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Reformulating Corruption Prosecution Policy through the Proportionality of State Losses in Indonesia and Singapore

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Abstrak

Penelitian ini mengkaji faktor hukum yang mendasari perbedaan penuntutan Harvey Moeis dalam Putusan Nomor 70/Pid.Sus-TPK/2024/PN.Jkt.Pst dan Benny Tjokrosaputro dalam Putusan Nomor 29/Pid.Sus-TPK/2020/PN.Jkt.Pst. Penelitian ini mengusulkan model pengendalian penuntutan yang menyeimbangkan kepastian hukum dan keadilan substantif dengan mengambil pembelajaran komparatif dari Singapura. Penelitian menggunakan metode hukum normatif dengan pendekatan perundang-undangan, kasus, konseptual, dan perbandingan. Penelitian mengidentifikasi empat potensi sumber inkonsistensi, yaitu ketiadaan metode terstruktur untuk memasukkan kerugian lingkungan dalam tuntutan pidana, penerapan Surat Edaran Nomor SE-001/A/JA/02/2019 yang tidak konsisten, kelemahan jaminan kelembagaan terkait doktrin dominus litis, serta diskresi hierarkis tanpa dokumentasi yang terstandar. Model yang diusulkan mengadaptasi pembelajaran dari pemisahan penyidikan dan penuntutan di Singapura ke dalam kerangka kelembagaan Indonesia. Komponennya meliputi matriks tuntutan pidana berbobot, unit audit penuntutan internal, publikasi statistik penuntutan, dan penguatan pengawasan eksternal. Perbandingan ini tetap memperhatikan perbedaan tahap prosedural, kesalahan pelaku, dan atribusi hukum atas kerugian. Model tersebut merupakan usulan untuk penalaran yang dapat dipertanggungjawabkan, bukan konversi mekanis kerugian moneter menjadi pidana penjara.

Kata Kunci: disparitas penuntutan; korupsi; kerugian negara; proporsionalitas; keadilan substantif

Abstract

This study examines the legal factors underlying differences in the prosecution of Harvey Moeis in Judgment No. 70/Pid.Sus-TPK/2024/PN.Jkt.Pst and Benny Tjokrosaputro in Judgment No. 29/Pid.Sus-TPK/2020/PN.Jkt.Pst. It proposes a model for prosecution oversight that balances legal certainty and substantive justice, drawing comparative lessons from Singapore. The study uses normative legal research with statutory, case, conceptual, and comparative approaches. It identifies four potential sources of inconsistency: the absence of a structured method for incorporating environmental losses into sentencing demands; inconsistent application of Circular No. SE-001/A/JA/02/2019; weaknesses in institutional safeguards surrounding the dominus litis doctrine; and hierarchical discretion without standardized documentation. The proposed model adapts lessons from the separation of investigation and prosecution in Singapore to Indonesia's institutional framework.

Its components are a weighted sentencing-demand matrix, an internal prosecution audit unit, publication of prosecution statistics, and stronger external oversight. The comparison remains subject to differences in procedural stage, culpability, and the legal attribution of losses. The model is a proposal for accountable reasoning rather than a mechanical conversion of monetary losses into imprisonment.

Keywords: *prosecutorial disparity; corruption; state losses; proportionality; substantive justice*

Introduction

Classical legal theory identifies justice (*Gerechtigkeit*), utility (*Zweckmäßigkeit*), and legal certainty (*Rechtssicherheit*) as fundamental legal values. Gustav Radbruch explains that these values may conflict: legal certainty favors consistent application, while substantive justice may require attention to the circumstances of an individual case. In cases of intolerable injustice, positive law must yield to justice.[1] This tension is evident in the prosecution of corruption, where general criminal policy meets individual assessments of culpability and harm.

Article 1(3) of the 1945 Constitution establishes Indonesia as a state governed by law. Prosecutorial authority must therefore comply with legality while pursuing substantively just outcomes. Attorney General's Circular No. SE-001/A/JA/02/2019 on the Control of Corruption Case Handling (SE-001/2019) provides an internal framework for prosecution oversight. This article examines four parameters associated with that framework: financial or economic losses to the state, recovery of those losses, personal enrichment, and the defendant's role and position. A structured framework can connect discretion with measurable criteria while preserving attention to individual circumstances.[2]

The comparison concerns two cases handled by the Deputy Attorney General for Special Crimes (Jaksa Agung Muda Tindak Pidana Khusus, Jampidsus). In the Jiwasraya investment corruption case, Benny Tjokrosaputro was prosecuted in Judgment No. 29/Pid.Sus-TPK/2020/PN.Jkt.Pst. Reported state financial losses were approximately Rp16.8 trillion, and both the prosecutor's demand and the first-instance sentence were life imprisonment.[3] In the tin commodity trading case within PT Timah Tbk's mining permit area (the Timah case), Harvey Moeis was tried in Judgment No. 70/Pid.Sus-TPK/2024/PN.Jkt.Pst, decided on December 23, 2024. Reported losses were approximately Rp300 trillion; the prosecutor sought twelve years' imprisonment, and the first-instance court imposed six years and six months.[4]

The cases provide a basis for examining the consistency of prosecution policy because they involved comparable corruption charges, the same prosecutorial

[1] Gustav Radbruch, "Statutory Lawlessness and Supra-Statutory Law (1946)," trans. Bonnie Litschewski Paulson and Stanley L. Paulson, *Oxford Journal of Legal Studies* 26, no. 1 (2006): 1–11.

[2] Attorney General of the Republic of Indonesia, Circular No. SE-001/A/JA/02/2019 on the Control of Corruption Case Handling, February 21, 2019, https://jdih.kejaksaan.go.id/produk-hukum/detail?id=2782.

[3] Central Jakarta District Court, Judgment No. 29/Pid.Sus-TPK/2020/PN.Jkt.Pst, defendant Benny Tjokrosaputro.

[4] Central Jakarta District Court, Judgment No. 70/Pid.Sus-TPK/2024/PN.Jkt.Pst, December 23, 2024, defendant Harvey Moeis.

institution, and the same internal oversight framework. The reported losses in the Timah case were nearly eighteen times those in the Jiwasraya case, yet the prosecutor sought a substantially shorter custodial sentence. The article describes this apparent reversal as an inversion of proportionality. The comparison raises a question about the reasoning used to connect losses and culpability with sentencing demands, rather than establishing that monetary loss alone determines the appropriate punishment.

Aggregate enforcement data provide further context. Indonesia Corruption Watch's monitoring for 2024 recorded 364 cases, 888 suspects, and estimated state losses of Rp279.9 trillion, with approximately Rp271 trillion attributed to the Timah case.[5] A single large case can therefore substantially affect annual loss statistics and public perceptions of enforcement. Annual monitoring totals nevertheless use a different denominator from case-specific assessments and must not be treated as sentencing inputs for an individual defendant.

Research on disparity has concentrated largely on judicial sentencing. A MaPPI study at the University of Indonesia's Faculty of Law examined 587 judgments involving 689 convicted persons and reported unwarranted disparity in 66 percent of the judgments.[6] Supreme Court Regulation No. 1 of 2020 addresses sentencing under Articles 2 and 3 of the Corruption Eradication Law. Judicial sentencing and prosecutorial demands remain distinct stages. The article argues that publicly accessible, comparable data on prosecutorial demands are needed to evaluate consistency before adjudication.

Law No. 1 of 2023 on the Criminal Code also makes the treatment of actual state losses relevant to this discussion. Article 603 prescribes life imprisonment or imprisonment for two to twenty years.[7] The earlier wording of Article 2(1) of the Corruption Eradication Law referred to conduct that "may" cause financial or economic loss to the state.[8] Constitutional Court Decision No. 25/PUU-XIV/2016 required actual rather than merely potential loss.[9] The broad statutory sentencing range leaves substantial discretion. Transparent reasoning is therefore needed when proven losses inform a sentencing demand, subject to the law applicable to the conduct and procedural stage concerned.

Singapore provides a comparative reference. CPIB's statistics release for 2024 reported 133 persons prosecuted, a 97 percent conviction rate, and Singapore's third-place position in the 2024 Corruption Perceptions Index with a score of 84.[10] Singapore separates corruption investigation by the Corrupt Practices Investigation Bureau (CPIB) from prosecution through the Attorney-General's Chambers (AGC). The article examines this separation as a potential institutional safeguard. A

[5] Indonesia Corruption Watch, "Penindakan Korupsi 2024 Merosot Tajam: Rekor Terburuk dalam 5 Tahun Terakhir," September 30, 2025.

[6] Masyarakat Pemantau Peradilan Indonesia (MaPPI) FHUI, *Disparitas Putusan Tindak Pidana Korupsi* (Jakarta: MaPPI FHUI, 2017).

[7] Republic of Indonesia, Law No. 1 of 2023 on the Criminal Code, art. 603.

[8] Republic of Indonesia, Law No. 31 of 1999 on the Eradication of Corruption, as amended by Law No. 20 of 2001, art. 2(1).

[9] Constitutional Court of the Republic of Indonesia, Decision No. 25/PUU-XIV/2016.

[10] Corrupt Practices Investigation Bureau, "Firm Enforcement, Strong Partnerships Key to Securing a Corruption-Free Singapore," May 28, 2025, https://www.cpib.gov.sg/press-room/firm-enforcement-strong-partnerships-key-to-securing-a-corruption-free-singapore/.

conviction rate alone, however, cannot establish independence or explain the consistency of prosecutorial decisions.

The contrast between the Jiwasraya and Timah cases raises an institutional question about the standards and explanations governing prosecutorial discretion. Reform should connect that discretion to objective parameters and accountable oversight while recognizing differences in defendants' roles, attributable losses, and procedural outcomes. The proposed approach places the proportionality of legally established losses within a broader assessment of culpability and substantive justice.

Research Method

This study uses normative legal research, examining law as a system of rules, principles, and doctrines, following Peter Mahmud Marzuki's approach.[11] It combines a statutory approach to the relevant legislation, a case approach to the Jiwasraya and Timah matters, a conceptual approach to prosecutorial disparity, and a comparative approach to Singapore. The analysis is prescriptive: it seeks to formulate a model for prosecution oversight. Deductive reasoning applies general legal principles and rules to the specific issues in order to develop normative conclusions.

Analytical Scope and Evidentiary Limits

The two cases are purposively selected illustrations rather than a representative sample of prosecutorial practice. The comparison distinguishes the indictment, the prosecutor's sentencing demand, the first-instance judgment, and any appellate decision. It also separates alleged financial loss, judicially established loss, environmental remediation valuations, and recovered assets. The defendants' roles, conduct, applicable provisions, and procedural dates may explain differences in outcomes. A comparative inference is supportable only to the extent that the official records permit these variables to be matched.

Results and Discussion

Doctrinal Clarification and Application

Proportionality requires a structured assessment of several factors rather than a fixed conversion of each additional rupiah of loss into imprisonment. The assessment concerns the statutory elements, each defendant's participation, attributable harm, restitution, aggravating and mitigating circumstances, and the reasons for exercising discretion. Singapore's institutional separation must similarly be distinguished from proof of independence. Claims of noncompliance with an internal circular require examination of its operative text and legal effect.

Legal Factors Contributing to Disparities in Prosecution

Comparison of the Jiwasraya and Timah Cases

The comparison examines the amount and nature of reported losses, each defendant's role, the prosecutor's sentencing demand, the internal oversight framework, and the court's reasoning. These variables allow similarities and

[11] Peter Mahmud Marzuki, *Penelitian Hukum: Edisi Revisi*, 13th printing (Jakarta: Kencana Prenada Media Group, 2017).

differences to be considered without assuming that the cases are identical. Table 1 presents the comparison.

Table 1. Comparison of the Jiwasraya and Timah Cases

Comparative Dimension	**The Jiwasraya Case**	**Timah Case**
Defendant	Benny Tjokrosaputro	Harvey Moeis
Prosecutorial Institution	Jampidsus	Jampidsus
Reported State Losses	Rp16.8 trillion in financial losses	Approximately Rp300 trillion, including Rp271 trillion in environmental losses and Rp29 trillion in financial losses
Types of Losses	Financial losses (stocks and investments) that can be calculated directly	Financial and environmental losses, with distinct valuation methods
Form of Participation	Co-perpetration (*medepleger*)	Co-perpetration (*medepleger*)
Counts in the Indictment	Article 2(1), read with Article 18, of the Corruption Eradication Law	Article 2(1), read with Article 18, of the Corruption Eradication Law
Prosecutor's Sentencing Demand	Life imprisonment; Rp1 billion fine; Rp6 trillion in replacement money	Twelve years' imprisonment; Rp1 billion fine; Rp210 billion in replacement money
SE-001/2019 in the Comparison	The case was heard in 2020, after the circular was issued	The case was heard in 2024, after the circular was issued
Judicial Reasoning	Organized offending and proven money laundering accompanied a life sentence	The defendant's conduct undermined efforts to combat corruption

Table 1 identifies an apparent difference between the scale of reported losses and the severity of the prosecutor's sentencing demand. The Timah case involved much greater reported losses but a shorter demand and first-instance sentence. The distinction between financial and environmental losses complicates the comparison. The actual-loss requirement, addressed in Constitutional Court Decision No. 25/PUU-XIV/2016 and reflected in the formulation of the national Criminal Code, also requires attention to the legal basis and timing of each loss assessment.[12]

Environmental valuations must be distinguished from directly established financial losses. The discussion of the Timah case also refers to a direct financial component of Rp36 trillion arising from smelter rental payments and tin transactions, which would remain above the reported Jiwasraya losses even if environmental damage were excluded. The article argues that unexplained differences in sentencing demands may undermine confidence in prosecution

[12] Republic of Indonesia, Law No. 1 of 2023 on the Criminal Code, art. 603.

policy. Establishing a structural explanation nevertheless requires more than the two monetary totals alone.[13]

The Lack of a Formula for Converting Ecological Damage into Criminal Penalties

A central issue is the nature of state losses. The Jiwasraya assessment concerned financial losses traceable to investment transactions and affected funds. BPK reported losses of approximately Rp16.8 trillion.[14] Directly quantifiable financial losses are more readily assessed within an existing financial-loss framework, although their legal attribution and significance for punishment still require reasons.

The Timah assessment includes a substantial environmental component. The reported Rp271 trillion accounts for approximately 90.3 percent of the Rp300 trillion total. The Corruption Eradication Law focuses on financial or economic losses to the state.[15] Environmental losses involve a separate valuation framework, including Minister of Environment Regulation No. 7 of 2014 on losses resulting from pollution and/or environmental damage.[16] Linking those valuations to a particular defendant and to a proportionate sentencing demand creates additional evidentiary and doctrinal difficulties.

Four difficulties arise in environmental valuation. Ecosystems, biodiversity, and ecological functions require valuation methods rather than simple transaction accounting. Baseline information about ecological conditions may be incomplete. Causation must connect the defendant's conduct with the established damage. Finally, restoration and damage estimates may extend over long periods and depend on technical assumptions. Each difficulty affects the reliability and legal use of a monetary estimate.[17]

The article identifies a gap in the method for incorporating environmental losses into a graduated sentencing demand. The national Criminal Code, the Corruption Eradication Law, and SE-001/2019 must be read according to their respective functions; a financial valuation cannot itself prescribe a prison term. The proposed reform seeks a documented method for explaining the relevance of environmental harm alongside other legally established factors.[18]

Inconsistent Application of SE-001/2019

The oversight framework is intended to support consistent sentencing demands in corruption cases. The article examines its treatment of serious, moderate, and minor cases through the scale of financial or economic losses,

[13] Tri Wulandari Adhyaksa, "Disparitas Penuntutan Perkara Tindak Pidana Korupsi di Wilayah Hukum Kejaksaan Tinggi Riau," *Jurnal Online Mahasiswa* 1, no. 2 (2014): 1–14.

[14] Badan Pemeriksa Keuangan, "Siaran pers: Kerugian Negara Kasus Jiwasraya Rp 16,81 Triliun," 2020.

[15] Republic of Indonesia, Law No. 31 of 1999 on the Eradication of Corruption, as amended by Law No. 20 of 2001, art. 2(1).

[16] Ministry of Environment of the Republic of Indonesia, Regulation No. 7 of 2014 on Environmental Losses Resulting from Pollution and/or Environmental Damage.

[17] Indonesia Corruption Watch, "Implementasi dan Pengaturan Valuasi Kerugian Ekologis dalam Perhitungan Kerugian Negara di Perkara Korupsi Sektor Industri Ekstraktif," 2024.

[18] Indonesia Corruption Watch, "Implementasi dan Pengaturan Valuasi Kerugian Ekologis dalam Perhitungan Kerugian Negara di Perkara Korupsi Sektor Industri Ekstraktif," 2024.

recovery, personal enrichment, and the defendant's role and position. It also considers cooperation as a potential mitigating factor. A classification system can improve predictability only if the relationship between its parameters and the resulting demand is explained.

The article identifies three potential sources of inconsistency. First, the relative weight assigned to each parameter may vary. In the Jiwasraya case, financial losses were central to the comparison, whereas the Timah discussion raises questions about environmental valuations and realistic asset recovery. The reported Rp300 trillion total differs from the Rp36 trillion financial component discussed in the text. The value of recoverable assets is a separate issue and cannot be assumed to match either figure.[19]

Second, an oversight framework requires criteria for explaining departures from its classifications. Third, an internal instrument is administered within the institution's own hierarchy. Whether a departure is justified may therefore depend on internal review and documentation. Political or other external pressure is a potential institutional risk, rather than a conclusion established solely by different sentencing demands. The meaning and safeguards of prosecutorial independence must be examined in that context.[20]

Jan Michiel Otto's account of legal certainty emphasizes consistent institutional conduct as well as clear written rules.[21] The article argues that a formal framework offers limited certainty if its practical application cannot be predicted or reviewed. Consistency in enforcement therefore matters alongside the existence of a written instrument, an issue also discussed in the scholarship on Otto's theory.[22]

The Dominus Litis Doctrine and the Risk of Regulatory Capture

The *dominus litis* doctrine identifies the prosecution service's central role in controlling prosecution. The statutory framework gives public prosecutors authority to prosecute within their jurisdiction and provides the Attorney General's Office with investigative powers in specified offenses. In corruption cases handled by Jampidsus, investigation and prosecution are located within one institution. This combination is relevant to the design of internal checks before trial.[23]

Combining functions may improve coordination but can also create vulnerabilities where independent review is limited. The article uses “regulatory capture” to describe the risk that political pressure, economic interests, or lobbying may influence institutional decisions. Extensive business networks and corporate interests may heighten that risk in major corruption matters. Such a risk must be distinguished from a finding that capture occurred in either case examined here.

A legal realist perspective directs attention to how institutions act in practice and to the context surrounding prosecutorial decisions. Public attention, business

[19] Indonesia Corruption Watch, “Eksaminasi publik putusan perkara tindak pidana korupsi pt asuransi jiwasraya,” 2024.

[20] Vivi Arfiani Siregar, “Analisis Kebijakan Rencana Tuntutan (Rentut) di Internal kejaksaan Indonesia,” *Jurnal Hukum Das Sollen* 4, no. 2 (2020).

[21] Adriaan W. Bedner et al., *Kajian Sosio-Legal* (Denpasar: Pustaka Larasan, 2012).

[22] Suhartoyo, “Analisis Yuridis Pertanggungjawaban Hukum Pidana Korporasi Menurut Teori Kepastian Hukum Jan Michiel Otto,” *Jurnal Global Ilmiah* 2, no. 10 (2025): 786–795.

[23] Otto Cornelis Kaligis, *Pengawasan terhadap jaksa selaku penyidik tindak pidana khusus dalam pemberantasan korupsi* (Bandung: PT Alumni, 2006).

networks, political will, and institutional priorities may influence enforcement. Recognizing these variables supports the development of documented safeguards; it does not establish an improper motive in a particular case without evidence.

Hierarchical Discretion in Preparing Sentencing Demands

The internal preparation of a sentencing demand (*rencana tuntutan*, or *rentut*) follows a hierarchy. A prosecutor prepares a proposed demand for review at successive supervisory levels, reaching Jampidsus in major cases. Revisions at each level require a record if their reasoning is to be assessed. The article identifies documentation and written justification as safeguards against unexplained variation. Lubis similarly discusses the risk of inconsistency where hierarchical discretion lacks clear documentation standards.[24]

Without a record of the reasons for a demand or a departure from a classification, institutional review and public accountability are constrained. Table 2 summarizes the factors identified in the analysis and their potential effects on consistency.

Table 2. Legal Factors Relevant to Prosecutorial Disparity

Legal Factors	Manifestation Examined	Impact on Consistency	Theoretical Framework
No structured method for incorporating environmental losses	Difficulty incorporating the reported Rp271 trillion environmental valuation	Risk of understating harm in natural resource corruption	Legal certainty (Otto)
Inconsistent application of SE-001/2019	Unexplained weighting of parameters	Unpredictable sentencing demands	Legal certainty (Otto)
Weak safeguards surrounding *dominus litis*	Concentration of investigative and prosecutorial functions	Potential non-legal influences	Legal realism
Hierarchical discretion	Undocumented revisions to *rentut*	Vertical inconsistency	Legal certainty (Otto)

Optimizing Prosecution Control Mechanisms

Separation of Investigation and Prosecution in Singapore

CPIB's release for 2024 reports conviction rates of 97–99 percent over 2020–2024.[25] These descriptive figures provide context for the institutional comparison. They do not, on their own, establish that separation of functions caused the outcomes or demonstrate a directly transferable model for Indonesia.

Singapore assigns corruption investigation to CPIB and prosecution to the Public Prosecutor through AGC.[26] CPIB reports directly to the Prime Minister, an

[24] Muhammad Kenan Lubis, "Formulasi Penuntutan Pelaku Tindak Pidana Korupsi Berbasis Nilai Keadilan" (PhD diss., Universitas Islam Sultan Agung Semarang, 2024).

[25] Corrupt Practices Investigation Bureau, "Firm Enforcement, Strong Partnerships Key to Securing a Corruption-Free Singapore," May 28, 2025, https://www.cpib.gov.sg/press-room/firm-enforcement-strong-partnerships-key-to-securing-a-corruption-free-singapore/.

[26] Koh Teck Hin, "Investigation and prosecution of corruption offences," *Resource Material Series* 83 (2010): 104–112.

arrangement examined in the literature on Singapore's corruption control framework.[27] The article treats the division of functions as a potential safeguard against unchecked concentration of authority. The extent to which it protects operational independence must be assessed separately from the organizational chart.

Article 35 of Singapore's Constitution establishes the office of Attorney-General. Appointment is made by the President, acting in discretion in concurrence with the Prime Minister's advice, from persons qualified for appointment as a Supreme Court judge. Article 35 also addresses tenure and removal. Article 35(8) confers discretion to institute, conduct, or discontinue proceedings for an offense.[28] The limits of prosecutorial discretion, including judicial review, are examined in Singaporean scholarship.[29] These provisions should be distinguished from a claim of permanent tenure or unrestricted authority over civil proceedings.

Section 33 of Singapore's Prevention of Corruption Act requires prosecution under that Act to be instituted by or with the Public Prosecutor's consent. Deferred prosecution agreements operate under a separate framework in Part 7A of the Criminal Procedure Code 2010, discussed by Chua and Chan.[30] Section 149I(1) addresses written notification to the General Division of the High Court, and public notice by the Public Prosecutor, upon expiry of a qualifying agreement, subject to the statutory exceptions.[31] This is a specific procedure rather than a general duty to issue reasons in every corruption case.

Publication of enforcement statistics is another relevant feature. CPIB reports indicators such as complaints received, investigations, persons prosecuted, clearance rates, and conviction rates. These categories help readers evaluate institutional performance, provided their definitions and reporting periods remain clear. The article draws a comparative lesson about regular publication, without assuming that every indicator measures the quality of an individual prosecution.

A Systematic Comparison Between Indonesia and Singapore

In Indonesia, the Attorney General's Office Law provides for the exercise of prosecutorial authority independently. The institution nevertheless remains within the executive structure, with the Attorney General appointed and dismissed by the President. The article examines the tension between functional independence and that structural position, especially in politically sensitive cases.[32] Independence in law and independence in practice require separate evaluation.

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[27] Corrupt Practices Investigation Bureau, "Singapore's Corruption Control Framework," n.d.

[28] Republic of Singapore, Constitution, art. 35, https://sso.agc.gov.sg/Act/CONS1963?ProvIds=P15-.

[29] Gary K.Y. Chan, "Prosecutorial Discretion and the Legal Limits in Singapore," *Singapore Academy of Law Journal* 25, no. 1 (2013): 15–50, https://ink.library.smu.edu.sg/sol_research/1185/.

[30] Eunice Chua and Benedict Chan, "Deferred prosecution agreements in Singapore: What is the appropriate standard for judicial approval?," *International Commentary on Evidence* 16, no. 1 (2019): 1–16, https://doi.org/10.1515/ice-2019-0002.

[31] Republic of Singapore, Criminal Procedure Code 2010, sec. 149I(1), https://sso.agc.gov.sg/Act/CPC2010?ProvIds=P17A-.

[32] Ook Mufrohim and Ratna Herawati, "Independensi Lembaga Kejaksaan sebagai Legal Structure didalam Sistem Peradilan Pidana (Criminal Justice System) di Indonesia," *Jurnal Pembangunan Hukum Indonesia* 2, no. 3 (2020): 373–386.

AGC's description of its prosecutorial functions refers to Article 35(8) and the Public Prosecutor's control and direction of criminal proceedings.[33] In Indonesia, the article argues that institutional leadership and political checks remain important to practical independence. The difference raises questions about safeguards against external influence rather than proving that any particular decision was politically determined.[34]

Indonesia's integrated model also requires coordination with BPK, BPKP, the police, and the Corruption Eradication Commission (Komisi Pemberantasan Korupsi, KPK), depending on the matter concerned. Multiple institutions may create coordination challenges and overlapping responsibilities. These risks are relevant to comparisons with Singapore's division of investigation and prosecution.[35]

The Attorney General's authority to set aside a case in the public interest reflects the opportunity principle. The relevant power must be distinguished from ordinary decisions about evidence, charges, and sentencing demands. The comparison with Singapore concerns the standards, documentation, and review surrounding the particular form of discretion exercised. Scholarship on the opportunity principle provides a basis for examining these safeguards in Indonesia.[36]

The Attorney General's Office publishes annual and performance reports and provides information through its Information and Documentation Management Officer (PPID) system.[37] The article argues for more comparable publication of investigation, prosecution, and recovery data across institutions. Regular reporting can support external scrutiny only where categories, reporting periods, and the distinction between demands and judgments are clear.

Environmental regulation offers a separate comparative field. Singapore's anti-corruption regime focuses on corrupt transactions, while environmental harm is addressed under distinct environmental legislation. The literature on transboundary haze illustrates difficulties in allocating responsibility and regulating environmental harm across jurisdictions.[38] Environmental fines, civil recovery, remediation costs, and corruption sentencing demands must be distinguished before any method is adapted to Indonesia.

For Indonesia, the challenge is to establish consistent valuation methods and explain how proven environmental harm relates to evidence and a sentencing demand. Estimates depend on ecological conditions and technical assumptions;

[33] Attorney-General's Chambers, "Overview of Functions," Public Prosecutor, updated April 20, 2026, https://www.agc.gov.sg/our-roles/public-prosecutor/overview-of-functions/.

[34] Sarah Nur Annisa, "Konsep Independensi Kejaksaan Republik Indonesia Dalam Perspektif Teori The New Separation Of Power Bruce Ackerman," *JIL: Journal of Indonesian Law* 2, no. 2 (2021): 226–248.

[35] Nova Indra Pratama, "Mekanisme Koordinasi dalam Penanganan Tindak Pidana Korupsi (Studi di Kepolisian Resort Kota Besar Medan)," *Airlangga Development Journal* 5, no. 2 (2021): 80–100.

[36] Yodi Nugraha, "Optimalisasi Asas Oportunitas pada Kewenangan Jaksa Guna Meminimalisir Dampak Primum Remedium dalam Pemidanaan," *Veritas et Justitia* 6, no. 1 (2020): 213–236, https://doi.org/10.25123/vej.v6i1.3882.

[37] Tim Sosialisasi dan Penyusunan Profil Kejaksaan RI 2025, "Profil Kejaksaan Republik Indonesia 2025," 2025.

[38] Janice Ser Huay Lee et al., "Toward clearer skies: Challenges in regulating transboundary haze in Southeast Asia," *Environmental Science & Policy* 55 (2016): 87–95.

their legal use also requires causation and attribution. The proposed model would consider legally established environmental harm alongside other relevant indicators, rather than treating every valuation as automatically convertible into a prison term.

Proposed Model for Prosecution Oversight in Indonesia

Drawing on the legal analysis and the comparison with Singapore, this study proposes the Prosecution Control Optimization Model (MOPP, retaining the Indonesian acronym). It develops the existing oversight framework through four interacting components. The design takes account of Indonesia's constitutional and institutional structure, although some elements may require additional regulatory authority.[39]

The first component is a Measurable Sentencing-Demand Matrix (MTT, retaining the Indonesian acronym). It supplements classification through six proposed weights: direct financial losses, 25 percent; cumulative or indirect losses that are legally admissible, 20 percent; the defendant's role, 20 percent; the likelihood of recovering state losses, 15 percent; cooperation as a justice collaborator, 5 percent; and identifiable benefits received by the defendant, 15 percent. These are proposed design choices rather than empirically validated sentencing coefficients.[40]

The proposal assigns substantial weight to direct and indirect losses to reflect the public harm associated with corruption. The defendant's role addresses culpability, while recovery and personal benefit address the relationship between harm and gain. Cooperation may justify mitigation where the relevant requirements are met. The framework therefore requires directions for interpreting each variable, including how an unfavorable recovery prospect affects the assessment.[41]

The second component is an internal Prosecution Audit Unit (UAP, retaining the Indonesian acronym) reporting to the Attorney General. Senior prosecutors unconnected with the case would review consistency with the matrix and request written reasons for departures beyond an authorized threshold. The unit would provide institutional peer review while preserving an accountable record of the decision.

The third component is regular publication of prosecution statistics. An annual report should distinguish investigations, prosecutions, sentencing demands, and the classification of corruption matters. Its purpose is to allow comparison over time and support public accountability. The reporting framework must define its units clearly, including whether an average concerns the number of indictment counts or the severity of a sentencing demand.

The fourth component strengthens external oversight through the Prosecutorial Commission (Komisi Kejaksaan, KK). Articles 3 and 4 of Presidential

[39] Ragil Listyaningrum, "Hak Merdeka Penuntut Umum Dan Rencana Tuntutan Dalam Penegakan Hukum Pidana," *Verstek* 10, no. 3 (2023): 523–530, https://doi.org/10.20961/jv.v10i3.70494.

[40] Jihan Kharisma Illahi et al., "Reformasi pemidanaan bagi pelaku tindak pidana korupsi dalam perspektif absolute theory di Indonesia," *Jurnal Ilmiah Wahana Pendidikan* 9, no. 18 (2023): 750–758.

[41] Rena Yulia, "Hakikat Pengembalian Kerugian Negara; Sebuah Penghukuman Buat Pelaku Atau Pemulihan Bagi Korban?," *Lex Lata* (2020).

Regulation No. 18 of 2011 establish functions concerning the monitoring and evaluation of prosecutors' performance and conduct. The proposal would develop retrospective assessment of institutional prosecution patterns, subject to the Commission's lawful mandate and any necessary regulatory amendment.

Such assessment would examine policy consistency without acting as an appeal against an individual prosecutor's decision. Relevant matters include the applicable provisions, evidentiary reasoning, sentencing demands, additional penalties, loss assessments, and recovery. The proposed role is institutional accountability based on agreed standards, while respecting the authority of prosecutors and courts in particular cases.

Table 3. Prosecution Control Optimization Model

Components	Instruments	Factors Addressed	Mechanism
MTT	6 variables	Factors 1 and 2	Structured assessment using the MTT
UAP	Written reasons for departures	Factor 4	Internal peer review
Transparency	Annual prosecution statistics	All factors	Public reporting
External oversight	Strengthened Prosecutorial Commission	Factor 3	Retrospective evaluation

Legal Certainty and Substantive Justice

Legal certainty requires institutions to apply identifiable standards consistently and explain their decisions. In Otto's account, predictable institutional conduct matters alongside written norms.[42] The proposed matrix, audit unit, reporting framework, and external oversight seek to make the reasons for prosecutorial decisions accessible to structured review.

From the perspective of Rawls's justice as fairness, the model seeks consistent safeguards for comparable defendants and accountable consideration of the interests affected by corruption.[43] Its objective is to place consistency within an institutional design rather than make it depend entirely on individual leadership or undocumented discretion.

Andrew von Hirsch's account of proportionality connects the severity of punishment with the seriousness of the offense.[44] The proposed matrix would make legally attributable environmental and socioeconomic harm visible within that assessment. It would still require attention to culpability and other relevant factors. Indirect harm would therefore inform reasoned judgment rather than operate as a mechanical multiplier of imprisonment.

[42] Adriaan W. Bedner et al., *Kajian Sosio-Legal* (Denpasar: Pustaka Larasan, 2012).

[43] John Rawls, *A Theory of Justice*, Rev. ed. (Cambridge, MA: Belknap Press of Harvard University Press, 1999).

[44] Andrew von Hirsch, "Proportionality in the Philosophy of Punishment: From "Why Punish?" to "How Much?"," *Criminal Law Forum* 1 (1990): 259–290, https://doi.org/10.1007/BF01096160.

Limitations and Scope of the Findings

The matrix is a proposal for transparent reasoning, not a replacement for statutory penalties, individual culpability, or judicial independence. An apparent difference between two cases does not establish regulatory capture, bad faith, or a causal relationship between monetary losses and prosecutorial outcomes. Conclusions concerning an individual defendant must identify the correct procedural stage and applicable law. The proposed weights also require further justification and evaluation before implementation.

Conclusion

The Jiwasraya and Timah comparison raises a question about how prosecutorial demands account for the scale and nature of state losses. The reported Timah losses were nearly eighteen times greater, while the sentencing demand was substantially shorter. This contrast warrants examination of institutional reasoning and safeguards, subject to differences in culpability, attribution, and procedural stage.

The analysis identifies four potential sources of inconsistency: the absence of a structured method for incorporating environmental harm, unexplained weighting and departures within the oversight framework, weaknesses in safeguards surrounding concentrated authority, and hierarchical discretion without standardized records. These factors support a proposal for stronger documentation and review rather than a presumption of misconduct in a particular case.

Singapore offers comparative lessons concerning the division of investigation and prosecution and the publication of enforcement statistics. Its reported conviction rates of 97–99 percent provide context but do not establish a causal relationship between institutional structure and outcomes. Adaptation to Indonesia requires attention to each institution's legal powers and the limits of the comparison.

The proposed MOPP comprises the weighted MTT, an internal UAP, annual prosecution statistics, and stronger external assessment by the Prosecutorial Commission. The design connects legal certainty with proportionality and substantive justice by requiring reasons that can be examined. Further legal and empirical evaluation is needed to establish the proposed weights, thresholds, and institutional mandate.

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