



Judicial Ethics and Moral Reasoning in Legal Philosophy: A Deontological and Utilitarian Review of the Harvey Moeis Case

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ABSTRACT

Objective – The purpose of this study is to explore the alignment between judicial decisions and ethical principles through the lens of legal philosophy, using the Harvey Moeis corruption case as a focal point.

Methodology – This research employs a descriptive qualitative method with juridical-normative and philosophical approaches. It involves the analysis of judicial decisions, legal norms, and ethical codes such as KEPPH, combined with theoretical frameworks from deontology, utilitarianism, and virtue ethics.

Findings – The study finds that while the court's decision attempted to uphold justice, concerns remain regarding judicial integrity and impartiality. The ruling emphasizes deterrence but reflects the need for stronger adherence to ethical and philosophical principles.

Novelty – This study contributes a philosophical-ethical analysis of a contemporary judicial case in Indonesia, highlighting the moral dimension of legal reasoning often overlooked in procedural legal analysis.

Keywords: *corruption, ethics, judicial decision, legal philosophy, morality*

JEL Classification: K00, K40, K42

Article Info: Received 20 Apr 2025; Revised 25 Apr 2025; Accepted 25 Apr 2025

Article Correspondence: akhirg4sdag2021@gmail.com

Recommended Citation: Rasji, & Akhirudin (2025). Judicial Ethics and Moral Reasoning in Legal Philosophy: A Deontological and Utilitarian Review of the Harvey Moeis Case. *Journal of Business, Management, and Social Studies*, 5(1), 16-22.

I. INTRODUCTION

Law is a system of norms and rules that governs human behavior within a social environment and communal life. As a regulatory instrument of social order, law serves a crucial function in creating stability, justice, and legal certainty. In its implementation, the law does not operate in isolation, but rather is enforced through institutions that constitute the judicial system.

The judiciary is a process for resolving legal disputes through authorized institutions, namely the courts, operated by legal enforcers. In Indonesia, judicial authority, which governs the enforcement of law and justice, is exercised based on the Pancasila and the 1945 Constitution (UUD 1945), and is further



regulated by Law Number 48 of 2009 on Judicial Authority¹. Courts play a vital role as guardians of law and justice, and as mechanisms for upholding the rights of citizens. At the heart of this system lies the judge, whose responsibilities include examining, adjudicating, and deciding cases in accordance with applicable law. However, a judge's duty extends beyond the mere formal application of the law—they are also expected to uphold ethical and moral standards throughout the decision-making process. This is essential, as judicial decisions affect not only the parties involved in the case but also the public's trust in the legal system. Furthermore, in resolving disputes and conflicts, a judge must rely on the objectivity of positive law as a logical consequence of the doctrine that “judges are the spearhead of justice.”

Legal philosophy, as a theoretical reflection on the nature of law, justice, and morality, offers a foundational framework for understanding how judges ought to act. A philosophical approach to law allows us to evaluate a judge's performance not only in terms of legality, but also in terms of morality and integrity. This is particularly relevant in the case of the judicial decision involving Harvey Moeis, a businessman allegedly involved in corruption, where the court's verdict drew public scrutiny. Many in society believed that the judge failed to impose a proportionate sentence commensurate with the losses incurred. Through this case study, this paper aims to examine judicial ethics from the perspective of legal philosophy—specifically, to what extent judges carry out their duties justly, morally, and with integrity.

Based on the aforementioned background, the research question addressed in this study is: To what extent is the judge's decision in the Harvey Moeis case aligned with the principles of judicial ethics from the perspective of legal philosophy?

II. LITERATURE REVIEW

Philosophical Review

Ethics and Morality in Philosophy

Ethics and morality are two fundamental concepts in philosophy that relate to the evaluation of good and bad in human actions. *Ethics* derives from the Greek word *ethos*, meaning habit or character, while *morality* comes from the Latin word *mos*, which also means custom. Although the two terms are often used interchangeably, ethics generally refers to the theoretical or philosophical framework concerning what is right, whereas morality pertains more to the practical application of those values in everyday life.

In philosophy, there are several major approaches to ethics, including Deontological Ethics (Immanuel Kant). This approach emphasizes moral obligations that must be followed regardless of the outcomes. A judge, according to this view, must act based on universal moral principles, not because of the consequences that may result.² Next, Teleological Ethics or Utilitarianism (Jeremy Bentham, John Stuart Mill). This framework evaluates actions based on their consequences. An action is considered good if it results in the greatest benefit for the greatest number of people.³ Finally, Virtue Ethics (Aristotle). This approach focuses on the personal character and virtues of the individual. In this context, an ideal judge is one who possesses integrity, honesty, and wisdom as innate character traits.

¹ Prayoga, T., Basry, Y. K., & Krisnan, J. (2022). Analisis Putusan Pidana Dalam Kasus Korupsi Pinangki Sirna Malasari Ditinjau Dari Asas Keadilan.

² Kant, I. (2000). Groundwork For The Metaphysics Of Morals (A. W. Wood, Ed.).

³ Bentham, J., Mills, J., & Mill, J. S. (1935). Jeremy Bentham. An introduction to the principles of morals and legislation. James Mills. Essays on government, jurisprudence, liberty of the press, and law of nations. John Stuart Mill. On liberty. Utilitarianism. (P. Philip Wheelwright, Ed.)



Judicial Professional Ethics

Professional ethics are moral standards that govern conduct within a particular profession. For judges, such ethics are crucial, as they hold immense authority in determining the fate of others. In Indonesia, the Code of Ethics and Judicial Conduct (Kode Etik dan Pedoman Perilaku Hakim / KEPPH) outlines key principles such as integrity, independence, impartiality, competence, and decorum—both within and outside the courtroom.⁴

Any violation of judicial ethics can have far-reaching implications, not only for the individuals involved in a case (defendants, witnesses, or the judge themselves), but also for the legitimacy of the legal system. Such violations may lead to public distrust in the judicial process administered by those who are supposed to uphold justice through court decisions. Therefore, an understanding of legal philosophy is vital for reinforcing judicial ethics—not merely on a procedural level, but through the development of deeper moral consciousness.

Relevant Theories in Legal Philosophy

Several schools of legal philosophy offer differing perspectives on the relationship between law and morality. Natural Law argues that the law must align with universal moral principles and justice. Judges should not merely adhere to legal texts but must also consider substantive justice. Legal Positivism emphasizes that law consists of rules established by legitimate authority, regardless of moral content. However, this approach is often criticized for potentially disregarding justice. Legal Realism highlights that judicial decisions are heavily influenced by social, economic, and even personal factors of the judge. From this perspective, judicial ethics in practice depends significantly on the personal integrity of legal actors. Critical Legal Studies (CLS) views law as an instrument of power that is often not neutral. This school of thought calls for judges to be conscious of their moral and social positions within a system that may not always be just.

Chronology of the Harvey Moeis Tin Corruption Case

Case Background

The case began between 2018 and 2019, when Harvey Moeis, representing PT Refined Bangka Tin (RBT), entered into a partnership with the President Director of PT Timah Tbk, Riza Pahlevi Tabrani. They were allegedly involved in illegal mining activities within the Mining Business License (IUP) area of PT Timah. This partnership included the leasing of tin processing equipment for illicit mining operations, resulting in state losses estimated at IDR 300 trillion.

Designation as a Suspect and Detention

On March 27, 2024, Harvey Moeis was officially named a suspect by the Attorney General's Office and was detained at Salemba Detention Center. This designation followed an investigation into alleged corruption in the tin trading system involving the largest private smelter company in Bangka.

Trial Process and Initial Verdict

On December 23, 2024, the Jakarta Central Corruption Court sentenced Harvey Moeis to six years and six months in prison. Additionally, he was fined IDR 1 billion and ordered to pay compensation amounting to IDR 210 billion. This sentence was more lenient than the prosecutor's demand of 12 years in prison.

⁴ Ketua Mahkamah Agung; Ketua Komisi Yudisial. (2014). Kode Etik dan Pedoman Perilaku Hakim.



Appeal and Enhanced Sentence

On February 13, 2025, the Jakarta High Court increased Harvey Moeis's sentence to 20 years in prison. He was also fined IDR 1 billion and required to pay compensation of IDR 420 billion. According to Chief Judge Teguh Harianto of the Jakarta High Court, Harvey Moeis was proven guilty of committing corruption and money laundering in collaboration with others. As reported by *Kompas.com*, the appellate court, through Judge Teguh, imposed a sentence of 20 years in prison and a fine of IDR 1 billion, with a subsidiary of eight months' imprisonment.⁵ In addition to the custodial sentence and fine, the appeal court also increased the compensation penalty from IDR 210 billion to IDR 420 billion.

III. METHODOLOGY

This study utilizes a descriptive qualitative method with a juridical-normative and philosophical approach. The juridical-normative aspect focuses on analyzing legal norms, statutes, and judicial codes of ethics—particularly the Code of Ethics and Judicial Conduct (KEPPH)—to examine whether the judge's decision in the Harvey Moeis case aligns with the formal standards of judicial behavior in Indonesia. This includes a review of primary legal sources such as court rulings and statutory regulations related to judicial authority and anti-corruption measures.

The philosophical approach is employed to assess the ethical and moral dimensions of the judge's decision by applying key theories in legal philosophy, including deontology, utilitarianism, and virtue ethics, as well as perspectives from legal positivism, natural law, legal realism, and critical legal studies. This enables a comprehensive evaluation that goes beyond legality, aiming to determine whether the judicial reasoning embodies impartiality, integrity, and a substantive commitment to justice. Data were obtained from court documents, scholarly literature, and credible news sources to construct an in-depth case analysis.

IV. RESULTS AND DISCUSSION

The case involving Harvey Moeis, a businessman allegedly implicated in a major corruption scandal, has attracted significant public attention and raised critical questions about the integrity of the judiciary in handling high-profile cases involving individuals with considerable social and economic influence. In analyzing the judge's decision in this case, it is essential to assess whether the ruling adhered to judicial ethics as grounded in both moral principles and professional standards.

Judicial Ethics from the Perspective of Legal Philosophy

From the perspective of legal philosophy, judicial ethics should not be evaluated solely in terms of legality or procedural correctness, but also through the lens of moral responsibility and personal integrity. Immanuel Kant's deontological theory emphasizes that actions—including those of judges—must be guided by universal moral duties, not by anticipated outcomes. Accordingly, a judge in the Harvey Moeis case should have evaluated the matter objectively and fairly, without being influenced by external factors such as the defendant's social status, wealth, or familial circumstances. If the decision was shaped by such external pressures, it would deviate from Kantian justice, which upholds that actions are morally right if done out of duty, irrespective of the consequences.

⁵ Ni'am, S., & Ramadhan, A. (2025, February 13). Hukuman Harvey Moeis Diperberat dari 6,5 Tahun Jadi 20 Tahun Penjara. *Kompas Jakarta*, Indonesia.



On the other hand, utilitarian theory as advanced by John Stuart Mill offers a different perspective. This theory posits that decisions should aim to produce the greatest benefit for the greatest number. From a utilitarian standpoint, the judge's ruling in the Harvey Moeis case should not only ensure justice for the defendant but also account for its broader impact on society. If the decision serves as a strong deterrent against corruption and reinforces public trust in the judiciary, it may be considered ethically sound under utilitarian principles.

Judges, in rendering decisions, are not merely bound by legal-formal provisions but are also expected to consider personal integrity, moral values, and the broader societal benefit of their rulings. This perspective aligns with utilitarianism, which assesses justice based on the extent to which a decision contributes to the greatest benefit for the greatest number, rejecting a purely formalistic or elitist legal orientation.⁶ Furthermore, the principle of judicial freedom is supported by the view that judges must adapt the law to the evolving social context and the pursuit of substantive justice.⁷

Judicial ethics, as a part of moral responsibility in the justice system, requires judges to remain impartial, objective, and committed to humanistic and social justice values throughout the legal discovery process.⁸ In the absence of explicit legal provisions, the concept of open legal policy allows judges and lawmakers discretionary space, provided that decisions remain grounded in public morality and constitutional norms.⁹ In practice, judges possess internal freedom in determining the weight of punishment, but this freedom is not absolute—it is bounded by ethical responsibility to uphold principled and civilized justice.¹⁰

The Application of Judicial Professional Ethics

In 2014, the Supreme Court of Indonesia and the Judicial Commission issued a Joint Decree—Number 047/KMA/SKB/IV/2009 and 02/SKB/P.KY/IV/2009—outlining the *Code of Ethics and Judicial Conduct (KEPPH)*. This guide provides ethical standards and directives for judges in handling, adjudicating, and deciding cases. It emphasizes the need for integrity and impartiality (i.e., neutrality and absence of bias or prejudice) during all stages of the judicial process. The code aims to prevent conflicts of interest, ensure fairness, and preserve the dignity and authority of the judiciary.

In the context of this case, it is essential to evaluate whether the judge was able to remain impartial and free from external influences. Given that this was a high-stakes corruption case involving a figure with significant power, the challenge to judicial integrity was considerable. Judicial ethics demand that a judge remain unbiased regardless of a defendant's influence or societal position.

If the verdict reflects impartiality and is firmly grounded in clear evidence and the applicable legal framework, then it may be deemed consistent with ethical judicial conduct. However, if the ruling appears to have been shaped by considerations beyond the law—such as political or social pressures—it raises serious concerns about the breach of judicial ethics.

⁶ Indra Rahmatullah, Utilitarianism in Legal Philosophy: Concept and Actualization in Indonesian Law, Adalah: Buletin Hukum dan Keadilan, Vol. 5, No. 4 (2021). <https://doi.org/10.15408/adalah.v5i2.22026>

⁷ Alva Dio Rayfindratama, Judicial Freedom in Delivering Court Verdicts, Jurnal Ilmu Hukum dan Tata Negara, Vol. 1, No. 2, June 2023.

⁸ Mediana Harini & Diding Rahmat, The Role of Judges in Legal Discovery and the Code of Ethics, Journal Evidence of Law, Vol. 4, No. 1, January–April 2025.

⁹ Dwiky Arief Darmawan & Andy Usmina Wijaya, The Theory of Opened Legal Policy in Constitutional Court Decisions No. 90/PUU-XXI/2023, Gorontalo Law Review, Vol. 7, No. 1, April 2024.

¹⁰ Alva Dio Rayfindratama, Op. Cit.



Morality and Justice in Judicial Decisions

Lastly, from the perspective of Aristotelian virtue ethics, a judicial decision should reflect not only legal reasoning but also the character and moral excellence of the judge. A judge must possess practical wisdom, moral courage, and the capacity to perceive justice in a holistic manner. If the judge in the Harvey Moeis case was able to prioritize moral considerations in every aspect of the decision-making process—placing truth and justice above political or social expediency—then the ruling may be seen as a genuine reflection of judicial virtue. The role of moral character in judicial decision-making is further emphasized in judicial ethics, which asserts that judges must embody integrity, impartiality, and moral responsibility as part of their professional identity. Judicial decisions, particularly in corruption cases, should be grounded in the personal virtues of the judge—such as honesty, wisdom, and fairness—so that justice is not only legally valid but also ethically meaningful.¹¹ This view reinforces the Aristotelian virtue ethics framework, where the character of the judge plays a central role in ensuring that the law serves humanity, not merely the letter of the law.

V. CONCLUSION

Based on the analysis of the judge's decision in the Harvey Moeis case, it can be concluded that although the ruling aimed to uphold the law, several issues emerged concerning the integrity, impartiality, and moral dimension of the judicial process. In addition to adhering to positive law, it is crucial for judges to prioritize principles of justice that incorporate moral considerations. From the perspective of legal philosophy—particularly through the lenses of deontological ethics, utilitarianism, and virtue ethics—a judicial ruling must go beyond mere legality and reflect deeper moral values, such as objectivity and impartiality. In this case, the judge's decision, which appeared to emphasize deterrence against corruption, can be interpreted as an effort to maintain public trust in the judicial system, even though there remains room for improvement in the application of ethical principles in judicial conduct.

However, this study is limited by its reliance on publicly available judicial decisions and secondary sources, without access to internal judicial deliberations or interviews with key legal actors. As such, while the analysis offers a theoretical and ethical perspective on the decision-making process, it may not fully capture the complexities and institutional constraints faced by the judiciary in high-profile corruption cases. Future studies are encouraged to explore the ethical dilemmas faced by judges in different legal systems to enrich cross-jurisdictional understanding of judicial morality.

Recommendations

The authors recommend that the government provide more comprehensive training programs on judicial ethics and legal philosophy, to ensure that judges are equipped not only to adjudicate based on positive law, but also to integrate strong moral reasoning as a foundational element in every decision. These trainings should emphasize the principle of impartiality to reduce the potential for bias and external pressures that may influence judicial rulings. Furthermore, the author encourages more extensive academic research on judicial ethics within the framework of legal philosophy, both at the international and national levels, to support a deeper and more nuanced understanding of justice in legal theory and practice.

¹¹ Mediana, Op. Cit.



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