



The Philosophy of Morality and Law Enforcement in Corruption: A Case Study of State Losses of IDR 271 Trillion

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Article History Received : 2025-04-6 Revised: 2025-05-7 Published: 2025-05-30 Keywords: <i>Philosophy of Morality; Law Enforcement; Corruption; State Losses</i>	Corruption in Indonesia is a serious problem that has damaged the country's social and economic structures. One significant case is corruption that caused state losses of up to Rp 271 trillion. In this regard, the application of the law to perpetrators of corruption is important to examine from a moral philosophy perspective. This article examines the 6.5-year prison sentence imposed on the perpetrator who caused this significant loss, using deontological and utilitarian ethical perspectives. Is this sentence sufficient to provide a deterrent effect and satisfy society's sense of justice? Or does it ignore the serious impact of corruption? This article aims to explore the role of the legal system in upholding justice and how moral philosophy can provide insight into existing legal policies. Furthermore, this research also examines the potential for improving the legal system to be more effective in handling major corruption cases for the sake of more meaningful justice for society and the state.

I. INTRODUCTION

Corruption in Indonesia continues to be a fundamental problem that threatens national stability and erodes public trust in the government and the legal system. Corrupt practices have touched nearly every aspect of life, from the public to the private sector, with devastating impacts. Not only does corruption burden the economy, it also creates social injustice, further exacerbating disparities within society.(Sumarwoto et al., 2014)One of the most striking cases is corruption, which caused state losses of up to Rp 271 trillion, a figure that reflects the magnitude of the losses and the development opportunities lost due to these corrupt practices. Beyond the financial losses, these acts also hinder the creation of social justice and more prosperous, sustainable development for the community.(Nasution & Calvin, 2025).

One of the main challenges arising from this case is how the Indonesian legal system will respond to crimes with such massive impacts. In corruption cases involving significant state losses, the view is often expressed that the punishments imposed on the perpetrators are disproportionate

to the extent of the losses suffered by the state.(Nasution et al., nd)For example, the 6.5-year prison sentence imposed on the perpetrator responsible for Rp 271 trillion in losses has sparked widespread criticism. The public has questioned whether the sentence is sufficient to deter, reflect a sense of justice, and protect the public interest. Does such a lenient sentence actually expose the legal system's weakness in dealing with major corruption, thereby allowing other perpetrators to commit similar acts without fear of serious consequences?

Evaluating cases like this requires an approach that relies not only on positive law but also utilizes the lens of moral philosophy. Moral philosophy provides a framework that helps assess whether a given punishment meets the principles of justice and ethical values. A deontological ethical approach, for example, emphasizes the importance of the moral obligation to punish the perpetrator based on objective principles, regardless of practical outcomes.(Lumbanraja, 2022). In contrast, the utilitarian approach assesses punishment from its impact, namely the extent to which the punishment can create greater

welfare by preventing future corruption.(Pratiwi et al., 2022)By combining these two approaches, the assessment of punishment in major corruption cases can be more comprehensive, considering not only the legal aspects but also the impact on the wider community.

This article aims to explore how moral philosophy, through a deontological and utilitarian ethical approach, can be used to assess whether a 6.5-year prison sentence for a corruption perpetrator with state losses of Rp 271 trillion is fair and adequate. This study will also evaluate the effectiveness of punishment in creating a deterrent effect and mitigating future corruption. In addition, this article discusses the potential for reforming the Indonesian legal system, especially in dealing with major corruption cases, so that more meaningful justice can be realized. Thus, it is hoped that this study will not only contribute to philosophical thinking on law and justice, but also provide input for formulating more assertive and effective legal policies in eradicating corruption. A more just and assertive legal system reform is believed to be an important step in creating a cleaner and more trusted government.

II. RESEARCH METHODS

This research uses a literature study method as its primary approach. Literature study is a series of processes involving data collection from various library sources, including books, journals, scientific articles, official documents, and other publications relevant to the research topic.(Mahmud Marzuki, 2005)This method involves reading, recording, analyzing, and processing the information obtained to serve as a basis for answering research questions. The stages of a literature review include identifying credible and relevant sources, collecting data relevant to the research focus, and systematically organizing the information for more in-depth analysis. Through this method, researchers not only understand the context and background of the problem but also explore theoretical concepts that support the discussion in the research.

III. RESULTS AND DISCUSSION

A. Definition of Philosophy of Morality

Etymologically, the term moral comes from the Latin *mos*, which in the plural is *mores*. This word refers to procedures, habits, or customs that develop in human life in society(Agus, 2014). In this context, morals relate to the norms that regulate a person's behavior to distinguish actions that are considered good or bad, right or wrong.

Meanwhile, the term ethics comes from the Greek word *ethos*, which means habit or character.(Weruin, 2019). Ethics has a more philosophical meaning because it refers to the systematic study of the principles that guide human action, especially in the context of moral values. Ethics is often referred to as the branch of philosophy that discusses human action within the framework of ethical values.(Praja, 2020)Ethics discusses not only how humans act, but also why humans act as they do, based on the principles underlying those actions. Thus, ethics is a study that examines the foundations of human action as beings with reason and morality.

These thoughts on morals and ethics became more profound in the philosophy of Immanuel Kant, a German philosopher who was very influential in the field of morality.(Magnis-Suseno, 1987)Kant argued that morality stems from human reason. For him, morality cannot be imposed by external factors such as desires, traditions, or feelings. Instead, morality is the result of pure reasoning, so true goodness must be universal and independent of any circumstances. According to Kant, something is considered right or good if it can apply as a universal principle, that is, a principle that can be accepted by everyone as a moral rule.

Kant introduced the concept of good will as the core of morality. For Kant, good will is an action performed solely out of moral obligation, without regard to the benefits, satisfaction, or pleasure that might result from the action.(Kant, 2017). This good will is absolute goodness, meaning goodness that is not influenced by subjective factors or external conditions. Kant emphasized that moral action is not about seeking happiness, but rather fulfilling absolute moral obligations. One of the main principles in Kant's moral

philosophy is the concept of the categorical imperative, which is the basis of moral action. The categorical imperative states that a person must act based on principles that can be accepted as universal laws. For example, if someone lies, he must consider whether the act of lying is acceptable as a universal norm for everyone. In other words, morality demands consistency and rationality in every human action. In Kant's view, the fundamental question that humans must ask is not How can I live happily? but How should I act in accordance with my moral obligations? Happiness, according to Kant, is a secondary goal that is relative, while moral obligations are the primary goal that is absolute and universal.

B. Deontological Ethical Theory

The term deontology comes from the Greek word *deon*, which means duty or something that must be done.(Lumbanraja, 2022)This deontological theory is closely related to the thinking of Immanuel Kant, one of the main figures who developed this approach. According to this theory, the basis for assessing the goodness or badness of an action lies in the moral obligation inherent in that action, not in the consequences it produces. In other words, an action is considered good because it is obligatory to do it, while a bad action should be avoided because it goes against obligations.(Paraibabo, 2021).

This theory emphasizes that the moral value of an action does not depend on its outcome. For example, honesty, justice, sincerity, and trustworthiness are good actions and should be done solely because of their nature. Conversely, actions such as stealing, corruption, and envy are prohibited because they are bad, regardless of their consequences. The principle of deontology also states that the consequences of an action are another matter and should not be the basis for moral judgment. An action is not good because its outcome is good; it is only good because of the moral obligation that requires it.

The deontological approach also rejects the idea that ends can justify the means.(Purba, 2024)For example, a student who wants to achieve a high grade point average cannot be justified if he achieves it through unethical means

such as cheating. Although his goal is good, namely to get a high grade, the method used is contrary to moral principles, so his action is still wrong. In depth, deontology holds that moral actions must involve the awareness of the actor. This means that humans act not only because they consider the action good or bad based on its consequences or benefits for many people, but also because the action has moral value inherent in its nature. Thus, the goodness or badness of an action is determined by the intrinsic nature of the action itself, not by its results or impact.(Purba, 2024).

The deontological ethics developed by Kant also emphasizes the importance of universal moral principles that must be obeyed by every individual.(Kant, 2013)In a social context, such as the corruption case in Indonesia, the deontological principle states that perpetrators of corruption must be punished because they have violated their moral obligations as public officials. Corruption not only causes financial losses to the state but also betrays public trust in the integrity of the government.

As an illustration, although Indonesian law provides an average prison sentence of 6.5 years for corruption, from a deontological perspective, this sentence is often considered insufficient. This is because the offenses committed by corruptors involve serious violations of moral obligations. Deontology requires that the punishment reflect the severity of the moral violation, so a harsher punishment, such as additional prison time or a larger fine, would better reflect justice. A stricter sentence is considered capable of upholding moral obligations and sending a clear message that violations of moral values will not be tolerated in society.

C. Utilitarianism Theory

The term utilitarianism comes from the Latin word *utilis*, meaning useful, beneficial, or advantageous. According to the Big Indonesian Dictionary (KBBI), utilitarianism is rooted in the word *fungsi*, meaning benefit, utility, or advantage. This theory is rooted in the development of teleological ethics, also known as consequentialist ethics.(Pratiwi et al., 2022)Teleological ethics

judges the goodness or badness of an action based on the goals or consequences it produces. Utilitarianism was specifically developed by great European philosophers, such as Jeremy Bentham (1748–1832) and John Stuart Mill (1806–1873), who became the main figures of this theory.(Mill, 2020).

Utilitarianism is a moral view that places benefit or utility as the most fundamental principle in evaluating actions. An action is considered good if it provides the greatest benefit to the greatest number of people.(Mill, 2020). In other words, the primary focus of utilitarianism is achieving the greatest good for the greatest number of people. Jeremy Bentham and John Stuart Mill emphasized the importance of judging actions based on their consequences, using measures such as happiness, well-being, and social utility. This approach holds that moral decisions should be based on how much an action can create happiness or well-being for the wider community. The concept of happiness in question encompasses anything that increases the comfort, security, and satisfaction of an individual or group. Conversely, an action that causes unhappiness, suffering, or harm to many people is considered immoral.

In the context of corruption, utilitarianism theory focuses on the social impacts of corruption and the punishments imposed on perpetrators. Corruption harms society at large by hindering development, undermining the system of government, and eroding public trust in state institutions.(Moeliono & Sebastian, 2015)From a utilitarian perspective, punishment for corruption should be designed to deter not only the perpetrator but also other potential perpetrators. Effective punishment should be able to deter similar acts in the future, thereby creating greater benefits for society.

For example, a 6.5-year prison sentence for a corruptor who caused state losses of up to Rp 271 trillion is considered too lenient from a utilitarian perspective. This sentence is considered insufficient to provide a strong deterrent effect and is disproportionate to the social impact of the corruption. In utilitarian theory, harsher penalties, such as extended prison terms or the imposition

of large fines, are considered more effective in reducing corruption. Such penalties not only provide a sense of justice for society but also help improve overall social welfare by preventing similar losses in the future.(Wayne Morrison, 2021).

The principle of utilitarianism also emphasizes that policies or decisions should be evaluated based on their cumulative impact on society. More broadly, utilitarianism can be used as a basis for formulating public policies, such as anti-corruption laws, social welfare programs, or education policies. These policies should be designed to maximize the well-being of society as a whole, without neglecting vulnerable groups who need greater protection. With this approach, utilitarianism provides a pragmatic moral framework, in which actions or policies are judged based on the extent to which they provide tangible benefits to the wider community. In the context of law and justice, this approach encourages the application of more proportionate punishments or policies with the aim of creating a more just, prosperous, and harmonious society.(Mill, 2020).

D. Sustainability of the Indonesian Legal System

Article 1 paragraph (3) Chapter 1 of the Third Amendment to the 1945 Constitution affirms that the Republic of Indonesia is a State of Law. This means that Indonesia as a Unitary State is based on law (*rechtstaat*), not power (*machstaat*). (Hadi, 2022). Government in Indonesia is run based on a constitutional system or basic law, not absolutism, which is unlimited power. As an implication of Article 1 paragraph (3), there are three main principles that must be upheld by every citizen: the supremacy of law, equality before the law, and law enforcement carried out in accordance with the rule of law. These three principles are an important foundation for the government's agenda, especially in implementing legal reform.

Although Indonesia's legal system has undergone some improvements, significant challenges remain, particularly in enforcing large-scale corruption. Many believe that Indonesia's legal system is not yet fully effective in imposing fair and proportionate sanctions on perpetrators

of corruption. In major corruption cases resulting in state losses of up to IDR 271 trillion, the penalties imposed are often deemed insufficiently severe to provide a deterrent effect or prevent similar acts from recurring.

Although Indonesia has legal instruments, such as anti-corruption laws, and institutions like the Corruption Eradication Commission (KPK) specifically handling corruption cases, law enforcement still faces various obstacles. The justice system is often considered too lenient toward perpetrators of major corruption, thus eroding public trust in legal justice. Therefore, deeper reforms are needed to strengthen Indonesia's legal system.(Nugraha, 2020).

E. A Critique of Reconstruction of the Legal System and Efforts to Combat Corruption in Indonesia

The principle embodied in the phrase *Cogitationis poenam nemo patitur* (no one can be punished for what one thinks) affirms the right of every individual to think and generate knowledge, which includes an understanding of ethics and morals. This leads to a concept of life based on honesty, not harming others, and giving the best of ourselves. In this case, humans, with their God-given reason, can distinguish between good and bad deeds. This concept is in contrast to the phrase *homo homini lupus* (man is a wolf to his fellow man), which reflects a pessimistic view of human nature. In contrast, true teachings direct humans to love and respect one another (*crime of proximity*), with the aim of creating social harmony. To achieve this goal, humans must draw closer to God Almighty, understand His teachings about love, and live according to these moral values.

The importance of law enforcement's role in maintaining and upholding justice cannot be overstated. Law enforcement officials, such as police, prosecutors, judges, lawyers, and executive and legislative bodies, are expected to be good role models and uphold their oath of office to uphold justice based on the One Almighty God. Decisions made in carrying out their duties must be based on integrity and honesty, without being influenced by temptation or personal

interests. Unfortunately, many law enforcement officers are involved in violations of the law, often driven by moral depravity and dissatisfaction with what they have.

To address the significant problem of corruption in Indonesia, several important steps need to be taken. One such step is the ratification of the Asset Forfeiture Bill, which aims to introduce a clear and effective mechanism for the forfeiture of assets obtained through corruption. This measure will facilitate the return of misappropriated assets and strengthen anti-corruption efforts, sending a clear message that corruption will not be tolerated. Clearer regulations are expected to reduce the possibility of asset diversion, which could harm the state and society.

Furthermore, reform of government institutions is necessary by restoring the functions, duties, and authorities of state institutions to their current state. This reform encompasses not only changes to the organizational structure of government but also aims to increase efficiency, transparency, and accountability in carrying out administrative duties. This will help prevent corruption, which remains rampant in various government sectors. Furthermore, strengthening the law is crucial in eradicating corruption. Firm and consistent law enforcement, along with clear and severe sanctions for perpetrators of corruption, will provide a deterrent effect that can reduce incentives to engage in corruption. Updates to laws governing corruption, including provisions on obstruction of justice, are necessary to make them more stringent and in line with current developments.

In addition to improving legal aspects, enhancing integrity and ethics among state officials is also crucial. To create a clean bureaucracy, human resource (HR) reforms within government institutions are necessary to free them from Corruption, Collusion, and Nepotism (KKN). Strengthening integrity and work ethics among state officials will help create a cleaner government system and reduce the possibility of abuse of power. Equally important is building legal awareness among the public. Active

public participation in eradicating corruption must be encouraged to raise awareness of the importance of law enforcement and ethics. Based on Friedman's analysis, which covers aspects of legal structure, legal substance, and legal culture, several strategic recommendations for addressing corruption in Indonesia are as follows:

1. Strengthening Legal Structure

- a. Strengthen law enforcement institutions, such as the Police, Prosecutor's Office, and Courts, with sufficient resources, effective training, and increase their independence so that they can carry out their duties objectively and without intervention.

- b. Encourage legal reforms that tighten oversight and enforce accountability in the government system, so that every decision and policy can be clearly accounted for.

2. Legal Substantive Improvements

- a. Updating and clarifying laws related to corruption to be more stringent and include relevant new aspects, such as regulations regarding obstruction of justice and other criminal acts that support corruption.

- b. Imposing heavier and clearer sanctions on perpetrators of corruption, and tightening the penalties for those involved in criminal acts of corruption to create a maximum deterrent effect.

3. Developing a Legal Culture with Integrity

- a. Conducting intensive educational campaigns to raise public awareness about the importance of law, ethics, and integrity in everyday life, so that the public better understands their role in eradicating corruption.

- b. Building an organizational culture based on integrity, transparency, and accountability in every government institution and law enforcement agency, in order to create a better legal system that is free from corrupt practices.

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

Corruption in Indonesia is a systemic problem that undermines state integrity and social justice. Large-scale corruption cases with light sentences demonstrate weak law enforcement. Using deontological and utilitarian ethical approaches, it

was found that punishment does not reflect moral justice or social benefits. Therefore, eradicating corruption requires stricter law enforcement, integrity of law enforcement officials, and collective public awareness to create a clean and accountable government.

B. Suggestion

A comprehensive legal system reform based on moral values is needed to ensure that punishments for corruption perpetrators truly reflect justice and create a deterrent effect. The state must strengthen the capacity of law enforcement agencies, clarify sentencing standards, and promote transparency in the legal process. Furthermore, anti-corruption education and the strengthening of ethical character at all levels of society need to be continuously promoted to build a strong anti-corruption culture. Only with a comprehensive and consistent approach can public trust in the legal system and government be restored.

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