



JHHK is licensed under a Creative Commons Attribution 4.0 International license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.



DOI: 10.46924/jihk.v7i2.367



# Inconsistency in the Implementation of Corruption Criminalization Guidelines Based on PERMA No. 1 of 2020 in the Harvey Moeis Case Decision

Moses Cristofel<sup>1\*</sup> & Boedi Prasetyo<sup>2</sup>

<sup>1,2</sup> Faculty of Law, Universitas Tarumanagara Jakarta, Indonesia

## Correspondence

Moses Cristofel, Universitas Tarumanagara Jakarta, Indonesia, Jl. Letjen S. Parman No.1, RT.6/RW.16, Tomang, Kec. Grogol Petamburan, Kota Jakarta Barat, Daerah Khusus Ibukota Jakarta 11440, e-mail: mosescristofel@gmail.com

## How to cite

Cristofel, Moses., & Prasetyo, Boedi. 2026. Private Sector and the 1% Inconsistency in the Implementation of Corruption Criminalization Guidelines Based on PERMA No. 1 of 2020 in the Harvey Moeis Case Decision. *Jurnal Ilmu Hukum Kyadiren* 7(2), 1027-1038.  
<https://doi.org/10.46924/jihk.v7i2.367>

*Original Article*

## Abstract

This study analyzes the inconsistency in applying Supreme Court Regulation (PERMA) No. 1 of 2020 on Sentencing Guidelines for Corruption Cases in the Central Jakarta District Court Decision No. 70/Pid.Sus-TPK/2024/PN.Jkt.Pst concerning Harvey Moeis. The research employs a normative juridical method with statutory and conceptual approaches, using library research on primary, secondary, and tertiary legal materials analyzed through a descriptive qualitative framework. The findings reveal that the sentencing failed to align with the principles of proportionality and justice mandated by PERMA No. 1 of 2020. Weak judicial oversight, subjective interpretation by judges, and declining professional ethics have led to sentencing disparities that erode public trust in judicial integrity. Systemic reconstruction is therefore required through stronger compliance mechanisms, an enhanced role of the Judicial Commission, and moral-based judicial training to ensure the consistent realization of substantive justice.

**Keywords:** *PERMA No. 1 of 2020, Proportionality, Justice, Corruption, Judicial Integrity*

## Abstrak

Penelitian ini menganalisis ketidaksesuaian penerapan PERMA No. 1 Tahun 2020 tentang Pedoman Pemidanaan Korupsi dalam Putusan Pengadilan Negeri Jakarta Pusat Nomor 70/Pid.Sus-TPK/2024/PN.Jkt.Pst pada perkara Harvey Moeis. Penelitian menggunakan metode yuridis normatif dengan pendekatan perundang-undangan dan konseptual, melalui studi kepustakaan terhadap bahan hukum primer, sekunder, dan tersier yang dianalisis secara deskriptif kualitatif. Hasil penelitian menunjukkan bahwa penerapan pedoman pemidanaan tidak konsisten dengan prinsip proporsionalitas dan keadilan sebagaimana diatur dalam PERMA No. 1 Tahun 2020. Lemahnya pengawasan yudisial, interpretasi subjektif hakim, dan degradasi etika profesi menyebabkan disparitas pidana yang menurunkan kepercayaan publik terhadap integritas peradilan. Diperlukan rekonstruksi sistemik melalui penguatan mekanisme kepatuhan, peran Komisi Yudisial, dan pembinaan moralitas hakim agar keadilan substantif dapat ditegakkan secara konsisten.

**Kata Kunci:** *PERMA No. 1 Tahun 2020, Proporsionalitas, Keadilan, Korupsi, Integritas Peradilan*

## 1. INTRODUCTION

Corruption is an extraordinary crime that severely undermines the very foundations of national life. It not only causes significant financial losses to the state but also erodes morality, public trust, and the integrity of governance systems.<sup>1</sup> Accordingly, combating corruption in Indonesia requires an exceptional, systematic, and consistent legal approach that adheres to the principles of justice and proportionality in sentencing. Within the framework of the national criminal law system, Supreme Court Regulation No. 1 of 2020 on Sentencing Guidelines for Articles 2 and 3 of the Corruption Eradication Law (hereinafter PERMA No. 1 of 2020) constitutes a progressive effort by the Supreme Court to standardize judicial sentencing parameters.<sup>2</sup> This regulation seeks to reduce sentencing disparities and reinforce the principle of substantive justice by ensuring that penalties are proportionate to the offender's culpability and the resulting state losses.

However, in practice, the application of these guidelines has not been entirely consistent. A prominent example is the Central Jakarta District Court Decision Number 70/Pid.Sus-TPK/2024/PN.Jkt.Pst in the Harvey Moeis corruption case, which drew significant public attention. Despite clear evidence that the defendant enriched himself and others, causing state losses amounting to Rp. 300 trillion, he received only six years and six months of imprisonment and a fine of Rp1 billion. The glaring disparity between the scale of the state losses and the lenient sentence imposed raises serious questions about the judiciary's adherence to PERMA No. 1 of 2020, particularly concerning the principles of proportionality and justice.<sup>3</sup>

Article 3(d) of Supreme Court Regulation No. 1 of 2020 explicitly states that the sentencing guidelines are intended to achieve legal certainty, justice, and proportional benefit in corruption cases. The principle of proportionality is defined as the need to maintain a balance between the offender's degree of culpability and the severity of the penalty imposed. When a sentence is disproportionate to the harm caused, substantive justice is undermined and a negative precedent is set for future corruption eradication efforts.<sup>4</sup>

<sup>1</sup> Sony Cipto Leksono et al., "Politik Hukum Dan Korupsi: Satu Kajian Kritis Terhadap Undang-Undang Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana," *Cendekia: Jurnal Hukum, Sosial Dan Humaniora* 3, no. 2 (2025): 1071–84, <https://doi.org/10.70193/cendekia.v3i2.213>.

<sup>2</sup> Boy Santoso and Erny Herlin Setyorini, "Peraturan Mahkamah Agung Nomor 1 Tahun 2020 Sebagai Pedoman Pemidanaan Pelaku Tindak Pidana Korupsi," *DiH: Jurnal Ilmu Hukum* 19, no. 1 (2023): 11–22, <https://doi.org/10.30996/dih.v19i1.7602>.

<sup>3</sup> Abdul Rahman Toyi, Fence M. Wantu, and Avelia Rahmah Y. Mantali, "Perbandingan Pertimbangan Hukum Hakim Dalam Putusan No. 282/Pid.B/2023/PN.Gto Dan No. 298/Pid.B/2023/PN.Gto: Suatu Telaah Atas Prinsip Kepastian Dan Keadilan Hukum," *Al-Zayn Jurnal Ilmu Sosial Dan Hukum* 3, no. 6 (2025): 8061–79, <https://doi.org/10.61104/alz.v3i6.2503>.

<sup>4</sup> Helmi Muammar et al., "Analisa Peraturan Mahkamah Agung Nomor 1 Tahun 2020 Tentang Pedoman Pemidanaan Kaitanya Dengan Asas Kebebasan Hukum Dalam Tindak Pidana Korupsi," *Widya Pranata Hukum : Jurnal Kajian Dan Penelitian Hukum* 3, no. 2 (2021): 75–97, <https://doi.org/10.37631/widyapranata.v3i2.412>.

Moreover, this discrepancy underscores broader ethical and accountability concerns within the judiciary. Judges, as holders of judicial authority, have a moral duty to render decisions grounded in law, conscience, and the principles of justice embraced by society.<sup>5</sup> When judges disregard the sentencing guidelines established by the Supreme Court, not only is legal certainty jeopardized, but the integrity of the judiciary—one of the fundamental pillars of the rule of law—is also compromised. In this context, the enforcement of judicial ethics and conduct guidelines becomes essential to ensure that justice is not merely procedural but also substantive.<sup>6</sup>

This phenomenon reflects a persistent gap between legal norms (*das sollen*) and their practical implementation (*das sein*). Indeed, one of the central objectives of Supreme Court Regulation No. 1 of 2020 is to create a fair, transparent, and accountable criminal justice system in corruption cases, which have long been marked by disparities and inconsistencies in sentencing. If these binding guidelines are not applied consistently, their effectiveness as an instrument of criminal law reform will inevitably be diminished.

The inconsistent application of the sentencing guidelines set forth in Supreme Court Regulation No. 1 of 2020 illustrates a weak alignment between legal norms and judicial morality. Judges—who are expected to serve as the guardians of justice—can inadvertently produce sentencing disparities when their legal reasoning fails to adhere to the principle of proportionality. Such inconsistency not only undermines public confidence in the judiciary but also creates a moral hazard within society, signaling that the law may be flexibly interpreted when it involves particular interests.<sup>7</sup> Consequently, oversight of the implementation of sentencing guidelines must be strengthened to ensure that every judicial decision reflects an equitable relationship between wrongdoing and punishment, in accordance with the principle of equality before the law and the objectives of modern criminal justice, which seek to balance retribution, prevention, and rehabilitation.<sup>8</sup>

Moreover, the Harvey Moeis case serves as an empirical illustration of systemic weaknesses in Indonesia's criminal justice system, where binding normative directives are still frequently disregarded by judicial authorities. This underscores the need to reconstruct the law enforcement framework in a manner that emphasizes not only formal legality but also legal morality (legal moral reasoning) as a means of reinforcing judicial ethics. Enhancing accountability mechanisms, ensuring transparency in sentencing, and strengthening the commitment of the Supreme Court and the Judicial

<sup>5</sup> Suhrawardi K. Lunis, *Etika Profesi Hukum*, 2nd ed. (Jakarta: Sinar Grafika, 2000), hal. 98.

<sup>6</sup> Edo Maranata Tambunan et al., "Analisis Eksistensi Etika Hakim Mahkamah Konstitusi Dalam Mewujudkan Peradilan Berintegritas Dan Akuntabel," *Iblam Law Review* 4, no. 2 (2024): 50–61, <https://doi.org/10.52249/ilr.v4i2.406>.

<sup>7</sup> Deni Setiawan et al., "Prinsip Proporsionalitas Dalam Penerapan Hukuman Pidana Di Indonesia," *JIMMI: Jurnal Ilmiah Mahasiswa Multidisiplin* 1, no. 3 (2024): 266–78, <https://doi.org/10.71153/jimmi.v1i3.144>.

<sup>8</sup> Muhammad Nurohim et al., *Buku Referensi Hukum Pidana Asas, Teori Dan Praktik* (Medan: PT. Media Penerbit Indonesia, 2025), hal. 125.

Commission to uphold judicial integrity are essential for ensuring that the principles of legal certainty and substantive justice do not remain mere rhetorical aspirations. Accordingly, examining the inconsistencies in the application of Supreme Court Regulation No. 1 of 2020 in this case is a critical step toward reaffirming the rule of law and restoring judicial integrity in Indonesia.

The issues examined in this research not only involve divergent interpretations of the provisions of PERMA No. 1 of 2020, but also extend to their implications for the integrity of the judicial system and the principle of substantive justice. To ensure a focused, measurable, and systematic analysis, this study centers on two principal issues concerning the pattern of inconsistencies in the application of sentencing guidelines in the Central Jakarta District Court Decision Number 70/Pid.Sus-TPK/2024/PN.Jkt.Pst and their legal and ethical implications for the principles of proportionality, justice, and judicial accountability. Accordingly, this research is expected to contribute meaningfully to the reform of the criminal justice system and the strengthening of judicial integrity in corruption cases in Indonesia.

## 2. RESEARCH METODOLOGY

The research methodology in this study, titled “Inconsistencies in the Application of Corruption Sentencing Guidelines Based on PERMA No. 1 of 2020 in the Harvey Moeis Case Decision,” employs a normative legal research design that integrates a statute approach, a conceptual approach, and a case approach. This method was selected to examine the coherence between the ideal legal norms stipulated in PERMA No. 1 of 2020 and their practical application in the criminalization process for corruption offenses within the judiciary.

The research data is derived from secondary sources, consisting of primary legal materials, secondary legal materials, and tertiary legal materials used to support the analysis. Data collection was conducted through library research, emphasizing systematic and comprehensive doctrinal interpretation oriented toward rational legal reasoning<sup>9</sup>. Data analysis utilized a qualitative descriptive method by interpreting and examining the relationship among the principle of proportionality, the principle of justice, and judicial integrity in the context of applying corruption sentencing guidelines. Through this approach, the study aims to evaluate the effectiveness, consistency, and normative relevance of PERMA No. 1 of 2020 as an instrument for enforcing substantive justice within the Indonesian criminal justice system.

## 3. RESULT AND DISCUSION

---

<sup>9</sup> Rayhan Fiqi Fansuri and Juan Matheus, “Enforcement of Human Rights through Criminal Law Against Environmental Destruction Due to Batik Industry Activities,” *Indonesian Journal of Criminal Law Studies* 7, no. 2 (2022): 291–316, <https://doi.org/https://doi.org/10.15294/ijcls.v7i2>.

### 3.1. Analysis of the Inconsistencies in the Implementation of Corruption Sentencing Guidelines Based on PERMA No. 1 of 2020 in Central Jakarta District Court Decision Number 70/Pid.Sus-TPK/2024/PN.Jkt.Pst (Harvey Moeis Case)

Supreme Court Regulation No. 1 of 2020 was enacted in response to the persistent problem of sentencing disparities in corruption cases in Indonesia. Prior to its issuance, judges exercised broad discretion in determining sentences, resulting in significant variations in outcomes even among cases with similar characteristics. Such inconsistencies contributed to legal uncertainty and undermined substantive justice within the criminal justice system. The regulation aims to provide structured guidelines for sentencing violations of Articles 2 and 3 of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Corruption, taking into account the offender's level of culpability, the impact of the crime, and the extent of state financial losses. Through Article 3(d), the Supreme Court emphasizes that the guidelines are intended to achieve legal certainty, justice, and utility in imposing proportionate sentences. Accordingly, this regulation holds strategic significance as an instrument for calibrating judicial decision-making, ensuring that sentencing is not merely formalistic but also aligned with substantive and socially grounded justice.<sup>10</sup>

Conceptually, the regulation reflects the application of the principle of proportionality in criminal law. This principle requires a rational balance between the perpetrator's culpability (*mens rea*), the unlawful act (*actus reus*), and the punishment imposed. Thus, the guidelines not only prescribe minimum and maximum penalties but also introduce five categories of sentencing severity based on the amount of state losses. Through this framework, judges are expected to evaluate cases objectively, free from subjective considerations that may distort the administration of justice.<sup>11</sup>

In the Harvey Moeis case, registered under Number 70/Pid.Sus-TPK/2024/PN.Jkt.Pst, the panel of judges imposed a sentence of six years and six months of imprisonment and a fine of Rp1 billion, taking into account the defendant's cooperation and admission of guilt. However, when examined normatively through the classification set forth in Article 5 of PERMA No. 1 of 2020, the state losses amounting to Rp300 trillion should fall within the category of "very serious," which, according to the guideline table, corresponds to a minimum sentence of 13 years' imprisonment and may even warrant life imprisonment if elements of intent and personal gain are established. This discrepancy reflects a form of substantive deviation—namely, a

<sup>10</sup> Hermawan, Risa Sylvya Noerteta, and Hendra Setyawan Theja, "Independensi Hakim Memutus Perkara Tindak Pidana Korupsi Dalam Perspektif Perma No. 1 Tahun 2020 Jo. Undang-Undang No. 48 Tahun 2009," *Al-Qanun* 24, no. 1 (2021): 145–69, <https://doi.org/10.15642/alqanun.2021.24.1.145-169>.

<sup>11</sup> Wahyu Widodo, Rizki Piet Darmawan, and Ariesto Narindro, "Penghitungan Proporsi Kerugian Pada Pendapatan Negara Berdasarkan Kualifikasi Kesengajaan Dan Kualifikasi Perbuatan Pelaku Tindak Pidana Di Bidang Perpajakan," *Syntax Literate: Jurnal Ilmiah Indonesia* 9, no. 4 (2024): 2309–21, <https://doi.org/10.36418/syntax-literate.v9i4.15283>.

departure from binding norms that judges, as holders of judicial authority under the Supreme Court, are obligated to follow. Indeed, pursuant to Article 24 (1) of the 1945 Constitution, judicial power is exercised independently by judges, yet remains bound by law and justice. As a regulatory instrument issued by the Supreme Court, PERMA carries an internally binding character within the judicial system, requiring all judges to apply it as a sentencing guideline.<sup>12</sup> Based on an in-depth assessment, at least three principal factors contribute to the inconsistent application of the PERMA guidelines in this case:

1. Legal factors, stemming from weak internal oversight of PERMA implementation at the district court level. The Supreme Court lacks an effective internal judicial review mechanism to evaluate judges' compliance with sentencing guidelines, resulting in subjective interpretations by individual judges without institutional sanctions for noncompliance.<sup>13</sup>
2. Structural factors, linked to the institutional culture of the judiciary, which tends to emphasize independence without an equivalent emphasis on accountability. Under the principle of responsible judicial independence, judicial freedom must be exercised in tandem with moral and legal responsibility for each decision rendered. Without such balance, independence risks devolving into uncontrolled discretion, ultimately eroding public trust in the courts.<sup>14</sup>
3. Ethical and moral factors related to judicial conduct, where the element of conscience (conscience of justice) does not align with the principle of professional integrity. The Judicial Commission's annual report identifies several ethical violations arising from abuses of authority in issuing decisions based on non-objective considerations. In this case, the significant deviation from established sentencing guidelines indicates an erosion of judicial morality, directly affecting the legitimacy of the judiciary.<sup>15</sup>

Thus, an examination of the Harvey Moeis case decision reveals two critical points requiring serious critique: the substance of the law applied and the methodology of judicial reasoning. Substantively, the judge appears to have prioritized humanitarian considerations and the defendant's admission of guilt as the basis for mitigating the

<sup>12</sup> Ni'matul Huda, "Problematisasi Pengaturan Tindak Lanjut Putusan Mahkamah Konstitusi Dalam Perkara Pidana Oleh Mahkamah Agung," *Jurnal Hukum IUS QULA IUSTUM* 27, no. 3 (2020): 437–57, <https://doi.org/10.20885/iustum.vol27.iss3.art1>.

<sup>13</sup> Diah Pudjiastuti, "Penerapan Prinsip Akuntabilitas Dalam Independensi Hakim Di Indonesia," *Res Nullius Law Journal* 5, no. 2 (2023): 112–22, <https://doi.org/10.34010/rnlj.v5i2.9430>.

<sup>14</sup> Fahmiron, "Independensi Dan Akuntabilitas Hakim Dalam Penegakan Hukum Sebagai Wujud Independensi Dan Akuntabilitas Kekuasaan Kehakiman," *Jurnal Litigasi* 17, no. 2 (2016): 3467–3516, <https://doi.org/10.23969/litigasi.v17i2.158>.

<sup>15</sup> Muhammad Mas Davit Herman Rudiansyah, "Pelanggaran Etika Dan Integritas Hakim: Tinjauan Terhadap Efektivitas Komisi Yudisial Dan Badan Pengawas Yudisial," *Abdurrauf Law and Sharia* 1, no. 2 (2024): 139–63, <https://doi.org/10.70742/arlash.v1i2.92>.

sentence, without adequately weighing the principles of equality before the law and proportional justice. In fact, the Supreme Court, through various cassation decisions, has affirmed that an admission of wrongdoing is not a sufficient legal basis for sentence reduction when the scale of the resulting losses is national in scope. Methodologically, the judge failed to position PERMA No. 1 of 2020 as the primary reference for determining the sentencing range. This omission renders the decision normatively weak because it disregards the hierarchy of legal sources in the Indonesian legal system. As a consequence, the ruling has systemic implications for the credibility of the judiciary in adjudicating major corruption cases. When corruption involving trillions of rupiah in losses results in lenient sentencing, public justice is compromised and the deterrent effect of criminal law is diminished. Therefore, strengthening the consistent application of sentencing guidelines must become a priority within judicial reform efforts to ensure that the law functions effectively as both a mechanism of social control and a moral instrument of the rule of law.

### **3.2. Legal and Ethical Implications for Judicial Integrity Arising from Deviations in the Application of the Principles of Proportionality and Justice under PERMA No. 1 of 2020**

The deviation from the application of the principles of proportionality and justice in the Harvey Moeis case has serious legal implications for the effectiveness of the criminal justice system and the validity of Supreme Court Regulation No. 1 of 2020 as a sentencing guideline. Normatively, this guideline is internally binding for all judges under the Supreme Court, as stipulated in Article 79 of the Supreme Court Law. When judges ignore this provision, it creates a precedent that weakens the normative power of the Supreme Court Regulation as a complementary source of law in the criminal justice system.<sup>16</sup>

The resulting legal implication is legal uncertainty because decisions inconsistent with the reference norms give rise to differing interpretations of the standards of justice. This contradicts the principle of *lex certa*, which requires the law to provide clear and non-multi-interpretable direction for law enforcers. In the context of criminal law, legal certainty is not merely formal but also functional, ensuring that law enforcement is carried out in accordance with correct procedures and substance. Therefore, deviations from the application of PERMA No. 1 of 2020 in this case not only violates the principle of proportionality, but also violates the principle of legality and the principle of equality before the law.

Furthermore, there are systemic implications for the effectiveness of corruption law enforcement in Indonesia. PERMA No. 1 of 2020 was formulated to eliminate

---

<sup>16</sup> Azwad Rachmat Hambali, Rizki Ramadani, and Hardianto Djanggih, "Politik Hukum PERMA Nomor 1 Tahun 2020 Dalam Mewujudkan Keadilan Dan Kepastian Hukum Terhadap Pemidanaan Pelaku Korupsi," *Jurnal Wawasan Yuridika* 5, no. 2 (2021): 200–223, <https://doi.org/10.25072/jwy.v5i2.511>.

sentencing disparities among similar cases; thus, when judges disregard its provisions, the regulation's fundamental objective is compromised. As a result, the public can no longer be assured that sentences imposed on corruption offenders are determined objectively based on the degree of culpability and the magnitude of state losses. Over time, this phenomenon contributes to an erosion of public confidence in the judiciary's capacity to perform its corrective and preventive functions in combating corruption.<sup>17</sup>

In addition, such deviations have the potential to generate a domino effect within the judicial system. Decisions that fail to comply with established guidelines may serve as deviant jurisprudence for other courts, thereby reinforcing inconsistent law enforcement practices. This threatens the principle of *stare decisis et non quieta movere*—the consistency of jurisprudence—which is a hallmark of modern legal systems and essential for maintaining justice and equal treatment under the law. Therefore, to safeguard the effectiveness and legitimacy of the legal system, the Supreme Court must strengthen its oversight of PERMA compliance through judicial control mechanisms and periodic evaluations of judicial performance.

From the perspective of judicial professional ethics, deviations from the application of sentencing guidelines constitute a violation of the Code of Ethics and Guidelines for Judicial Conduct (KEPPH), as stipulated in the Joint Decree of the Chief Justice of the Supreme Court and the Chair of the Judicial Commission Number 047/KMA/SKB/IV/2009 in conjunction with Number 02/SKB/P.KY/IV/2009. This code emphasizes that judges must uphold the values of justice, integrity, and moral responsibility in every decision. The principles of impartiality and propriety require judges to act fairly, remain free from bias, and issue decisions grounded in applicable law and a clear conscience. When judges impose sentences that are disproportionate to the magnitude of state losses, their moral integrity becomes questionable, as justice rendered without honesty and conscience transforms into illusory justice.<sup>18</sup>

Beyond a mere ethical violation, deviations from the principle of proportionality also carry moral implications for the broader concept of substantive justice. In Aristotle's theory of justice, justice encompasses both distributive and corrective dimensions—ensuring that each individual receives what they deserve. When perpetrators of corruption who inflict extraordinary financial harm receive lenient sentences, distributive justice fails because the sanctions are not commensurate with the offense. As a result, the corrective justice intended to restore social balance instead produces new inequalities before the law.<sup>19</sup>

Institutionally, this deviation also undermines the credibility of the Supreme Court as the guardian of justice. In this context, the objective of PERMA No. 1 of 2020—to

<sup>17</sup> Muammar et al., "Analisa Peraturan Mahkamah Agung Nomor 1 Tahun 2020 Tentang Pedoman Pemidanaan Kaitanya Dengan Asas Kebebasan Hukum Dalam Tindak Pidana Korupsi."

<sup>18</sup> Pudjiastuti, "Penerapan Prinsip Akuntabilitas Dalam Independensi Hakim Di Indonesia."

<sup>19</sup> Tiara Salman and Arrie Budhiartie, "Analisis Konsep Keadilan Dalam Pandangan Filsafat Hukum Aristoteles Dan Relevansinya Di Indonesia," *Jurnal Nalar Keadilan* 4, no. 2 (2024): 49–57.



standardize sentencing practices—is weakened by inconsistent individual interpretations among judges. From a social perspective, the most alarming impact is the emergence of public apathy toward the law (*legal cynicism*). When society observes that perpetrators of corruption can receive lenient sentences, legal norms lose their moral legitimacy as instruments for regulating social behavior.

This phenomenon is particularly dangerous because it results in deterrence failure and reinforces the perception that the law is “sharp toward the weak but blunt toward the powerful.” In the long term, such conditions erode the foundations of public trust in the judicial system and contribute to a moral crisis in national law enforcement.

Thus, the reconstruction of judicial accountability must begin with strengthening internal oversight mechanisms and enforcing compliance measures for the implementation of PERMA No. 1 of 2020. The Supreme Court must ensure that the evaluation of judicial decisions is carried out objectively, transparently, and continuously, by assessing the alignment between the verdict, the sentencing guidelines, and the principle of proportionality. Furthermore, the role of the Judicial Commission should be reinforced so that it can conduct substantive ethical audits of potentially deviant decisions without undermining judicial independence. Ethics-based oversight is essential to maintaining a balance between judicial freedom and moral responsibility to the public.

In addition, judicial development must be directed toward character formation and ethical awareness through a moral jurisprudence approach. Every judicial decision should be understood not merely as the mechanical application of legal norms, but also as an expression of conscience and social justice. By strengthening judicial morality and accountability, the judiciary is expected to restore public trust and uphold substantive justice in accordance with humanitarian values and legal integrity.

#### 4. CONCLUSION

Based on an analysis of the application of Supreme Court Regulation No. 1 of 2020 in the Harvey Moeis corruption case and its resulting legal and ethical implications, it can be concluded that the inconsistency in applying the sentencing guidelines, as reflected in the Central Jakarta District Court Decision No. 70/Pid.Sus-TPK/2024/PN.Jkt.Pst, demonstrates a lack of uniformity among judges in interpreting and implementing the provisions of the Regulation as a sentencing framework. Errors in assessing the degree of culpability, the impact of the offense, and the magnitude of state losses have produced sentencing disparities that conflict with the principles of proportionality and equality before the law. This situation reflects weaknesses in legal aspects, such as oversight and evaluation of judicial decisions; structural aspects, particularly an institutional culture that emphasizes independence without corresponding accountability; and moral aspects, namely a decline in judges’ ethical awareness of substantive justice values. Consequently, the implementation of the sentencing

guidelines remains formalistic and has not yet functioned effectively as an instrument for standardizing justice within the corruption criminal justice system.

The deviation from the principles of proportionality and justice in the Harvey Moeis case also carries serious legal and ethical consequences for judicial integrity. Legally, this deviation weakens legal certainty, produces sentencing disparities, and creates precedents that diminish the normative authority of the Supreme Court Regulation (PERMA) as a complementary source of law. Ethically, judicial behavior that diverges from the sentencing guidelines constitutes a violation of the code of ethics and professional morality of the judiciary, thereby eroding public trust in judicial institutions. Therefore, systemic reconstruction is necessary through the strengthening of oversight mechanisms, the implementation of compliance measures in the enforcement of PERMA, and the cultivation of ethical awareness and a moral-jurisprudential approach. These efforts are essential to ensure that justice is upheld not only at the procedural level but also through judicial practices that reflect integrity and substantive justice.

## REFERENCE

### Journals

- Fahmiron. "Independensi Dan Akuntabilitas Hakim Dalam Penegakan Hukum Sebagai Wujud Independensi Dan Akuntabilitas Kekuasaan Kehakiman." *Jurnal Litigasi* 17, no. 2 (2016): 3467–3516. <https://doi.org/10.23969/litigasi.v17i2.158>.
- Fansuri, Rayhan Fiqi, and Juan Matheus. "Enforcement of Human Rights through Criminal Law Against Environmental Destruction Due to Batik Industry Activities." *Indonesian Journal of Criminal Law Studies* 7, no. 2 (2022): 291–316. <https://doi.org/https://doi.org/10.15294/ijcls.v7i2>.
- Hambali, Azwad Rachmat, Rizki Ramadani, and Hardianto Djanggih. "Politik Hukum PERMA Nomor 1 Tahun 2020 Dalam Mewujudkan Keadilan Dan Kepastian Hukum Terhadap Pemidanaan Pelaku Korupsi." *Jurnal Wawasan Yuridika* 5, no. 2 (2021): 200–223. <https://doi.org/10.25072/jwy.v5i2.511>.
- Hermawan, Risa Sylvy Noerteta, and Hendra Setyawan Theja. "Independensi Hakim Memutus Perkara Tindak Pidana Korupsi Dalam Perspektif Perma No. 1 Tahun 2020 Jo. Undang-Undang No. 48 Tahun 2009." *Al-Qanun* 24, no. 1 (2021): 145–69. <https://doi.org/10.15642/alqanun.2021.24.1.145-169>.
- Huda, Ni'matul. "Problematika Pengaturan Tindak Lanjut Putusan Mahkamah Konstitusi Dalam Perkara Pidana Oleh Mahkamah Agung." *Jurnal Hukum IUS QULA IUSTUM* 27, no. 3 (2020): 437–57. <https://doi.org/10.20885/iustum.vol27.iss3.art1>.
- Leksono, Sony Cipto, Vony Vertian Naholo, Fitri Rustianti, Benard Simamora, and

- Hadi Purnomo. "Politik Hukum Dan Korupsi: Satu Kajian Kritis Terhadap Undang-Undang Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana." *Cendekia: Jurnal Hukum, Sosial Dan Humaniora* 3, no. 2 (2025): 1071–84. <https://doi.org/10.70193/cendekia.v3i2.213>.
- Muammar, Helmi, Wawan Kuruniawan, Fuad Nur Fauzi, Y Farid Bambang T, and Aryo Caesar Tanihatu. "Analisa Peraturan Mahkamah Agung Nomor 1 Tahun 2020 Tentang Pedoman Pemidanaan Kaitanya Dengan Asas Kebebasan Hukum Dalam Tindak Pidana Korupsi." *Widya Pranata Hukum : Jurnal Kajian Dan Penelitian Hukum* 3, no. 2 (2021): 75–97. <https://doi.org/10.37631/widyapranata.v3i2.412>.
- Pudjiastuti, Diah. "Penerapan Prinsip Akuntabilitas Dalam Independensi Hakim Di Indonesia." *Res Nullius Law Journal* 5, no. 2 (2023): 112–22. <https://doi.org/10.34010/rnlj.v5i2.9430>.
- Rudiansyah, Muhammad Mas Davit Herman. "Pelanggaran Etika Dan Integritas Hakim: Tinjauan Terhadap Efektivitas Komisi Yudisial Dan Badan Pengawas Yudisial." *Abdurrauf Law and Sharia* 1, no. 2 (2024): 139–63. <https://doi.org/10.70742/arlash.v1i2.92>.
- Salman, Tiara, and Arrie Budhiartie. "Analisis Konsep Keadilan Dalam Pandangan Filsafat Hukum Aristoteles Dan Relevansinya Di Indonesia." *Jurnal Nalar Keadilan* 4, no. 2 (2024): 49–57.
- Santoso, Boy, and Erny Herlin Setyorini. "Peraturan Mahkamah Agung Nomor 1 Tahun 2020 Sebagai Pedoman Pemidanaan Pelaku Tindak Pidana Korupsi." *DiH: Jurnal Ilmu Hukum* 19, no. 1 (2023): 11–22. <https://doi.org/10.30996/dih.v19i1.7602>.
- Setiawan, Deni, Awan Maulidin Juna, M. Surya Fadillah, Sabdia Oktarianda, Zulkarnaen, Agus Rizal, and Ibnu Satrio. "Prinsip Proporsionalitas Dalam Penerapan Hukuman Pidana Di Indonesia." *JIMMI: Jurnal Ilmiah Mahasiswa Multidisiplin* 1, no. 3 (2024): 266–78. <https://doi.org/10.71153/jimmi.v1i3.144>.
- Tambunan, Edo Maranata, Rya Elita Br Sembiring, Frederick Gozali, and Dwi Mei Roito Sianturi. "Analisis Eksistensi Etika Hakim Mahkamah Konstitusi Dalam Mewujudkan Peradilan Berintegritas Dan Akuntabel." *Iblam Law Review* 4, no. 2 (2024): 50–61. <https://doi.org/10.52249/ilr.v4i2.406>.
- Toyi, Abdul Rahman, Fence M. Wantu, and Avelia Rahmah Y. Mantali. "Perbandingan Pertimbangan Hukum Hakim Dalam Putusan No. 282/Pid.B/2023/PN.Gto Dan No. 298/Pid.B/2023/PN.Gto: Suatu Telaah Atas Prinsip Kepastian Dan Keadilan Hukum." *Al-Zayn Jurnal Ilmu Sosial Dan Hukum* 3, no. 6 (2025): 8061–79. <https://doi.org/10.61104/alz.v3i6.2503>.
- Widodo, Wahyu, Rizki Piet Darmawan, and Ariesto Narindro. "Penghitungan Proporsi Kerugian Pada Pendapatan Negara Berdasarkan Kualifikasi Kesengajaan Dan Kualifikasi Perbuatan Pelaku Tindak Pidana Di Bidang Perpajakan." *Syntax Literate: Jurnal Ilmiah Indonesia* 9, no. 4 (2024): 2309–21.

<https://doi.org/10.36418/syntax-literate.v9i4.15283>.

## **Books**

Lunis, Suhrawardi K. *Etika Profesi Hukum*. 2nd ed. Jakarta: Sinar Grafika, 2000.

Nurohim, Muhammad, Leni Dwi Nirmala, Sandy Ari Wijaya, and Sumardi Efendi. *Buku Referensi Hukum Pidana Asas, Teori Dan Praktik*. Medan: PT. Media Penerbit Indonesia, 2025.