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Consistency and Disparity of Verdicts in Corruption Crimes: Comparative Court Decisions on Bribery Cases

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Abstract

Introduction: *Corruption, particularly bribery, remains a major issue in Indonesia, impacting not only the economy and the country's finances but also undermining public trust in state institutions. Bribery within government creates social inequality and hinders development aimed at achieving a fair and prosperous society. Despite existing regulations aimed at combating corruption, inconsistencies in sanctions and disparities in court decisions remain significant problems.*
Purposes of the Research: *The purpose of this study is to identify whether the reality of court rulings in bribery cases in 2013 and 2023 reflects the goals outlined in Law Number 20 of 2001 on the eradication of corruption, and to analyze whether there is any disparity in these rulings caused by different judicial considerations.*
Methods of the Research: *This research employs a normative legal research method, using statute approach, conceptual approach, and analytical approach. The statute approach is used to analyze the legal provisions in Law Number 31 of 1999 as amended by Law Number 20 of 2001, particularly those regulating bribery offenses. The conceptual approach is used to understand the legal concepts of justice and legal certainty in sentencing. The analytical approach is applied to compare court rulings in 2013 and 2023 and identify any potential disparities.*
Results Main Findings of the Research: *The research reveals that there is a disparity in sentencing for bribery cases, despite the clarity of existing legal provisions. The differences in sentences imposed by judges are influenced by varying judicial considerations, such as the defendant's confession, the return of illicit gains, and the defendant's role in the case. The study also found that although sentencing guidelines have been implemented, consistency in sentencing needs further improvement. This highlights the importance of enhancing clearer and more structured sentencing guidelines to reduce unwarranted disparities in punishment.*

Keywords: Corruption; Bribery; Disparity of Court Rulings; Sentencing.

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INTRODUCTION

Corruption in Indonesia has become one of the major problems that not only impacts the country's economic and financial sectors, but also erodes public trust in state institutions. Corruption undermines the moral order in government, exacerbates social inequality, and hinders national development aimed at realizing a just and prosperous society.[1] One form of corruption that is quite conspicuous is bribery, which not only hurts the public administration system but also touches on ethical and moral values in state management. The existence of bribery in the state bureaucratic system shows how vulnerable the integrity of state institutions is to the temptation of abuse of power for personal gain, which results in innumerable social injustices and economic losses. This practice of bribery shows that the

[1] Wildan Tantowi et al., "Problems of Death Penalty Enforcement Policy for Corruptors During the Corona Virus Disease 2019 (Covid-19) Pandemic," *UIR Law Review* 5, no. 1 (2021): 49–58, https://doi.org/10.25299/uirlrev.2021.vol5(1).6123.

vulnerability of the integrity of state institutions to abuse of power undermines public trust in the continuity of the functioning of the state itself.[2]

Bribery as a criminal act of corruption has been regulated in Law Number 31 of 1999 concerning the Eradication of Corruption Crimes which was amended by Law Number 20 of 2001. Bribery refers to the giving of money or goods with the aim of influencing actions or decisions taken by state officials or apparatus that are contrary to their obligations.[3] This crime is not only financially detrimental but also violates the rights of the community and has the potential to trigger other crimes, such as money laundering, embezzlement, and disrupting the smooth running of public services. The impact caused by bribery practices is widespread, ranging from damage to public trust to a decline in the quality of state services that lead to economic instability in the country. This decline in the quality of public services occurs when important decisions that should be taken based on considerations of the public interest are influenced by personal interests or certain groups that can worsen social inequality in society.[4]

Despite the many regulations that have been implemented to eradicate corruption, inconsistency in the application of sanctions and unevenness in court decisions are still crucial issues in law enforcement in Indonesia. Disparities in the criminalization of corruption crimes, especially in bribery cases, show inconsistencies in law enforcement.[5] For example, court rulings on bribery crimes in 2013 and 2022 show differences in judges' deliberations that have the potential to cause injustice and legal uncertainty. This shows the difference in legal interpretations given by judges in handling similar cases, even though the legal provisions are clearly regulated in the Law on the Eradication of Corruption. Inconsistencies in the application of this law can create legal uncertainty which in turn affects the quality of justice received by society.[6] In addition, the inconsistency between the prosecutor's demands and the judge's consideration in imposing a crime also reflects a structural problem in the implementation of criminal law policy in Indonesia.[7]

This study aims to identify whether the reality of judges' decisions in bribery cases in 2013 and 2022 reflects the goals set in the Corruption Eradication Law. In addition, this study also aims to analyze whether there is a disparity in the verdict caused by different judges' considerations. Many previous studies have discussed the disparity in criminal justice in corruption cases, but few have specifically examined the disparity in criminal justice in bribery cases, which is an important part of corruption. In Alimuddin's (2025) research[8], it was found that although there are clear criminal guidelines in the Corruption Law, the sentencing of perpetrators of bribery crimes still tends to be inconsistent, Alimuddin pointed out that there is a tendency for judges in some cases to give lighter sentences based on subjective factors such as the defendant's confession of guilt and other

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[2] Adinda Febriana And Viona Salsabila, "Pengaturan Tindak Pidana Korupsi (Suap) Menurut Hukum Pidana Indonesia Dan Hukum Pidana Malaysia," *Datin Law Jurnal* 1, No. 1 (2020), https://doi.org/10.36355/Dlj.V1i1.335.

[3] Imelda Hasibuan and Sunariyo, "Juridical Analysis of Bribery In Corruption," *The Juris* 7, no. 2 (2023): 445–52, https://doi.org/10.56301/juris.v7i2.1051.

[4] Anesva Sari Della, *Dampak penyalahgunaan Wewenang terhadap praktek suap dalam pengangkatan dan penempatan PPPK*, 6 (2024).

[5] Muhammad Nur Amin, "Disparity in Corruption Crime in Court Practice," *Lex Librum : Journal of Law* 9, no. 1 (2017), https://doi.org/10.46839/lljih.v9i1.635.

[6] Yohana Maria Theresia et al., "Disparity in Punishment for Corruption Crimes and Guidelines for Criminal Prosecution of Corruption Crimes by the Supreme Court," *Syntax Literate; Indonesian Scientific Journal* 9, no. 2 (2024): 719–27, https://doi.org/10.36418/syntax-literate.v9i2.15210.

[7] Zuhrah et al., "Judge Independence in Various Disparities in Corruption Decisions in the Supreme Court," *Fundamental: Legal Scientific Journal* 13, no. 1 (2024): 47–70, https://doi.org/10.34304/jf.v13i1.236.

[8] Alimuddin et al., "An Analysis of Criminal Disparities in Bribery in Corruption Crimes," *Private Law* 5, no. 2 (2025): 634–50, https://doi.org/10.29303/prlw.v5i2.7585.

social factors. This research highlights the need for stricter guidelines in criminal justice in order to create consistency in law enforcement. Another study by Venus (2024)[9] suggests that judges' considerations in corruption cases, especially bribery, are greatly influenced by external factors such as social, political, and economic pressures. Harjono stated that the subjectivity of judges in imposing sanctions can reduce public trust in the judicial system, because inconsistencies in the imposition of crimes can cause wider injustice.

This study offers novelty by analyzing the disparity of verdicts in bribery cases based on a comparison of judges' decisions in two different periods (2013 and 2022). While previous research has addressed disparities in general, none have focused on analyses that compare such convictions by linking them to factors judged by which they can lead to inconsistencies in sentencing. This study also discusses differences in the application of existing penal guidelines, as well as identifies the factors that cause these inconsistencies. Therefore, this research has an important contribution in improving justice in the criminal system of bribery in Indonesia, as well as providing policy recommendations for legal improvement and contributing to a deeper understanding of the consistency of the application of the law in bribery cases as well as providing recommendations related to improving justice in the criminal justice system in Indonesia. The findings of this study are also expected to enrich the study of the role of judges in creating a fair and transparent legal system and provide input for more effective law enforcement policies in the eradication of corruption.

METHODS OF THE RESEARCH

This research uses a normative legal research method, which focuses on the study of existing laws and regulations and legal documents. This normative legal research views law as a system of rules that apply and are expected to be implemented, which can be analyzed to determine the consistency, application, and interpretation of the law by legal actors, in this case, judges who decide bribery cases. This approach aims to analyze whether existing laws have been consistently applied in dealing with bribery cases, as well as to understand how much influence judges' subjectivity has on the verdicts handed down. The approaches used in this study are *statute approach, conceptual approach,* and *analytical approach.*[10] Each of these approaches has a different and complementary purpose to achieve a comprehensive understanding of the research topic. The *statute approach* is used to analyze the legal provisions contained in Law Number 31 of 1999 jo. Law Number 20 of 2001 concerning the Eradication of Corruption, especially regarding articles that regulate the crime of bribery. This approach focuses on the norms written in laws and regulations to understand in detail the legal provisions that govern the crime of bribery, both in terms of legal substance and criminal procedure. This approach also aims to find out whether the existing legal provisions are clear and effective enough in tackling the crime of bribery. The *conceptual approach* is used to understand legal concepts related to the principles of justice and legal certainty in the criminalization of corruption crimes, especially in bribery cases. These concepts are particularly relevant in analyzing whether judges' decisions in bribery cases reflect substantive justice and whether the law is applied fairly and consistently. In this context, justice and legal certainty will be the basis for assessing whether the actions taken by judges are in accordance with the applicable legal principles in Indonesia, and whether

[9] Zuhrah et al., "Independence of Judges in Various Disparities in Corruption Case Decisions in the Supreme Court."

[10] Moh. Mujibur Rohman et al., "Methodological Reasoning Finds Law Using Normative Studies (Theory, Approach and Analysis of Legal Materials)," *MAQASIDI: Jurnal Syariah Dan Hukum*, December 27, 2024, 204–21, https://doi.org/10.47498/maqasidi.v4i2.3379.

the verdicts handed down provide a sense of justice for the community. Meanwhile, the *analytical approach* was used to analyze the comparison of court decisions that occurred in 2013 and 2022, as well as to look for possible disparities in the decisions. Using this approach, this study will explore whether there are inconsistencies in the sentencing of perpetrators of bribery, even though the cases have the same characteristics. This approach also includes an analysis of the different interpretations given by judges to the provisions of the applicable law, as well as the factors that influence their decisions, such as legal policy, socio-political factors, and morality aspects. The source of legal materials used in this study consists of various relevant legal documents. These documents include laws and regulations, especially those related to corruption and bribery, such as Law Number 31 of 1999 and Law Number 20 of 2001 concerning the Eradication of Corruption. In addition, the study also uses court decision documents decided in 2013 and 2022 as the object of analysis to identify disparities in judgments and how the principles of justice are applied by judges. In addition, related legal literature is also used to enrich understanding of relevant theories regarding criminality and justice in criminal law. Data collection techniques are carried out through document studies and literature research.[11] In the document study technique, the researcher collects court decision documents related to the crime of bribery and analyzes them to find the patterns of punishment applied by the judge. Literature research is carried out by reviewing relevant legal literature, such as textbooks, scientific journals, articles, and references that discuss the eradication of corruption, criminalization, and legal justice theory. The collected data was then analyzed qualitatively using content analysis techniques. This technique aims to explore the core of the legal problems analyzed, as well as analyze the suitability of the judge's considerations in the decision of the bribery case. In this case, the researcher will analyze the contextuality of each verdict and identify whether there are disparities in criminal sentencing that can affect substantive justice and legal certainty. This analysis process will also involve comparing judgments handed down in 2013 and 2022 to identify whether there are any changes in the application of the law or changes in legal policies that affect those decisions. This method is expected to provide a deeper understanding of the implementation of the law against the crime of bribery and contribute to strengthening the criminal justice system in the eradication of corruption in Indonesia. By using this comprehensive approach, it is hoped that this research will not only touch on the normative aspects of the law, but also can improve and optimize criminal justice practices to be fairer and more consistent in imposing sentences.

RESULTS AND DISCUSSION

Referring to the results of the search for corruption cases in the form of bribery Article 12 letter a of Law Number 31 of 1999 concerning the Eradication of Corruption Crimes as amended by Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Corruption Crimes through the directory of decisions on the Supreme Court Decision Directory page, It was found that as many as 12 Decisions have been examined and decided by the court both at the first level, appeal, and at the cassation level.

From the results of the research conducted by the researcher as can be conveyed the following decision data:

[11] Matthew Mitchell, "Analyzing the Law Qualitatively," *Qualitative Research Journal* 23, no. 1 (2022): 102–13, https://doi.org/10.1108/QRJ-04-2022-0061.

Table 1. List of Court Decisions related to Article 12 letter a of Law Number 20 of 2001 in 2013

No.	Year of Verdict	Level	Defendant	Case Number
1.	2013	Pertama	Amran Abdullah Batalipu	64/PID.B/TPKOR/2012/PN.JKT.PST
2.	2013	Banding	Amran Abdullah Batalipu	12/PID.TPK/2013/PT DKI
3.	2013	Pertama	Ahmad Fathanah	39/PID.SUS/TPK/2013/PN.JKT.PST
4.	2013	Banding	Ir. Lukman Abbas, MT	13/TIPIKOR/2013/PT PBR
5.	2013	Pertama	Anggrah Suryo	76/PID.SUS/TPK/2012/PN.BDG
6.	2013	Kasasi	Angelina Patricia Pingkan Sondakh	1616 K/PID.SUS/2013
7.	2013	Pertama	1. Mohammad Dian Irwan Nuqisra 2. Eko Darmayanto, SE	54/PID.SUS/TPK/2013/PN.JKT.PST
8.	2013	Pertama	Wa Ode Nurhayati	60/PID.TPK/2012/PT DKI
9.	2013	Pertama	Amran Abdullah Batalipu	64/PID.B/TPKOR/2012/PN.JKT.PST
10.	2013	Banding	Amran Abdullah Batalipu	12/PID.TPK/2013/PT DKI

Source: Processed by the Author

From the data in table 1 above, it was found that there were 10 (ten) cases with the following details: 1) 6 (six) cases in the court of first instance; 2) 2 (two) cases in the appellate court, and 3) 2 (two) cases at the cassation level.

Table 2. List of Court Decisions related to Article 12 letter a of Law Number 20 of 2001 in 2022

No.	Year of Verdict	Level	Defendant	Case Number
1.	2022	Pertama	1. Agus Firmansyah 2. Ahmad Fauzi 3. Daraini 4. Elison 5. Eksa Hariawan 6. Faizal Anwar 7. Hendly 8. Irul	33/PID.SUS-TPK/2022/PN PLG
2.	2022	Pertama	1. Indra Gani 2. Ishak Joharsah 3. Piardi 4. Subahan 5. Mardiansah 6. Fitrianzah 7. Marsito 8. Muhardi 9. Ari Yoca Setiaji 10. Ahmad Reo Kesuma	4/PID.SUS-TPK/2022/PN PLG

Source: Processed by the Author

Based on this data, it is known that as many as 10 Decisions have been examined and decided in 2013 and as many as 2 Decisions have been examined and decided in 2022. In addition, it can be seen that the composition of corruption decisions related to bribery cases as stipulated in Article 12 letter a of the Law on the Eradication of Corruption Crimes is quite uneven between the two years.

A. The Reality of the Judge's Decision on Corruption Crimes Related to Article 12 Letter A of Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Corruption in the 2013 and 2023 Decisions

The judge's decision is the "crown" and "peak" that reflects the value of justice. As for the supreme truth; Human Rights; Have laws or facts in a well-established, quality and factual manner and reflect the ethics, thoughts, and morals of the judge concerned.[12] Court decisions according to Article 1 paragraph 18 of Law Number 20 of 2025 concerning the Criminal Procedure Code are statements by the Judge pronounced in an open court session, which can be in the form of a criminal verdict, a free verdict, a verdict to be released from all lawsuits, a judge's pardon decision, or a verdict in the form of an action. All court decisions are valid and binding only if they are delivered at a court hearing that is open to the public. According to Lilik Muladi[13], based on a theoretical and practical vision, a court decision is a decision made by a judge in respect of his position in a criminal trial, which is announced after the rules of procedure and procedures are enforced. A procedure that involves, in principle, a sentence or sentence acquittal or acquittal. All lawsuits are made in writing for the purpose of resolving the case.

Judge's decisions have 2 types, namely final decisions and non-final decisions. The final verdict is commonly referred to as a verdict or eind verdict, and is a kind of substantive decision. Basically, the decision can be taken after an interrogation by a panel of judges of the defendant present before the main case is considered, and why the subject matter was not disclosed, but the reason considered was that, starting from the judge's testimony in the agenda of the court hearing, the verdict was handed down through a court hearing before the judge handed down the verdict. Open and open to the public until the end of the court session, and the verdicts in the panel and the general session are open and must be signed by the judge and clerk as soon as possible after the verdict is announced. The verdict (Article 50 paragraphs (1) and (2) of Law Number 48 of 2009), in essence, theoretically and practically, this final verdict can be in the form of an acquittal (Article 19 (1) of the Criminal Code) and a verdict to acquit the defendant of all charges (Article 191 (2) of the Criminal Code), and a criminal verdict (Article 191 (3) of the national agreement). While non-final judgments are commonly called *tussenvonnis* in Dutch, this type of decision can refer to the provisions of article 148, Article 156 paragraph (1) of the Criminal Code, that is, the prosecution's indictment if an objection/exception is submitted by the defendant and/or his legal counsel after the case has been delegated. This type of verdict or final verdict can formally end a case if the defendant and/or the prosecutor and the prosecutor agree with the decision of the panel of judges. But in essence, if the prosecutor/prosecutor files

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[12] Ghoniyah Zulindah Maulidya et al., "Ratio Decidendi of Judgments, Types of Decisions and Legal Remedies Against Judgments That Have Permanent Legal Force Reviewed from the Perspective of Criminal Procedure Law in Indonesia," *HUKMY: Journal of Law* 3, no. 1 (2023): 211–30, https://doi.org/10.35316/hukmy.2023.v3i1.211-230.

[13] Lilik Mulyadi, "Legal Documentation & Reference Center of The Faculty of Law, University of Indonesia," accessed February 6, 2026, https://dev.law.ui.ac.id/koleksi/detail/63/hukum-acara-pidana-suatu-tinjauan-khusus-terhadap-surat-dakwaan-eksepsi-dan-putusan-peradilanlilik-mulyadi-sh-mh.

resistance or rebellion, the case can be reopened, after which the objection/rebellion is resolved until the Supreme Court orders the district court to continue examining the case.[14]

The decision issued by a judge is essentially to resolve a case that is submitted to the court,[15] in other words the decision issued has a wide impact so that it is also commonly referred to as legal norms. The norms related to corruption crimes are quite numerous and complete, although adaptations are still needed to the development of the mode of corruption crimes, especially in the form of "bribery". However, the completeness of this criminal regulation will not be of any use if it is associated with efforts to eradicate the emergence of corruption crimes in the future if it is not followed by consistent law enforcement, especially in the criminal justice process.

In order to answer the problem of lack of consistency in law enforcement in the criminal justice process, the Supreme Court since September 19, 2011, based on the Supreme Court Decree Number 142 /KMA/SK/IX/2011 has established a chamber system in the process of handling cases. The purpose of implementing this chamber system is to create a unity of law. The instrument is through the implementation of the plenary meeting of the Supreme Court Chamber with the agenda of discussing problems that are emerging in the community (questions of law). The result of the plenary meeting was in the form of the minutes of the plenary meeting formulated in a Circular Letter of the Supreme Court (SEMA). Until 2023, it is recorded that the Supreme Court has issued 11 SEMAs that compile the results of the plenary chamber, including: 1) Supreme Court Circular Letter Number 07 of 2012 concerning the Legal Formulation of the Plenary Meeting of the Chamber of the Supreme Court as a Guideline for the Implementation of Duties for the Court; 2) Supreme Court Circular Letter Number 04 of 2014 concerning the Legal Formulation of the Plenary Meeting of the Supreme Court Chamber in 2013 as a Guideline for the Implementation of Duties for the Court; 3) Supreme Court Circular Letter Number 5 of 2014 concerning the Legal Formulation of the Plenary Meeting of the Chamber of the Supreme Court in 2014 as a Guideline for the Implementation of Duties for the Court; 4) Supreme Court Circular Letter Number 3 of 2015 concerning the Legal Formulation of the Plenary Meeting of the Chamber of the Supreme Court in 2015 as a Guideline for the Implementation of Duties for the Court; 5) Supreme Court Circular Letter Number 4 of 2016 concerning the Legal Formulation of the Plenary Meeting of the Chamber of the Supreme Court in 2016 as a Guideline for the Implementation of Duties for the Court; 6) Supreme Court Circular Letter Number 1 of 2017 concerning the Implementation of the Formulation of the Results of the Plenary Meeting of the Chamber of the Supreme Court in 2017 as a Guideline for the Implementation of Duties for the Court; 7) Supreme Court Circular Letter Number 3 of 2018 concerning the Implementation of the Formulation of the Results of the Plenary Meeting of the Chamber of the Supreme Court in 2018 as a Guideline for the Implementation of Duties for the Court; 8) Supreme Court Circular Letter Number 2 of 2019 concerning the Implementation of the Formulation of the Results of the Plenary Meeting of the Supreme Court Chamber in 2019 as a Guideline for the Implementation of Duties for the Court; 9) Supreme Court Circular Letter Number 10 of 2020 concerning the Implementation of the Formulation of the Results of the Plenary Meeting of the Chamber of the Supreme Court in 2020 as a Guideline for the Implementation of Duties for the Court; 10) Supreme Court

[14] Liza Deshaini and Muhammad Nur Amin, "Resistance to the Confiscation of Confiscated Assets in Corruption Cases," *Lex Librum : Journal of Law* 9, no. 2 (2020), https://doi.org/10.46839/lljih.v9i2.767.

[15] Aidil Firmansyah et al., "Court Decisions as a Source of Jurisdictional Law," *Wathan: Journal of Social Sciences and Humanities* 1, no. 2 (2024): 136–46, https://doi.org/10.71153/wathan.v1i2.79.

Circular Letter Number 5 of 2021 concerning the Implementation of the Formulation of the Results of the 2021 Plenary Meeting of the Supreme Court Chamber as a Guideline for the Implementation of Duties for the Court; and 11) Supreme Court Circular Letter Number 1 of 2022 concerning the Implementation of the Formulation of the Results of the 2022 Plenary Meeting of the Supreme Court Chamber as a Guideline for the Implementation of Duties for the Court.

Of the eleven circulars, corruption is the subject of discussion that is often discussed. Materials related to material unlawful elements, criminal substitution, or the imposition of penalties below the limits specified in the Corruption Law have often been discussed in plenary meetings in the last eleven years. In addition to SEMA, the Supreme Court also issued four Supreme Court Regulations (PERMA) that address problems in corruption crimes, namely: 1) PERMA Number 5 of 2014 concerning Additional Penalty for Compensation for Corruption Crimes; 2) PERMA Number 13 of 2016 concerning Procedures for Handling Criminal Cases by Corporations; 3) PERMA Number 1 of 2020 concerning Criminal Guidelines Article 2 and Article 3 of the Law on the Eradication of Corruption; and 4) PERMA Number 2 of 2022 concerning Procedures for Settling Objections of Third Parties in Good Faith to the Decision on the Confiscation of Goods Not Belonging to the Defendant in Corruption Cases

One of the rules that specifically contains the consistency of law enforcement, which in the end is a step to avoid disparities in criminal imposition, can be observed in Supreme Court Regulation Number I of 2020 concerning Criminal Guidelines Article 2 and Article 3 of the Law on the Eradication of Corruption (PERMA 1/2020). This PERMA is the answer to the many *unwarranted disparities*, a situation in which there are different criminal impositions in similar cases without any justifiable reasons. Through PERMA 1/2020, judges are directed to use legal interpretation through a criminal sentencing scheme based on the same criminal sentencing logic. The imposition of criminal penalties by judges is directed to reduce the existence of *unwarranted disparity* without eliminating the freedom or independence of judges.

The Criminal Guidelines as stipulated in PERMA I/2020 are a good effort carried out by the Supreme Court in overcoming the problem of disparity in criminal imposition. However, the application of criminal guidelines in PERMA I/2020. The provisions in PERMA I/2020 are limited to handling cases against Articles 2 and 3 of the Law on the Eradication of Corruption. In other words, this criminal guideline is not to be applied to other corruption offenses, such as gratuity or bribery offenses.

Furthermore, the results of this study contained in the 2013 and 2022 judgments also map the distribution of the number of defendants in each decision per Defendant's work, at each level, either at the first level, appeal or at the cassation level. As can be observed in diagram 1 below, at least 75% of the defendants who violated Article 12 letter a of the Law on the Eradication of Corruption are Members of the DPRD, with the note that the percentage of the number of defendants has a background as Members of the Muara Enim Regency DPRD where in that case, the Defendants received money from Robi Okta Fahlevi through A Elfin MZ Muchtar in the form of project fees so that the Defendants did not carry out their duties, its principal and function in terms of the discussion of the Budget and its Supervision as stipulated in Law Number 23 of 2014 concerning Regional Government, but the Defendants participated in giving approval and there was no rejection in the ratification and signing of the Muara Enim Regional Budget Regulation for FY 2019.

It can be seen that the distribution of convicts under Article 12 letter a of the Law on the Eradication of Corruption Crimes when viewed based on their work background, it is concluded that the dominance of the defendant who has a work background as a Member of the Muara Enim Regency DPRD with a total of 25 convicts. In the next position is a civil servant of the Directorate General of Taxes with a total of 3 convicts. Meanwhile, the number of convicts with a work background as a Member of the House of Representatives of the Republic of Indonesia, Regent of Buol, Wirasawasta, Expert Staff of the Governor of Riau, and Judge is 1 convict each.

Furthermore, after knowing the scope of work, it is known that the length of the prison sentence against the Defendant for Article 12 Letter a, is quite interesting when viewed by comparing the number of Defendants sentenced in the minimum range, namely 4 Years, occupying the first position with the number of Defendants reaching 24 People, while the number of Defendants sentenced in the maximum range of 20 Years does not exist. The prison sentence that is close to the maximum range is imprisonment for 14 years with the number of defendants reaching 1 person. In this case, it can be seen that there is a disparity or difference in the sentencing of prison sentences by the Panel of Judges in the range of 10 years from the decision of the panel of judges, the shortest of 4 years in prison with the decision of the panel of judges, which is 14 years in prison, for decisions related to the Crime of Bribery Article 12 letter a of the Law on the Eradication of Corruption in 2013 and 2022.

B. The judge's considerations in the indicated decision can cause disparities in the 2013 and 2022 decisions

Corruption in Indonesia, especially related to bribery, has long been one of the major issues that continuously shake the stability of the government, undermine public trust, and hinder the country's economic progress.[16] Bribery, which is often carried out by public officials or people with strategic positions in the government, not only injures the integrity of the officials concerned but also creates inequality in public services and harms the country's economy.[17] Although Indonesia has various regulations and regulations governing the eradication of corruption, the main problems that continue to arise are inconsistencies in the application of sanctions and disparities in penalties, especially in cases of bribery.[18] This disparity occurs when there are significant differences between the judge's decisions given in similar cases, which are not in line with the principles of justice expected by society.[19]

For example, in the case of 33/PID. SUS-TPK/2022/PN PLG, several defendants were sentenced to prison sentences of very varying durations. Although each defendant has committed a similar criminal act, namely accepting bribes, the sentences imposed on the defendants have a fairly wide range, ranging from 4 years to 5 years and 6 months. In addition, although there is similarity in the provision of a fine of Rp200,000,000 which is paid or subsidized by imprisonment, some defendants who admit their actions and return

[16] Riza Aldia Guslihan et al., *Analysis of Judges' Decisions Against Perpetrators Of Corruption Crimes Committed By Enforcement Officers*, 2025.

[17] Eko Siahaan et al., "Analysis Of Judges' Decisions On Corruption Crimes Committed Simultaneously (Study of Decision Number: 5/Pid.Sus-TPK/2021/PN.Mdn)," *Nommensen Journal of Legal Opinion*, January 17, 2024, 61–74, https://doi.org/10.51622/njlo.v5i1.878.

[18] Suwandi Narayana et al., *Analysis Of Court Decisions Against Regent Bribery Perpetrators In Government Project Cases*, 8, no. 3 (2025).

[19] Ryan Chandra Sukma and Rosalia Dika Agustanti, *Disparitas Putusan Hakim Terhadap Pelaku Tindak Pidana Ujaran Kebencian Yang Dilakukan Oleh Masyarakat Umum*, 5, no. 1 (2023).

the proceeds of the crime are given lighter sentences, while defendants who do not admit their actions or do not return the proceeds of the crime are instead sentenced to heavier sentences. This inconsistency is deeply disturbing to the principle of substantive justice and shows that despite the existence of sentencing guidelines, their application is often inconsistent in dealing with similar cases. This raises big questions about the integrity of the criminal justice system in Indonesia, as delayed or inconsistent justice can lead to public distrust of legal institutions.

On the contrary, in the case of 12/PID. TPK/2013/PT DKI, which involved the defendants Indra Gani et al., although most of the defendants returned the proceeds of the crime and had the status of justice collaborators, the judge's decision was equivalent to the verdict in other cases, namely with a prison sentence of 4 years and a fixed fine of IDR.200,000,000. This further shows that the judge's consideration in cases involving bribery, Refunds, as well as the confession of the defendant in the legal process often do not take into account factors that can reduce the impact of the crime committed by the defendant. In fact, the role of the defendant as a justice collaborator should provide a basis for the judge to give a lighter sentence as a form of appreciation for the cooperation given in the process of disclosing larger crimes. Even if the defendant committed wrongdoing, the restitution of the bribe and the admission of guilt are relevant factors that can consider whether the law imposed has met the principle of restorative justice, which not only punishes but also provides an opportunity for the defendant to correct his wrongdoing.

Differences in judges' considerations are the main factors that cause disparities in criminal sentencing in bribery cases.[20] Each judge, although bound by the same rule of law, has freedom of interpretation that can lead to differences in the sentencing of defendants who commit similar criminal acts. For example, in case 39/PID. SUS/TPK/2012/PN. PBR involving Lukman Abbas, the judge sentenced him to 8 years in prison and a fine of IDR.300,000,000, even though the defendant had returned the proceeds of his crime in the amount of IDR.1,197,580,787. On the other hand, in case 54/PID. SUS/TPK/2013/PN. JKT. PST, which involved Angelina Patricia Pinkan Sondakh, who was also involved in the crime of bribery, the judge imposed a much heavier prison sentence (12 years) and a higher fine (IDR.12,580,000,000). In fact, the two defendants were involved in similar bribery cases, and both Lukman Abbas and Angelina Patricia Sondakh admitted their actions and returned the money from the crime. However, different judges' considerations related to social factors, the defendant's history, and the impact caused by the defendant's actions caused inconsistencies in the sentence given. This difference is even more pronounced when we observe the sentencing in case 39/PID. SUS/TPK/2012/PN. PBR involving Lukman Abbas, where the judge sentenced him to 8 years in prison even though the defendant returned the money of IDR.1,197,580,787. Meanwhile, in the case of Angelina Patricia Sondakh, although the defendant also returned the money and admitted his guilt, he was sentenced to a much heavier prison sentence, namely 12 years, with a higher fine and a very large compensation. This shows that the judge's consideration, even if they both admit their actions and return the proceeds of the crime, are not enough to be the main factor in determining the appropriate penalty.

The disparity in verdicts that occurred in this bribery case not only harmed the defendant, but also had a negative impact on the justice system itself, especially in terms of public trust

[20] Ummu Habibah Azalia et al., "Disparity in Judges' Decisions in Cases of Corruption by Public Officials," *Journal of Law In Concreto* 2, no. 2 (2023): 141–51, https://doi.org/10.35960/inconcreto.v2i2.1173.

in justice.[21] When people see that there are big differences in the verdicts handed down in similar cases, they begin to feel that justice is not achieved equally and the law is not being applied consistently. This will reduce public trust in the judiciary, which in turn will weaken the legal system and reduce the effectiveness of eradicating corruption. This inconsistency in the imposition of penalties also creates legal uncertainty that impacts other perpetrators of corruption, who may feel that there is no clarity regarding the punishment to be imposed, even if they commit similar acts.

When justice is not upheld fairly and consistently, this not only harms victims but also damages the image of the law and lowers the effectiveness of government policies in eradicating corruption. The decision taken by the judge should be able to create a sense of justice that is not only felt by the defendant but also by society as a whole. Therefore, it is important for the criminal justice system to improve the consistency of criminal sentencing by introducing clearer guidelines when it comes to the criminalization of bribery, which includes more in-depth consideration of confessions, restitution of proceeds of crimes, as well as the role of defendants in disclosing larger crime networks.

CONCLUSION

There are significant differences in the judge's decision on the crime of bribery as regulated in Article 12 letter a of Law Number 31 of 1999 jo. Law Number 20 of 2001 concerning the Eradication of Corruption in 2013 and 2023. This difference shows inconsistencies in sentencing, even though the cases handled have similar characteristics. The inconsistency in the duration of the sentence and the application of sanctions against the defendant reflects inconsistencies in the application of the law, which should be done objectively and based on clear guidelines. The results of the analysis of court decisions recorded in the Decision Identification Table for the two periods show that judges' considerations play a large role in the occurrence of criminal disparities. Some judges tend to impose lighter sentences, taking into account factors such as the defendant's confession, cooperation in the investigation, and the restitution of the proceeds of the crime. However, in other cases, the judge handed out harsher sentences without considering those factors consistently. These differences create a sense of injustice, especially for a society that expects the law to be enforced fairly and equally for everyone. Although the Supreme Court has issued criminal guidelines, both in the form of Supreme Court Circular Letters (SEMA) and Supreme Court Regulations (PERMA), its application in bribery cases has not been able to fully reduce disparities in judges' decisions. This shows that it is necessary to review the penal guidelines, so that they are more relevant and can overcome the problem of criminal disparities that occur. The improvement of this guideline is expected to create more equitable justice in every decision. As a recommendation, the study proposes that the Supreme Court introduce more detailed and easily applicable sentencing guidelines for bribery cases. This will assist the judge in determining a fair and consistent sentence, as well as minimize unnecessary differences between similar cases. In addition, it is also important to provide further training to judges so that they can reduce their dependence on subjective considerations, and prioritize objective considerations in accordance with the applicable legal provisions. With clearer and more consistent criminal guidelines, it is hoped that it can strengthen the criminal justice system in Indonesia and rebuild public trust in the judiciary.

[21] Ajeng Arindita Lalitasari, *Criminal Disparity Of Judges' Decisions In Corruption Cases Carried Out Jointly At The District Court For Corruption Crimes Semarang*, 8 (2019).

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It will also encourage more effective eradication of corruption in our country. Overall, this study underscores the importance of substantive justice and legal certainty in the criminal process, as well as the need for reforms in the application of the law so that the goal of eradicating corruption can be better achieved

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