

GEO DIPA CASE

After a long-awaited criminal justice process, finally, the M&T Litigation Team led by Lia Alizia and Heru Mardijarto has succeeded to convince the judges at the South Jakarta District Court to find the former president director of PT Geo Dipa Energi (Persero) (“**Geo Dipa**” or “**Client**”) not guilty and free of all charges because he had not committed any crime or fraud during his tenure as Geo Dipa’s president director. Geo Dipa is the only state-owned geothermal enterprise in Indonesia.

In this case, the M&T Team represented, assisted and advised the Geo Dipa’s former president director in the criminal proceedings trying the allegation of an act of fraud under Article 378 of the Indonesian Criminal Code in the South Jakarta District Court. The Client’s former president director was accused of deceiving its business partner into believing Geo Dipa was entitled to manage the Geothermal Projects in West Java and Central Java.

As a background, in 2012, the Indonesian company (the business partner in the contract with Geo Dipa) filed a police report against its former president director claiming that he had deceived them into believing that Geo Dipa was entitled to manage the Geothermal Projects in West Java and Central Java. Several indications of irregularities appeared in the criminal case, including among others that it took almost 4 (four) years for the case dossiers to be delivered the public prosecutor and court.

Geo Dipa was established to continue the Geothermal Projects in West Java and Central Java which were cancelled due to the financial crisis in Indonesia in 1998. Given the South Jakarta District Court’s final ruling, it eventually becomes clear that Geo Dipa is entitled to manage the Geothermal Projects in West Java and Central Java. Further, the ruling also prevents a huge potential state loss, because if Geo Dipa were declared not to have any authority to manage its business, its activities would be halted and it would affect state finances since Geo Dipa is a state-owned enterprise.

This criminal case has been covered by the press in Indonesia and been monitored by the Judicial Commission and the Anti-Graft Eradication Commission. This case also caught the Vice President of the Republic of Indonesia’s attention who commented that the dispute between Geo Dipa and its business partner is a commercial dispute, not a criminal matter.