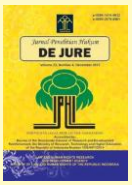
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The De Jure Legal Research Journal is a quarterly legal magazine (March, July, and November) published by the Law Policy Strategy Agency of Ministry of Law of the Republic of Indonesia, in collaboration with the **INDONESIAN LEGAL RESEARCHER ASSOCIATION (IPHI) (Legalization of Legal Entity of Association: Decree of Minister of Law and Human Rights of the Republic of Indonesia Number: AHU-13.AHA.01.07 Year 2013, dated January 28, 2013)**. This journal aims to serve as a forum and medium of communication, as well as a means to publish various legal issues that are actual and current for Indonesian legal researchers in particular and the legal community in general. In its management in 2024, the De Jure Legal Research Journal involves various parties as stipulated in the Decree of the Director General of Higher Education, Research, and Technology, Ministry of Education, Culture, Research, and Technology of the Republic of Indonesia Number: 177/E/KPT/2024 dated Oktober 15, 2024 concerning the Establishment of a Publishing Team for the De Jure Legal Research Journals Year 2024, with the team composition as follows:

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ADVERTORIAL

We express our gratitude to Allah Subhanahu wa Ta'ala that the De Jure Legal Research Journal, published by the Legal Policy Strategy Agency of the Ministry of Law and Human Rights of the Republic of Indonesia in collaboration with the Indonesian Legal Research Association, is able to publish Volume 26, Number 1, March 2026.

The publication of the De Jure Legal Research Journal Volume 26 Number 1 March 20262025 contains 5 (five) articles from various research institutions in Indonesia or the academic community. To improve the legal and legislative system, significant improvements to government strategic policies are needed. In connection with this, the editor of the De Jure Research Journal Volume 26 Number 1 March 2026 raised issues including the management of state-owned enterprises, the application of psychopathy theory to the corporate system, restorative justice in the New Criminal Procedure Code, the integration of the estoppel principle in the application of civil law in Indonesia, and monopolistic behavior in e-commerce. These articles provide valuable insights to expand legal knowledge and fulfill academic requirements.

We would like to express our thanks to the authors who have entrusted the De Jure Legal Research Journal with the publication of their work. We would also like to express our thanks to peer reviewers who were willing to help, research, and correct the author's writings in this publication.

Finally, we express our sincere gratitude to the Head of the Law Policy Strategy Agency, Ministry of Law of the Republic of Indonesia, and to the Indonesian Legal Research Association for their support in publishing this edition of the De Jure Legal Research Journal.

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Retno Kus Setyowati

Management of State-Owned Enterprises Before Law No. 1 of 2025

The De Jure Legal Research Journal Volume 26, Number 1, March 2026, Page 1-18

SOEs, in addition to being regulated in Law No. 40/2007 concerning Limited Liability Companies, are also regulated by Law No. 19/2003 concerning SOEs and Law No. 17/2003 on State Finance, which carries consequences that if SOEs lose their jobs, they will be subject to criminal liability, namely corruption. The issuance of Law No. 1/2025 concerning the third amendment to Law No. 19 of 2003 brought about a change in the responsibility of directors of SOEs that suffered losses. Prior to Law No. 1/2025, the Business Judgement Rule was not considered in Court decisions, and losses by state-owned companies were a criminal act of corruption. In the case of Karen Agustiawan as President Director of PT Pertamina (Persero) and President Commissioner of PT Pertamina Hulu for the action of BMG Block Participating Interest Australia, the Cassation Decision applied the Business Judgement Rule, but in the second case, the Panel of Cassation Judges did not apply it, so it was sentenced. Under Law No. 1/2025, SOEs' losses are treated as business risks rather than as state losses that can be punished. The method used is normative law research with various approaches, namely positive law and its changes.

Keywords: Management; SOEs; Corporate Losses; Law No.1/2025.

Ahmad Yusup

Corporate Fault Construction As The Architecture Wildlife Trade In Transnational Networks From A Psychopathy Theory Perspective

The De Jure Legal Research Journal Volume 26, Number 1, March 2026, Page 19-44

The illegal wildlife trade is transforming into a complex and organized form of transnational crime, no longer dominated by individual perpetrators, but increasingly involving corporations as strategic actors. This article analyzes how corporations play a role as the architecture of the transnational network wildlife trade and how psychopathic theories construct corporate wrongdoing in the domain. This research is designed with a type of socio-legal research that not only uses the basis of legal theory approaches, but also combines it with the approaches of other disciplines, such as criminology and psychology. The results show that corporate involvement in transnational network wildlife trade is not incidental, but systematic and structured, utilizing legitimate business mechanisms to disguise its illegal activities. The findings of the study also confirm that psychopathic theory is relevant in explaining the construction of corporate wrongdoing that conducts the cross-border wildlife trade, such as the absence of empathy, the absence of guilt, and the absence of moral and social responsibility. Therefore, a complex criminal accountability approach is needed to address corporate crime in the domain, strengthened through the Mutual Legal Assistance (MLA) mechanism to overcome jurisdictional barriers and support cross-border evidence collection against corporations.

Keywords: Psychopathy; Corporate Wrongdoing; Wildlife Trafficking; and Mutual Legal Assistance.

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Muh Hajoran Pulungan, Mosgan Situmorang

Restorative Justice in the New Criminal Procedure Code: Between Legal Certainty and Law Enforcement Officer Discretion

The De Jure Legal Research Journal Volume 26, Number 1, March 2026, Page 45-60

The restorative justice provisions in the New Criminal Procedure Code mark a paradigm shift in the Indonesian criminal justice system from a retributive approach to a more humanistic and recovery-oriented approach. This study aims to analyze the construction of restorative justice provisions in the New KUHAP and assess their implications for the principle of legal certainty and the limits of the authority of law enforcement officers. The research method used is normative legal research with a statutory and conceptual approach, through an examination of the principles of legality, legal certainty, and the theory of discretion in criminal law. The results show that although restorative justice provides flexibility in case resolution and has the potential to deliver substantive justice, its provisions, which have not been formulated in a limited and measurable manner, have the potential to create disparities in implementation and open up room for abuse of authority. Therefore, the formulation of more stringent norms regarding case boundaries, procedures, and oversight mechanisms is needed to ensure that the application of restorative justice remains within the corridor of the principles of legality and the principle of equality before the law.

Keywords: Restorative Justice, New Criminal Procedure Code, Legal Certainty, Discretion, Principle of Legality.

Erwin Susilo, Bagus Sujatmiko, Suhaimi

Integration of the Estoppel Principle as a Complement to Good-Faith Regulation in Indonesian Private Law

The De Jure Legal Research Journal Volume 26, Number 1, March 2026, Page 61-76

This study seeks to investigate the concept of estoppel and its potential incorporation into Indonesian civil law. This research is important not because Indonesian civil law lacks protection, but because the existing framework may not always provide optimal conceptual articulation in addressing losses arising from reliance. The Civil Code recognizes principles such as pacta sunt servanda and good faith; however, protection of reliance is not limited to these principles, as it is also addressed through unlawful acts (Article 1365) and the doctrine of culpa in contrahendo. Therefore, it would be overstated to claim the existence of a legal vacuum. In many legal systems, particularly in the common law tradition, estoppel has developed to address reliance, detriment, and unconscionability. In civil law systems, the protection of reliance is not contingent upon estoppel as a separate doctrine; rather, it is integrated within established legal principles. This study uses normative legal research methods, including statutory, conceptual, and comparative approaches, by examining laws, court decisions, and legal doctrines. The findings show that estoppel has evolved from a rule of evidence into a doctrine concerned with fairness. In Indonesia, similar values are reflected in good faith, rechtsverwerking, and unlawful acts, which demonstrate how these concepts align with the evolving understanding of estoppel in promoting fairness within the legal system. Accordingly, this research does not posit estoppel as a response to a legal gap but as a complementary and adaptive conceptual framework, consisting of representation, reasonable reliance, and detriment, which may be integrated through interpretation, jurisprudential development, and gradual legal refinement

Keywords: Estoppel; Good Faith; Pacta Sunt Servanda; Legal Protection.

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Ayup Suran Ningsih, Harumsari Puspa Wardhani

Monopolistic Conduct in Electronic Commerce: A Competition Law Analysis of TikTok

The De Jure Legal Research Journal Volume 26, Number 1, March 2026, 77-92

This article analyzes monopolistic behavior in electronic commerce conducted through Electronic Systems (Perdagangan Melalui Sistem Elektronik/PMSE) on the TikTok platform, particularly through the TikTok Shop feature, from the perspective of Indonesian competition law. The purpose of this study is to examine the compatibility of TikTok's social commerce business model with Law Number 5 of 1999 on the Prohibition of Monopoly Practices and Unfair Business Competition, as well as regulations governing PMSE. The research method employed is a normative juridical legal approach, focusing on a socio-legal perspective, which relies on secondary legal materials, including statutory regulations, legal doctrine, academic literature, relevant official reports, and empirical data. The results of this study indicate that integrating social media and e-commerce functions into a single digital ecosystem creates the significant potential for monopolistic practices, including control over content-distribution algorithms, dominance over user data, market access discrimination, and predatory pricing. This condition has the potential to harm fair business competition and suppress the sustainability of micro, small, and medium-sized enterprises (MSMEs). This study concludes that the existing legal framework for business competition has not been fully adaptable to the characteristics of platform-based digital businesses. Therefore, it is necessary to update the regulations framework and strengthen supervision by competition authorities so that the digital commerce ecosystem operates fairly, equitably, and sustainably.

Keywords: Business competition law; E-commerce; Monopoly; PMSE; TikTok.