

Practice of Granting Remission for Corruption Convicts Based on the Perspective of Human Rights and the Effectiveness of Corruption Eradication

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Abstract: *This study examines the practice of granting remissions to corruption convicts from a human rights (HAM) perspective and its effectiveness in eradicating corruption in Indonesia. Granting remissions, as a form of correctional policy, often reaps controversy, especially when given to perpetrators of corruption who are considered to have caused massive losses to the state. In this context, this study aims to analyze whether granting remissions to corruption convicts is by human rights principles and how it impacts the government's efforts to eradicate corruption. This study uses a normative approach by analyzing applicable laws and regulations and empirical data related to the implementation of remission policies in Indonesia. The results indicate that although remissions are regulated for rehabilitation purposes, their application to corruption convicts needs to be more selective so as not to damage the main objectives of eradicating corruption and social justice.*

Keywords : *Granting Remissions, Corruption Convicts, Human Rights*

INTRODUCTION

Eradicating corruption in Indonesia is one of the main priorities in the legal and government agenda (Hendarto, 2023). Corruption not only harms state finances but also damages public trust in law enforcement institutions and the government system as a whole (Saputra, 2023). The characteristics of corruption as an organized crime, spreading to various sectors, and carried out with a high level of secrecy make it an extraordinary crime (Puanandini, 2024). Therefore, the approach to handling it cannot be equated with other general crimes. Eradicating corruption requires consistency, firmness, and courage from all elements of law enforcement (Waluyo, 2022). In the context of criminalization, the correctional system in Indonesia has a special mechanism that allows prisoners to get a reduction in their sentence or remission (Hasibuan, 2024). Remission is a form of state appreciation for changes in the attitudes and behavior of prisoners while serving their sentences (Manalu, 2023). This policy is legally regulated through laws and regulations, including Law Number 22 of 2022 concerning Corrections which replaces the previous regulation. Its main objective is to encourage the rehabilitation process of prisoners so that they can return to life as responsible citizens (Fitri, 2023). However, when this policy is applied to corruption prisoners, much more complex ethical and sociological questions arise.

Controversy began to emerge when corrupt prisoners who had substantially abused their power and harmed society received remission. This is often seen as contradictory to the spirit of eradicating corruption which demands a deterrent effect and high accountability (Sajidin, 2021). On the other hand, the state must continue to respect the basic rights of every citizen,

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including prisoners (Kosasi, 2020). This is where the tension between the principles of human rights (HAM) and the demands of social justice becomes increasingly apparent. The state must be careful in balancing the two so as not to give the impression of impunity for perpetrators of serious crimes such as corruption.

To understand the ins and outs of this issue, it is necessary to look further into the definition, types, and characteristics of corruption itself. Corruption, as explained in various legal literature and regulations, is the abuse of public power for personal gain (Dewi, 2019). This crime can be in bribery, embezzlement, abuse of office, or unreported gratuities. Corruption not only hinders development and reduces the quality of public services, but also erodes the moral values of society. When perpetrators of corruption are given reduced sentences without a strict selection mechanism, the public feels that justice is not being upheld in full.

Meanwhile, in the framework of correctional law, remission is intended as a means of control and guidance for prisoners. Based on Law No. 22 of 2022 and its derivative regulations, remission is given as a form of appreciation for changes in behavior and compliance with the guidance program. However, this policy was born within the larger framework of social rehabilitation, not merely as a form of sentence reduction. Problems arise when the goal of this rehabilitation clashes with the need to maintain legal integrity in eradicating corruption (Maesty, 2022).

Human rights considerations in the treatment of prisoners also cannot be ignored. Principles such as non-discrimination, humane treatment, and the right to a reduction in prison terms are part of international instruments such as the ICCPR that Indonesia has ratified (Sholihah, 2024). However, human rights are also not absolute. In the context of corruption convicts, restrictions on certain rights can be justified as long as they are based on law, proportional, and aimed at protecting the public interest (Kadri Husin, 2022). It creates a space for discussion about when remissions can be granted and when they need to be postponed or excluded. The effectiveness of eradicating corruption itself is not solely measured by the number of perpetrators punished, but by the success of the legal system in creating a deterrent effect and building public trust in the justice process (Tampubolon, 2024). When the public sees corruptors getting remissions easily, the moral and legal messages of the criminal process are weakened. As a result, the integrity of legal institutions can be doubted, and the legitimacy of eradicating corruption is disrupted (La Ode Faiki, 2020).

In this case, the criminalization policy for corruption perpetrators needs to be reviewed, including in granting remissions. A strong legal system is a system to act fairly, but also responsive to the dynamics of the crimes faced (Hasan, 2024). The effectiveness of the law is not only related to written norms but also to how these norms are implemented and how their impact is felt by society (Orlando, 2022). If granting remission damages trust in justice, then the function of law as a tool of social engineering has failed to be implemented.

Theories in criminal law can help clarify the position of remission in this context. The theory of rehabilitation emphasizes the importance of improving the behavior of perpetrators so that they do not repeat their crimes (Putri, 2024). Meanwhile, the theory of retribution demands punishment as an appropriate response to the crimes committed (Hikmah, 2023). In cases of corruption, these two theories often collide. Balancing rehabilitation and retribution requires high legal sensitivity. Meanwhile, the theory of legal effectiveness and the theory of human rights provide additional dimensions that are important for understanding the complexity of the debate around remissions for corruptors (Rosalia, 2024).

Finally, legal policy-making cannot stand on a single principle. Justice, humanity, and effectiveness must go hand in hand, not negate each other. When corrupt convicts receive the

same treatment as ordinary convicts without considering the losses caused, substantive justice can be neglected. However, when their basic rights are completely revoked, then the legal system loses its human side. It is the primary challenge faced by legal policymakers in correctional practices in Indonesia, especially when it comes to extraordinary crimes such as corruption.

RESEARCH METHODS

This study uses a normative legal method, namely an approach that focuses on the analysis of applicable positive legal norms, especially related to the policy of granting remission to prisoners of corruption crimes. This approach is used to examine the consistency between the legal provisions governing remission—as stated in Law Number 22 of 2022 concerning Corrections, Government Regulation Number 99 of 2012 concerning the Requirements and Procedures for the Implementation of the Rights of Correctional Inmates, and various other implementing regulations—with the principles of human rights recognized in national and international law. In its implementation, this study not only analyzes legal norms textually but also considers the social and political context in the implementation of remission for perpetrators of corruption. Secondary data is used as the main source, which includes primary legal materials such as laws and regulations, court decisions, and international conventions, as well as secondary legal materials in the form of books, scientific journals, previous research results, and opinions of legal experts. This study aims to identify any disharmony of norms or inconsistencies between applicable laws and the goals of eradicating corruption and protecting human rights. With this approach, analysis is carried out systematically and argumentatively on relevant legal regulations to evaluate whether the practice of granting remission to corruption convicts is in line with the principles of justice, legal effectiveness, and respect for human rights in the Indonesian correctional system.

RESULT AND DISCUSSION

Practice of Granting Remission to Corruption Convicts in Indonesia

Normatively, the provisions regarding remission are regulated in Law Number 22 of 2022 concerning Corrections, which is the main basis for the prisoner development system. Article 10 of the Law states that every inmate has the right to receive remission as part of integrative rights, as long as they meet the specified administrative and substantive requirements. In addition, technical provisions regarding the granting of remission are further regulated in Government Regulation Number 99 of 2012. Although this PP is not explicitly amended by the new Corrections Law, the substance of its regulations is still used as a reference in practice, especially because PP 99/2012 specifically tightens the requirements for granting remission for prisoners in corruption, narcotics, terrorism, and other serious crimes.

In the context of corruption prisoners, PP No. 99 of 2012 stipulates that to obtain remission, it must meet special requirements that are stricter than general prisoners. One of the main requirements is stated in Article 34A paragraph (1), namely that corruption convicts must be willing to cooperate with law enforcement in uncovering other cases (justice collaborator) and have paid in full the fines and compensation imposed by the court. The provision is intended to create a deterrent effect while suppressing the rate of corruption by prioritizing the principle of accountability. However, in practice, the implementation of these requirements is often inconsistent. Many corruption convicts still receive remission even though they have not met all the requirements, especially regarding the payment of compensation or the unclear status of justice collaborators.

The implementation of remission for corruption convicts can be observed through annual data from the Directorate General of Corrections, Ministry of Law and Human Rights. Every August 17, remission is given “*en masse*” to thousands of convicts throughout Indonesia, including corrupt convicts. For example, in 2022, as many as 168 corruption convicts were recorded as receiving remission, with details including general and special remissions. Although this number is not quantitatively dominant, the fact that perpetrators of extraordinary crimes still receive remissions still causes negative reactions from the public. The discrepancy between political rhetoric about “zero tolerance” towards corruption and the reality on the ground that shows lenient treatment towards corruptors is a source of concern for civil society.

For example, several case studies can be used as examples. One of them is the remission given to a convict in the e-KTP project corruption case, namely Setya Novanto, who despite being convicted in a major case and causing state losses of up to trillions of rupiah, still received a reduced sentence (Tempo, 2025). The public questioned whether the convict had met the objective and substantive requirements stipulated in PP No. 99 of 2012. When transparency of information regarding these requirements was not disclosed to the public, suspicions arose that the granting of remission was merely an administrative formality without considering the moral and social impacts on efforts to eradicate corruption.

Another issue that emerged was the weak accountability and transparency in the remission granting process. Although Article 14 of Law No. 22 of 2022 emphasizes that the correctional system aims to provide responsible guidance supervision of the implementation of the remission policy is still not optimal. The verification mechanism for the special requirements in PP 99/2012, especially involvement in uncovering other cases and settlement of financial obligations, is often not accompanied by audits or open reporting to the public. As a result, there is no guarantee that the remissions granted are truly based on an objective evaluation of the convict's behavior or compliance with applicable legal provisions.

Criticism of the granting of remissions to corruption convicts also reflects deeper social unrest regarding justice. Many parties, including anti-corruption NGOs and academics, believe that granting remissions to corruption perpetrators weakens the spirit of eradicating corruption that is being built through various regulations and institutions such as the Corruption Eradication Commission (KPK). In addition, the existence of remissions can reduce the deterrent effect that should be attached to corruption penalties. If convicts know that their sentence can be significantly reduced, then the deterrent effect of imprisonment will decrease. Within the framework of criminal law, this is a form of violation of the principle of *ultimum remedium* which is used seriously in corruption cases.

Furthermore, granting remissions to corruptors in a situation when public trust in law enforcement institutions is in crisis deepens the gap of distrust. Instead of showing the state's commitment to eradicating corruption, the practice of granting remissions to corruptors gives the impression of a double standard in the legal system. The public sees that ordinary criminals are processed strictly, but corruptors who have connections and power receive leniency. It may create legal disparity and worsen the perception of the correctional system's bias towards the elite.

Within this framework, the major challenge that needs to be overcome is enforcing the principle of substantive justice in the correctional system. The law cannot just regulate but must guarantee that these rules are implemented honestly and consistently. The need for a transparent system, independent verification mechanisms, and civil society involvement in monitoring the remission process is crucial. If there is no reform in the implementation of this policy, then remission may become a legal loophole that hinders the great goal of eradicating

corruption and undermines the values of justice that have been fought for in the Indonesian legal system.

1.1 Analysis of Granting Remissions from a Human Rights Perspective and the Effectiveness of Corruption Eradication

From a human rights perspective, every prisoner remains a legal subject who has basic rights, including the right to receive humane treatment and the opportunity to be rehabilitated. The right to remission, in this context, is positioned as part of the integrative rights granted to support the process of social reintegration. However, this right is not absolute and can be limited based on legitimate reasons, including public interest protection. In the case of corruption, which is categorized as an extraordinary crime, the question arises whether the imposition of additional requirements to obtain remission—such as becoming a justice collaborator and paying compensation—is a legitimate form of restriction or even violates certain human rights principles.

One principle that needs to be tested is the principle of non-discrimination. Special treatment of corruption prisoners can be considered a form of discrimination if it is not justified proportionally and rationally. However, from an international human rights perspective, differences in treatment are not discrimination if they are based on legitimate objective considerations, such as the need to maintain legal integrity and social justice. When corruption is proven to damage the state system and harm the basic rights of the community, the state must take stronger affirmative action against the perpetrators. Thus, special treatment such as additional requirements to obtain remission for corruptors can be read as a form of state responsibility to balance the protection of individual rights with the protection of the rights of the wider community.

In addition, in viewing the effectiveness of corruption eradication, it is necessary to evaluate how remission affects public perception of the legal system. Public trust in justice does not only depend on how severe the sentence is imposed but also on how the system carries out the sentence. If corruptors consistently receive reduced sentences without clear transparency and accountability, the public will view the correctional system as part of impunity wrapped in legality. As a result, the legitimacy of law enforcement institutions is weakened, and apathy arises in society to support the anti-corruption movement. In this context, remission is not only a technical matter of reducing the sentence but also a symbol of the system's bias towards the value of justice.

The psychological impact on potential corruptors cannot be ignored either. One of the main objectives of criminal punishment is a deterrent effect, both individually and in general (deterrence effect). When corrupt convicts receive convenience in the form of remission, the message received by the public can be the opposite of the spirit of eradication. Potential perpetrators may feel that the risk of committing corruption can still be negotiated through legal loopholes. In fact, in the context of extraordinary crimes, which damage the state's financial order and erode the economic rights of the community, the criminal justice system must emphasize that corruption is a serious violation that cannot be tolerated or treated like an ordinary crime.

In reviewing practices from other countries, several legal systems show a much stricter approach to corruption convicts. For example, in Singapore, corruption is considered a violation of public trust with severe sanctions and limited opportunities for sentence reduction. This country also has a high level of bureaucratic integrity, supported by a punishment system that does not provide room for leniency for corruptors. Meanwhile, in several Scandinavian countries, despite their more humanistic approach, corruptors are still subject to strict

development policies, with periodic evaluations based on real contributions to social improvement. Comparative studies such as this show that the compromise between individual rights and public interests in corruption is highly dependent on the legal philosophy of each country and the values upheld in its society.

In the framework of remission policy reform, serious efforts are needed to reorganize so that the granting of remissions not only meets formal legal standards but also reflects substantive justice. Remission should be a right granted based on a comprehensive evaluation of the inmate's behavior and commitment to undergoing rehabilitation, not merely administrative fulfillment. The evaluation mechanism must involve independent, transparent, and documented assessments so that the public can assess that remission is indeed given fairly. Only when this system is built on public trust can remission function as it should: as part of a rehabilitation system, not as an escape hatch from moral accountability.

The role of correctional institutions is important in implementing selective and responsible remission policies. Correctional officers need to have strict guidelines in assessing the eligibility of granting remissions, especially for corruption cases. On the other hand, the KPK as an anti-corruption institution needs to be formally involved in the consideration process, especially in verifying justice collaborators or commitments to pay compensation. In addition, the government must also review the existing regulatory framework so that there is no overlap or gap in interpretation. Synchronization between institutions and periodic evaluation of the effectiveness of the policy are needed to ensure that granting remissions is not counterproductive to the spirit of legal reform.

In the final stage, the discourse on remissions for corruption convicts must continue to be expanded to include ethical, social, and political perspectives. The law does not exist in a vacuum, and justice is not enough to be realized only through regulatory texts. Society wants a system that is not only legally correct but also morally just. When corruption has robbed the basic rights of the poor, providing convenience to the perpetrators can be seen as a betrayal of social solidarity. In facing the dilemma between the individual rights of prisoners and the public's right to justice, the state is required to take a clear position—a position that does not deny human rights but also does not sacrifice the integrity of the law and the public trust that has been painstakingly built.

CONCLUSION

Granting remission to corruption convicts is a complex issue because it involves considerations between human rights and the urgency of eradicating corruption. From a human rights perspective, the right of convicts to receive a reduction in their sentence through remission must still be recognized as part of the principle of humane treatment in the correctional system. However, in the context of extraordinary crimes such as corruption that systematically harm society and the state, the implementation of special conditions and restrictions in granting remission can be seen as legally and ethically valid, as long as it is carried out proportionally and non-discriminatory. The practice of remission for corruptors that is too loose risks weakening the moral message of the criminal justice system and reducing public trust in law enforcement institutions. As a result, the effectiveness of eradicating corruption is also blunted, because it loses its deterrent power and social support from the wider community.

Firm and measured reform steps are needed in the policy of granting remission to corruption convicts. First, the government and related stakeholders should revise the regulations governing remission to include stricter, more accountable criteria, and the principles of substantive justice, such as a comprehensive evaluation of repentance,

contribution to revealing crimes, and recovery of state losses. Second, consistency must be enforced in the implementing regulations without compromising on political pressure or certain interests. Third, the transparency and supervision must be strengthened through the involvement of civil society, the media, and independent supervisory institutions in the evaluation process of granting remissions. With a fair and open mechanism, remissions can function as an educational socialization instrument without sacrificing public trust and the great ideals of eradicating corruption in Indonesia.

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