IV. CONCLUSION

Based on the results of the analysis, it can be concluded Articles 6 and 7 of Trade Ministerial Regulation No. 117 of 2015 do not provide clear norms governing government discretion in emergency situations, particularly regarding sugar import policies. The lack of boundaries and parameters for urgent situations leaves the concept of "certain circumstances" open to multiple interpretations and undermines the principle of legal certainty, potentially criminalizing public policies aimed at maintaining supply stability.

Furthermore, the application of the elements of criminal acts of corruption in Decision 55/PID.SUS-TPK/2025/PT DKI does not reflect the application of the principle of legal certainty in a way consistent.

The elements of abuse of authority, self-enrichment, state losses, and unlawful acts were not legally met because the actions were carried out within administrative jurisdiction and without evidence of personal gain or actual state losses. Therefore, the ruling demonstrates a fundamental legal flaw and has the potential to set a precedent for the criminalization of economic policy during emergency situations.

REFERENCES

- [1] Ariansyah, M. (2025). Analysis of Thomas Lembong's news framing in the online media Kompas.com. *Journal of Social and Political Communication*. <https://doi.org/10.47637/komsospol.v5i2.2035>
- [2] Ariawan, K. (2022). Normative legal research methods. *Kertha Widya*, 1(1), 1–8. <https://doi.org/10.37637/kw.v1i1.419>
- [3] Arini, MK (2025). Normative legal analysis of the President's granting of abolition in the Tom Lembong sugar import case. *Mutiara Journal*. <https://doi.org/10.57185/mutiara.v3i8.421>
- [4] Bediona, K., Hariyanti, N., Mahesa, R., & Abdurrahman, A. (2024). Analysis of the theory of legal protection according to Philipus M. Hadjon in relation to the imposition of castration punishment. *Das Sollen: Journal of Contemporary Studies of Law and Society*, 2(1), 1–15. <https://journal.forikami.com/index.php/dassollen/article/view/557>
- [5] Bedner, A. (2013). Indonesian legal scholarship and jurisprudence as an obstacle for transplanting legal institutions. *Hague Journal on the Rule of Law*, 5(2), 253–273. <https://doi.org/10.1017/S1876404512001145>
- [6] Fahmiron, & Yuspar. (2025). Abuse of authority in criminal acts of corruption (case study of suspect Tom Lembong). *Unes Journal of Swara Justicia*. <https://doi.org/10.31933/3nq2fy96>
- [7] Fathir, IFA, & Yusuf, H. (2025). The controversy over granting abolition in the sugar import corruption case: A criminological analysis of law enforcement and inequality of justice. *Journal of Intellectuals and Scholars*. <https://jicnusantara.com/index.php/jicn/article/view/4544>
- [8] Fatkhurohman, F., & Kurniawan, N. (2017). Shifting corruption offenses in Constitutional Court Decision Number 25/PUU-XIV/2016. *Constitutional Journal*, 14(1), 1–25. <https://doi.org/10.31078/jk1411>
- [9] Hadjon, PM (1987). *Legal protection for the people in Indonesia*. Surabaya, Indonesia: Bina Ilmu.
- [10] Herang, ARP (2025). Analysis of elements of criminal acts in the sugar import corruption case of former Minister of Trade Thomas Trikasih Lembong. *Journal of Legal Analysis*. <https://doi.org/10.38043/jah.v8i2.7028>
- [11] Ishaq. (2017). *Legal research methods and writing of theses, dissertations, and dissertations*. Bandung, Indonesia: Alfabeta.
- [12] Kaharudin. (2016). *Indonesian Constitutional Law*. Jakarta, Indonesia: PT Raja Grafindo Persada.
- [13] Kasman, MS (2025). Allegations of abuse of authority in the Tom Lembong corruption case: A legal perspective. *Locus Jurnal Academi*, 4(3). <https://doi.org/10.56128/ljoalr.v4i3.475>
- [14] Martha, P., Kiara, J., & Hosnah, AU (2025). A legal analysis of the absence of the mens rea element in the verdict in the Thomas Trikasih Lembong corruption case and its relevance to the granting of abolition by the President. *Journal of Education and Teaching Review*, 8(3). <https://doi.org/10.31004/jrpp.v8i3.51411>
- [15] Muhaimin. (2020). *Legal research methods*. Yogyakarta, Indonesia: AMA Press.
- [16] Nuh, MS (2011). The nature of a state of emergency as a basis for the formation of government regulations in lieu of laws. *Ius Quia Iustum Law Journal*, 18(2), 287–308. <https://doi.org/10.20885/iustum.vol18.iss2.art5>
- [17] Prasetyo, T. (2021). *Legal research*. Jakarta, Indonesia: Kencana.
- [18] Prayogi, R., & Chandra, QR (2024). Media framing of legal and political dynamics: An editorial analysis of Tempo's news article "Politicization of Tom Lembong's Detention". *Gudang Jurnal Multidisiplin Ilmu*, 2(12). <https://doi.org/10.59435/gjmi.v2i12.1101>
- [19] Rahardjo, S. (2000). *Legal science*. Bandung, Indonesia: Citra Aditya Bakti.
- [20] Salsabila, SA, Hariyanti, P., Mahesa, D., & Abdurrahman, MH (2024). Harmonization of international trade regulations within the legal framework of the Indonesian economy based on the Job Creation Law. *Musytari: Balance of Management, Accounting, and Economics*, 9(9). <https://doi.org/10.8734/musytari.v9i9.6629>

- [21] Soekanto, S. (1986). Introduction to legal research. Jakarta, Indonesia: UI Press.
- [22] Suhariyanto, B. (2018). The overlap of authority to adjudicate abuse of discretion between the Administrative Court and the Corruption Court. *Journal of Law and Justice*, 7(2), 213–236. <http://dx.doi.org/10.25216/jhp.7.2.2018.213-236>.