



## The Absolute Discretion of Judges in Indonesia as the Epicenter of Judicial Corruption

KRA MJ Widijatmoko

Universitas Djuanda, Jl. Tol Ciawi No.1, Ciawi, Kotak Pos 35, Bogor, Jawa Barat 16720  
widijatmoko@unida.ac.id

### ABSTRACT

This study critically examines the correlation between the absolute discretionary power inherent in judges in the Indonesian judicial system and the rampant pathology of judicial corruption. The analysis focuses on how the philosophical and legal construction of judicial power in the civil law tradition has created an epicenter that structurally fosters the practice of buying and selling decisions. Using normative legal research methods reinforced by comparative analysis, this study dissects the existing legal framework and compares it with other systems. The research findings reveal that absolutism in the use of judicial discretion, which is not balanced by an effective and transparent oversight mechanism, has created a systemic gap that undermines the integrity and public trust in the judiciary. Based on these findings, this study concludes that revolutionary structural reform is needed, not just cosmetic improvements. The main solution offered is limiting the sole discretion of judges through the adoption of a lay participation model, such as the lay judge or jury system, contextually adapted to the Indonesian legal framework. To achieve this, the study recommends two concrete reform paths: first, through the creation of a new legal umbrella in the form of a Law on the Position of Judges that limits and regulates discretion; and second, by utilizing the Supreme Court's authority to issue Supreme Court Regulations establishing binding sentencing guidelines, thereby reducing the scope for arbitration and abuse of authority.

Keywords: Judicial Discretion, Judicial Corruption, Lay judges, Public Participation, Judicial Reform

### 1. Introduction

The sovereignty of law in Indonesia confronts a grave challenge to its integrity, stemming from the deeply entrenched pathology of judicial corruption. The phenomenon of verdict trading and bribery practices has become firmly rooted across various levels of the judiciary, reaching a critical juncture that imperils the credibility of law enforcement institutions. This crisis culminated in 2022 when two Supreme Court Justices were detained by the Corruption Eradication Commission (KPK) on suspicion of corruption, an event that has stained the history of the national judiciary<sup>1</sup>. More recent empirical data further reinforces this bleak picture; between 2010 and 2025, the KPK has ensnared 31 judges in corruption cases, making this profession the most frequently implicated in corruption among all law enforcement officials.<sup>2</sup> The Attorney General's Office has also taken action, naming

<sup>1</sup> Widijatmoko, M. J. (2025). *Diskresi absolut hakim di indonesia sebagai episentrum korupsi yudisial*. Retrieved Desember 10, 2025, from <https://mjwidijatmoko.blogspot.com/2025/12/diskresi-absolut-hakim-di-indonesia.html>

<sup>2</sup> Kumalasanti, S. R. (2025, Mei 4). *Benarkah Hakim Paling Korup Dibanding Penegak Hukum Lain? (2)*. (Kompas.id, Producer, & Kompas.id) Retrieved Desember 10, 2025, from Kompas.id: <https://www.kompas.id/artikel/benarkah-hakim-paling-korup-dibanding-penegak-hukum-lain-2>

eight judges as corruption suspects solely within the period of 2024 to April 2025, including those involved in a staggering IDR 60 billion bribery case concerning a palm oil corporation.<sup>3</sup>

This crisis of integrity fundamentally undermines the three main pillars of legal objectives: justice, legal certainty, and expediency. When court verdicts can be commodified and traded, substantive justice is degraded, legal certainty collapses, and protection for honest justice-seekers becomes an illusion. Data from the World Justice Project Rule of Law Index 2024 places Indonesia at a score of 0.53 (on a scale of 1), with the sub-factor of criminal justice impartiality at its lowest point (0.26), indicating a serious problem with the independence and objectivity of judges.<sup>4</sup> In response to this state of emergency concerning integrity, an urgent need has emerged for radical reform focused on limiting and restructuring the power of judges, which has historically been regarded as absolute.

This research aims to address two key questions: (1) How does the philosophical and juridical construction of absolute judicial power within Indonesia's civil law system directly correlate with the pathology of verdict trading and judicial corruption? (2) To what extent can a system of lay participation, such as the lay judge model, be recontextualized into the Indonesian judicial system as a structural reform instrument to limit the absolute discretion of judges and realize higher judicial accountability? Thus, this study endeavors to provide a comprehensive overview of the root causes of judicial corruption and offer a concrete, implementable blueprint for reform.

## 2. Research Method

This research employs a normative juridical approach, which focuses on the analysis of norms, principles, theories, and statutory regulations pertaining to judicial power, judicial discretion, and judicial corruption.<sup>5</sup> The nature of this research is descriptive-analytical, aiming to provide a systematic and in-depth overview of the issues under investigation, followed by an analysis to draw relevant conclusions.<sup>6</sup> This approach is further strengthened by a comparative analysis, particularly in examining the potential adaptation of the lay participation mechanism from other legal traditions, such as the lay judge model implemented in several civil law countries, into the Indonesian legal framework.

Data collection techniques were carried out through library research by reviewing primary, secondary, and tertiary legal materials. Primary legal materials include relevant statutory regulations, such as the 1945 Constitution of the Republic of Indonesia, the Law on Judicial Power, and other related regulations. Secondary legal materials encompass textbooks, scientific journals, research findings, articles, and reports from credible institutions such as the Judicial Commission (Komisi Yudisial - KY), the Corruption Eradication Commission (Komisi Pemberantasan Korupsi - KPK), and the Indonesia Corruption Watch (ICW). Tertiary legal materials, such as legal dictionaries and encyclopedias, were used to support and complement the analysis. All collected data were analyzed qualitatively to construct a coherent argument and comprehensively answer the research questions.

---

<sup>3</sup> Tanuredjo, B. (2025, April 21). *Korupsi Yudisial dan Kegagalan Reformasi Hukum*. (Kompas.id, Producer, & Kompas.id) Retrieved Desember 10, 2025, from Kompas.id: <https://www.kompas.id/artikel/korupsi-yudisial-dan-kegagalan-reformasi-hukum>

<sup>4</sup> World Justice Project, W. (2024). *World Justice Project RULE OF LAW INDEX®*. Retrieved Desember 10, 2025, from [worldjusticeproject.org](https://worldjusticeproject.org): <https://worldjusticeproject.org/rule-of-law-index/downloads/WJPIndex2024.pdf>

<sup>5</sup> Hiers, R. H. (1985). Normative Analysis in Judicial Determination of Public Policy. *Journal of Law and Religion*, 3(1), 77. <https://doi.org/10.2307/1051349>.

<sup>6</sup> Roestamy, M. (2024). *Mencari ilmu pengetahuan hukum*, Bogor: UNIDA Press. <https://repository.unida.ac.id/4362/>.

### 3. Discussion

#### 3.1. The Construction of Absolute Judicial Power as the Root Cause

The judicial power in Indonesia, at both the philosophical and sociological levels, is frequently ensnared in a paradox. On the one hand, it is exalted by the maxim enshrined in Law No. 48 of 2009 concerning Judicial Power as "independent power to administer justice to uphold law and justice." However, on the other hand, this independence is often erroneously interpreted as an absolutism that is immune to effective criticism and oversight. This construction of near-limitless power is rooted in two primary foundations: cultural and juridical. Culturally, the epithet 'God's Representative on Earth' bestowed upon the judicial profession,<sup>7</sup> while initially intended to elevate dignity and demand the highest integrity, has in practice created a boomerang effect.<sup>8</sup> It fosters a form of psychological immunity that leads judges to feel they are above the very law they are tasked with enforcing.<sup>9</sup> Judicial independence, which ought to be a shield against external intervention, morphs into a protective cloak for internal abuse of authority. The space for discretion, which should be occupied by considerations of substantive justice, morality, and social utility, becomes susceptible to being filled with pragmatic and transactional interests.

Juridically, the continental legal system (civil law) adopted by Indonesia provides a robust infrastructure for the absolutism of judicial discretion. At least three key elements contribute to this phenomenon. First, the non-precedent system formally dictates that judges are not bound by previous judicial decisions in similar cases. Although jurisprudence remains a practical reference, the absence of this formal constraint generates extremely high decisional volatility. Cases that are substantially identical can yield diametrically opposing verdicts, depending on the presiding panel of judges. This volatility inherently creates a 'market value' for a decision, as the outcome cannot be predicted with certainty, thereby opening up room for negotiation to 'secure' the final result.<sup>10</sup>

Second, the decision-making mechanism within the panel of judges is closed and very rarely results in the widespread publication of dissenting opinions. The highly esteemed culture of consensus (*musyawarah untuk mufakat*)<sup>11</sup> often obscures internal debates and potential sharp differences of opinion among judges.<sup>12</sup> The secrecy of this deliberation process solidifies the panel's internal absolute power and serves as a difficult-to-breach fortress against the detection of illegal negotiations or corrupt considerations.<sup>13</sup> Third, the weak system of accountability for judicial decisions. A judge cannot be criminally prosecuted or civilly sued for a decision they render, unless there is proven corruption or a serious ethical violation. The principle of *res judicata pro veritate habetur* (a judge's decision must be considered correct) becomes a pretext for rejecting external

---

<sup>7</sup> Roestamy, M. (2024). *Mencari ilmu pengetahuan hukum*, Bogor: UNIDA Press. <https://repository.unida.ac.id/4362/>.

<sup>8</sup> Zulfa, F. M., & Jamin, M. (2024). The Role of Social Media on Judges' Decisions in a Prophetic Legal Perspective. *Proceedings of the International Conference on Cultural Policy and Sustainable Development (ICPSD 2024)*(Atlantis Press), 573–578. <https://doi.org/10.2991/978>.

<sup>9</sup> Daneci-Patrau, D., Tanasescu, E., & Jenaru, A. (2024). The Legal Liability: Judgment and Judges. A Psychological, Legal and Religious Point of View. *DIALOGO*, 11(1), 235–246. <https://doi.org/10.51917/dialogo.2024.11.1.16>.

<sup>10</sup> Maučec, G., & Dothan, S. (2022). Judicial Dissent at the International Criminal Court: A Theoretical and Empirical Analysis. *Leiden Journal of International Law*, 35(4), 945-961. <https://doi.org/10.1017/s0922156522000103>.

<sup>11</sup> Sujatmiko, B., Jarmoko, M. N., & Alam, S. (2024). Penerapan Kelima Nilai Pancasila Dalam Putusan Hakim Di Indonesia. *Jurnal Civic Hukum*, 9(2), <https://doi.org/10.22219/jch.v9i2.33162>.

<sup>12</sup> Bricker, B. (2021). Consensus decision making: A comparative analysis of judging and judicial deliberations. *Justice System Journal*, 42(1), 25-49. <https://doi.org/10.1080/0098261x.2020.1856738>.

<sup>13</sup> Ayres, I., & Prakash, S. B. (2024). A Bipartisan Approach to Political Prosecutions. *Journal of Legal Analysis*, 16(1), 140-177. <https://doi.org/10.1093/jla/laec006>.

evaluation of the logic, argumentation,<sup>14</sup> and legal considerations within a verdict. The combination of these three juridical elements, reinforced by a flawed cultural foundation, has transformed judicial discretion from a noble instrument for achieving justice into a dangerous commodity that is the epicenter of judicial corruption practices.

### 3.2. The Pathology of Judicial Corruption: Empirical Manifestations of a Systemic Crisis

If the absolutism of discretion is the root cause, then judicial corruption is the rotten fruit it yields. Empirical data from various law enforcement agencies and judicial monitoring bodies convergently indicate that corruption in the Indonesian judiciary is no longer merely a sporadic incident committed by rogue individuals, but has become a systemic pathology that is structured, massive, and deeply rooted. The scale and frequency of cases uncovered in recent years point to the existence of a 'shadow judiciary' operating parallel to the formal justice system, where decisions are no longer based on evidence and legal arguments, but on the financial power of the litigating parties.<sup>15</sup>

The report from the Indonesia Corruption Watch (ICW) provides one of the most explicit quantitative pieces of evidence. Over a 13-year period (2011-2024), ICW recorded that at least 29 judges were named as suspects in corruption cases, with the total identified bribe value reaching a staggering Rp107.9 billion.<sup>16</sup> This figure is likely only the tip of the iceberg, given the highly secretive and difficult-to-prove nature of judicial corruption. This data is corroborated by the prosecution statistics of the Corruption Eradication Commission (KPK), which places judges as the law enforcement profession most frequently implicated in corruption cases. Between 2010 and 2025, the KPK has charged 31 judges, surpassing the number of lawyers (19 people), prosecutors (13 people), and police officers (6 people) handled by the anti-graft agency.<sup>17</sup>

**Table 1.** Statistics on Corruption Prosecution against Law Enforcement Officials by the KPK (2010-2025)

Law Enforcement Profession	Number of Suspects	Rank
Judge	31	1
Lawyer	19	2
Prosecutor	13	3
Police Officer	6	4

Source: Processed from Kompas.id data (Kumalasanti, 2025)

Table 1 clearly positions judges as the group most vulnerable to or most frequently involved in corruption practices successfully uncovered by the KPK. The dominance of judges in this statistic signals a fundamental problem in the system of recruitment, promotion, supervision, and, critically,

<sup>14</sup> Pinatih, N. K. (2024). Asas res judicata pro veritate habetur dalam peninjauan kembali terhadap putusan lepas dari segala tuntutan hukum oleh jaksa penuntut umum. *Justitia et Pax*, 40(1), 135–163. <https://doi.org/10.24002/jep.v40i1.8219>.

<sup>15</sup> Pavone, T., & Stiansen, Ø. (2022). The shadow effect of courts: Judicial review and the politics of preemptive reform. *American Political Science Review*, 116(1), 322–336. <https://doi.org/10.1017/s0003055421000873>.

<sup>16</sup> Muhamad, N. (2025, April 17). *29 Hakim Jadi Tersangka Korupsi dalam 13 Tahun Terakhir*. (D. Katadata, Producer) Retrieved Desember 10, 2025, from Databoks Katadata: <https://databoks.katadata.co.id/demografi/statistik/6800b61a8e1bf/29-hakim-jadi-tersangka-korupsi-dalam-13-tahun-terakhir>

<sup>17</sup> *Ibid*, (Kumalasanti 2025)

in the system of power they possess. When combined with prosecution data from the Attorney General's Office, which in a short period (2024-April 2025) alone named 8 judges as suspects, the total number of judges implicated in corruption over the last 15 years reaches 39.<sup>18</sup> This figure constitutes an emergency alarm for the rule of law in Indonesia.

Major scandals involving judges at the highest level serve as the most compelling evidence of structured corruption. The arrest of two Supreme Court Justices, Sudrajad Dimiyati and Gazalba Saleh, by the KPK in 2022 for bribery in case management at the Supreme Court (MA) marks a nadir in the history of the Indonesian judiciary. This case exposed a network of case mafias involving Supreme Court Justices, court clerks, lawyers, and litigants, with bribe values reaching hundreds of thousands of Singapore dollars to influence cassation verdicts.<sup>19</sup>

**Table 2.** Details of Supreme Court Justice Corruption Cases (2022-2025)

Name of Supreme Court Justice	Case	Bribe/Gratification Value	Final Verdict
Sudrajad Dimiyati	Bribery for cassation management of KSP Intidana civil case	SGD 310,000 (equivalent to Rp 4.3 Billion)	7 years imprisonment + fine of Rp 500 million (Oktafiani & Munandar, 2024) <sup>20</sup>
Gazalba Saleh	Bribery for cassation of KSP Intidana criminal case & Money Laundering (TPPU)	SGD 310,000 & other gratifications	10 years imprisonment + fine of Rp 500 million + substitute money of Rp 500 million <sup>21</sup>

Source: Processed from various news sources.

Table 2 demonstrates that corruption has breached the last bastion of the judiciary, the Supreme Court. The cases of Sudrajad Dimiyati and Gazalba Saleh, both related to the Intidana Savings and Loan Cooperative (KSP) case,<sup>22</sup> reveal how verdicts at the highest level can be traded. More alarming is the disparity in verdicts at the appeal and cassation levels, where the sentences for these judges tend to be lighter than the prosecutor's demands, with one instance of a sentence reduction at the cassation level, indicating a problem of solidarity and commitment to anti-corruption within the judicial institution itself.

This pathology is not confined to the Supreme Court level. At the lower levels of the judiciary, similar practices occur on an equally massive scale. In December 2025, three judges of the Central

<sup>18</sup> *Ibid*, (Tanuredjo, 2025)

<sup>19</sup> Aji, M. R. (2023, Mei 24). *Yosep Parera, Penyuaap Hakim Agung Gazalba Saleh dan Sudrajad Dimiyati, Divonis 8 Tahun Penjara*. (Tempo.co, Producer) Retrieved Desember 10, 2025, from Tempo.co: <https://www.tempo.co/hukum/yosep-parera-penyuaap-hakim-agung-gazalba-saleh-dan-sudrajad-dimiyati-divonis-8-tahun>

<sup>20</sup> Oktafiani, S., & Munandar, S. (2024). Analisis Putusan Terhadap Tindak Pidana Suap oleh Hakim Sudrajad Dimiyati (Studi Putusan Nomor 23/Pid.Sus-TPK/2023/PN.BDG). *INNOVATIVE: Journal of Social Science Research*, 4(5), 7541-7552. <https://j-innovative.org/index.php/Innovative/article/download/15107/10718/27034>.

<sup>21</sup> Transparency International Indonesia, T. (2025, Juni 22). *Pangkas Hukuman Gazalba Saleh, Komitmen MA Berantas Korupsi Dipertanyakan*. (ti.or.id, Producer, & ti.or.id) Retrieved Desember 10, 2025, from Transparency International Indonesia: <https://ti.or.id/pangkas-hukuman-gazalba-saleh-komitmen-ma-berantas-korupsi-dipertanyakan/>

<sup>22</sup> Sutrisno, P. A., & Sulistyandari. (2023). Several Legal Issues in Cooperatives and the Role of Government and Supervisors in Indonesia. *Proceedings of the 3rd International Conference on Law, Governance, and Social Justice (ICoLGaS 2023)*(Atlantis Press), 1020–1028. [https://doi.org/10.2991/978-2-38476-164-7\\_95](https://doi.org/10.2991/978-2-38476-164-7_95).

Jakarta District Court, namely Djuyamto, Agam Syarief Baharudin, and Ali Muhtarom, were sentenced to 11 years in prison for proven receipt of bribes totaling Rp 40 billion to issue a discharge verdict (*onslag van rechtvervolging*) to three giant corporations in the crude palm oil (CPO) export corruption case.<sup>23</sup> This case illustrates how judicial corruption can be used by large corporations to evade legal entanglement, ultimately harming state finances and damaging a healthy business competition climate.

**Table 3.** Details of the CPO Corruption Case Discharge Verdict Bribery (2025)

Name of Judge	Position	Substitute Money Value	Verdict
Djuyamto	Chief Judge	Rp 9.21 Billion	11 years imprisonment + fine of Rp 500 million
Agam Syarief B.	Member Judge	Rp 6.40 Billion	11 years imprisonment + fine of Rp 500 million
Ali Muhtarom	Member Judge	Rp 6.40 Billion	11 years imprisonment + fine of Rp 500 million

Source: Processed from Tempo.co (Yandwiputra, 2025)

Table 3 provides a detailed picture of how bribes were distributed among the panel of judges. The value of the substitute money imposed on the judges reflects the magnitude of the illicit gains they obtained from the 'buying and selling' of verdicts. This case, along with the Rp 46 billion bribery case involving Surabaya District Court judges for issuing an acquittal in a fatal assault case (Kejaksaan Republik Indonesia, 2024), and the Rp 60 billion bribery case involving a South Jakarta District Court judge to acquit a corporate corruption defendant, forms a clear pattern: court decisions, in both criminal and civil matters, have become a commodity whose price is determined by the magnitude of the interests of the litigating parties.

Another indicator of this systemic crisis is the high level of public distrust reflected in community reports. The Judicial Commission (KY) received 1,592 reports of alleged violations of the code of ethics and guidelines for judicial conduct in just a nine-month period (January-September 2023), 71 of which were specifically related to alleged criminal acts of corruption (Komisi Yudisial Republik Indonesia, 2023). This flood of reports, although not all are proven, is a strong signal of the public perception that views the judiciary as a corrupt and untrustworthy institution. This perception aligns with data from the World Justice Project Rule of Law Index 2024, which gives a very low score (0.26 out of a scale of 1) for the sub-factor of impartiality in the criminal justice system in Indonesia (World Justice Project, 2024). This score places Indonesia among the countries with the most problematic levels of judicial impartiality, where judges' decisions are considered vulnerable to influence from personal interests, political pressure, and bribery.

### 3.3. The Failure of Oversight Mechanisms and the Urgency of Structural Revolution

<sup>23</sup> Yandwiputra, A. R. (2025, Desember 3). *Tiga Hakim Penerima Suap Vonis Lepas CPO Divonis 11 Tahun dan Denda Rp 500 Juta*. (Tempo.co, Producer) Retrieved Desember 10, 2025, from Tempo.co: <https://www.tempo.co/hukum/tiga-hakim-penerima-suap-vonis-lepas-cpo-divonis-11-tahun-dan-denda-rp-500-juta-20956>

In the face of a judicial corruption pathology that has reached a systemic level, the current oversight mechanisms have proven inadequate. The oversight system in Indonesia is designed with a dualistic model, where the Supreme Court (MA) through the Supervisory Body (*Bawas*) acts as internal oversight, while the Judicial Commission (KY) acts as external oversight. Theoretically, this model should create an effective system of checks and balances. However, in practice, this dualism often leads to institutional conflict, overlapping authority, and sectoral ego that weakens the overall effectiveness of supervision. The MA's *Bawas*, as an internal body, is frequently accused of lacking independence and tending to protect the corps, while the KY, as an external body, has limited authority and its recommendations are often not implemented by the MA.

Following the exposure of the corruption scandal involving two Supreme Court Justices in 2022, the MA did undertake a series of internal reforms. Steps such as massive rotation and mutation of court officials, strengthening technology-based oversight systems, and tightening the code of ethics have been implemented. However, all these measures remain curative and tend to address administrative-procedural aspects, rather than targeting the root cause: the absolute and effectively unsupervised discretionary power of judges within the deliberation room. As long as the judges' deliberation room remains a 'black box'<sup>24</sup> impenetrable by external oversight, the potential for negotiation and transaction of verdicts will persist.

Therefore, a more fundamental breakthrough is required—a structural revolution that directly challenges the absolutism of judicial power. The idea of adopting a system of public participation in the decision-making process is one of the most relevant and promising alternatives. There are two main models of public participation: the pure jury system from the common law tradition and the lay judge system widely adapted by civil law countries. The pure jury system, where a group of civilians (the jury) determines the facts of the case while the judge merely applies the law, is considered less compatible with the Indonesian legal system, which heavily emphasizes legal certainty based on written statutory regulations. The risk of emotional and inconsistent verdicts with the positive legal framework is deemed too great.

As a more moderate and adaptive alternative, the lay judge model offers a more realistic solution. In this model, several citizens selected through an accountable mechanism sit together with professional judges in a single panel to jointly examine, try, and decide a case. The presence of the lay element in the courtroom and, most importantly, in the panel's deliberation room, serves several strategic functions. First, as a direct oversight mechanism. Professional judges will be more cautious in their actions and arguments because every step is directly monitored by public representation. Second, as a perspective counterweight. Lay judges bring with them common sense, values of justice living in the community, and non-technical perspectives that can complement and correct the views of professional judges, which are sometimes overly legalistic-formalistic. Third, as a breaker of the culture of secrecy. Their presence will inherently force the deliberation process to be more transparent, argumentative, and accountable, thereby narrowing the space for negotiation or under-the-table transactions.

In addition to the structural revolution through lay participation, several legislative and policy reform steps are also urgently needed. First, the long-delayed ratification of the Draft Law on Judicial Office (*RUU Jabatan Hakim*) is a necessity. This law must strictly and limitatively define the scope of judicial discretion, establish clear accountability standards, and regulate effective sanction mechanisms for judges who abuse their authority. Second, the Supreme Court must proactively use its authority to issue Supreme Court Regulations (PERMA) that establish more binding mandatory sentencing guidelines, especially for corruption crimes. Standardizing sentencing will reduce the

---

<sup>24</sup> Mohanta, A., Garikapati, K., Shreya, B. N., & Kanungo, A. (2025). *Cybernetic Intelligence in Intellectual Property Law. Modern Perspectives on Artificial Intelligence and Law*(IGI Global Scientific Publishing), 89–124. <https://doi.org/10.4018/979-8-3693-9576-9.ch006>.

disparity in verdicts that often becomes a source of suspicion and will significantly lower the 'bargaining value' of a case. Third, the oversight system must be restructured from a reactive model (awaiting reports) to a predictive and preventive model. This can be achieved by strengthening the Judicial Commission's authority to conduct periodic judicial performance audits and integrating data analysis from the State Officials' Wealth Report (LHKPN) and the Financial Transaction Reports and Analysis Center (PPATK) as an early warning system to detect high-risk judges. Only through a combination of structural revolution, legislative reform, and oversight restructuring can the pathology of judicial corruption be eradicated to its roots.

#### 4. Conclusion

This research confirms the thesis that the absolute and virtually untouchable discretionary power vested in Indonesian judges constitutes the epicenter of judicial corruption. This power, rooted in a flawed philosophical construction of judicial independence and reinforced by the non-precedential nature of the civil law system and the closed culture of panel deliberations, has created an ecosystem where discretion can be monetized. Empirical data collected from the Corruption Eradication Commission (KPK), the Attorney General's Office (*Kejaksaan Agung*), Indonesian Corruption Watch (ICW), and the Judicial Commission (*Komisi Yudisial*) converge to demonstrate that corruption in the judicial sector is no longer an anomaly but a structured and deeply entrenched systemic pathology. This pathology directly undermines the pillars of justice, legal certainty, and legal protection. The current external and internal oversight mechanisms have proven inadequate in ensuring sufficient accountability, indicating that partial reforms are no longer sufficient.

Based on these findings, a radical and comprehensive structural revolution is required. First, from a legislative perspective, the government and the House of Representatives (DPR) must prioritize the enactment of a Judicial Office Law that explicitly and restrictively defines the scope of judicial discretion, particularly in sensitive cases such as corruption. Second, the Supreme Court (*Mahkamah Agung*) must proactively utilize its authority to issue a Supreme Court Regulation (PERMA) establishing mandatory sentencing guidelines for corruption offenses to reduce sentencing disparity and the incentive for bribery. Third, as the most fundamental breakthrough, it is imperative to immediately study and implement the adoption of a lay judge model (*hakim awam*) into the criminal justice system, especially in the Corruption Court (*Pengadilan Tindak Pidana Korupsi*), as an institutionalized democratic oversight mechanism within the judges' deliberation chamber. The implementation of these three pillars of intervention is expected to limit the absolutism of judicial power and gradually restore the integrity and public trust in the judicial institution.

#### References

- Aji, M. R. (2023, Mei 24). *Yosep Parera, Penyuar Hakim Agung Gazalba Saleh dan Sudrajad Dimyati, Divonis 8 Tahun Penjara*. (Tempo.co, Producer) Retrieved Desember 10, 2025, from Tempo.co: <https://www.tempo.co/hukum/yosep-parera-penyuar-hakim-agung-gazalba-saleh-dan-sudrajad-dimyati-divonis-8-tahun>
- Ayres, I., & Prakash, S. B. (2024). A Bipartisan Approach to Political Prosecutions. *Journal of Legal Analysis*, 16(1), 140-177. <https://doi.org/10.1093/jla/lae006>.
- Bricker, B. (2021). Consensus decision making: A comparative analysis of judging and judicial deliberations. *Justice System Journal*, 42(1), 25-49. <https://doi.org/10.1080/0098261x.2020.1856738>.

- Daneci-Patrau, D., Tanasescu, E., & Jenaru, A. (2024). The Legal Liability: Judgment and Judges. A Psychological, Legal and Religious Point of View. *DIALOGO*, 11(1), 235–246. <https://doi.org/10.51917/dialogo.2024.11.1.16>.
- Hiers, R. H. (1985). Normative Analysis in Judicial Determination of Public Policy. *Journal of Law and Religion*, 3(1), 77. <https://doi.org/10.2307/1051349>.
- Kejaksaan Republik Indonesia, R. (2024, Desember 24). *3 Hakim Vonis Bebas Ronald Tannur Didakwa Terima Suap Rp46 Miliar*. (kejaksaan.go.id, Producer) Retrieved Desember 10, 2025, from story.kejaksaan.go.id: <https://story.kejaksaan.go.id/berita-utama/3-hakim-vonis-bebas-ronald-tannur-didakwa-terima-suap-rp46-miliar-265756-mvk.html>
- Komisi Yudisial Republik Indonesia, K. (2023, November 3). *Januari - September 2023, Komisi Yudisial Terima 1.592 Laporan*. (komisiyudisial.go.id, Producer) Retrieved Desember 10, 2025, from [komisiyudisial.go.id](https://komisiyudisial.go.id): [https://komisiyudisial.go.id/frontend/pers\\_release\\_detail/303/januari-september-komisi-yudisial-terima-laporan](https://komisiyudisial.go.id/frontend/pers_release_detail/303/januari-september-komisi-yudisial-terima-laporan)
- Kumalasanti, S. R. (2025, Mei 4). *Benarkah Hakim Paling Korup Dibanding Penegak Hukum Lain? (2)*. (Kompas.id, Producer, & Kompas.id) Retrieved Desember 10, 2025, from Kompas.id: <https://www.kompas.id/artikel/benarkah-hakim-paling-korup-dibanding-penegak-hukum-lain-2>
- Maučec, G., & Dothan, S. (2022). Judicial Dissent at the International Criminal Court: A Theoretical and Empirical Analysis. *Leiden Journal of International Law*, 35(4), 945-961. <https://doi.org/10.1017/s0922156522000103>.
- Mohanta, A., Garikapati, K., Shreya, B. N., & Kanungo, A. (2025). Cybernetic Intelligence in Intellectual Property Law. *Modern Perspectives on Artificial Intelligence and Law*(IGI Global Scientific Publishing), 89–124. <https://doi.org/10.4018/979-8-3693-9576-9.ch006>.
- Muhamad, N. (2025, April 17). *29 Hakim Jadi Tersangka Korupsi dalam 13 Tahun Terakhir*. (D. Katadata, Producer) Retrieved Desember 10, 2025, from Databoks Katadata: <https://databoks.katadata.co.id/demografi/statistik/6800b61a8e1bf/29-hakim-jadi-tersangka-korupsi-dalam-13-tahun-terakhir>
- Oktafiani, S., & Munandar, S. (2024). Analisis Putusan Terhadap Tindak Pidana Suap oleh Hakim Sudrajad Dimiyati (Studi Putusan Nomor 23/Pid.Sus-TPK/2023/PN.BDG). *INNOVATIVE: Journal of Social Science Research*, 4(5), 7541-7552. <https://j-innovative.org/index.php/Innovative/article/download/15107/10718/27034>.
- Pavone, T., & Stiansen, Ø. (2022). The shadow effect of courts: Judicial review and the politics of preemptive reform. *American Political Science Review*, 116(1), 322-336. <https://doi.org/10.1017/s0003055421000873>.
- Pinatih, N. K. (2024). Asas res judicata pro veritate habetur dalam peninjauan kembali terhadap putusan lepas dari segala tuntutan hukum oleh jaksa penuntut umum. *Justitia et Pax*, 40(1), 135–163. <https://doi.org/10.24002/jep.v40i1.8219>.
- Prabowo, M. S. (2024). Legality and impact on savings and loan cooperatives in managing savings from non-members. *Diponegoro Law Review*, 9(2), 315–331. <https://doi.org/10.14710/dilrev.9.2.2024.315-331>.
- Roestamy, M. (2024). *Mencari ilmu pengetahuan hukum*, Bogor: UNIDA Press. <https://repository.unida.ac.id/4362/>.
- Sujatmiko, B., Jarmoko, M. N., & Alam, S. (2024). Penerapan Kelima Nilai Pancasila Dalam Putusan Hakim Di Indonesia. *Jurnal Civic Hukum*, 9(2), <https://doi.org/10.22219/jch.v9i2.33162>.

- Sutrisno, P. A., & Sulistyandari. (2023). Several Legal Issues in Cooperatives and the Role of Government and Supervisors in Indonesia. *Proceedings of the 3rd International Conference on Law, Governance, and Social Justice (ICoLGaS 2023)*(Atlantis Press), 1020–1028. [https://doi.org/10.2991/978-2-38476-164-7\\_95](https://doi.org/10.2991/978-2-38476-164-7_95).
- Tanuredjo, B. (2025, April 21). *Korupsi Yudisial dan Kegagalan Reformasi Hukum*. (Kompas.id, Producer, & Kompas.id) Retrieved Desember 10, 2025, from Kompas.id: <https://www.kompas.id/artikel/korupsi-yudisial-dan-kegagalan-reformasi-hukum>
- Transparency International Indonesia, T. (2025, Juni 22). *Pangkas Hukuman Gazalba Saleh, Komitmen MA Berantas Korupsi Dipertanyakan*. (ti.or.id, Producer, & ti.or.id) Retrieved Desember 10, 2025, from Transparency International Indonesia: <https://ti.or.id/pangkas-hukuman-gazalba-saleh-komitmen-ma-berantas-korupsi-dipertanyakan/>
- Widijatmoko, M. J. (2025). *Diskresi absolut hakim di indonesia sebagai episentrum korupsi yudisial*. Retrieved Desember 10, 2025, from <https://mjwidijatmoko.blogspot.com/2025/12/diskresi-absolut-hakim-di-indonesia.html>
- World Justice Project, W. (2024). *World Justice Project RULE OF LAW INDEX®*. Retrieved Desember 10, 2025, from worldjusticeproject.org: <https://worldjusticeproject.org/rule-of-law-index/downloads/WJPIndex2024.pdf>
- Yandwiputra, A. R. (2025, Desember 3). *Tiga Hakim Penerima Suap Vonis Lepas CPO Divonis 11 Tahun dan Denda Rp 500 Juta*. (Tempo.co, Producer) Retrieved Desember 10, 2025, from Tempo.co: <https://www.tempo.co/hukum/tiga-hakim-penerima-suap-vonis-lepas-cpo-divonis-11-tahun-dan-denda-rp-500-juta-20956>
- Zulfa, F. M., & Jamin, M. (2024). The Role of Social Media on Judges' Decisions in a Prophetic Legal Perspective. *Proceedings of the International Conference on Cultural Policy and Sustainable Development (ICPSD 2024)*(Atlantis Press), 573–578. <https://doi.org/10.2991/978>.