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# The Relativity of Mitigating Factors in Corruption Crime Verdicts: A Philosophical and Juridical Study Based on Substantive Justice and Judicial Legal Reasoning

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**Abstract**—The relativity in applying mitigating factors in corruption case verdicts often leads to legal uncertainty and inconsistency with the principles of substantive justice. This study aims to analyze how mitigating factors influence substantive justice by employing John Rawls' theory of justice and to evaluate judicial legal reasoning through Neil MacCormick's theory. Employing a normative juridical approach, this research conducts an in-depth analysis of legal literature and relevant theories. The results reveal that the variable application of mitigating factors may lead to inconsistencies between judicial rulings and the principles of substantive justice, especially when social impacts are overlooked. Moreover, the absence of structured standards leads to variations in judicial reasoning, causing public dissatisfaction with the judicial system. This study recommends the development of more stringent and measurable guidelines, as well as enhanced knowledge and training for judges to integrate substantive justice theories and legal reasoning into practice, thereby improving transparency, consistency, and the legitimacy of court rulings.

**Keywords:** corruption; mitigating factors; substantive justice

## Introduction

Corruption offenses in Indonesia constitute a critical and interconnected issue, exerting significant impacts on various aspects of societal life. Economically, corruption undermines the State budget that should be allocated for infrastructure development, education, and healthcare. Furthermore, its socio-political ramifications are substantial as it erodes public trust in governmental institutions and the judicial system. This distrust is often exacerbated by public perceptions regarding the judicial system. Such distrust is often exacerbated by public perceptions regarding judicial decisions in corruption cases, which are deemed not to reflect the values of substantive justice. Previous research indicates that the public is generally dissatisfied with the enforcement of laws in corruption cases due to certain factors, such as perceived irrelevance or excessive leniency of mitigating factors (Romadan, 2021; Suyanto, 2023). Therefore, it is imperative to examine the role of judges as legal adjudicators who are not only bound by positive law but also guided by the principles of substantive justice, which are recognized as fundamental.

In the criminal justice system, judges hold a central role as the final decision-makers, rendering

verdicts based on legal facts, evidence, and legal reasoning. In corruption cases, this role becomes particularly challenging, as judges must often strike a balance between adherence to positive law and the incorporation of moral and social values. John Rawls' theory of substantive justice asserts that justice should be structured to maximize benefits for society as a whole, with particular emphasis on the most vulnerable groups. (Sisma, 2023). This perspective highlights that judicial decisions must go beyond mere procedural fairness and embody substantive justice in their application. MacCormick's legal theory further supports this view by asserting that legal reasoning should incorporate moral and social values, transcending the limitations of strict positivism. This approach underscores the dynamic interplay between law and societal principles, challenging the notion that legal theory operates in a purely positivist framework. (Bustamante, 2011). Thus, mitigating factors applied by judges should not be solely based on positive law but must also consider their broader societal impact. This approach can serve as a foundation for a more transparent and equitable enforcement of the law while also reinforcing efforts to restore public trust in the judicial system.

One of the most debated issues in corruption case rulings is the use of mitigating factors. The controversy arises when these factors play a major role in court decisions, leading to lighter sentences. This leniency contrasts with the serious harm corruption causes to society, emphasizing the need for stricter rules on applying mitigating factors (Tamza, 2022). This perspective is rooted in the belief that retributive justice should be the primary principle in sentencing corruption offenders. However, some argue that judges should have the discretion to consider certain factors, such as the defendant's cooperation with law enforcement or voluntary admission of guilt. (Yusuf et al., 2023). This difference in perspective creates a dilemma between the desire to impose strict punishment as a form of justice and the need to consider the individualization of sentences based on the specific context of each case.

This study aims to conduct an in-depth examination of the relativity of mitigating factors in corruption case rulings from the perspective of substantive justice and legal reasoning. Through this approach, the research is expected to make significant contributions in two key areas. First, from an academic standpoint, it enriches criminal law literature by integrating the theories of substantive justice and legal reasoning into the application of mitigating factors. Second, from a practical perspective, the findings of this study are expected to serve as a guide for judges in delivering fairer and more transparent decisions while also enhancing public trust in Indonesia's criminal justice system.

The lack of clear standards in applying mitigating factors in corruption cases in Indonesia has become a significant issue, potentially undermining the principles of justice that form the foundation of the judicial system. In practice, judges have the discretion to determine mitigating factors based on their considerations, yet there are often no clear or consistent guidelines on the criteria that should be taken into account. This creates uncertainty in law enforcement, posing the risk of producing inconsistent rulings and eroding public trust in the judicial system, as highlighted by Harefa et al. (2020). Inconsistent rulings on mitigating factors can create public perceptions that the principles of substantive justice have been disregarded. Permanasari's study (2021) also indicates that judicial decisions are often influenced by social and political contexts, leading to deviations in the application of substantive justice values, which should serve as the foundation for judicial rulings.

Previous studies have revealed a significant gap in research on mitigating factors in corruption cases, particularly from the perspective of substantive justice theory and legal reasoning. Most existing studies focus primarily on procedural aspects, such as sentencing mechanisms and the implementation of formal law, without giving sufficient attention to the moral and ethical dimensions that underlie judicial decisions. Wibisono et al. (2018) and Fahrudin (2024) underscore that research on the influence of moral considerations on judicial rulings remains highly limited, particularly in the context of corruption offenses that have widespread societal impacts. Judicial reasoning often fails to integrate substantive justice values, resulting in decisions that do not always reflect the sense of justice perceived by the public Dwiyantri dan Sariyani (2018). Thus, this study aims to bridge this gap by exploring how judicial reasoning can support a fairer application of mitigating factors, particularly in corruption cases.

The research issue in this study is designed to address two key questions related to the ambiguity in applying mitigating factors. First, how does the relativity of mitigating factors in corruption case rulings impact substantive justice? Second, how do judges apply legal reasoning in determining mitigating factors in corruption cases? This study not only aims to explain these processes but also offers a new perspective on how legal reasoning can be utilized to support fairer and more consistent judicial decisions. Through these research questions, this study is expected to make a significant contribution to the discourse on criminal law, particularly in the context of applying mitigating factors in Indonesia.

In the academic context, this study adds a new dimension to criminal law literature by integrating the theory of substantive justice into the analysis of mitigating factors. The expected implications of this research include the establishment of a more transparent and equitable judicial system, which can enhance the legitimacy of judicial institutions in the eyes of the public. Ultimately, this study aims to make a positive contribution to Indonesia's legal system. Lee and Sim (2019) suggest that a more holistic approach is necessary to understand the application of mitigating factors, particularly in corruption cases that significantly impact public interest. This approach involves an in-depth analysis of how substantive justice theory can serve as a normative guide for judges in rendering decisions that are not only legally sound but also ethical and morally justified. By adopting this holistic perspective, this study aims to contribute not only as an academic discourse but also as a practical tool for strengthening justice within the criminal justice system.

Legal theories such as substantive justice and legal reasoning provide a strong philosophical and theoretical foundation for building a fair legal system. However, in practice, the application of mitigating factors is often inconsistent and lacks clear guidelines. Legal uncertainty not only undermines justice but also has the potential to erode public trust in the judiciary (Abdullahi, K., Ghiyasvandian, S., & Hasanpour, M., 2022). The absence of standardized guidelines leads to significant variations in rulings from one case to another, creating disparities and opening the door to subjective and potentially unjust decisions, further damaging public perception of the legal system's integrity. Public skepticism toward the judiciary may increase when judicial decisions fail to reflect the principles of substantive justice (Zhumataeva, M., 2024). Inconsistent rulings also raise doubts about the judiciary's ability to uphold justice effectively.

## Method

This study employs a normative juridical research method, examining applicable legal rules, legal doctrines, and relevant legal principles concerning the issue of the Relativity of Mitigating Factors in Corruption Case Rulings. The normative approach enables the researcher to analyze law as a normative system composed of written regulations, including statutes, government regulations, and court decisions. The analysis of legal materials in this study is conducted using the statute approach, which focuses on legislative provisions as the primary source of legal interpretation.

## Result and Discussion

### The Relativity of Mitigating Factors in Corruption Case Ruling and Their Impact on Substantive Justice

Mitigating factors in criminal law serve as a mechanism to balance formal and substantive justice. This concept refers to specific considerations that judges may take into account when reducing the severity of a defendant's sentence. Commonly considered factors include the defendant's good faith, cooperation with law enforcement, and socio-economic conditions relevant to the offense. Permanasari (2021) highlights that mitigating factors aim to ensure a fair and proportionate ruling by taking into account the specific context in which the crime was committed.

However, the application of mitigating factors in practice is often relative and highly dependent on

each judge's interpretation. This inconsistency can lead to legal uncertainty, particularly in cases with widespread implications, such as corruption. For instance, a corrupt official who reimburses state losses may be granted mitigating consideration, even though such restitution does not eliminate the broader social harm caused. This illustrates that while mitigating factors are designed to promote justice, their application in practice may result in injustice if they fail to align with the principles of substantive justice.

In the context of corruption offenses, mitigating factors can also influence public perception of the judiciary's integrity. When applied inconsistently or without a clear basis, such considerations may lead the public to doubt the fairness of judicial decisions. This situation not only disadvantages the parties involved in the case but also fosters distrust in the overall effectiveness of law enforcement. Therefore, standardized parameters and guidelines for applying mitigating factors are necessary to ensure consistency in judicial rulings, prevent sentencing disparities, and uphold substantive justice for all parties concerned. John Rawls' theory of substantive justice provides a relevant philosophical foundation for analyzing the application of mitigating factors in criminal law, particularly in corruption cases. Rawls introduces two key principles of justice: the equal basic liberties principle and the difference principle. The first principle asserts that all individuals have equal rights to fundamental liberties, such as political and social freedoms, without discrimination. The difference principle, as articulated by Rawls, permits social and economic inequalities only if they benefit the least advantaged members of society. This principle underscores a system of social justice that prioritizes the well-being of those who are most disadvantaged. Premchand (2017).

In the context of corruption offenses, this theory is particularly relevant as it underscores the importance of substantive justice that transcends formal legal procedures. As Hasanuddin (2018) asserts, the application of substantive justice in corruption cases must take into account the broader social impact rather than merely focusing on the offender and their actions. For instance, if a mitigating factor is granted to a corrupt offender based on their restitution of state losses, the decision must be assessed in terms of whether such restitution genuinely provides substantive benefits to the society that has suffered harm. Rawls also emphasizes that substantive justice must ensure that legal decisions reflect universal values that safeguard the overall well-being of society. In corruption cases, the application of mitigating factors without consideration of the broader social consequences may be deemed a violation of this principle of justice. Therefore, judges must integrate mitigating factors with the principles of substantive justice when rendering decisions, ensuring that justice is not only afforded to the offender but also to the affected society.

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The relativity in the application of mitigating factors also creates legal uncertainty. When judges have full discretion to determine mitigating factors without clear guidelines, the resulting decisions tend to vary from case to case. This condition not only generates legal uncertainty but may also undermine the legitimacy of the legal system in the eyes of the public. Therefore, this study emphasizes the importance of evaluating the standards for applying mitigating factors to ensure that substantive justice remains the primary priority in every legal ruling. The inconsistent application of mitigating factors has serious implications for public trust in the legal system. When society perceives that perpetrators of corruption receive lenient sentences due to irrelevant or unclear mitigating factors, skepticism regarding the integrity of the judiciary may arise. As stated by Ramadhan et al. (2023), public trust in the legal system heavily depends on transparency and

consistency in law enforcement. Such inconsistency also hampers efforts to eradicate corruption in Indonesia. Corruption is a crime with far-reaching economic and social consequences, necessitating strict and fair law enforcement to address the issue effectively. Uncertainty in the application of mitigating factors may diminish the deterrent effect on corrupt offenders, ultimately worsening the corruption situation in Indonesia. Susanti, (2019). To strengthen public trust, the legal system must demonstrate consistency and transparency in the application of mitigating factors. One approach is to establish clear guidelines for judges in determining mitigating factors, accompanied by periodic evaluations of their implementation. This ensures that mitigating factors are not merely applied as a legal formality but serve to achieve substantive justice for society.

## Judicial Legal Reasoning in Determining Mitigating Factors

The legal reasoning theory developed by Neil MacCormick provides a systematic framework for judges in making fair and responsible decisions. MacCormick emphasizes that the process of legal reasoning is not solely focused on the mechanical application of legal rules but also involves essential elements such as legal interpretation, the balance of social values, and rational argumentation. Legal interpretation requires judges to understand and construe legal norms within the specific context of the case at hand, ensuring that the relevant regulations are given appropriate meaning Rizki, (2024). The balance of social values, on the other hand, involves assessing the social and moral impact of judicial decisions to ensure that rulings are not only fair to the defendant but also reflect substantive justice for society as a whole.

Rational argumentation is a fundamental pillar of MacCormick's theory, requiring judges to explain and justify their decisions through coherent and transparent reasoning. In corruption cases, where the social impact of the offense is far-reaching, judicial reasoning serves as a crucial tool to ensure that decisions not only comply with positive law but also reflect broader principles of justice. Strong legal reasoning not only enhances the legitimacy of judicial decisions but also strengthens public confidence in the integrity of the judicial system.

The process of judicial reasoning in determining mitigating factors in corruption cases consists of several stages. The first stage involves the collection and analysis of relevant facts, including evidence presented during the trial. At this stage, the judge must ensure that all elements of the corruption offense have been proven in accordance with the applicable legal provisions. The next stage is the evaluation of mitigating factors submitted by the defendant. Considerations such as the defendant's good faith, active cooperation with law enforcement authorities, restitution of state losses, and the defendant's socio-economic conditions are among the primary factors taken into account. Abdullaeva (2022).

However, judicial reasoning does not end with this technical evaluation. Judges must also consider the social, political, and moral context of the case. In corruption cases, for instance, the social impact of the offense on public trust in the government and the legal system is a crucial factor that must not be overlooked. Another important consideration is the pressure exerted on judges by various parties, including the media, the public, and interest groups, which may influence the decision-making process. Therefore, legal reasoning in corruption cases requires a careful balance between adherence to positive law and the broader social responsibility of the judiciary.

The application of Neil MacCormick's theory of legal reasoning in practice often presents challenges, particularly in the context of mitigating factors in corruption cases. In some instances, judges grant mitigating considerations to defendants based on the restitution of state losses or the defendant's cooperation with investigators. While these factors may be legally valid, a deeper analysis suggests that such decisions can lead to public dissatisfaction if they do not align with the principles of substantive justice.

Ali et al. (2022) note that mitigating factors that fail to consider the social impact of a crime can undermine the legitimacy of the legal system. An analysis based on MacCormick's theory highlights the importance of judges assessing how mitigating factors affect the balance of social values. The rational argument supporting such decisions must be structured in a way that allows the public to understand the

reasoning behind the ruling, even if the outcome does not meet public expectations. When mitigating factors are applied without regard to broader social values, such decisions may reflect weaknesses in legal reasoning, ultimately diminishing public trust in the judiciary.

## Recommendations for the More Consistent Legal Reasoning

To enhance the quality of judicial legal reasoning, strategic measures must be implemented, including the development of standardized guidelines for applying mitigating factors. These guidelines should be designed to incorporate the principles of substantive justice and legal reasoning as outlined in MacCormick's theory, thereby providing a clear framework for judges in rendering decisions (Hu et al., 2022).

Furthermore, continuous training for judges on the integration of substantive justice theory and legal reasoning in judicial practice is essential. Such training will enable judges to better understand how their decisions impact society as a whole and how to apply broader justice values within the framework of positive law. Baharuddin (2023) also suggests that periodic evaluations of judicial rulings can serve as an effective tool to ensure consistency and quality in legal reasoning across jurisdictions. By implementing these measures, Indonesia's legal system can strengthen its integrity and transparency, ultimately enhancing public trust in the judiciary and reinforcing efforts to combat corruption effectively.

## Conclusion

The application of mitigating factors is often carried out subjectively by the judges, leading to legal uncertainty and inconsistency with the principles of substantive justice. Mitigating factors, such as restitution of state losses or cooperation with law enforcement, are frequently applied without considering their broader social and moral impact. Utilizing John Rawls' theory of substantive justice, this study emphasizes that mitigating factors should be evaluated based on their effects on society as a whole, rather than solely on the defendant. To ensure consistency and transparency, clearer guidelines are needed for the application of mitigating factors so that judicial decisions reflect fair and balanced principles of substantive justice.

Regarding the judicial reasoning process in determining mitigating factors, Neil MacCormick's theory of legal reasoning highlights the importance of balancing social values, legal interpretation, and rational argumentation in decision-making. In corruption cases, judges must not only adhere to positive legal norms but also consider the social and moral consequences of their rulings. This study finds that the absence of standardized criteria often leads to inconsistencies in the application of mitigating factors. Therefore, the development of judicial training on substantive justice theory and legal reasoning, along with the implementation of more structured guidelines, can enhance the quality of legal decisions and public trust in the judiciary while strengthening anti-corruption efforts in Indonesia.

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