

**THE CONSTITUTIONAL DIMENSION OF OBSTRUCTION OF
JUSTICE IN CORRUPTION CASES: A STUDY OF
CONSTITUTIONAL JUSTICE CRISIS IN THE PT. TIMAH
INDONESIA CASE**

***DIMENSI KONSTITUSIONAL OBSTRUCTION OF JUSTICE
DALAM PERKARA KORUPSI: STUDI KRISIS KEADILAN
KONSTITUSIONAL DALAM KASUS PT. TIMAH INDONESIA***

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ABSTRACT

The enforcement of anti-corruption law in Indonesia not only concerns the punishment of the main perpetrators but also the protection of the judicial process itself. One of the serious threats to the integrity of the judicial system is obstruction of justice, which interferes with the process of investigation, prosecution, and adjudication of corruption cases. Article 21 of the Indonesian Anti-Corruption Law regulates obstruction of justice as an independent offense intended to safeguard the judicial process. However, its practical enforcement often reveals inconsistencies that undermine constitutional justice. This article analyzes obstruction of justice from the perspective of constitutional law by positioning it as a constitutional offense that threatens the fundamental principles of the rule of law and judicial independence. Using a normative juridical method with constitutional, statutory, conceptual, and comparative approaches, this research examines the PT Timah corruption case, particularly the decision of the Pangkalpinang District Court concerning obstruction of justice committed by Toni Tamsil. The findings reveal a significant disparity between the normative framework of Article 21 of the Anti-Corruption Law and its application in judicial practice. The relatively light sentence imposed in the case reflects a broader crisis of constitutional justice in the enforcement of obstruction of justice in Indonesia.

The study argues that obstruction of justice should be treated as a constitutional offense because it directly undermines the integrity of the judiciary, weakens anti-corruption efforts, and erodes public trust in the rule of law. Strengthening constitutional interpretation in the enforcement of obstruction of justice is therefore necessary to ensure the protection of judicial independence and the effectiveness of corruption eradication.

Keywords : Obstruction of Justice, Constitutional Justice, Constitutional Offense, Corruption, Judicial Independence.

ABSTRAK

Penegakan hukum tindak pidana korupsi tidak hanya berkaitan dengan pemidanaan pelaku utama, tetapi juga menyangkut perlindungan terhadap proses peradilan itu sendiri. Salah satu ancaman serius terhadap integritas sistem peradilan adalah obstruction of justice, yaitu tindakan yang menghalangi proses penyelidikan, penyidikan, penuntutan, maupun pemeriksaan perkara korupsi di pengadilan. Pasal 21 Undang-Undang Pemberantasan Tindak Pidana Korupsi telah mengatur obstruction of justice sebagai delik mandiri yang bertujuan melindungi proses peradilan. Namun dalam praktiknya, penerapan norma tersebut masih menunjukkan inkonsistensi yang berpotensi melemahkan keadilan konstitusional. Artikel ini menganalisis obstruction of justice dalam perspektif hukum tata negara dengan memosisikannya sebagai constitutional offense yang mengancam prinsip negara hukum dan independensi kekuasaan kehakiman. Penelitian ini menggunakan metode yuridis normatif dengan pendekatan konstitusional, perundang-undangan, konseptual, serta perbandingan hukum. Studi ini menelaah kasus korupsi PT Timah Indonesia, khususnya putusan Pengadilan Negeri Pangkalpinang terhadap terdakwa obstruction of justice. Hasil penelitian menunjukkan adanya ketidaksesuaian antara kerangka normatif Pasal 21 UU Tipikor dengan penerapannya dalam praktik peradilan. Putusan pidana yang relatif ringan dalam perkara tersebut mencerminkan adanya krisis keadilan konstitusional dalam penegakan obstruction of justice di Indonesia. Oleh karena itu, obstruction of justice perlu dipahami sebagai delik konstitusional karena secara langsung mengancam integritas sistem peradilan, melemahkan upaya pemberantasan korupsi, dan menurunkan kepercayaan publik terhadap supremasi hukum.

Kata Kunci : Obstruction of Justice, Keadilan Konstitusional, Pelanggaran Konstitusional, Korupsi, Independensi Peradilan.

I. INTRODUCTION

The crime of corruption is classified as a crime that has a wide impact because it has the potential to cause significant losses to state finances and harm public interests.¹ Therefore, corruption must be dealt with seriously through legal mechanisms that are in line with the principles of the rule of law as stipulated in the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution), particularly the provisions regarding the supremacy of law and the administration of government based on law.

In modern legal developments, corruption is no longer viewed as a common crime, but is classified as an extraordinary crime that requires extraordinary measures to combat it.² Efforts to eradicate corruption thus require the active involvement not only of government officials, but also of the community. Various factors are known to trigger corruption, including weak internalization of religious, moral, and ethical values, suboptimal enforcement of strict legal sanctions, the absence of a transparent and accountable system of government (good governance), unstable economic conditions, poor government management, and weak, ineffective, and inefficient oversight mechanisms.³

In practice, the eradication of corruption in Indonesia often faces serious obstacles that have the potential to disrupt the law enforcement process. One such obstacle is the existence of actions aimed at obstructing or interfering with legal proceedings, whether at the investigation, examination, prosecution, or trial stages. Such actions are known as obstruction of justice.⁴ In the Indonesian context, obstruction of justice can be manifested in various forms, such as political intervention or power that influences the independence of law enforcement officers, intimidation or threats against investigators, public prosecutors, witnesses, and reporters, manipulation or removal of evidence, dissemination of false information to obscure legal facts and form misleading public opinion, as well as the misuse of legal instruments to attack law enforcement officers or reporters through lawsuits or criminalization.⁵

In Indonesia, obstruction of justice in corruption cases is regulated under Article 21 of Law No. 31 of 1999 on the Eradication of Corruption Offenses,

¹ Zulkipli, Z. (2021). Politik Hukum Dalam Pemberantasan Korupsi Pada Badan Usaha Milik Negara (BUMN). *Jurnal Pilar Keadilan*, 1(1), 1-19.

² *Ibid.*

³ Juwita, D., & Yoserizal, Y. (2025). Faktor Penyebab Meningkatnya Angka Korupsi. *Sanskara Pendidikan Dan Pengajaran*, 3(01), 52-58.

⁴ Mpios, I., Faisal, A., & Yusuf, N. Y. (2023). Sinergitas Lembaga Penegak Hukum Terhadap Penghalangan Keadilan Dalam Penanganan Tindak Pidana (Obstruction Of Justice). *Sultra Law Review*, 2919-2935.

⁵ Supardjo, F. (2024). *Penegakan Hukum Obstruction Of Justice Terhadap Proses Penyidikan Kepolisian* (Doctoral dissertation, Universitas Islam Sultan Agung Semarang).

as amended by Law No. 20 of 2001. This provision stipulates that any person who intentionally prevents, obstructs, or thwarts the investigation, prosecution, or trial of a corruption case is punishable by imprisonment for a maximum of twelve years. Obstruction of justice can take various forms, such as political or power interventions that influence the independence of law enforcement officials, intimidation or threats against investigators, prosecutors, witnesses, and whistleblowers, manipulation or destruction of evidence, dissemination of false information to obscure legal facts and shape misleading public opinion, and misuse of legal instruments to retaliate against law enforcement officials or whistleblowers through lawsuits or criminalization.⁶

In judicial practice, the handling of obstruction of justice often shows inconsistency and serious weaknesses. This is clearly reflected in the case of Toni Tamsil, former President Director of PT Timah, which was decided by the Pangkalpinang District Court through Decision Number 6/Pid.Sus-TPK/2024/PN. PGP.⁷ One corruption case that has attracted public attention in recent times is the corruption case involving PT Timah Indonesia, the largest tin mining company in Indonesia. This case has had widespread legal and social repercussions because it involves various parties, from high-ranking company officials and businesspeople to public figures. PT Timah Indonesia, which should serve as a pillar of the national economy, has instead become entangled in systemic corruption. In this case, Toni Tamsil has been named as a defendant for his role in obstruction of justice with the aim of hindering the law enforcement process.⁸ He was sentenced to three years and six months in prison without a fine.

In the decision of the Pangkalpinang District Court, Toni Tamsil was found legally and convincingly guilty of obstruction of justice in a case of illegal tin mining corruption. These acts included hiding heavy equipment, including dozens of excavators and bulldozers, in a forest area; destroying and hiding important documents related to the criminal act of corruption; evading searches and inspections at his private residence; the destruction of electronic evidence in the form of mobile phones, and the provision of false testimony in court regarding the business activities of other parties suspected of involvement in corruption. The enforcement of obstruction of justice in Indonesia is still limited, so that the sanctions imposed often do not reflect

⁶ Supardjo, F. (2024). *Penegakan Hukum Obstruction Of Justice Terhadap Proses Penyidikan Kepolisian* (Doctoral dissertation, Universitas Islam Sultan Agung Semarang).

⁷ <https://www.kompas.id/artikel/saat-kerugian-kasus-timah-rp-300-triliun-dan-toni-tamsil-hanya-diminta-bayar-rp-5000>, accessed on November 14, 2025, at 18.53 WIB.

⁸ <https://www.tempo.co/hukum/vonis-3-tahun-toni-tamsil-pelaku-obstruction-of-justice-dalam-kasus-korupsi-timah-plus-denda-rp-5-ribu-saja-12659>, accessed on November 14, 2025, at 18.53 WIB.

the severity of the criminal penalties specified in the legislation, both in the Criminal Code and in specific criminal provisions.⁹

Although obstruction of justice was proven, the court only imposed a prison sentence of 3 years and 6 months without a fine. This verdict sparked serious debate, especially when compared to the maximum penalty under Article 21 of Law Number 31 of 1999 concerning Eradication of Corruption (hereinafter referred to as the Anti-Corruption Law), which is 12 years in prison. The disparity between the normative threat and the actual sanction cannot be viewed merely as a difference in the judge's assessment, but rather indicates a more fundamental problem, namely a crisis of constitutional justice in the handling of obstruction of justice in strategic corruption cases.

A constitutional justice crisis refers to a situation in which judicial processes and decisions, although formally valid, fail to embody the fundamental values of the constitution, particularly the principles of the rule of law and the independence of the judiciary. Article 1 paragraph (3) of the 1945 Constitution affirms that Indonesia is a state based on the rule of law, while Article 24 of the 1945 Constitution guarantees an independent judiciary to uphold law and justice. Within this framework, the judiciary is not only required to comply with legal procedures, but also to maintain its integrity from economic and political interference.

The lenient verdict in the PT Timah obstruction of justice case has the potential to weaken the constitutional function of the judiciary. When systematic and widespread obstruction of justice is only punished with minimal sanctions, the message conveyed to the public is that the integrity of the judicial process can be compromised. This not only undermines efforts to eradicate corruption, but also threatens public trust in the judiciary as a pillar of the rule of law.

As a state-owned enterprise engaged in the mining sector, PT Timah Indonesia has a strategic position in the management of natural resources that are constitutionally controlled by the state and utilized to the fullest extent for the prosperity of the people as mandated by Article 33 paragraph (3) of the 1945 Constitution. Therefore, the corruption case involving PT Timah Indonesia not only causes financial losses to the state, but also threatens the implementation of this constitutional mandate. Public attention to this case is inseparable from the practice of obstruction of justice, which is considered to have hampered the law enforcement process and resulted in a court decision that is considered lenient and disproportionate.

From a human rights perspective, this issue also has complex dimensions. The principle of fair trial as guaranteed by Article 28D paragraph (1) of the 1945 Constitution and the International Covenant on Civil and

⁹ <https://www.hukumonline.com/berita/a/pengertian--kedudukan--dan-unsur-obstruction-of-justice-dalam-proses-hukum-lt634e124548acb/>, accessed on November 14, 2025, at. 18.53 WIB.

Political Rights (ICCPR) not only protects the rights of the defendant, but also ensures that the judicial process is conducted honestly, transparently, and free from manipulation.¹⁰ Thus, obstruction of justice not only violates criminal law, but also undermines the constitutional rights of the people to a fair judicial system.

Based on this description, this study positions obstruction of justice in the PT Timah Indonesia corruption case as a starting point for further examining the relationship between legal norms, judicial practices, and constitutional principles of the rule of law. The main focus of this study is not solely on the individual wrongdoing of the perpetrators, but rather on how the handling of obstruction of justice reflects the quality of constitutional justice in the Indonesian criminal justice system.

Thus, this article aims to address two main issues. First, how obstruction of justice is positioned as an independent offense under Article 21 of the Anti-Corruption Law within the framework of Indonesia's constitutional state, particularly in maintaining the independence of the judiciary from systemic intervention by state-owned enterprises involved in corruption. Second, how the handling of obstruction of justice in the PT Timah Indonesia corruption case reflects a crisis of constitutional justice, particularly through disproportionate sentencing and its implications for the effectiveness of corruption eradication and the protection of human rights.

II. METHOD

This study uses a normative juridical method with a constitutional, legislative, and conceptual approach. Primary legal materials include the 1945 Constitution, laws and regulations related to criminal acts of corruption and judicial power, as well as relevant court decisions. Secondary legal materials consist of legal literature, scientific journals, and doctrines of constitutional law and administrative law. The analysis was conducted qualitatively using normative reasoning and perspective.

III. ANALYSIS AND DISCUSSION

a. *Obstruction of Justice as a Constitutional Issue*

The concept of the rule of law in modern constitutional tradition is no longer understood narrowly as the existence of written law and the supremacy of legislation alone.¹¹ A constitutional rule of law (constitutional rule of law) places the constitution as the highest norm which not only regulates the power structure, but also guarantees the protection of human rights and the

¹⁰ Gultom, B. (2013). *Pelanggaran HAM Dalam Hukum Keadaan Darurat di Indonesia*. Gramedia Pustaka Utama.

¹¹ Nur, Z. (2023). Rekonstruksi Negara Hukum dalam Paradigma Hukum Islam dan Ketatanegaraan di Indonesia. *Misykat Al-Anwar Jurnal Kajian Islam Dan Masyarakat*, 6(1), 119-142.

integrity of judicial institutions.¹² In the Indonesian context, this concept is explicitly reflected in Article 1 paragraph (3) of the 1945 Constitution, which affirms that Indonesia is a state based on the rule of law, as well as Article 24 of the 1945 Constitution, which guarantees an independent judiciary.

The independence of the judiciary is a key element of a constitutional state.¹³ Independent judicial power does not only mean freedom from executive and legislative interference, but also protection from economic pressure and corporate interests, especially in corruption cases involving strategic state-owned enterprises. Therefore, protection of the judicial process is an integral part of the constitutional mandate of a state based on the rule of law. It is within this framework that obstruction of justice gains constitutional relevance. Actions that obstruct, hinder, or thwart the judicial process are essentially attacks on the independence of the judiciary. If the judicial process can be manipulated or weakened through pressure, destruction of evidence, or false testimony, then the constitutional function of the judiciary as the guardian of justice and enforcer of the law will collapse.

However, in law enforcement practice, various actions are often found that attempt to disrupt or impede the judicial process. One form of such disruption is obstruction of justice, which is an act intentionally intended to prevent, hinder, or thwart the law enforcement process.¹⁴ This action can occur at various stages of the judicial process, from the investigation, inquiry, prosecution, to the trial. In criminal law doctrine, obstruction of justice is categorized as an institutional protection offense.¹⁵ This means that the primary object of legal protection is not individual interests, but rather the interests of the judicial institution as a pillar of the rule of law. This approach differs from conventional crime, which focuses on protecting individual victims.

Conceptually, obstruction of justice is often categorized as an institutional protection offense¹⁶, namely, crimes that aim to protect state institutions that have a fundamental function in the legal system.¹⁷ In this

¹² Asshiddiqie, J. (2022). *Peradilan Etik dan Etika Konstitusi: Perspektif Baru tentang Rule of Law and Rule of Ethics & Constitutional Law and Constitutional Ethics (Edisi Revisi)*. Sinar Grafika.

¹³ Busthami, D. (2017). Kekuasaan Kehakiman Dalam Perspektif Negara Hukum Di Indonesia. *Masalah-Masalah Hukum*, 46(4), 336-342.

¹⁴ Widyantara, I. M. M., Dewi, A. S. L., & Wirawan, K. A. (2023). Imposing Criminal Sanctions on Perpetrators Who Obstruct the Investigation (Obstruction of Justice) (pp. 698–708). https://doi.org/10.2991/978-2-38476-180-7_75

¹⁵ Keysha, S., & Abduh, R. (2024). Esensi Delik Obstruction of Justice Dalam Konstruksi Hukum Pidana. *UNES Law Review*, 6(3), 8289-8298.

¹⁶ Widyantara, I. M. M., Dewi, A. S. L., & Wirawan, K. A. (2023, December). Imposing criminal sanctions on perpetrators who obstruct the investigation (obstruction of justice). In *International Conference on "Changing of Law: Business Law, Local Wisdom and Tourism Industry" (ICCLB 2023)* (pp. 698-708). Atlantis Press.

¹⁷ Sheviakov, M. O. (2022). Prevention of administrative offenses affecting public order and public security as a method of protecting human rights and fundamental

category, the object of legal protection is not merely individual interests, but rather the continuity and integrity of state institutions that have a strategic role in maintaining the constitutional order.¹⁸ In the context of obstruction of justice, the institutions protected are judicial institutions and all the law enforcement mechanisms that support them.¹⁹

This approach demonstrates that obstruction of justice has a strong constitutional dimension. When someone intentionally obstructs the law enforcement process, such actions essentially constitute an attack on the state's ability to enforce the law effectively. If such actions are allowed to persist or are not seriously addressed, the justice system will lose its authority and legitimacy in the eyes of the public.

Within the framework of a constitutional rule of law, actions that weaken the judicial system can be understood not only as violations of ordinary laws, but also as violations of constitutional principles.²⁰ These principles include the rule of law, the supremacy of law, and the independence of the judiciary.²¹ Therefore, obstruction of justice can be positioned as a constitutional offense, namely an act that directly threatens the constitutional foundations of the rule of law.

The classification of obstruction of justice as a constitutional offense has important implications for law enforcement. *First*, obstruction of justice must be viewed as a serious crime that not only harms the judicial process in a particular case but also has the potential to undermine the integrity of the legal system as a whole.²² *Second*, a constitutional approach to understanding this offense requires a broader, more formalistic interpretation of the law. Law enforcement, particularly judges, need to consider the systemic impact of obstruction of justice on the continuity of the rule of law.²³

Furthermore, classifying obstruction of justice as a constitutional offense is also related to efforts to maintain public trust in the judicial system. Public trust in judicial institutions is a crucial indicator in assessing the quality of a

freedoms. *Analytical and Comparative Jurisprudence*, (4), 231–236. <https://doi.org/10.24144/2788-6018.2022.04.42>

¹⁸ Gardner, J. A. (2003). State Constitutional Rights as Resistance to National Power: Toward a Functional Theory of Constitutions. *Georgetown Law Journal*, 91, 1003.

¹⁹ Decker, K., Sage, C., & Stefanova, M. (2005). *Law or Justice : Building Equitable Legal Institutions*. *Law or Justice : Building Equitable Legal Institutions*. Washington, DC: World Bank. <https://doi.org/10.1596/9152>

²⁰ Kumm, M. (2004). Constitutional rights as principles: On the structure and domain of constitutional justice. A review essay on A Theory of Constitutional Rights. *International Journal of Constitutional Law*, 2(3), 574–596. <https://doi.org/10.1093/icon/2.3.574>

²¹ Prefontaine, D. C., & Lee, J. (2023). THE RULE OF LAW AND THE INDEPENDENCE OF THE JUDICIARY. *Revue Québécoise de Droit International*, 11(2), 163–186. <https://doi.org/10.7202/1100544ar>

²² Mnisi, E. (2009). *The Crime of Obstructing the Course of Justice: Is Legislative Intervention an Imperative?*. University of South Africa (South Africa).

²³ McCullough, K. P. (1997). The habits of legality: Criminal justice and the rule of law. *Journal of Criminal Justice*, 25(1), 79–80. [https://doi.org/10.1016/s0047-2352\(97\)83211-4](https://doi.org/10.1016/s0047-2352(97)83211-4)

state based on the rule of law. If the public perceives the judicial process as easily manipulated or interfered with through acts of obstruction of justice, the legitimacy of the judicial system will significantly decline.

Therefore, handling obstruction of justice cannot be done casually. Law enforcement against this offense must be carried out firmly and proportionally to ensure that any attempt to obstruct the judicial process is effectively dealt with. This approach also aligns with the principle of constitutional justice, which places the law as an instrument to protect the fundamental values of the constitution. Therefore, obstruction of justice is not only a violation of criminal law but also a violation of the constitutional principle of the rule of law. Therefore, law enforcement against this act must be directed at protecting the integrity of the judicial system, strengthening the independence of the judiciary, and maintaining the supremacy of law within the framework of a constitutional state.

Article 21 of Law Number 31 of 1999 concerning the Eradication of Corruption Crimes (Anti-Corruption Law) regulates obstruction of justice²⁴ as an independent offense targeting every person. This provision reads as follows:²⁵

“Any person who deliberately prevents, obstructs, or thwarts, directly or indirectly, the investigation, prosecution, and examination in court proceedings against suspects and defendants or witnesses in corruption cases shall be punished with imprisonment for a minimum of 3 years and a maximum of 12 years and/or a fine of at least Rp150,000,000 and a maximum of Rp600,000,000”.

This criminal threat emphasizes the seriousness of intervention in the legal process of corruption, including by non-official actors or large corporations. The main subjective element is “intentionally,” which requires the perpetrator to be aware of their actions.²⁶ The elements of the offense include acts of preventing, obstructing, or thwarting the legal process of corruption either directly (e.g., physical violence) or indirectly (e.g., intimidation or promises of benefits), targeting suspects, defendants, or witnesses. This formulation creates broad room for interpretation, with the potential for subjectivity when applied to corporate influence.

Article 21 of the Anti-Corruption Law defines obstruction of justice with the main elements being intent (*mens rea*) and acts of preventing, obstructing, or thwarting the judicial process. Systematically, this article is part of a

²⁴ <https://bppk.kemenkeu.go.id/balai-diklat-keuangan-pontianak/artikel/mengenal-lebih-dalam-delik-obstruction-of-justice-821485>, accessed on November 14, 2025, at. 21.33 WIB.

²⁵ <https://www.mkri.id/berita/dpr:-aparatus-hukum-tak-boleh-sembarangan-jerat-seseorang-dengan-pasal-21-uu-tipikor-23490>, accessed on November 14, 2025, at. 21.29 WIB.

²⁶ Junianto, J. D. (2019). Obstruction of Justice dalam Pasal 21 Undang-Undang No. 31 Tahun 1999 Tentang Pemberantasan Tindak Pidana Korupsi. *Media Iuris*, 2(3), 335-352.

special criminal law regime that aims to strengthen law enforcement against crimes of corruption, which are considered extraordinary crimes. From the perspective of the architecture of the rule of law, the existence of Article 21 of the Anti-Corruption Law shows that lawmakers are aware of the limitations of general criminal law (the Criminal Code) in dealing with the complexity of corruption crimes. The Criminal Code does regulate several forms of obstruction of justice, such as perjury or destruction of evidence, but its provisions are fragmented and not specifically aimed at protecting the judicial process in corruption cases.²⁷

Article 21 of the Anti-Corruption Law serves as a special norm (*lex specialis*) that expands the scope of judicial protection, both in terms of the types of acts and the penalties imposed.²⁸ The maximum penalty of 12 years imprisonment indicates that lawmakers view obstruction of justice as a serious crime that has the potential to undermine the foundations of the rule of law. Article 21 is categorized as a procedural offense because it focuses on obstructing legal proceedings (from investigation to trial)²⁹, without requiring direct loss to the state as a result. This differs from substantive offenses³⁰ corruption (e.g., Article 2 or 3 of the Anti-Corruption Law) that causes financial losses to the state or state-owned enterprises/natural resources³¹, Article 21 is formal in nature but has a substantive impact because it weakens the overall fight against corruption. Experts consider it a material offense if “foiling” is interpreted as requiring actual consequences, even though its normative formulation is controversial.

In the context of large corporations, Article 21 applies to “everyone,” including leaders or non-official entities that influence legal processes, such as through indirect lobbying. This distinguishes it from public official offenses, but it is prone to abuse due to the ambiguous phrase “indirectly.” The procedural-substantive distinction ensures that this offense protects the integrity of the state from external intervention.³²

Subjective elements include “every person” as a legal subject who is criminally responsible (*toerekeningsvatbaarheid*) and “intentionally” as a

²⁷ Moh, T. (2023). *Peran Kejaksaan Dalam Proses Eksekusi Pidana Tambahan Pembayaran Utang Pengganti Oleh Terpidana Tindak Pidana Korupsi Sebagai Upaya Pengembalian Kerugian Keuangan Negara (Studi Kasus Pada Wilayah Hukum Kejaksaan Negri Jambi Tanjung Jabung Timur)* (Doctoral dissertation, Universitas BATANGHARI Jambi).

²⁸ *Ibid.*

²⁹ <https://www.hukumonline.com/berita/a/pakar-pidana--norma-buruk-pasal-21-uu-tipikor-melahirkan-kontradiksi-lt68f04ac05f84b/>, accessed on November14, 2025, at 21.56 WIB.

³⁰ <https://id.diffexpert.com/article/difference-between-substantive-and-procedural-law>, accessed on November14, 2025, at 21.57 WIB.

³¹ Acosta, A. M. (2015). The Governance of Natural Resource Wealth: Some Political Economy Considerations on Enhancing Social Investment1. *Growth is Dead, Long Live Growth*, 301.

³² <https://www.sridianti.com/blog/perbedaan-antara-hukum-acara-dan-hukum-substantif/>, accessed on November14, 2025, at 21.59 WIB.

fault (schuld) in the form of intent with the knowledge that the act could obstruct the legal process. This intent does not require actual consequences; it is sufficient that there is an intention or expectation that the act will interfere with the investigation, prosecution, or trial of a suspect, defendant, or witness. The perpetrator may be a non-official actor, with an emphasis on motives such as knowledge of the ongoing legal process.³³

The objective element consists of acts that “directly or indirectly prevent, obstruct, or thwart” the legal process of corruption, including potential consequences and circumstances (omstan digheden) such as orders from authorized officials. Direct acts include violence or physical resistance, while indirect acts include intimidation or lobbying through third parties; this offense is formal in nature and is therefore complete without material consequences. The phrase “directly or indirectly” is open to interpretation and has the potential to be subjective in its application.³⁴

Article 21 of the Anti-Corruption Law specifically regulates obstruction of justice in corruption cases with the subjective element of “any person who intentionally” and the objective element of “preventing, obstructing, or thwarting, directly or indirectly” legal proceedings against suspects, defendants, or witnesses.³⁵ In contrast, in the US it is regulated in 18 U.S.C. §§1503 and 1512³⁶ more broadly, covering corrupt influence on jurors, court officials, or witnesses in general federal proceedings, with an emphasis on “endeavor” without actual consequences.³⁷

Table 1 Regulations on Corruption Crimes Related to Obstruction of Justice between Indonesia and the United States

No.	Aspect	Article 21 of the Anti-Corruption Law	18 U.S.C. §§1503 and 1512
1	Subject	Any person (including non-officials).	Anyone, with a focus on actors who influence federal proceedings.
2	Subject (Mens Rea)	Intentionally (intent/anticipation of consequences).	Corruptly (with corrupt intent), knowledge of proceedings, intent

³³ Arfiani, A., Syofyan, S., & Delyarahmi, S. (2023). Problematika Penegakan Hukum Delik Obstruction Of Justice Dalam Undang-Undang Pemberantasan Tindak Pidana Korupsi. *Unes Journal of Suara Justisia*, 6(4), 516-540.

³⁴ Lubis, F., & Sinaga, J. P. (2023). Analisis Obstruction Of Justice dalam Perspektif Hukum Pidana. *UNES Law Review*, 6(2), 6591-6601.

³⁵ Yamin, M. (2025). *Penegakan Hukum Terhadap Obstruction Of Justice Dalam Pemberantasan Tindak Pidana Korupsi Di Indonesia* (Doctoral dissertation, Universitas Islam Sultan Agung Semarang).

³⁶ <https://www.ce9.uscourts.gov/jury-instructions/node/590>, accessed on November 14, 2025, at 22.35 WIB.

³⁷ Foley, E. P. (2018). Bias, Corruption & Obstruction, Oh My: The Due Process Shocks the Conscience Limit on Investigative & Prosecutorial Conduct. *Drake L. Rev.*, 66, 787.

			to obstruct; additional motive in practice. ³⁸
3	Objective (Actus Reus)	Prevent/impede/frustrate directly/indirectly; formal offense (without consequences).	Influence/impede/endeavor to obstruct; tamper with witness (withhold/alter/conceal); attempt sufficient. ³⁹
4	Scope	Specific to corruption (investigation/prosecution/trial).	General (official proceedings, including federal investigations); not limited to corruption.
5	Criminal Penalties	3-12 years imprisonment + fines of Rp150-600 million.	Up to 20-30 years (depending on severity/motive); fine + imprisonment.

Sumber : Compiled by the Author (2025)

The Anti-Corruption Law is narrower, focusing on corruption to protect specific eradication efforts, with a multi-interpretable formulation of “direct/indirect” that is prone to subjectivity. The US demands explicit evidence of “corruptly acting” (e.g., threat/force/persuasion), plus knowledge that the process is ongoing and corrupt intent, allowing for an omnibus clause for efforts without results. Indonesia does not explicitly mention “motive,” but the US adds this requirement in judicial practice.⁴⁰

A constitutional state of law requires not only legal certainty, but also substantive justice. The principle of proportionality in sentencing is one of the main indicators of substantive justice.⁴¹ Punishment must reflect a balance between the severity of the offense, the social impact it has, and the purpose of the punishment itself.

In Article 21 of the Anti-Corruption Law, the high criminal penalties reflect the normative recognition of the danger of obstruction of justice to the judicial system.⁴² Therefore, overly lenient sentencing has the potential to cause a constitutional mismatch between norms and practice. This inconsistency can erode public trust in the judiciary and weaken the preventive function of criminal law.

Within the framework of a constitutional state, the principle of legality should not be understood in a formalistic manner. Legality not only requires

³⁸ <https://bppk.kemenkeu.go.id/balai-diklat-keuangan-pontianak/artikel/mengenal-lebih-dalam-delik-obstruction-of-justice-821485>, accessed on November 14, 2025, at 01.04 WIB.

³⁹ <https://www.ce9.uscourts.gov/jury-instructions/node/590>, accessed on November 14, 2025, at 01.04 WIB.

⁴⁰ <https://www.mkri.id/berita/dpr:-aparatus-hukum-tak-boleh-sembarangan-jerat-seseorang-dengan-pasal-21-uu-tipikor-23490>, accessed on November 14, 2025, at 01.04 WIB.

⁴¹ Setiawan, D., Juna, A. M., Fadillah, M. S., Oktarianda, S., Zulkarnen, Z., Rizal, A., & Satrio, I. (2024). Prinsip Proporsionalitas dalam Penerapan Hukuman Pidana di Indonesia. *Jimmi: Jurnal Ilmiah Mahasiswa Multidisiplin*, 1(3), 266-278.

⁴² Bhayangkara, D. I. (2024). *Obstruction of Justice oleh Advokat terhadap Penyidikan Tindak Pidana Korupsi* (Doctoral dissertation, Universitas Malikussaleh).

the existence of written norms, but also requires that these norms be rationally understandable, consistently applied, and not open to abuse of authority. Therefore, every criminal norm, including Article 21 of the Anti-Corruption Law, must be examined not only in terms of the existence of the norm, but also in terms of its normative quality and practical application.

The principle of legality is the main foundation of criminal law and one of the pillars of a constitutional state. In the Indonesian context, this principle is not only derived from the classical doctrine of *nullum crimen, nulla poena sine lege*, but also has a constitutional basis in Article 28I paragraph (1) and Article 28D paragraph (1) of the 1945 Constitution, which guarantees fair legal certainty.⁴³ The principle of legality contains several derivative principles, including *lex scripta*, *lex certa*, and *lex stricta*, all of which aim to prevent the state from arbitrarily using criminal law.⁴⁴

b. Handling Obstruction of Justice in the Corruption Case Involving PT. Timah Indonesia

Legal certainty in a constitutional state is not only formal, but also substantive. Substantive legal certainty requires consistency between legal norms, court decisions, and the objectives of legal protection. In the context of obstruction of justice, substantive legal certainty means that similar acts must be treated equally and punished proportionally.⁴⁵

The principle of proportionality is one of the main instruments for testing whether a norm and its application are in line with constitutional justice.⁴⁶ In criminal law, proportionality requires a balance between the severity of the act, the degree of fault of the perpetrator, the social impact caused, and the sanctions imposed.⁴⁷ In the case of PT Timah Indonesia, the sentence of 3 years and 6 months imprisonment without a fine raises serious questions about the application of the principle of proportionality. The defendant's actions were not only incidental, but systematic and carried out in the context of corruption involving strategic natural resources. Thus, such a light sentence is difficult to justify from the perspective of constitutional justice.

In the case of PT Timah Indonesia, the sentence of 3 years and 6 months imprisonment without a fine raises serious questions about the application of the principle of proportionality. The defendant's actions were not only

⁴³ Nasution, S. I., Naldo, R. A. C., & Pasaribu, I. (2024). *Kebijakan Kriminal Eigen Richting Massa*. Nas Media Pustaka.

⁴⁴ Suherman, A. (2020). Esensi asas legalitas dalam penegakan hukum pidana lingkungan. *Bina Hukum Lingkungan*.

⁴⁵ Haykal, H. (2023). Rekonstruksi Penegakan Sanksi Pidana Terhadap Justice Collaborator dalam Perspektif Kepastian Hukum dan Keadilan. *UNES Law Review*, 6(2), 4691-4700.

⁴⁶ *Op Cit*, Prinsip Proporsionalitas dalam Penerapan Hukuman Pidana di Indonesia.

⁴⁷ Aurora, A. (2026). Penerapan Asas Proporsionalitas dalam Penjatuhan Sanksi Pidana terhadap Pelaku Tindak Pidana Korupsi: Putusan No. 29/Pid. Sus-TPK/2021/PN. JKT. PST. *ALADALAH: Jurnal Politik, Sosial, Hukum dan Humaniora*, 4(1), 185-196.

incidental, but systematic and carried out in the context of corruption involving strategic natural resources. Thus, such a light sentence is difficult to justify from the perspective of constitutional justice.

The corruption that occurred at PT Timah Indonesia cannot be understood as a common criminal offense. As a strategic state-owned enterprise that manages tin mining natural resources, PT Timah Indonesia has a vital position in the national economic structure and the implementation of Article 33 paragraph (3) of the 1945 Constitution. Therefore, any form of corruption in the management of PT Timah Indonesia has direct implications for the public interest, state finances, and the sustainability of natural resource management. In this context, obstruction of justice is not merely an additional offense, but a key instrument for maintaining the continuity of systemic corruption. Efforts to obstruct the investigation and judicial process are a strategy to ensure that corrupt practices are not fully exposed. Thus, obstruction of justice in the PT Timah case must be positioned as an integral part of a scheme of corporate and structural elite crime.

Based on the Pangkalpinang District Court Decision Number 6/Pid.Sus-TPK/2024/PN. PGP, the defendant Toni Tamsil (former President Director of PT Timah) was found guilty of committing a series of acts that fulfilled the elements of Article 21 of the Corruption Eradication Law. These acts include the concealment of heavy equipment directly related to illegal mining activities, the concealment and removal of important documents, the evasion of searches by law enforcement officials, the destruction of electronic evidence, and the provision of false statements during the investigation process.

Toni Tamsil is a businessman from Bangka Belitung who is the owner of PT Menara Cipta Mulia (MCM) and is implicated in a corruption case related to the tin commodity trade in Bangka Belitung. In the indictment, Toni Tamsil is suspected of obstruction of justice. He was arrested for obstructing the investigation by hiding important evidence, including several company documents. Toni even destroyed electronic evidence, such as his personal cell phone, to hinder the investigation process and gave false testimony when questioned as a witness. He claimed not to know Thamron alias Aon, who is clearly the older brother of the defendant Toni Tamsil, the perpetrator involved in this case. even though Tamron alias Aon is the owner of the company suspected of corruption and the supplier of rice and milk logistics to the company. Assets seized by the Attorney General from Toni Tamsil include: Cash in the amount of Rp. 1,000,000,000 (one billion rupiah) found in a white plastic bag at the home of the defendant Toni Tamsil. This money is considered to be related to efforts to conceal the proceeds of corruption in the tin commodity trade. Motor vehicles consisting of: 1 (one) gray metallic Suzuki Swift car, inside which documents belonging to CV Venus Inti Perkasa (CV

VIP) and PT Menara Cipta Mulia (MCM) were found, 1 (one) 2013 Porsche Cayman 2.7L AT car found at Toni Tamsil's house. This vehicle was confiscated because it was used to hide important documents. Electronic goods in the form of: 1 (One) Samsung Galaxy S23 mobile phone in lavender, 1 (One) Samsung Galaxy A52 mobile phone in black, 1 (One) Samsung Galaxy S21 mobile phone in black (broken screen), and 1 (One) Sandisk Cruzer Blade 128 GB flash drive. These items were confiscated because they contained data and communications related to the case, and Company Documents consisting of: Dozens of original documents belonging to CV Venus Inti Perkasa (VIP) and PT Menara Cipta Mulia (MCM) found in a cardboard box in a Suzuki Swift car. These documents consisted of financial reports, contracts, and credit agreement documents with banks, as well as a warehouse and safe containing 2 (two) metal safes and 1 (one) room on the 2nd floor of the Mutiara store owned by Toni Tamsil, which was sealed by investigators and confiscated to secure the possibility of other documents and evidence related to the tin corruption crime. These assets were seized based on a Seizure and Search Warrant from the Deputy Attorney General for Special Crimes. Investigators assessed that these items were directly related to the Defendant's actions in obstructing the investigation of the tin commodity trade corruption case.

This pattern of behavior indicates that obstruction of justice was carried out consciously, deliberately, and systematically. There is no indication that these actions were spontaneous or carried out under duress. On the contrary, all of these actions indicate a strong intention to protect certain interests and obstruct law enforcement officials in uncovering broader corruption practices. From a legal perspective, all elements of the offense under Article 21 of the Anti-Corruption Law have been fulfilled. The element of “any person” is fulfilled because the defendant is a subject of criminal law. The element of intent is reflected in the series of actions that were carried out repeatedly and deliberately. The element of “preventing, obstructing, or thwarting” the investigation and judicial process is fulfilled through the concealment of evidence and avoidance of searches.

Based on the facts presented in the trial above, the judge ruled that the defendant was not proven to have obstructed the investigation being conducted by the investigation team from the Attorney General's Office of the Republic of Indonesia as stated in the first charge, therefore the defendant was not guilty of violating Article 21 of Law Number 31 of 1999 as amended by Law -Law Number 20 of 2001 on the Eradication of Corruption, the defendant must have actively obstructed the investigation, such as bringing/ordering the escape of a suspect/suspect who has been identified by investigators, destroying evidence, mobilizing people to oppose the presence of investigators during the search/arrest of suspects, and other acts that hinder the investigation process. However, in this case, the defendant felt afraid and panicked, so that the defendant did not come when his wife called

him and turned off his cell phone and locked his shop and then went to his friend's house to calm himself down. Therefore, the judge ruled that the main element in the first alternative indictment, namely deliberately preventing, obstructing, or thwarting, directly or indirectly, the investigation, prosecution, and examination in court against suspects or defendants or witnesses in corruption cases, was not proven in the defendant's actions, so the defendant must be acquitted of the first charge.

Assets seized by the Attorney General from Toni Tamsil include: 53 excavators and 2 bulldozers, as well as a safe containing cash and gold with a total value of: Namely, cash amounting to Rp. 83.8 billion, USD 1.5 million, SGD 443 thousand, and AUD 1,840, as well as precious metals weighing 1,062 grams. The PangkalPinang District Court Decision Number 6/Pid.Sus-TPK/2024/PN.PGP stated that Toni Tamsil was proven guilty of violating Article 21 of Law Number 30 of 1999 as amended in Law Law No. 20 of 2001 on the Eradication of Corruption Crimes, and sentenced him to 3 (three) years in prison without a fine. This verdict is lighter than the Public Prosecutor's demand of 3 years and 6 months and a fine of Rp. 200,000,000.00.

The judge's considerations in the Pangkalpinang District Court's decision show a tendency toward a formalistic approach. The judge acknowledged that the elements of Article 21 of the Corruption Eradication Law had been fulfilled, but imposed a relatively light sentence of 3 years and 6 months in prison without a fine. The considerations used emphasized the individual aspects of the defendant, such as his cooperative attitude and employment history, rather than the structural impact of his actions on the judicial system and the public interest.

The lenient verdict in the PT Timah Indonesia case creates significant disparities in sentencing when compared to other obstruction of justice cases, particularly those not involving strategic state-owned enterprises. These disparities not only violate the principle of equality before the law, but also send a negative signal to efforts to eradicate corruption.

This approach reflects the problem of judicial discretion that is not managed constitutionally. Judicial discretion is indeed part of judicial independence, but it must be exercised within the limits of constitutional values, including the principles of substantive justice and protection of the public interest. When discretion is used to reduce the seriousness of obstruction of justice offenses, judicial independence has the potential to become an instrument of legitimizing injustice.

From a criminal law policy perspective, disproportionate punishment weakens the deterrent effect of Article 21 of the Anti-Corruption Law. Corruption perpetrators may consider that the risk of committing obstruction of justice is relatively small compared to the benefits of maintaining the proceeds of corruption. This has the potential to encourage the reproduction

of similar crimes in other natural resource and state-owned enterprise sectors.

c. The Crisis of Constitutional Justice in Handling *Obstruction of Justice*

The case of obstruction of justice in the PT Timah Indonesia corruption case provides a concrete illustration of the challenges in applying Article 21 of the Corruption Eradication Law in judicial practice. In that case, the defendant was found to have committed various acts that clearly had the potential to hinder the investigative process, such as concealing important documents, destroying electronic evidence, and providing statements inconsistent with the facts.

Although the elements of the offense of obstruction of justice were normatively fulfilled, the court's verdict imposed a relatively light sentence compared to the maximum penalty prescribed by law. This situation raises questions regarding the consistency of legal application and its alignment with the principle of constitutional justice.

This condition demands a reconstruction of the law enforcement model that does not stop at procedural justice⁴⁸, but moving towards constitutional justice.⁴⁹ Constitutional justice views criminal law as an instrument to protect the basic values of the constitution, including the independence of the judiciary, the rule of law, and the protection of the public interest.⁵⁰ The reconstruction of the obstruction of justice enforcement model must start from the concept of substantive rule of law.⁵¹ In a substantive rule of law, law is not only understood as formal rules, but as a means to achieve social justice and protect citizens' constitutional rights.

From a constitutional law perspective, court decisions are not only assessed from the aspect of compliance with positive legal norms, but also from their conformity with constitutional values.⁵² The principle of constitutional justice demands that every court decision not only fulfills formal legal requirements, but is also able to reflect substantive justice values and protect the public interest.

⁴⁸ Widiastuti, R. K., & Aisyah, M. N. (2016). Pengaruh keadilan prosedural terhadap kinerja karyawan dengan tingkat kepuasan karyawan sebagai variabel intervening. *Jurnal Nominal*, 5(1), 88-96.

⁴⁹ Susilo, T. (2023). Desain Lembaga Peradilan Sengketa Pemilihan Kepala Daerah di Indonesia Untuk Mewujudkan Keadilan Demokrasi dan Keadilan Konstitusional. *AL-MANHAJ: Jurnal Hukum dan Pranata Sosial Islam*, 5(1), 899-906.

⁵⁰ Tarigan, R. S. (2024). *Mahkamah Konstitusi Dalam Sistem Ketatanegaraan Indonesia*. Ruang Karya Bersama.

⁵¹ Syaputra, H., & Syauket, A. (2025). Penerapan Prinsip Keadilan Restoratif Dalam Penyelesaian Tindak Pidana Pencurian Melalui Hukum Adat Manggarai Implikasi Terhadap Supremasi Hukum Nasional. *Jurnal Hukum Sasana*, 11(2), 35-46.

⁵² Kapiszewski, D., & Taylor, M. M. (2013). Compliance: Conceptualizing, Measuring, and Explaining Adherence to Judicial Rulings. *Law and Social Inquiry*, 38(4), 803-835. <https://doi.org/10.1111/j.1747-4469.2012.01320.x>

In this context, judicial independence (Article 24 of the 1945 Constitution) must be read alongside the principle of judicial accountability.⁵³ Independence without accountability has the potential to give birth to an elitist and closed judiciary.⁵⁴ Conversely, accountability without independence will open the door to political intervention. Ideal reconstruction demands a balance between the two, particularly in cases of strategic corruption involving state-owned enterprises and natural resource management.

Disproportionate sentencing in cases of obstruction of justice has the potential to have several serious implications. *First*, overly lenient sentencing can weaken the deterrent effect on perpetrators of obstruction of justice.⁵⁵ This could encourage similar practices in the future because the legal risks faced by the perpetrators are relatively small.

Second, such decisions have the potential to undermine public trust in the judicial system. In a state governed by the rule of law, the legitimacy of judicial institutions depends heavily on public confidence that the law is enforced fairly and consistently.⁵⁶ If the public perceives that actions that hinder the judicial process are not being taken seriously, then trust in judicial institutions may decline.

Third, disproportionate punishment can weaken overall efforts to eradicate corruption.⁵⁷ Obstruction of justice is often carried out to protect key perpetrators of corruption or to prevent the disclosure of broader corruption networks. If such actions are not dealt with firmly, the process of eradicating corruption will face even greater obstacles.

It is in this context that a phenomenon known as a constitutional justice crisis emerges. This crisis occurs when there is a mismatch between legal norms intended to protect the justice system and their practical application in court decisions. Legal norms, which are normatively designed to strengthen the rule of law, are not fully realized in law enforcement practice.

One of the main weaknesses of law enforcement practices is the failure to position obstruction of justice as a constitutional crime. This crime not only

⁵³ Pudjiastuti, D. (2023). Penerapan Prinsip Akuntabilitas Dalam Independensi Hakim Di Indonesia: Application Of Accountability Principles In The Independence Of Judges In Indonesia. *Res Nullius Law Journal*, 5(2), 112-122.

⁵⁴ Rishan, I. (2019). Pelaksanaan Kebijakan Reformasi Peradilan Terhadap Pengelolaan Jabatan Hakim Setelah Perubahan Undang Undang Dasar 1945. *Jurnal Hukum Ius Quia Iustum*, 26(2), 259-281.

⁵⁵ Jodi, F. F. (2024). Pemberatan Pemberatan Pidana Bagi Pelaku Obstruction Of Justice Dalam Upaya Memberikan Dampak Positif Kinerja Penegak Hukum. *LITIGASI*, 25(1), 110-123. <https://doi.org/10.23969/litigasi.v25i1.10389>

⁵⁶ Tyler, T. R. (2001). Public trust and confidence in legal authorities: What do majority and minority group members want from the law and legal institutions? *Behavioral Sciences and the Law*. <https://doi.org/10.1002/bsl.438>

⁵⁷ Kurniawan, K. D. (2025). New Strategies in Handling Corruption Cases Under 50 Million Rupiah: A Review of Non-Criminal Policies (pp. 207-213). https://doi.org/10.2991/978-2-38476-362-7_30

violates the law, but also directly attacks the constitutional principles of the rule of law. In the case of PT Timah, obstruction of justice committed by top officials of state-owned enterprises had a direct impact on:

- a. Weakening of investigative and judicial independence.
- b. Hindered disclosure of large-scale natural resource corruption.
- c. Erosion of public trust in the judicial system.

In various jurisdictions, obstruction of justice is positioned as a serious crime. In the United States, for example, obstruction of justice can be punished with penalties equivalent to or even heavier than the original crime.⁵⁸ In South Korea, obstruction of justice in cases of public official corruption is treated as an aggravating circumstance.⁵⁹ This comparison shows that Indonesia's approach of imposing light penalties in the PT Timah case is a normative anomaly. The reconstruction of the enforcement model must use international practice as a reference to strengthen the legitimacy of severe penalties for obstruction of justice.

The handling of obstruction of justice in the PT Timah Indonesia corruption case represents a serious constitutional justice crisis. This crisis does not stem from the absence of legal norms, but rather from the lack of synchronization between legal norms, judicial practices, and the constitutional mandate of the rule of law as affirmed in Article 1 paragraph (3) and Article 24 of the 1945 Constitution of the Republic of Indonesia. Obstruction of justice committed by key actors in strategic state-owned enterprises such as PT Timah not only hinders the judicial process, but also attacks the constitutional foundations of the rule of law. Therefore, this offense should be positioned as a constitutional crime that requires extra serious handling, both in the investigation, prosecution, and punishment stages.

d. A Constitutional Perspective on the Reconstruction of Law Enforcement Regarding Obstruction of Justice

Findings in the obstruction of justice case related to the PT Timah Indonesia corruption scandal indicate that the primary issue lies not in the absence of legal norms, but rather in the weak enforcement of those norms within the judicial system. Normatively, Article 21 of the Law on the Eradication of Corruption has defined obstruction of justice as a standalone offense carrying significant criminal penalties. However, in practice, the application of this norm remains largely formalistic and does not yet fully reflect the constitutional values underpinning its establishment.

⁵⁸ Roadcap, S. (2004). Obstruction of Justice. *Am. Crim. L. Rev.*, 41, 911.

⁵⁹ Jun, D. Y. (1996). Bribery Among the Korean Elite: Putting an End to a Cultural Ritual and Restoring Honor. *Vand. J. Transnat'l L.*, 29, 1071.

Within the framework of a constitutional rule-of-law state, law enforcement is not merely aimed at applying norms textually but must also ensure that such norms are capable of protecting the fundamental values of the constitution. Therefore, the enforcement of laws against obstruction of justice needs to be reconstructed with an approach that is more oriented toward protecting the integrity of the judicial system.

This reconstruction can be achieved through several approaches. *First*, a constitutional interpretation of Article 21 of the Anti-Corruption Law is required. This interpretation positions obstruction of justice not merely as an act that impedes legal proceedings in a specific case, but also as an act that has the potential to undermine the independence of the judiciary. Consequently, when adjudicating cases of obstruction of justice, judges must consider the systemic impact of such acts on the judicial system as a whole.

Second, the application of the principle of proportionality in sentencing must be the main consideration in imposing sanctions on perpetrators of obstruction of justice.⁶⁰ The principle of proportionality requires a balance between the level of culpability of the perpetrator, the impact of the act, and the purpose of the punishment. In cases involving large-scale corruption, obstruction of justice is often used as a tool to protect a broader corruption network. Therefore, the punishment for such acts must reflect the level of harm they pose to the legal system.

Third, strengthening coordination between law enforcement agencies is also an important factor in ensuring the effectiveness of handling obstruction of justice.⁶¹ Obstruction of justice often involves complex interventions, including economic, political, and social pressure. Therefore, handling it requires synergy between investigators, prosecutors, and the judiciary.

Fourth, there is a need to strengthen the constitutional perspective in judicial education and practice.⁶² As executors of judicial power, judges not only serve as enforcers of the law but also as guardians of constitutional values. Therefore, every decision rendered must reflect the protection of the principles of the rule of law and judicial independence.

Through this approach, law enforcement against obstruction of justice is no longer seen merely as the enforcement of ordinary criminal norms, but as part of efforts to maintain constitutional stability in the Indonesian legal system.

⁶⁰ Hirsch, A. V. (1992). Proportionality in the Philosophy of Punishment. *Crime and Justice*, 16, 55–98. Retrieved from <http://www.jstor.org/stable/1147561>

⁶¹ Mpios, I., Faisal, A., & Yusuf, N. Y. (2023). Sinergitas Lembaga Penegak Hukum Terhadap Penghalangan Keadilan Dalam Penanganan Tindak Pidana (Obstruction Of Justice). *Sultra Law Review*, 05(2), 2919–2935. Retrieved from <https://jurnal-unsultra.ac.id/index.php/sulrev/article/view/1076>

⁶² Yunita, F. T., Umami, A. B., Ananda, A. A. S., & Anggraeni, R. P. (2021). Penguatan Kewenangan Komisi Yudisial di Indonesia: Perspektif Konstitusional dan Kontekstual. *Jurnal Kajian Konstitusi*, 1(1), 1. <https://doi.org/10.19184/jkk.v1i1.23822>

e. The Constitutional Implications of Obstruction of Justice on Judicial Independence

Obstruction of justice has significant constitutional implications for the sustainability of the rule of law. In a modern constitutional system, the independence of the judiciary is a key pillar guaranteeing the implementation of the rule of law. Without an independent judiciary, the law cannot be enforced fairly and objectively.

Acts of obstruction of justice directly have the potential to undermine this independence. When the investigation, prosecution, or trial process can be obstructed through various forms of intervention, the judiciary's function as a guardian of justice is threatened. In such circumstances, the judicial process no longer operates objectively but can be influenced by particular interests.

Another constitutional implication of obstruction of justice is the decline in public trust in the judicial system. Public trust is a crucial factor in maintaining the legitimacy of judicial institutions. If the public perceives that the legal process can be easily manipulated or obstructed, trust in the judiciary will significantly decline.

Furthermore, obstruction of justice also has the potential to undermine efforts to eradicate corruption. In many cases, acts of obstruction of justice are carried out to protect key perpetrators or to prevent the disclosure of broader corruption networks. If actions like this are not handled seriously, the effectiveness of law enforcement against corruption will be further reduced.

From a constitutional perspective, this situation demonstrates that obstruction of justice cannot be understood simply as a violation of ordinary criminal law. This act constitutes an attack on the foundations of the rule of law, namely the supremacy of law and the independence of the judiciary. Therefore, addressing obstruction of justice must be placed within the framework of constitutional protection.

Therefore, strengthening law enforcement against obstruction of justice is crucial to ensuring that the judicial system continues to carry out its constitutional functions effectively. This approach aligns with the principle of constitutional justice, which emphasizes that the law must function as an instrument to protect the fundamental values of the constitution and maintain balance within the state system.

IV. CONCLUSION

Obstruction of justice in corruption cases cannot be understood solely as a procedural violation in criminal law, but must be placed within the framework of a constitutional state. From a constitutional law perspective, obstruction of justice constitutes an attack on the integrity of the judicial

system because it directly impedes the implementation of the constitutional function of judicial power as guaranteed by Article 24 of the 1945 Constitution. Therefore, this offense can be positioned as a constitutional offense as well as an institutional protection offense aimed at protecting judicial independence and maintaining the continuity of the rule of law principle.

The provisions regarding obstruction of justice in Article 21 of the Corruption Eradication Law have normatively positioned the offense as a legal instrument to protect the law enforcement process in corruption cases. However, an analysis of the obstruction of justice case in the PT Timah Indonesia corruption case shows a discrepancy between the normative framework and its practical application in court decisions. The relatively light sentences reflect a crisis of constitutional justice, namely a condition where the application of the law does not fully reflect constitutional values, particularly the principle of the supremacy of law and protection of the independence of the judiciary.

In the context of a constitutional state based on the rule of law, law enforcement against obstruction of justice must be carried out more firmly and proportionally, taking into account the systemic impact of such actions on the integrity of the judicial system and the effectiveness of corruption eradication. Therefore, a reconstruction of the law enforcement approach is needed through a constitutional interpretation of Article 21 of the Corruption Law, the application of the principle of proportionality in sentencing, and the strengthening of a constitutional perspective in judicial practice. This approach is crucial to ensure that the law functions not only as a formal norm but also as an instrument for maintaining the rule of law, strengthening judicial independence, and protecting the public interest within the framework of a constitutional state based on the rule of law.

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- <https://bppk.kemenkeu.go.id/balai-diklat-keuangan-pontianak/artikel/mengenal-lebih-dalam-delik-obstruction-of-justice-821485>
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