



Legal reform and the erosion of deterrence: Reassessing remission and conditional release policies for corruption convicts

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ABSTRAK

Background: Granting remission and parole to prisoners is the authority held by the Correctional Institution, in accordance with the provisions contained in Law Number 22 of 2022 concerning Corrections. The main requirement for obtaining remission and parole is the good behavior of the prisoner, and this provision applies to all prisoners without exception, including prisoners involved in criminal acts of corruption. **Methods:** This study uses the Normative Juridical method with a descriptive analysis approach. The research data was obtained through two sources, namely primary data from Legislation and secondary data obtained from interviews with Class IIA Tangerang Prison Officers. **Findings:** The results of the study show that the revocation of the Government Regulation has eliminated strict requirements related to granting remission to prisoners involved in corruption crimes, making it easy for corrupt prisoners to obtain it, it has eliminated the deterrent effect for perpetrators and the community. In response to this situation, total reform is needed, namely legal reform, law enforcement officers, and culture. **Conclusion:** The study concludes that the revocation of strict regulations has made it easier for corruption convicts to obtain remission, weakening the deterrent effect. Therefore, comprehensive reforms in law, enforcement, and legal culture are urgently needed. **Novelty/Originality of this article:** This article offers a critical and original analysis of the impact of regulatory changes on the remission process for corruption convicts in Indonesia. By combining normative legal review with firsthand insights from correctional officers, it highlights the unintended consequences of deregulation—specifically the erosion of deterrent effects—and emphasizes the urgent need for systemic legal reform, a perspective that has been underexplored in prior studies.

KEYWORDS: remission; parole; corruption; deterrent effect; reform.

1. Introduction

The prison system in Indonesia has undergone changes into a correctional system that changes the purpose of punishment at various levels (Agus & Susanto, 2021). According to Sri Wulandari, the concept of Correctional was first proposed by Sahardja in 1963, when Sahardja served as the Indonesian Minister of Justice. This effort was then formalized on April 27, 1964 in a conference involving prison officials from all over Indonesia, which took place in Bandung. Previously, criminal penalties were applied as a form of retribution against perpetrators for their crimes (Carlsmith, 2006). However, this approach has changed over time, with the concept of coaching aimed at transforming a criminal into a better person. Prisoners are no longer considered as individuals who have completely lost

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their rights as human beings, instead correctional institutions now have the responsibility to protect certain rights that must be respected for prisoners (Fazel et al., 2016).

One of the rights that is the focus of attention for prisoners is Remission and Conditional Release (Yanto et al., 2019). According to Andi Hamzah, Remission refers to a reduction in sentence, either in whole or in part, or a change from a life sentence to a limited sentence, which is given routinely every August 17th. Basically, granting remission and parole are rights granted by the state to prisoners. However, in granting these rights, factors such as consideration of social, economic, political, cultural aspects, and a sense of justice in society must be carefully considered. The purpose of this is to prevent the granting of prisoners' rights that may erode public trust in the justice system. The issue that has recently become the focus of the public is the granting of remission and parole to prisoners involved in corruption crimes (Suharto, 2022).

As is known, corruption has been labeled as a criminal act that is classified as an extraordinary crime (Walle, 2010). Romli Atmasasmita, as referred to by Ridwan, revealed that through an analysis of the development of criminal acts of corruption from various aspects of both quality and quantity, and after an in-depth study, it can be concluded that in Indonesia, corruption cannot be considered an ordinary crime, but has become an extraordinary crime (Darusman & Utami, 2020). The extraordinary nature of corruption is because the impact of the act is very large not only for the country's economy (Rukmono et al., 2024), but also threatens the welfare of the wider community (Hutami & Widjajanti, 2024). In addition, this criminal act is carried out by the authorities or officials (white collar crime) who have power and the methods used are systematic, organized, and planned in such a way that the process of investigating and investigating cases is very complicated, long, and requires large costs (Sianturi et al., 2015). These conditions require extraordinary eradication and mitigation measures by law enforcement officers, prosecution of corruption cases requires comprehensive extra ordinary measures (Anandya et al., 2021).

In Indonesia, there have been many laws related to corruption and special institutions and commissions have been established to combat such acts (Hartanto et al., 2025). However, in reality, corruption shows no signs of abating; in fact, it is becoming more widespread (Sudarti & Sahuri, 2019). The revelations of corruption committed by officials occur sequentially (Hidayat et al., 2024). This phenomenon has attracted the attention of not only the Indonesian people, but also the entire world (Rumahorbo et al., 2022). This is reflected in observations made by the Transparency International institution which measures the level of corruption in a country through the Corruption Perception Index (CPI) which is published annually. The CPI uses a scoring scale from 100 (indicating a level of cleanliness from corruption) to 0 (indicating a very high level of corruption) (Mustamu et al., 2015). Several indicators used to calculate this score have strengthened the CPI as a reliable measurement of corruption levels worldwide (Corruption Eradication Commission Education Center, 2023). Data from the Public Relations of the Indonesian Cabinet Secretariat, Indonesia's Corruption Perception Index (CPI) in 2022 was ranked 110th with a score of 34 points. This is very far from Denmark, Finland and New Zealand which simultaneously occupy first place with a score of 88 points and are the most anti-corruption countries in the world.

The situation in Indonesia reflects how urgent the issue of corruption is in this country (Wahyuadi & Warka, 2023), so that handling it needs to be a priority (Graycar & Sidebottom, 2012). The criminal justice system in Indonesia needs to be regulated in such a way that it is effective and efficient in efforts to reduce the level of corruption (Foster, 2023). However, ironically, the existing regulations actually make it easier for perpetrators of corruption to obtain remission and conditional release with the main condition of good behavior (Estache et al., 2009). Previously, the procedure for granting remission was regulated in Government Regulation No. 32 of 1999 concerning the Requirements and Procedures for the Implementation of the Rights of Correctional Inmates which has undergone several changes, including through Government Regulation No. 99 of 2012. However, in October 2021, the Supreme Court revoked Government Regulation No. 99 of 2012 because it was considered to be in conflict with the Correctional Law and the 1945 Constitution.

This revocation was accompanied by the replacement of Corrections Law No. 12 of 1995 with Law No. 22 of 2022 concerning Corrections. In this latest law, the rights of prisoners are regulated in two separate articles. Rights such as assimilation, remission, parole, leave to visit or be visited by family, conditional leave, pre-release leave, and other rights in accordance with statutory provisions, are explained in Article 10 with the affirmation that these rights apply without exception to every prisoner. Previously, there have been studies conducted by other researchers related to the topic being discussed (state of the art), namely regarding the granting of Remission and Conditional Release to corruption perpetrators. One example of research conducted by: First, Berlian Simarmata in a journal publication entitled "The granting of remission to corrupt and terrorist prisoners". The study concluded that in the process of shifting the paradigm of the theory of retribution to an approach with rehabilitation in the correctional system, it is important to pay attention to the understanding of the roles and responsibilities of each subsystem in the criminal justice system to address the pros and cons of remission for corruptors and terrorists.

Second, research conducted by Edie Toet Hendratno in a journal publication entitled "Policy of granting remissions for corruptors, a critical review from the perspective of legal sociology". The results of this study concluded that a moratorium is needed on granting remissions to corruptors, which is based on the social and economic impacts arising from the crime, the complexity of the relationship between law and politics, and the urgency of rehabilitation in the context of the prison system. Third, research conducted by S. Sukarno with a journal publication entitled "Implementation of additional requirements for remission rights for corruption offenders through PP No. 99 of 2012 (Study at the NTB Regional Office of the Ministry of Law and Human Rights)". The results of the study stated that the Regional Office of the Ministry of Law and Human Rights of West Nusa Tenggara (NTB) has implemented extra requirements in accordance with the provisions of Government Regulation No. 99 of 2012 for prisoners involved in corruption.

Fourth, research conducted by Rasdi with a journal publication entitled "Community perspectives on conditional release for corruption convicts" (Walle, 2010). This study found that the community does not view conditional release and remission for corruption convicts as something fair, and instead wants an alternative non-penal solution. This study aims to analyze the impact of sentence reduction (remission) and parole on corruption convicts in creating a deterrent effect on criminals and the general public's view, especially in Class IIA Tangerang Penitentiary. In addition, this study also aims to understand the latest requirements related to sentence reduction (remission) and parole based on the provisions of Law Number 22 of 2022 concerning Corrections.

2. Methods

In this compilation, a qualitative approach with a normative legal method is used (Taekema, 2018). Data sources include primary data in the form of legal regulations, as well as secondary data from library sources (Setia et al., 2023). In addition, this study also utilizes the results of interviews with staff from the Class IIA Tangerang LAPAS and the results of community surveys. In this compilation, a qualitative approach is employed to explore the subject matter in depth (Hamzani et al., 2023). This approach is particularly suitable for understanding complex legal issues (Rohman et al., 2024), where context, interpretation, and meaning play a central role in analysis (Negara, 2023). By focusing on qualitative data, the research aims to provide a richer and more nuanced understanding of the legal principles involved (Negara, 2023).

The normative legal method is applied as the core framework of analysis (Rohman et al., 2024). This method emphasizes the study of legal norms, doctrines, and regulations in order to assess what the law ought to be. As emphasized by Taekema (2018), the normative method helps bridge the gap between legal theory and practical legal reasoning, making it ideal for evaluating consistency and coherence within the legal system.

Primary data in this research consists of authoritative legal sources such as statutes, regulations, and official documents (Villalpando, 2010). These are crucial for constructing a solid legal argument and for identifying the existing legal framework relevant to the issue at hand. The selection of these sources is based on their legitimacy and relevance to the research objectives. Secondary data is obtained from library research, which includes academic books, journal articles, legal commentaries, and other scholarly publications. These sources provide interpretations, critiques, and theoretical insights that complement the primary legal materials. Together, both primary and secondary data form the basis for a comprehensive and balanced legal analysis.

3. Results and Discussion

3.1 *Granting remission to prisoners*

Literally, remission comes from the Latin word "remissio," meaning reduction or relaxation. In a legal context, remission refers to a partial reduction in a prisoner's sentence as a form of appreciation for good behavior they have demonstrated during their sentence. This sentence reduction aims to motivate prisoners to behave well, improve themselves, and have the opportunity to reintegrate into society. Remission also serves as an instrument in the correctional system to support the rehabilitation process. According to Law No. 22 of 2022 concerning Corrections, remission is regulated in articles explaining the provisions regarding sentence reductions for prisoners who meet administrative and substantive requirements. Article 14 Paragraph (1) states that remission can be granted to prisoners who have demonstrated good behavior during their sentence and participated in a correctional institution's rehabilitation program. Administrative requirements include fulfilling the provisions set by correctional officers, while substantive requirements include positive behavioral changes and compliance with prison rules. Remission aims to reward prisoners who behave well, while also encouraging them to continue improving themselves so they can return to society more productively and not repeat the same mistakes.

According to experts, remission can be understood as a reduction in sentence length given to prisoners as a form of appreciation for the good behavior they have demonstrated during their sentence. In Huda's (2012) view, remission is an instrument used by the state to provide incentives to prisoners who behave well and properly follow correctional programs. Remission not only aims to reduce sentences, but also serves as a means of rehabilitation that encourages prisoners to improve their behavior and prepare themselves to return to society. Remission is also part of a correctional policy oriented towards social reintegration, namely preparing prisoners to return to life in society without repeating the same mistakes. Meanwhile, remission has an important psychological dimension, where the granting of remission can motivate prisoners to behave well, which ultimately will accelerate their recovery process. Thus, remission is seen as both a reward and a tool to improve the quality of prisoner guidance in correctional institutions.

Remission, while rewarding prisoners for good behavior, also raises various debates regarding the fairness and purpose of punishment itself. Remission must be granted on a clear and objective basis to avoid creating legal uncertainty for the community and victims of crime. While remission aims to encourage prisoners to behave well, its implementation must maintain the principle of justice for the community and victims, without sacrificing a sense of justice. Therefore, remission should be granted based on transparent and accountable considerations. Furthermore, although remission serves as an incentive, its implementation must remain oriented toward the purpose of punishment, namely to deter perpetrators. In this regard, remission should not be viewed merely as a reward, but also as part of a broader rehabilitation process. Inappropriate remission can risk reducing the deterrent effect of the punishment itself, which in turn can reduce the level of compliance with the law in society.

Remission is also closely related to the concept of rehabilitation, which is one of the primary goals of the correctional system. Remission must be based on a comprehensive

assessment of changes in the prisoner's behavior. This includes whether inmates genuinely demonstrate behavioral, moral, and social improvements, rather than simply following rules to obtain remission. Evaluation of inmates' behavior must be conducted objectively and comprehensively so that remissions can truly promote effective rehabilitation. However, granting remissions also requires strict supervision to prevent abuse. In some cases, inmates may focus solely on reducing their sentences without significant behavioral changes. Therefore, it is crucial to carefully evaluate the remission process, taking into account the inmates' psychological, social, and moral factors. Proper supervision can ensure that remissions are granted with the goal of rehabilitation, not simply as a form of unfair sentence reduction.

Overall, remissions are an important instrument in the correctional system, but they must be conducted with a deep understanding of justice and based on objective evaluation. Effective remissions can encourage positive changes in inmates' behavior, prepare them for better reintegration into society, and help reduce crime rates. However, achieving these goals requires more detailed regulations and consistent oversight to ensure remissions are used as intended.

3.2 Changes to conditions for remission and conditional release

Initially, the rules regarding prisoners' rights were regulated in Law Number 12 of 1995 concerning Corrections, namely in Article 14 paragraph (1). The implementation of prisoners' rights in accordance with Article 14 was then further elaborated in the Government Regulation which functions as the implementation of the law. Thus, Government Regulation Number 32 of 1999 concerning the Requirements and Procedures for the Implementation of the Rights of Correctional Inmates was issued. This PP was then revised through Government Regulation Number 28 of 2006. Furthermore, the government released Government Regulation Number 99 of 2012, which in Article 43A regulates the criteria for granting parole to prisoners in special criminal cases. One of the requirements is the willingness of prisoners to become collaborators of justice in exposing other perpetrators involved in similar acts. Thus, granting remission and parole to prisoners in corruption cases is difficult to implement. However, according to Adhi Wicaksono as reported by CNN Indonesia-Jakarta, on October 28, 2021, the Supreme Court decided to revoke Government Regulation Number 99 of 2012, due to a request for a judicial review being submitted.

The revocation of Government Regulation Number 99 of 2012 was followed by the revocation of Law Number 12 of 1995 concerning Corrections, which was replaced by Law Number 22 of 2022 concerning Corrections. This law was passed and came into effect on August 3, 2022. As in the previous law, this latest regulation also explains the rights of prisoners, which are contained in Articles 9 and 10. The difference with the previous regulation is that in this latest regulation the rights of prisoners are described in great detail. There are no implementing regulations for this law, but when the law came into effect, the Ministry of Law and Human Rights issued Guidelines for the Implementation of the Fulfillment of Conditional Rights for Prisoners. Instructions for corruption prisoners in obtaining remission and conditional release are stated in letter G number 7 which states: *"Convicts convicted of corruption crimes are not required to pay in full the fine and/or replacement money as referred to in Article 88 paragraph (2) of the Minister of Law and Human Rights Regulation Number 3 of 2018 because this is contrary to Article 10 of Law Number 22 of 2022."*

The latest regulations regarding the rights of prisoners after the revocation of PP 99 of 2012 and Law Number 12 of 1995, refer to Law Number 22 of 2022 concerning Corrections. In the law, Article 10 paragraph (1) expressly states that all prisoners without exception have the right to receive remission, assimilation, leave to visit family or receive visits from family, conditional leave, leave before release, conditional release, and other rights determined by applicable legal regulations. The article then in paragraph (2) mandates that prisoners who wish to obtain these rights must demonstrate good behavior, actively

participate in the Guidance program, and have reduced the risk of crime rates. So it can be understood that such a policy formulation has eliminated the extraordinary crime nature of corruption crimes in Indonesia, because it equates the status of corruption prisoners with other general prisoners.

The granting of remission, assimilation, and parole as referred to in Article 10 of Law Number 22 of 2022 concerning Corrections, as well as its implementation guidelines, appears to be a relatively simple process and reflects the law's focus on public welfare. However, it is important to remember that currently the granting of remission still refers to the provisions contained in Presidential Decree Number 174 of 1999 concerning Remission. The Presidential Decree explains the types of remission and the amount of the reduction. For example, Article 4 of Presidential Decree 174/1999 states that prisoners and juvenile convicts who have served a criminal sentence of 6 to 1 (one) year are entitled to a reduction in their detention period of 1 (one) month in the first year, 3 (three) months in the second year, 4 (four) months in the third year, 5 (five) months in the fourth and fifth years, and 6 (six) months each year in the sixth year and so on. The same thing also applies to the amount of special remission regulated in Article 5 of the Presidential Decree.

The ease of granting remissions which will then have an impact on the ease of the requirement of 2/3 having served the sentence for parole for corruption convicts can be realized quickly (Pandey, 2023), it has eliminated the purpose of the deterrent effect of the sentence imposed. As according to Ridwan who said that the deterrent effect that is aspired to in practice only raises a big question mark, because in theory and its implementation are not directly proportional, this can be proven by the legal fact that it often happens that inmates in a correctional institution get special treatment that they shouldn't, even gambling, drug dealing, and all of that happens in an institution that should provide guidance so that prisoners become better.

Additional opinions were given by Denny Indrayana, who previously served as Deputy Minister of Law and Human Rights from 2014 to 2019, in an interview with InewsPrime on November 21, 2021, Denny stated clearly and openly that in prison a corrupt convict actually committed another criminal act of corruption, namely the transaction of buying and selling the rights of prisoners. Denny said that this could happen because corrupt convicts tend to have relatively easy access to both capital and capital, so that remissions become merchandise that is sold off, therefore a policy was made in Government Regulation Number 99 of 2012 which regulates the tightening of the granting of remissions for convicts of special crimes including corruption.

Changes in the requirements for granting rights to prisoners, as stipulated in the latest Correctional Law, have provided additional flexibility for prisoners involved in corruption cases to obtain their rights. This action has an impact on the disappointment that has occurred in society, after previously being betrayed by their own representatives who committed heinous acts of enriching themselves with public money. This phenomenon not only eliminates the sense of justice, but also reduces the optimism of the community about living prosperously without corruption, according to Barda Nawawi Arief in Ridwan, the law should be enforced and law enforcement in it is the process of upholding the values of truth and justice for society.

3.3 Procedures for granting remission and conditional release to corruptors at class IIA Tangerang penitentiary

Based on research conducted by researchers at Class IIA Tangerang Prison, where researchers conducted interviews with prison officers who are tasked with registration, release, and management of prisoner remissions and officers who are tasked with coaching and parole of prisoners. From the statements of the officers, the treatment given to all prisoners is the same without discrimination, both prisoners of general crimes and prisoners of special crimes, especially corruption. Various programs are applied to all prisoners which will later become indicators of good behavior assessment. There are two assessment categories, namely assessment of personality development and assessment of

independence development. The assessment is based on the results of prisoners' participation in various programs, such as personality development in the aspect of religious awareness, for prisoners who are Muslim there is a program of congregational prayer, tausiyah, memorization of short surahs, and tadarus al-Quran. While in the aspect of art, prisoners participate in acoustic programs, marawis, dance, and angklung. Another aspect is physical health or sports, prisoners will routinely do facilitated sports 3 times a week, namely volleyball, gymnastics, badminton, and table tennis.

The assessment process is carried out daily by community guardians, where one community guardian oversees 20 to 25 prisoners. Every day, community guardians must fill out an assessment form according to the format in the Prisoner Guidance Assessment System, which must then be inputted into the system online and then sent to the Directorate General of Corrections. Furthermore, the Directorate General of PAS will process the assessment data from all prisoners to filter prisoners who are eligible to be given remission rights according to the type and amount as stipulated in Articles 4 and 5 of Presidential Decree No. 174 of 1999 concerning remission. The above procedure according to the officer has been carried out as stipulated in Article 10 paragraph (2) of Law Number 22 of 2022 concerning Corrections, where the main requirement for granting prisoners' rights is to have behaved well. However, the requirement for good behavior for corrupt prisoners has received opposition from the community, this is because the assessment of good behavior can be very subjective and broad. As previously mentioned, a letter of good behavior has the potential to become a commodity that is sold for prisoners who want to get remission, which can then eliminate the purpose of the deterrent effect for perpetrators of corruption.

The views on the deterrent effect between the community and the government in this case the Ministry of Law and Human Rights are very different. On the one hand, the community views that the imposition of the heaviest punishment. Researchers have conducted a research survey of 60 respondents consisting of students, academics, practitioners, and the general public to find out the desires of various groups for punishment for corruptors, from several choices listed, the percentages are as follows:

Table 1. The percentage of appropriate punishment

No.	Appropriate punishment	Percentage	Total
1.	Heavy imprisonment	21.7%	13 people
2.	Death penalty	28.3%	17 people
3.	Life imprisonment	18.3%	11 people
4.	Impoverished	26.7%	16 people
5.	Ostracized from society	5%	3 people

Based on the survey results, it can describe the public's desire to severely punish corruption perpetrators, because it is considered an effective way to provide a deterrent effect on both the perpetrators and an example for the general public. Meanwhile, the government with the correctional system currently implemented in the justice system in Indonesia sees that prisoners who have received sanctions when entering prison are people who will be tried to change, from previously criminals to repentants.

In the interview process of the researcher with the officers of Class IIA Tangerang Prison, the researcher asked about the programs that corruption convicts undergo in order to get a deterrent effect (Tamza, 2022), the response given was that all existing programs are intended for all convicts without discrimination, in other words that no separate program was created for corruption convicts to be deterred by the extraordinary crimes they committed. This fact further obscures the indicator of good behavior assessment which is used as the main requirement in granting prisoners' rights. In the survey that has been conducted, the researcher also asked for public responses regarding the main requirement for corruptors to receive remission and conditional release, namely good behavior, the results are as follows:

Table 2. The percentage of corruptor's attitude

No.	Attitude	Percentage	Total
1.	Agree	0%	0
2.	Don't agree	68.3%	41 people
3.	Disagree	31.7%	19 people

The public's statement of disapproval began to increase massively after the granting of conditional release to 23 corruption convicts on September 6, 2022 by the Directorate General of PAS, Ministry of Law and Human Rights. Among the 23 convicts, 2 (two) were released from the Class IIA Tangerang Prison, namely the former governor of Banten Ratu Atut Chosiyyah and the former prosecutor at the Attorney General's Office Pinangki Sirna Malasari. The conditional release of the corruption convicts was said to be in accordance with the provisions of Law Number 22 of 2022 concerning Corrections, this was conveyed directly by the Deputy Minister of Law and Human Rights of the Republic of Indonesia Eddy Omar Hiariej.

The appropriateness of the procedure for granting parole does not necessarily make the action in accordance with the sense of justice in society. The ease with which 23 corruption convicts were granted remission and parole, when viewed from the crimes they committed (Kholis & Suharto, 2021), then the demands submitted by the public prosecutor at the trial in court and the verdict of the judge who tried them, illustrates the lack of seriousness of law enforcers in eradicating corruption which is an extraordinary crime. As in the teaching of psychological coercion put forward by Von Feurbach as quoted by Ridwan, "that in order for the people to act according to the law, every violator of the law must be seriously punished."

The current corruption situation in Indonesia does not support efforts to facilitate the granting of remissions and parole to perpetrators of corruption (Maroni, 2018). Based on data findings from ICW regarding the distribution of corruption cases based on perpetrators in the first semester of 2021, State Civil Apparatus or Law Enforcement Officers are ranked at the top as perpetrators of corruption with a total of 162 individuals, taking a percentage of around 33.4%. Followed by the Private sector as the second largest perpetrator with a total of 103 individuals or around 21.6%. Furthermore, Village Heads are in third place with a total of 61 individuals or around 12.5% of the total perpetrators.

The disharmony between the substance of law, the structure of law, and the legal culture has depicted a law that is faltering in following reality, in the Dutch term "het recht hinkt achter de feiten" translated by Satjipto Rahardjo. According to Ridwan "One of the things that causes the law to falter in following reality is the assumption of legal experts that law is something that is already available and only needs to be used, they equate law with statutes." Such thinking would be dangerous because it assumes that existing legal products are correct and do not need to be debated so that there will be no reform of the substance of the law that conflicts with the sense of justice in society. In such conditions, researchers in a research survey related to public response have also included questions about how the public views the eradication of corruption with existing regulations and the current state of law enforcement. From the 4 options that the researcher listed, namely optimistic, pessimistic, impossible, and can only be reduced, the results are as follows:

Table 3. The percentage of public response

No.	Attitude	Presentation	Amount
1.	Optimistic	5%	3 people
2.	Pessimistic	48.3%	29 people
3.	Impossible	15%	9 people
4.	Can only be reduced	31.7%	19 people

The statement of pessimistic attitude occupies the highest percentage, it illustrates the distrust, dissatisfaction, and boredom felt by the community regarding the government's efforts to eradicate corruption which seem not serious. The expected legal reform is not in line with the chaotic state of the legal structure, which will then only create a new culture

of corruption in society with a dangerous understanding. So according to Barda Nawawi Arief, eradicating crime is not only enough to carry out legal reform, but also requires social, economic, political, cultural, moral, and administrative reforms.¹ It is possible that in the future, if the regulation on granting remission and conditional release for corruption convicts is not reviewed and tightened, it will give rise to thoughts in society to just commit corruption because the punishment is light and later they can get remission and then be released on condition.

3.4 Social and legal implications of granting remission and conditional release

Granting remissions and conditional release to prisoners, particularly those convicted of corruption, carries significant social and legal implications that must be carefully understood. In a social context, this policy is often the subject of public debate, particularly regarding the public's sense of justice regarding the actions of corruptors, who are considered detrimental to the state and society at large. Many argue that granting remissions or conditional release to prisoners of corruption can create social discontent, as victims of corruption feel that justice is not being served effectively if prisoners involved in serious crimes can receive reduced sentences or early release. However, on the other hand, remission and conditional release policies also serve a rehabilitative purpose. From a criminal law perspective, remissions and conditional release are granted to facilitate the reintegration of prisoners into society after serving part of their sentence, provided they demonstrate positive behavioral changes. From this perspective, remissions are not only seen as rewards for good behavior but also as a tool to motivate prisoners to behave better and prepare themselves to return to being productive members of society.

However, granting remissions and parole does not always run smoothly. One legal implication is the potential for abuse of these policies. In some cases, granting remissions to corruption convicts can undermine the legal image and public trust in the justice system. This can lead to the perception that the law is influenced by certain factors, which in turn can undermine the integrity of the justice system itself. Therefore, it is important to ensure that remissions and parole are always based on clear principles of transparency, accountability, and fairness. In a legal context, granting remissions and parole also raises the dilemma of whether perpetrators of serious crimes, such as corruption, deserve reduced sentences. Granting remissions to corruption convicts who have caused significant harm to society can be seen as a form of leniency that risks reducing the deterrent effect for future perpetrators of similar crimes. Therefore, careful evaluation of the behavior and changes demonstrated by convicts is crucial before deciding whether they deserve remissions or parole.

Socially, remissions and parole also have the potential to influence public perceptions of the effectiveness and fairness of the legal system. When the public sees that prisoners involved in major corruption cases can receive remissions or parole, they may doubt the strictness of the law against crimes that harm the state and society. This can lead to frustration and distrust in the legal system, especially for victims who feel that justice has not been disproportionately served. Therefore, it is important for the government and correctional institutions to transparently explain the reasons and procedures underlying remissions or parole, so that the public can better understand these decisions. On the other hand, some believe that remission and parole can actually be tools to support social rehabilitation for prisoners. By providing them with the opportunity to reintegrate into society after demonstrating good behavior, these systems provide room for prisoners to improve themselves and demonstrate that they have learned from their mistakes. However, this must be accompanied by strict supervision and ongoing evaluation to ensure that prisoners have truly transformed themselves and do not relapse into crime.

Furthermore, the policy of granting remission and parole also has implications for the correctional system itself. Remissions can help reduce overcrowding in correctional institutions, which is often a major problem. With remissions, prisoners who have served part of their sentence and demonstrated behavioral improvement can have the opportunity

to be released early, freeing up space for other prisoners. However, this must be balanced with an effective rehabilitative program and proper supervision after their release, to ensure they do not re-offend. Another implication of granting remissions and parole is increased pressure on correctional institutions to conduct more comprehensive evaluations of inmates. These evaluations include assessing behavioral changes, involvement in rehabilitation programs, and the positive impacts resulting from the process. Therefore, the evaluation system must be transparent and evidence-based to ensure that decisions are accountable and avoid future controversy.

Ultimately, granting remissions and parole has broad implications, both legally and socially. While providing opportunities for social reintegration for inmates, these policies must also be carefully regulated to avoid the appearance of injustice. Clear regulations and transparent procedures are needed to ensure that remissions and parole are granted to truly deserving inmates, especially those involved in serious crimes such as corruption. For these policies to be effective, it is crucial to strike a balance between providing opportunities for rehabilitation and ensuring that the principle of justice is upheld.

3.5 Challenges in granting remissions and conditional release to corruptors

Granting remissions and parole to corruption convicts poses various complex challenges, from a legal, social, and political perspective. One of the main challenges that often arises is the public's perception of fairness. Corruption is a crime with far-reaching impacts on society, the state, and the economy, leading many to believe that corruptors should not receive lenient treatment such as remissions or parole. This sense of injustice is further strengthened when the public perceives that corruptors, who have caused significant losses to the state, are afforded the opportunity for lesser treatment. On the other hand, the primary purpose of granting remissions and parole is to support the rehabilitation and reintegration of convicts into society. However, in the case of convicts convicted of corruption, questions often arise about whether they have truly demonstrated significant behavioral change. This presents a challenge for authorities granting remissions and parole, as they must ensure that these policies are not used as loopholes for convicts to avoid the sentences they deserve. An objective, evidence-based evaluation process is essential to determine whether a convict truly deserves a reduced sentence.

Furthermore, granting remissions and parole to corruption convicts also requires stricter supervision after their release. Releasing corruption convicts not only involves reducing their sentences but also requires them to undergo further supervision and counseling. This poses numerous challenges, given that some convicts involved in corruption have extensive networks and may exploit their connections after release to re-commit crimes or influence legal proceedings. Therefore, continued supervision of released convicts is crucial to ensure they do not re-engage in illegal activities. Another challenge is the limited resources in correctional institutions to specifically handle corruption convicts. Counseling for corruption convicts requires a different approach, given the complex nature of their crimes and the multi-stakeholder nature of their involvement. Correctional institutions need specialized facilities and counseling programs to handle convicts with cases requiring extra attention. However, often, limited resources prevent optimal counseling for corruption convicts.

Furthermore, granting remissions and parole to corruption convicts also requires stricter supervision after their release. Releasing corruption convicts not only involves reducing their sentences but also requires them to undergo further supervision and counseling. This poses numerous challenges, given that some convicts involved in corruption have extensive networks and may exploit their connections after release to re-commit crimes or influence legal proceedings. Therefore, continued supervision of released convicts is crucial to ensure they do not re-engage in illegal activities. The lack of clear legal policy also poses a challenge in granting remissions and conditional release to corruption convicts. Although remissions and conditional release are regulated by law, there are often no clear rules on when and who is eligible to receive them. Without clear and concise rules,

the decision to grant remissions or conditional release can create legal uncertainty, potentially fueling public distrust in the justice system. Therefore, improvements and clarification of regulations governing remissions and conditional release for corruption convicts are necessary to ensure that these policies are implemented with the principle of fairness. Furthermore, political influence also poses a challenge in granting remissions and parole to corruption convicts. In some cases, granting remissions or parole to convicts involved in major scandals can lead to speculation that the decision was influenced by political interests. This can undermine the credibility of the legal system and undermine the integrity of correctional institutions. Therefore, it is crucial for authorized institutions to ensure that decisions regarding remissions or parole are made transparently, without any political interference that could affect justice.

The granting of remissions and parole must also be considered from a social security perspective. Corruptors, especially those with access to power and resources, may have the potential to disrupt the social reconciliation process or engage in detrimental social influence after release. This poses a significant challenge for institutions responsible for granting remissions and parole, which must consider the long-term impact on public security and well-being. Preventive measures are needed to ensure that released prisoners do not pose a potential threat to public security. Furthermore, the issue of unequal remissions between corruption convicts and other criminals is also a concern. In some cases, prisoners involved in minor crimes or those with less social impact than corruption can receive remissions or parole more easily. This creates injustice, especially for victims who feel that their acts of corruption, which harm society, are not being adequately punished. Therefore, it is crucial to ensure that remission and parole policies are implemented equitably and fairly, without discriminating against one type of offender more than another. The granting of remissions and parole must also be considered from a social security perspective. Corruptors, especially those with access to power and resources, may have the potential to disrupt the social reconciliation process or engage in detrimental social influence after release. This poses a significant challenge for institutions responsible for granting remissions and parole, which must consider the long-term impact on public security and well-being. Preventive measures are needed to ensure that released prisoners do not pose a potential threat to public security.

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Overall, granting remissions and conditional release to corruption convicts faces various challenges, both legal, social, and political. For this policy to be effective, regulatory improvements, stricter oversight, and transparency in the process are needed. Furthermore, the principle of justice must underpin every decision, ensuring that the rights of the community and victims are not neglected, and that released convicts have truly demonstrated positive change. The final challenge is a fair and objective assessment when granting remissions or conditional release. The evaluation process for corruption convicts must be based on clear and objective considerations, uninfluenced by external factors. This evaluation must include evidence of behavioral change, level of remorse, and the convict's contribution to recovery and social justice. If this evaluation is conducted unilaterally or without objectivity, the granting of remissions or conditional release could lead to public

dissatisfaction and undermine the integrity of the legal system itself.

4. Conclusions

The granting of remission and conditional release by the Directorate General of PAS of the Ministry of Law and Human Rights to corruption convicts is an action that is not in line with the spirit of eradicating corruption in the criminal justice system. The existing policy has made it easier for corruptors to get remissions until they can be released on parole. This action has blurred the meaning of the extraordinary crime nature of corruption, and has eliminated the purpose of punishment, namely to provide a deterrent effect both to perpetrators of crimes and to the wider community.

Based on this analysis, the researcher recommends that the latest Government Regulation that acts as the implementer of Law Number 22 of 2022 concerning Corrections, needs to consider stricter regulations in granting rights to prisoners or at least restore regulatory aspects as in Government Regulation Number 99 of 2012. This is because the contents of the PP are considered more ideal by the researcher in regulating the reduction of rights for prisoners in corruption cases. In addition, it is also necessary to focus on the integrity of law enforcement officers, to ensure that law enforcement remains fair and in accordance with their responsibilities. Therefore, steps to strengthen the code of ethics in the legal profession also need to be considered.

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