

Judicial Reasoning in Appellate Sentencing for Major Corruption Cases

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Abstract. *This study aimed to examine the judicial reasoning behind the enhancement of an appellate sentence in a major corruption case in Indonesia and to assess whether the judges’ considerations aligned with the principles of due process of law, proportionality, and legal certainty. The research method used was a normative juridical approach employing statutory, case, and comparative analyses. Data were obtained through library research involving primary legal materials, secondary literature, and tertiary references, and were analyzed qualitatively through a descriptive-analytical technique. The novelty in this research lies in its focused examination of appellate judges’ authority to impose heavier sentences in corruption cases, particularly by identifying the juridical foundation used to justify sentence enhancement and by evaluating its coherence with fundamental principles of criminal procedure. Unlike previous studies that primarily discuss corruption sentencing disparities or political influences on judicial decisions, this research provides a detailed analysis of how appellate judicial reasoning functions as a mechanism to uphold substantive justice. Based on the research, it was concluded that the appellate judges grounded their decision on legally valid evidence and carefully weighed both aggravating and mitigating factors, including the scale of state losses, societal impact, and the defendant’s cooperative conduct. The enhanced sentence was consistent with proportionality, due process, and legal certainty, and represents an important precedent for strengthening judicial integrity and advancing reform within Indonesia’s criminal justice system.*

Keywords: *Corruption; Judiciary; Procedure; Proportionality; Sentencing.*

1. Introduction

Corruption has remained a persistent and deeply entrenched legal problem in Indonesia, with wide-ranging political, economic, and social implications. Recent studies emphasize that corruption constitutes an extraordinary crime requiring a strengthened legal response to ensure accountability and prevent state losses (Saputra & Firmansyah, 2023: 4493–4504). In 2023 alone, more than 400 corruption cases were processed nationally, illustrating the severity of the

issue and the continued burden on Indonesia's criminal justice system. Within this landscape, judicial authority—particularly at the appellate level—plays a crucial role in safeguarding legal certainty and maintaining public trust in the courts.

Previous scholarship reveals repeated challenges in ensuring consistency and proportionality in sentencing for corruption cases. Research indicates that disparities frequently arise because judges possess broad discretionary powers without sufficiently uniform sentencing guidelines, leading to outcomes that may be perceived as unpredictable (Mahali & Hanim, 2024: 78–91). These disparities highlight the tension between judicial independence and the demands of legal certainty, especially in high-profile corruption proceedings.

The principle of proportionality is central to preventing excessive or arbitrary punishment. Several studies stress that proportional sentencing must reflect both the gravity of the offense and the degree of culpability, as well as the broader public impact of corruption crimes (Ansori et al., 2025: 10–21). Similarly, empirical findings show that disparities in criminal sanctions in Indonesia often stem from the inconsistent application of legal principles, including due process safeguards (Aditama & Yudiantara, 2023: 1369–1383). These observations underscore an ongoing gap: the lack of detailed examination into how appellate judges justify sentence enhancement.

Media attention surrounding the corruption case of Harvey Moeis has further shaped public perception of judicial integrity and transparency. Reports have emphasized the magnitude of state losses and the significance of the court's role in determining accountability. While journalists and public commentators highlight the broader social and economic stakes of the case, academic studies have not yet provided an in-depth assessment of the legal reasoning behind the appellate court's decision to increase the sentence imposed by the trial court.

Legal scholarship also points to the influence of political pressures and social expectations on judicial independence. Research shows that corruption cases involving high-profile defendants often attract substantial public scrutiny, which may indirectly affect judicial decision-making processes (Handayani, 2025). Additionally, unresolved debates regarding the measurement of state losses—such as the use of the “potential loss” concept—continue to complicate corruption adjudication (Febrian, 2024). These gaps demonstrate the need for a doctrinal analysis that moves beyond descriptive commentary toward an evaluation of judicial reasoning itself.

Against this background, the appellate decision of the High Court of Jakarta in Decision Number 70/Pid.Sus-TPK/2024/PN.Jkt.Pst represents a significant moment in the development of corruption jurisprudence. The court increased Harvey Moeis's sentence from six years and six months to twenty years of imprisonment and imposed a higher compensation obligation. However, academic discussion has not yet examined in detail whether this enhancement adhered to principles of *due process of law*, proportionality, and legal certainty as mandated by Indonesian criminal procedure legislation.

2. Research Methods

This research used a normative juridical method with a case approach applied to Decision Number 70/Pid.Sus-TPK/2024/PN.Jkt.Pst. and its appellate ruling issued by the High Court of Jakarta in the corruption case involving Harvey Moeis. The study was specified as doctrinal research aimed at examining the legal reasoning underlying the appellate court's authority to enhance criminal sentencing based on the Criminal Code, the Criminal Procedure Code, and the Law on Judicial Power. Data were collected through library research, which consisted of primary legal materials such as statutory provisions and court decisions, secondary materials including academic literature and scholarly journals, and tertiary sources such as legal dictionaries and encyclopedias. All data were analyzed qualitatively using a normative juridical technique to assess whether the judges' considerations aligned with the principles of *due process of law*, proportionality, and legal certainty within Indonesia's criminal justice system.

3. Results and Discussion

3.1. Judicial Authority in Indonesia's Criminal Justice System

In Indonesia's criminal justice system, judges hold a central and constitutionally protected position as the executors of judicial power. Article 24 of the 1945 Constitution and Law Number 48 of 2009 on Judicial Power establish judges as independent and impartial actors responsible for upholding law and justice based on Pancasila. Their authority carries not only juridical weight but also a moral dimension, as judges must interpret written law while ensuring justice reflects societal values. Within criminal adjudication, this authority includes evaluating facts, applying substantive and procedural norms, and imposing sentences consistent with the principles of proportionality and *due process of law*.

Judicial authority operates at two levels: *judex facti* and *judex juris*. District courts and high courts function as *judex facti*, empowered to re-evaluate facts, evidence, and the culpability of the defendant. By contrast, the Supreme Court serves as *judex juris*, reviewing only the application of law without reexamining factual matters. This distinction confirms that appellate judges are not confined to technical corrections. Instead, they may revise, amend, or intensify a sentence so long as it is grounded in accountable and lawful reasoning. This authority must be exercised independently and in accordance with the principles of fair trial under Article 14 of the ICCPR, which Indonesia has ratified.

The Criminal Procedure Code provides the normative basis for judges to assess evidence, formulate legal considerations, and render decisions based on conviction derived from verified facts. Judicial authority therefore extends beyond mere mechanical application of statutory provisions—it also requires judges to safeguard fairness through the "*living law*," ensuring accountability, proportionality, and protection of human rights. This doctrinal role reflects the judiciary's responsibility to maintain the moral integrity of the criminal justice system.

3.2. Exercise of Appellate Authority in the Harvey Moeis Corruption Case

The appellate ruling issued by the High Court of Jakarta in the corruption case involving Harvey Moeis exemplifies the substantive role of appellate review. In Decision Number 70/Pid.Sus-TPK/2024/PN.Jkt.Pst., the panel increased the defendant's sentence from six years and six months to twenty years of imprisonment. This significant sentence enhancement demonstrates how appellate judges exercise their authority not merely to correct procedural errors but to ensure that justice is served in accordance with legal norms and societal expectations.

Normatively, this authority aligns with the Criminal Procedure Code and the Law on Judicial Power, both of which confer the power to amend or overturn first-instance decisions when inconsistencies in fact-finding or legal interpretation are identified. In the present case, the appellate court found that the initial sentence did not adequately reflect the gravity of the offense nor the extensive state financial losses, amounting to approximately IDR 210 billion. The enhancement therefore sought to rebalance the proportionality between the defendant's conduct and the sentence imposed and to reinforce public confidence in the justice system.

Document analysis of the appellate decision reveals three principal considerations: the magnitude of state losses, the defendant's strategic role within the corruption network, and the broader social impact of his actions. These considerations directly relate to the elements of state financial loss under Articles 2 and 3 of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001. Thus, the enhanced sentence possessed a strong juridical foundation, rooted in an assessment of culpability, legal consequences, and the public interest that the criminal law seeks to protect.

Although appellate sentencing authority allows for intensified punishment, it must be exercised cautiously to avoid inconsistency and sentencing disparity. The absence of uniform sentencing guidelines in Indonesia creates potential risks when courts adopt progressive approaches such as sentence enhancement. To ensure adherence to due process, judges must ground their decisions in established legal reasoning rather than in public pressure or moral judgment. This reasoning is essential for maintaining the legitimacy of judicial discretion.

The appellate court's decision in the Harvey Moeis case demonstrates that its authority was exercised lawfully, proportionately, and within the bounds of Indonesian positive law. The ruling reflects a balance between legal certainty and substantive justice, highlighting the need for integrated sentencing guidelines within national criminal policy. As such, the decision serves as an important precedent that strengthens judicial integrity and enhances public trust in the criminal justice system.

Table 1. Comparison of Judicial Considerations in First Instance and Appellate Decisions.

Aspect	District Court (PN Jakarta Pusat)	High Court (PT DKI Jakarta)
Legal Basis Applied	Applied Articles 2 and 3 of Law 31/1999 jo. Law 20/2001; considered basic elements of corruption.	Applied the same articles but emphasized the <i>scale of state losses</i> and <i>strategic role of the defendant</i> .

Assessment of Evidence	Considered evidence sufficient but applied a moderate interpretation of the defendant's involvement.	Concluded evidence strongly proved a central role in the corruption scheme, justifying increased liability.
Aggravating Factors	Limited acknowledgment; did not fully assess the IDR 210 billion state loss as a major aggravation.	Emphasized the massive financial loss, the organized nature of the conduct, and the broad social impact on public trust.
Mitigating Factors	Accounted for defendant's cooperation and personal circumstances.	Considered mitigating factors but found them outweighed by the seriousness of the offense.
Sentence Imposed	6 years and 6 months of imprisonment + standard compensation.	20 years of imprisonment + enhanced compensation obligations.
Judicial Philosophy Reflected	Emphasis on procedural correctness and minimal punishment.	Emphasis on <i>proportionality, deterrence, and public interest</i> .
Overall Rationale	PN held that the defendant's conduct was proven but warranted moderate sentencing.	PT determined first-instance sentencing insufficient and enhanced punishment to reflect substantive justice and legal certainty.

3.3. Broader Implications for Criminal Justice Reform

The ruling also carries significant normative and institutional implications. By imposing a twenty-year sentence, the appellate court reinforced the judiciary's commitment to strict accountability for major corruption offenses. This approach aligns with Indonesia's broader anti-corruption policy, which increasingly emphasizes deterrence and zero tolerance for systemic corruption. The firm stance adopted in this case also helps counter the public perception that high-profile corruption cases often receive lenient treatment.

Beyond its immediate impact, the decision contributes to the reform of national sentencing policy. Enhanced sentencing for serious corruption cases represents a move toward a more balanced paradigm that integrates justice, proportionality, and crime prevention. To avoid future disparities, however, the development of uniform sentencing guidelines remains an urgent need. The decision further underscores the necessity of strong oversight mechanisms to ensure that expanded judicial discretion remains consistent with due process and free from political interference.

Overall, the appellate ruling in the Harvey Moeis case functions not only as a correction to the initial judgment but also as a significant step toward strengthening judicial accountability and moral authority. The enhanced sentence symbolizes a reaffirmation of the judiciary's role in upholding public interest, promoting substantive justice, and reinforcing public confidence in the rule of law in Indonesia.

3.4. Analysis of The Critique of the First-Instance Judges' Considerations

The relatively light sentence handed down by the Corruption Court (*Pengadilan Tipikor*) at the first instance provoked controversy. Mitigating factors cited, such as the defendant's polite conduct during the trial and his status as a head of household, were regarded by many legal experts as extrinsic considerations that were disproportionate to the magnitude and impact of the crime committed. In the context of corruption causing hundreds of trillions of rupiah in losses to the state's finances and economy, the focus on the defendant's personal behaviour was deemed to obscure the essence of the crime, which is categorized as an *extraordinary crime*.

The main critique was directed at the failure of the first-instance judges to emphasize the principle of proportionality: that the punishment must be commensurate with the size of the loss and damage inflicted. The perceived neglect of the scale of losses, particularly the aspect of losses to the national economy due to environmental damage, created the legal opening for the Public Prosecutor (JPU) to file an appeal.

The significant increase in the sentence by the Jakarta High Court constitutes a fundamental correction to the legal discourse at the first level. The appellate judges' considerations were based on three main pillars that justified the severity of the punishment: The Defendant's Central Role, the Holistic Dimension of State Losses, and the Need for Maximum Deterrence.

A. Reconstructing the Defendant's Role as the Intellectual Actor

In contrast to the view of the first-instance judges who saw Harvey Moeis as merely "assisting," the Appellate Panel of Judges firmly positioned him as the central and key actor in the illegal tin trading conspiracy within the Mining Business Permit (IUP) area of PT Timah Tbk. This consideration was based on the legal fact that the Defendant did not merely facilitate meetings but actively designed the operational scheme and the concealment of crime proceeds, primarily through the guise of *Corporate Social Responsibility* (CSR) and the management of illicit funds.

The Appellate Judges determined that although the Defendant did not hold an official structural position (Commissioner/Director) at PT RBT, his behind-the-scenes role provided him with greater and freer influence to orchestrate the organized crime. This assessment was an effort to penetrate the formality of titles and grasp the substance of the criminal control exerted.

B. The Dimension of State Losses: Moving Beyond Direct Financial Limits

A crucial point in the appeal consideration was the emphasis on the Losses to the National Economy resulting from massive environmental damage. The Appellate Judges explicitly integrated the environmental aspect as an integral part of the state loss for which the Defendant must be held accountable.

By calculating the costs of ecological restoration and the impact of natural resource degradation, the losses incurred were deemed enormous. The heavy sentence serves as a juridical response to a crime that not only corrupted state funds but also damaged the ecological order and

resources for future generations. This philosophy affirms that corruption crimes in the natural resources sector have a dimension of damage that far exceeds conventional financial calculations.

C. Fulfillment of the *Ultra Petita* Principle in Criminal Law

Although the 20-year sentence exceeded the Prosecutor's demand (12 years), the Appellate Panel of Judges adhered to the principle of judicial independence. In criminal law, judges are not bound by the Public Prosecutor's demand. An *ultra petita* verdict (ruling beyond what was demanded) in the criminal context is legally valid and reflects the judges' authority to find and apply the law proportionally based on the facts presented in court.

This significant increase in the sentence is a manifestation of the judges' responsibility to satisfy the public sense of justice and provide maximum deterrent effect. When a crime is systematically executed and causes unimaginable losses to the state, a light sentence would be seen as a failure of the judicial system and ineffective in preventing similar crimes in the future.

4. Conclusion

This study concluded that the appellate judges exercised their lawful authority to reassess and increase Harvey Moeis's sentence based on a normative legal framework that emphasizes proportionality, due process, and the protection of public interest. Through a juridical-normative method supported by statutory interpretation, case analysis, and theoretical grounding in *judex facti* and *judex juris*, the research showed that the sentence enhancement in Decision Number 70/Pid.Sus-TPK/2024/PN.Jkt.Pst aligned with the principles of justice and legal certainty while reflecting a broader shift toward progressive sentencing for extraordinary crimes. The findings also indicated that although the decision strengthened judicial legitimacy and public trust, the absence of uniform sentencing guidelines continues to risk disparities across corruption cases. The study acknowledged its limitation in relying solely on doctrinal sources and a single case analysis, suggesting further sociolegal and comparative research to test the consistency of appellate authority across jurisdictions and to support the development of an integrated sentencing framework that can reinforce corruption law enforcement in Indonesia. The Appellate Verdict in the Harvey Moeis Case reaffirms the sovereignty of Indonesian law, especially in combating organized corruption. Through considerations that emphasize the weight of the crime, the central role of the perpetrator, and the holistic dimension of state losses, the Appellate Judges have corrected the first-instance verdict deemed too lenient. The 20-year prison sentence and the increased restitution amount send a strong signal that substantive justice and deterrence must be the main priorities in enforcing the law against extraordinary crime. This case will become an important jurisprudence that underscores the necessity of severe penalties for corruption perpetrators who damage the environment and undermine the national economy.

5. References

Journals:

- Aditama, K. P. S., & Yudiantara, I. G. N. N. K. (2023). Disparitas dalam penjatuhan hukum pidana terhadap terdakwa di Indonesia. *Jurnal Kertha Negara*, 11(12), 1369–1383. DOI: <http://dx.doi.org/10.29103/jimfh.v6i2.10218>
- Ansori, A., Sugiri, B., Aprilianda, N., & Noerdajasakti, S. (2025). A proportional sentencing norms for accomplices in Indonesian corruption cases. *Rechtsidee*, 13(1), 10–21. DOI: <https://doi.org/10.21070/jihr.v13i1.1046>
- Atapary, A. E., Pasalbessy, J. D., & Wadjo, H. Z. (2023). Prinsip in absensia dalam pemeriksaan tindak pidana korupsi ditinjau dari perspektif due process of law. *Matakao Corruption Law Review*, 1, 28–45. DOI: <https://doi.org/10.47268/matakao.v1i1.9049>
- Christianto, H. (2020). From crime control model to due process model: A critical study of wiretapping arrangement by the Corruption Eradication Commission of Indonesia. *Padjadjaran Jurnal Ilmu Hukum (Journal of Law)*, 7(3), 421–442. DOI: <https://doi.org/10.22304/pjih.v7n3.a7>
- Christianto, H. (2020). From crime Control Model to due Process Model: A Critical study of wiretapping arrangement by the Corruption Eradication Commission of Indonesia. *PADJADJARAN Jurnal Ilmu Hukum (Journal of Law)*, 7(3), 421–442. DOI: <https://doi.org/10.22304/pjih.v7n3.a7>
- Daulay, A. F. (2025). Sentencing Disparities In Corruption Cases And Judicial Discretion In Indonesian Courts. *Jurnal Ilmu Hukum Kyadiren*, 6(2), 160–172.
- Efendi, R. A., & Sukasih, A. (2024). Assessing the effectiveness of Indonesia's criminal justice system in combatting corruption: A juridical analysis. *Law and Economics*, 18(2), 110–121.
- Henry, A. (2012). Peran hakim dalam upaya penegakan hukum di Indonesia. *Lex Jurnalica*, 9(3), 151–163. DOI: <https://doi.org/10.47007/lj.v9i3.344>
- Mahali, M. U. S., & Hanim, L. (2024). Disparity of criminal decisions in corruption cases in Indonesia. *Jurnal Hukum Khaira Ummah*, 19(1), 78–91. DOI: <http://dx.doi.org/10.30659/jhku.v19i1.1867>
- Malanua, W. (2021). The disparity of judge's decisions in the same criminal act of corruption. *Estudiante Law Journal*, 206–218. DOI: <https://doi.org/10.33756/eslaj.v0i0.15686>
- Saputra, E. F., & Firmansyah, H. (2023). Politik hukum dalam upaya pemberantasan tindak pidana korupsi melalui pembaharuan pengaturan tindak pidana korupsi sebagai extraordinary crime dalam KUHP nasional. *Unes Law Review*, 6(2), 4493–4504. DOI: <https://doi.org/10.31933/unesrev.v6i2>

- Sari, D. L. N. (2021). Pertimbangan judex juris mengabulkan kasasi terhadap putusan judex facti yang menerapkan hukum tidak sebagaimana mestinya dalam perkara penggelapan (Studi Putusan Nomor 563K/Pid/2016). *Verstek*, 9(3), 595-600. DOI: <https://doi.org/10.20961/jv.v9i3.55049>
- Y, J. V., Yolanda, Y., Ginting, P., & Putra, D. C. R. (2025). Ringan di meja hijau, berat di nurani: Pelanggaran kode etik hakim dalam korupsi 271 triliun Harvey Moeis dan runtuhnya kepercayaan publik. *Media Hukum Indonesia (MHI)*, 2(5), 1–13. DOI: <https://doi.org/10.5281/zenodo.15161565>

Books:

- Arief, B. N. (2020). *Bunga Rampai Kebijakan Hukum Pidana*. Jakarta: Prenadamedia Group.
- Harahap, M. Y. (2017). *Pembahasan Permasalahan Dan Penerapan KUHAP: Pemeriksaan Sidang Pengadilan, Banding, Kasasi Dan Peninjauan Kembali (Edisi Kedua)*. Jakarta: Sinar Grafika.
- Marbun, R., Mulyadi, M., & Rosalina, F. (2021). *Hukum Acara Pidana: Landasan Filosofis, Teoretis, Dan Konseptual*. Publica Indonesia Utama.
- Marzuki, P. M. (2011). *Penelitian Hukum (Edisi Revisi)*. Jakarta: Kencana Prenada Media Group.
- Muladi, & Arief, B. N. (2010). *Teori-Teori Dan Kebijakan Pidana*. Bandung: Alumni.
- Patmawanti, B. (2023). *Kriminologi*. Yogyakarta: CV. Eureka Media Aksara.
- Rasiwan, K. D. H. I., & Giyono, U. (2024). *Prinsip-Prinsip Hukum Pidana (UU No. 1 Tahun 2023 Tentang KUHP)*. Yogyakarta: Damera Press.
- Soekamto, S. (1986). *Pengantar Penelitian Hukum*. Jakarta: Universitas Indonesia Press.
- Widiarty, W. S. (2024). *Buku Ajar Metode Penelitian Hukum*. Jakarta: Publika Global Media.

Regulation:

- Criminal Procedure Code (KUHP).
- Criminal Code (KUHP).
- Supreme Court Regulation of the Republic of Indonesia Number 1 of 2011 concerning Guidelines for Handling Corruption Cases.
- Law No. 5 of 2004 concerning the Supreme Court.
- Law No. 8 of 1981 concerning Criminal Procedure Code (KUHP).



Law No. 12 of 2011 concerning the Establishment of Legislation.

Law No. 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption.

Law No. 31 of 1999 concerning the Eradication of Criminal Acts of Corruption.

Law No. 48 of 2009 concerning Judicial Power.