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SENTENCING DISPARITY IN CORRUPTION CASES IN JAMBI CITY: AN ANALYSIS OF JUDICIAL REASONING

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Abstract

Differences in corruption sentences raise questions about equality, proportionality, and the exercise of judicial discretion. However, unequal sentences do not necessarily demonstrate unjustified disparity because legally relevant differences between cases may warrant different outcomes. This article examines the normative framework for evaluating sentencing disparity and judicial reasoning in corruption proceedings within the institutional setting of Jambi City. It employs normative legal research through statutory and conceptual approaches, supported by scholarship available through 2023. Particular attention is given to Supreme Court Regulation No. 1 of 2020, whose sentencing guidelines concern Articles 2 and 3 of the Corruption Eradication Law. The analysis identifies offence classification, financial harm, individual culpability, participation, benefits, and aggravating or mitigating circumstances as essential considerations in a legally meaningful comparison. It argues that the quality of judicial explanation is central to distinguishing justified differentiation from inconsistent punishment. The article proposes a comparative framework that separates imprisonment, fines, and additional penalties while accounting for procedural differences. Its contribution is a normative method for examining Jambi City cases without presuming an empirically established local disparity. Consistency requires comparable cases, accurate factual findings, and transparent reasons connecting sentencing factors with the punishment imposed.

Keywords: Corruption; Judicial discretion; Judicial reasoning; Proportionality; Sentencing disparity.

INTRODUCTION

Sentencing is the stage at which findings of criminal responsibility are translated into a concrete legal consequence. In corruption proceedings, this decision influences the liberty of the convicted person, the financial consequences of the offence, and public perceptions of equal treatment before the law. Differences between sentences therefore deserve careful examination. Nevertheless, comparison must extend beyond the number of years of imprisonment imposed. Cases classified broadly as corruption may involve different offences, levels of involvement, benefits, consequences, and personal circumstances. A credible analysis of disparity must establish whether the cases are sufficiently comparable before concluding that their different outcomes are unjustified.

The distinction between sentencing variation and unwarranted disparity is central to this inquiry. Variation describes an observable difference, whereas unwarranted disparity concerns a difference insufficiently explained by legally relevant considerations. Individualised sentencing may legitimately produce different punishments for defendants involved in the same criminal arrangement. Conversely, similar punishments may be problematic where one defendant organised the offence and another played a substantially more limited role. Equality in sentencing therefore concerns the consistent treatment of relevant similarities and differences, rather than a requirement that every corruption conviction result in an identical punishment.

Indonesian law connects judicial independence with an obligation to provide reasons. Law No. 48 of 2009 protects the independence of judicial functions while requiring judgments to identify their reasons and legal foundations. Articles 50 and 53 are particularly relevant because they place explanation and legally grounded reasoning within the court's responsibility. Judicial discretion consequently operates within a framework of accountability. The sentencing court must explain how the established circumstances justify the selected punishment,

enabling the parties and reviewing courts to assess the connection between factual findings and the outcome (Republic of Indonesia, 2009).

Supreme Court Regulation No. 1 of 2020 provides a more specific framework for sentencing under Articles 2 and 3 of the Corruption Eradication Law. Its stated objectives include proportionality, legal certainty, and the avoidance of disparity in cases with similar characteristics. The framework addresses categories of financial harm, culpability, impact, benefits, sentencing ranges, and aggravating or mitigating circumstances. Its scope is important: the regulation does not establish a universal sentencing matrix for every offence categorised as corruption. An analysis involving bribery or another offence must therefore examine the applicable legal basis independently (Supreme Court of the Republic of Indonesia, 2020).

Jambi City provides the institutional setting for the present discussion. However, geographical precision is necessary when defining a local study. A judgment issued by the Corruption Court at the Jambi District Court does not, by its location alone, establish that the underlying conduct occurred within Jambi City or involved its municipal government. Likewise, a case registered in 2023 may have been decided in a later year. A sound comparison must therefore distinguish the location of the offence, the institution involved, the registration date, the judgment date, and the procedural stage under examination.

This article addresses three questions: how unwarranted sentencing disparity should be identified; which aspects of judicial reasoning justify different punishments; and how a structured framework can guide the examination of corruption cases associated with Jambi City. Its contribution is a normative method connecting case comparability with the quality of sentencing reasons. The article does not claim to have measured local disparity. Instead, it establishes the legal and analytical requirements that must be satisfied before such a conclusion can be supported through verified judgments.

LITERATURE REVIEW

Sentencing Purposes and Structured Discretion

Irmawanti and Arief (2021) examine the importance of sentencing purposes and guidelines within reform of the criminal sentencing system. Their discussion supports the proposition that statutory punishment ranges require an accompanying framework for selecting an appropriate sentence. A broad range identifies the legal limits of punishment but does not, by itself, explain why one case warrants a particular point within those limits. Sentencing principles assist in organising that decision by connecting the seriousness of the offence, the offender's responsibility, and legally relevant circumstances. This framework is especially important where several defendants participate in interconnected conduct.

Structured discretion preserves the need for individual assessment while requiring the court to explain its evaluative choices. It does not reduce sentencing to an arithmetic exercise in which every circumstance receives a fixed numerical weight. Rather, it requires a transparent sequence of reasoning: the court establishes the relevant facts, identifies their legal significance, and explains their effect on punishment. A decision becomes difficult to evaluate where it lists circumstances without showing how they influenced the outcome. The central concern is therefore the relationship between the stated considerations and the sentence actually imposed.

Corruption Sentencing Guidelines and Their Limits

Hambali et al. (2021) examine the legal policy underlying Supreme Court Regulation No. 1 of 2020. Their analysis recognises its proportionality objective while raising questions about the adequacy and reach of the regulatory framework. These scholarly concerns should be distinguished from a judicial finding that the regulation is invalid or inapplicable. For the present article, the relevant contribution is the recognition that a guideline's existence does not independently guarantee consistent sentencing. Its practical value depends on the scope of its application and the clarity with which courts connect the guideline to the facts established in each case.

Manihuruk et al. (2022) discuss the application of the same regulation in the Pekanbaru District Court. Their study describes a sequence involving financial harm, culpability, impact and benefit, sentencing ranges, and aggravating or mitigating circumstances. This discussion provides a useful analytical reference for examining the organisation of judicial reasoning. Its findings concern the setting studied by those authors and cannot be transferred directly to Jambi City. The present article uses the publication to inform a comparative framework, rather than as empirical evidence of how Jambi judges sentence corruption offences.

Hadi and Nova (2023) also examine the application of the regulation through a study of a Padang judgment. Their work highlights the importance of analysing the reasons given for the final sentence rather than merely recording whether the regulation was mentioned. For a study of disparity, citation to a guideline is relevant but

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insufficient. The reviewer must establish whether the court identified the appropriate legal framework and explained its application. Research conducted in another jurisdiction can clarify these methodological questions while leaving the factual assessment of Jambi City cases open.

Proportionality and Meaningful Comparison

Proportionality requires attention to both offence seriousness and the defendant's responsibility. Financial consequences may be highly relevant in a loss-based corruption offence, but they do not independently describe the defendant's degree of participation or personal benefit. Two individuals connected with the same loss may exercise different levels of control over the conduct. Conversely, an individual who receives a smaller share of the proceeds may have played a central role in arranging the offence. A meaningful comparison should therefore examine several dimensions together rather than treat one financial figure as a complete measure of culpability.

The literature consequently supports three connected analytical requirements. First, cases must be compared on a sufficiently similar legal and factual basis. Second, the sentencing court must identify the circumstances that justify differentiation. Third, its explanation must be assessable against the applicable law and evidence. These requirements provide the foundation for distinguishing legitimate individualisation from inconsistent treatment. They also prevent an allegation of disparity from becoming a general criticism of judicial independence unsupported by examination of the judgments concerned.

METHOD

This article employs normative legal research using statutory and conceptual approaches. Its legal scope is limited to the framework applicable through 31 December 2023. Primary materials include Law No. 31 of 1999 as amended by Law No. 20 of 2001, Law No. 8 of 1981 on Criminal Procedure, Law No. 48 of 2009 on Judicial Power, and Supreme Court Regulation No. 1 of 2020. These materials are examined systematically to identify the requirements governing punishment, judicial reasoning, and the appropriate scope of sentencing comparisons.

Secondary materials comprise academic publications on sentencing purposes, corruption sentencing guidelines, and their application in other Indonesian jurisdictions. These publications support conceptual analysis and the identification of questions requiring examination. Their findings are attributed to the settings studied by their authors. They are not presented as evidence of local judicial conduct in Jambi City. The article develops its conclusions through interpretation of the legal framework and synthesis of the relevant analytical issues.

The study does not contain a verified comparative dataset of Jambi City judgments. Accordingly, it does not calculate sentence differences, identify a local rate of guideline compliance, or attribute unwarranted disparity to particular judges. Its results consist of a normative framework for evaluating judicial reasoning. A subsequent empirical study would require full judgments, a defined geographical scope, consistent selection criteria, and information about appellate outcomes before drawing conclusions about sentencing patterns.

RESULTS AND DISCUSSION

Defining the Cases That Can Be Compared

The first requirement is a clear definition of the comparison group. Cases should be examined according to the offence proved, the applicable statutory version, and the procedural level of the judgment. Comparing a sentence under Article 2(1) with a bribery sentence without accounting for their different legal structures may produce a misleading conclusion. Similarly, a first-instance sentence should not be treated as directly equivalent to a final appellate sentence unless the purpose of the comparison explicitly addresses changes between judicial levels. These distinctions determine whether the observed difference raises a meaningful question of sentencing consistency.

Temporal consistency is equally important. A judgment containing a 2023 registration number may have been delivered after the article's legal cutoff. A study described as an analysis of 2023 sentencing must state whether it includes judgments pronounced during that year, cases registered during that year, or conduct occurring during that year. These categories produce different samples. The present framework treats the judgment date as essential information and requires the chosen temporal criterion to be applied consistently.

Geographical scope must also be established independently of court location. If the research concerns corruption committed within Jambi City, the facts of the judgment should support that connection. If it concerns decisions issued by a court located in Jambi City, the title and method should describe that institutional scope accurately. A provincial case should not be reclassified as a municipal case solely because it was heard in the city. Precision at the selection stage prevents later conclusions from exceeding the population actually examined.

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Table 1. Requirements for a meaningful comparison of corruption sentences

Comparison dimension	Information to establish	Risk if overlooked
Offence of conviction	Provision and paragraph found proved	Different statutory punishment frameworks may be mistaken for inconsistency
Applicable law	Legal provisions operating at the relevant time	Cases governed by different frameworks may be treated as equivalent
Judicial level	First instance, appeal, cassation, or review	Procedurally different outcomes may be compared without explanation
Temporal scope	Judgment date and the study's inclusion rule	Later decisions may be included in a purported 2023 assessment
Geographical connection	Offence location or expressly defined institutional scope	Provincial cases may be misrepresented as municipal cases
Individual participation	Conduct, control, knowledge, and contribution	Different culpability may be concealed by a shared case label
Sanction components	Imprisonment, fine, and additional penalties	A partial comparison may distort the overall punishment

Source: Author's proposed comparative framework.

Applying PERMA No. 1 of 2020 Within Its Proper Scope

Supreme Court Regulation No. 1 of 2020 supplies a structured framework for sentencing under Articles 2 and 3 of the Corruption Eradication Law. Its application requires more than the inclusion of its title in a judgment. The court should connect the established facts with the relevant financial harm category, culpability, impact, benefit, and other sentencing considerations. A subsequent analysis can then examine whether the reasoning adequately supports the selected punishment. Where the judgment merely names the regulation, the reviewer must look further to determine whether its framework was actually applied.

The regulation's limited scope also prevents an overly broad assessment of compliance. A bribery conviction cannot be labelled inconsistent with the regulation merely because the court did not apply its loss-based sentencing structure. The relevant assessment must begin with the provision of conviction and identify the framework applicable to that offence. Similar considerations may remain useful at a general level, but analytical relevance does not automatically establish direct legal applicability. This distinction preserves the difference between using proportionality as a general principle and applying a specific regulatory sentencing framework.

Within its proper scope, the guideline should facilitate an explanation of why a case falls within a particular level of seriousness. It should not replace examination of the evidence supporting that classification. Financial harm, for example, requires a factual basis, while conclusions about culpability and benefit require attribution to the defendant. The guideline organises sentencing judgment; it does not eliminate the need to establish the circumstances being assessed. This is particularly important where the prosecution and defence disagree about the defendant's role or the benefit received.

Distinguishing Financial Harm from Individual Culpability

Financial harm provides an important measure of offence seriousness, but it cannot automatically determine the punishment of every participant. A defendant who designed and controlled the arrangement may bear a different level of responsibility from a person whose contribution was more limited. The judgment should identify the conduct supporting that distinction. Formal office may provide relevant context, but it should not substitute for findings about what the defendant directed, knew, authorised, or performed.

Personal benefit is similarly relevant without being an exclusive measure of culpability. A smaller financial receipt does not necessarily indicate a minor role, just as a larger receipt does not independently explain every aspect of responsibility. The court must consider how the benefit relates to the defendant's contribution and the offence's wider consequences. Keeping these dimensions separate allows the judgment to explain why cases involving similar losses may justify different punishments, or why defendants receiving different amounts may nevertheless receive comparable sentences.

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An assessment of disparity should therefore identify which factors actually explain the difference. If the court attributes a greater leadership role to one defendant, the comparison should examine the evidence and reasoning supporting that finding. If no relevant distinction appears in the judgment, a concern about inconsistency may arise. However, incomplete information available to the researcher must be distinguished from an absence of judicial reasoning. The full judgment, rather than a short news report or operative summary, is necessary for evaluating that issue responsibly.

Assessing Aggravating and Mitigating Circumstances

Aggravating and mitigating circumstances help individualise punishment, but their relevance should be explained. Statements that the defendant behaved politely, had family responsibilities, or expressed remorse may appear in sentencing reasons. Their presence alone does not clarify how much weight they received or why that weight was appropriate. A reasoned judgment should connect the circumstances with the sentencing assessment, particularly where they are used to explain a substantial difference from otherwise comparable cases.

The same requirement applies to aggravating considerations. References to public trust, official responsibility, or the consequences of corruption should be tied to the facts of the case. A formula repeated without explaining its relationship to the defendant may offer little assistance in understanding the selected sentence. Care is also needed where a circumstance substantially overlaps with an element already used to establish the offence or classify its seriousness. The analysis should examine whether the judgment explains the circumstance's additional sentencing significance.

Asset return requires a separate distinction between liability and mitigation. Article 4 of the Corruption Eradication Law establishes that returning state financial or economic losses does not eliminate criminal responsibility under Articles 2 and 3. Repayment may nevertheless be relevant to the court's sentencing assessment when evaluated according to the applicable framework. The judgment should identify the amount, timing, and circumstances of the return rather than use repayment as an unexplained reason for leniency. Differences in recovery may justify differentiated treatment, but they do not independently resolve the appropriate punishment.

Separating the Prosecutor's Demand from Sentencing Disparity

A difference between the prosecutor's requested punishment and the sentence imposed is not, by itself, inter-case sentencing disparity. The prosecutor and the court perform different procedural functions, and the court must independently assess the proven facts and applicable law. The requested sentence may provide relevant context for examining the proceedings, but it is not a substitute for the legal sentencing framework. An article should therefore avoid concluding that a judgment is inconsistent solely because it is lower than the prosecution's demand.

The more relevant question concerns whether the court explained its own decision. Where its factual findings or assessment of culpability differ from the prosecution's position, those differences may help explain the outcome. Where the same circumstances are accepted but a materially different punishment is selected, the court's reasons deserve closer examination. The appropriate inquiry remains legal and evaluative: what supported the sentence imposed, and how does that reasoning compare with the reasons given in sufficiently similar cases?

This distinction also improves the accuracy of comparative tables. A table may record the demand and the judgment, but it should not label the difference between them as proof of judicial disparity. Inter-case comparison requires another judgment or a defined set of judgments. Intra-case comparison between demand and decision answers a different question concerning the relationship between prosecutorial assessment and judicial sentencing. Keeping these questions separate prevents descriptive numerical differences from being given an unsupported legal meaning.

Evaluating the Complete Sentencing Outcome

Imprisonment is often the most visible component of a corruption sentence, yet it does not exhaust the legal consequences. Fines, replacement payments, confiscation, and other legally available additional penalties require separate attention. Two judgments imposing identical prison terms may contain materially different financial obligations. Conversely, a shorter prison sentence may accompany a larger monetary order. These observations call for a complete description of the outcome, while recognising that the sanctions serve different legal purposes.

A replacement payment should not be treated as interchangeable with a fine or as an automatic numerical equivalent of imprisonment. Its basis under Article 18 relates to property obtained through corruption, and Supreme Court Regulation No. 5 of 2014 provides further guidance on its calculation and enforcement. Consequently, a larger

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replacement payment does not automatically justify a shorter prison term. The judgment must explain the legal basis of each sanction and the reasoning supporting the overall sentencing decision.

Comparisons should therefore report sanction components separately before evaluating the complete outcome. They should also distinguish the sentence pronounced from later execution developments. Payment, auction proceeds, or substitute imprisonment may affect enforcement without changing the original judicial reasoning being studied. Mixing sentencing and execution data without explanation can distort the analysis. A study of judicial considerations should identify its primary object and use execution information only where it directly assists the stated research question.

A Framework for Reviewing Judicial Reasoning in Jambi City

A review of Jambi City cases should begin by extracting the court's findings concerning the offence, financial consequences, individual contribution, and relevant personal circumstances. The researcher should then identify how those findings were used in sentencing. This sequence makes it possible to distinguish an absence of relevant facts from an absence of explanation. It also prevents the final prison term from becoming the sole basis for interpreting the judgment.

The review should next compare cases according to the same analytical questions. A difference may be explained by a different offence, a more substantial role, a greater proven benefit, or a materially different mitigating circumstance. Where a distinction is identified, its support in the judgment should be recorded. Where a material difference in punishment remains unexplained after the relevant factors have been examined, the analysis may identify a concern about unwarranted disparity, subject to the limits of the available record.

Table 2. Questions for analysing the adequacy of sentencing reasons

Area of reasoning	Question for the reviewer	Indicator of a stronger explanation
Offence classification	Does the judgment identify the proven provision and its sentencing consequences?	Clear connection between conviction and applicable punishment framework
Guideline application	Where applicable, does the court explain the relevant PERMA assessment?	Facts connected to the guideline's considerations
Individual responsibility	How did the defendant contribute to the offence?	Evidence-based explanation of role and culpability
Financial considerations	Are harm and benefit distinguished?	Separate findings with explained sentencing significance
Mitigation and aggravation	Why do the stated circumstances affect punishment?	Case-specific reasons rather than an unexplained list
Multiple sanctions	Is each sanction supported by its own legal basis?	Distinct treatment of imprisonment, fines, and additional penalties
Comparative consistency	What relevant facts explain different outcomes?	Expressly identifiable grounds for differentiation

Source: Author's proposed framework for examining judicial reasoning.

Judicial independence remains essential throughout this process. Consistency should be pursued through legally relevant comparison and reasoned assessment, without imposing an informal requirement that every judge reproduce another panel's sentence. At the same time, independence does not make sentencing reasons immune from scrutiny. The statutory obligation to explain the decision allows the parties and reviewing courts to assess whether discretion was exercised within the law. For Jambi City, the framework proposed here supplies a basis for that examination while leaving empirical conclusions dependent on verified local judgments.

CONCLUSION

Sentencing disparity in corruption proceedings can be evaluated meaningfully only after establishing that the cases compared share sufficiently similar legal and factual characteristics. Different punishments may reflect justified individualisation, while unwarranted disparity arises where material differences lack adequate legal explanation. Under the framework applicable through 2023, Supreme Court Regulation No. 1 of 2020 provides specific guidance for Articles 2 and 3 of the Corruption Eradication Law and should not be applied automatically to every corruption offence. Judicial reasoning must connect the proven offence, financial harm, culpability, benefit,

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and aggravating or mitigating circumstances with the sentence imposed. Imprisonment, fines, and additional penalties also require distinct analysis. For Jambi City, the proposed framework supports a structured review of sentencing reasons without presuming an established local pattern. Conclusions about actual disparity require a verified collection of full judgments, consistent selection criteria, and consideration of procedural and appellate differences.

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